

THE BRITISH ARE COMING, AGAIN:  
LOYALISTS, PROPERTY CONFISCATION, AND REINTEGRATION  
IN THE MID-ATLANTIC, 1777-1800

by

Kimberly M. Nath

A dissertation submitted to the Faculty of the University of Delaware in partial fulfillment of the requirements for the degree of Doctor of Philosophy in History

Spring 2016

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Kimberly Nath

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## ACKNOWLEDGMENTS

I would like to begin by thanking the archivists and librarians at the Maryland Historical Society, the Historical Society of Pennsylvania, the Pennsylvania State Archives, and the Maryland State Archives. All provided a great deal of help and answered my many queries and requests. I also owe a great deal of thanks to Constance Cooper, at the Delaware Historical Society, for her guidance during my year as a graduate assistant and also for her friendship. I am grateful to Diane Clark and Doug Tobias for their help over the past seven years. I would also like to thank my friends and colleagues at the University of Delaware: Julie Fisher, Toni Pitock, Alison Kreitzer, Nalleli Guillen, Holly Caldwell, and Chris Bouton. Their collective friendship and acumen as historians have been invaluable throughout the years. Erica Armstrong-Dunbar, Edward Larkin, and Denver Brunsman also deserve special thanks for their reading of this dissertation. Their insight and reading of my dissertation are appreciated more than can ever be articulated. Finally, I owe the greatest thanks to my advisor, Cathy Matson. Her unfailing support, perceptiveness, and careful reading made this dissertation possible. I owe the greatest intellectual debt to her and thank her for guiding my work. Any errors or mistakes in this dissertation are solely my responsibility.

My husband Nathan has supported me throughout this entire process. We met during coursework, dated during qualifying exams, and married in the midst of the dissertation process. I am eternally grateful for his support along with the support of my brothers and sister-in-law Kyle, Craig, and Stephanie Nath.

I dedicate this manuscript to my parents, Keith and Mardee Nath. They raised me to believe I could do and be anything I wanted to be. I would not have pursued my passion nor would I have completed this degree without their continued love and support.

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## **ABSTRACT**

This dissertation explores the complex nature of loyalty in the mid-Atlantic region during the American Revolution, the confiscation of property, and the question of loyalist reintegration in the years following the civil war in North America. Historians have long explored the question of loyalist flight and exile, and this dissertation explores an additional problem of loyalist reintegration. In order to approach this complex topic, this dissertation analyzes property confiscation legislation and the ways in which property seizure and contests defined the experiences of those who left and returned or attempted to return.

Property confiscation legislation, the practical process of confiscation, and the sale of taken property became crucial to the ways that patriots in the newly emerging states understood citizenship during a period of revolutionary turmoil. Patriots effectively began to define who would share in the rights and obligations of citizens in large part through the process of confiscating the property of those whom they placed outside of the republic. In the chaos of warfare at this local and personal level, the meanings of citizenship began to emerge in pragmatic, ideological, and then legislated ways.

Contests over property, too, were complex and drawn out. Wives, children, and family all contested the seizure of loyalist property. These contests extended well beyond the years of the American Revolution and, in some extraordinary cases, became drawn out court battles that spanned decades.

A handful of loyalists did return and reintegrate while others were never permitted to return, and others never felt comfortable in the newly established United States and left once more. Finally, the return of some loyalists also permits an exploration of the ways in which citizenship and loyalism coexisted uneasily in the early republic.



## INTRODUCTION

On December 12, 1782 loyalist Matthias Aspden wrote from London to his friend James Hartley in North America. Aspden inquired about life back home in his native Philadelphia and expressed his desire to return. He recognized that returning to Philadelphia would not be simple: “nor do I expect if I return to America, I can lead a very pleasant life. Comfort I believe is not for us in our day.” He then asked his friend to investigate whether or not a loyalist could return to America comfortably at the conclusion of the war. By July 1785 Aspden had had enough of London. He traveled across the Atlantic and attempted a return to Philadelphia, but he found himself no longer welcome. Aspden had been attainted of treason under a Revolutionary patriot law, and he and his property were not secure from that time forward. He had left Philadelphia quickly during the Revolution, abandoning his property and fleeing to nearby Burlington, New Jersey, an area known for loyalist sympathies. However, Aspden did not feel any safer in New Jersey, so he departed via New York for England. As his ship set sail, he reflected on his journey: “I nevertheless could not help at times casting my eyes back, and feel it a painful circumstance to be this forced from my native country . . . [I] am dead in law to all intents and purposes.” Then in 1785, as he realized North America still did not welcome his return, Aspden turned his

focus to receiving compensation from the British government for his lost property in Philadelphia.<sup>1</sup>

Aspden was part of a large loyalist migration, or diaspora, that spread throughout the British Empire and beyond during the war for North American independence. Between 1774 and 1789 an estimated sixty-two thousand loyalists fled the civil war in North America. Of these, approximately thirty-eight thousand went to the Canadian territories, three thousand to Jamaica, twenty-five hundred to the Bahamas, five thousand to Florida, and nearly seven thousand loyalists fled to Great Britain.<sup>2</sup> Loyalists like Aspden, who relocated to Great Britain, sought refuge in the heart of the British Empire with family and friends. However, Aspden retained business ties in Philadelphia during the war, and he never lost interest in his personal relationships or hope of returning, as evidenced by extensive trans-Atlantic correspondence. Despite his failed effort to return to Philadelphia at the conclusion of

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<sup>1</sup> Matthias Aspden to James Hartley, December 12, 1782, in *Letters and Other Documents, produced in the case of the succession of Matthias Aspden*, by Matthias Aspden. (Philadelphia: No Publisher, 1837), 36-37. This book contains all letters and documents used by the heirs of Matthias Aspden in the court case seeking repayment for confiscated loyalist property.

<sup>2</sup> Maya Jasanoff, *Liberty's Exiles: American Loyalists in the Revolutionary World* (New York: Alfred A. Knopf, 2011), 13, 91, 349-9. For an excellent synthesis see Jerry Bannister and Liam Riordan, *The Loyal Atlantic: Remaking the British Atlantic in the Revolution Era* (Toronto: University of Toronto Press, 2012), 3-36. In the chapter titled "Loyalism and the British Atlantic, 1660-1840," Bannister and Riordan provide an overview of the movement, shifts, and flight of individuals throughout the British Empire in the Age of Revolution.

the war, until his death in 1824 Aspden continued to correspond in a constant stream of letters linking his interests between Philadelphia and London.

Like Aspden, most loyalist exiles never permanently returned to North America. However, a small subset of about ten percent of loyalists did return and attempted to integrate themselves into the newly independent United States. This dissertation explores this select group, those loyalists who made decisions to flee from Revolutionary events because of choice or force, and then attempted to return. Some succeeded in returning, many did not. In the chapters that follow, I trace the narrative of these loyalists and their journey during the course of the American Revolution, but, in a departure from most existing scholarship about loyalists, the following chapters focus on the post-Revolutionary narrative of return and reintegration. By exploring the small group of loyalists who did return and their reintegration into society, this dissertation explores what the consequences of loyalism were in a newly independence nation.

One of loyalists' greatest concerns during the Revolution was protection of their property in the midst of a war that marked them as enemy British subjects. The individual states created new polities of citizens, not yet American or national in character, but defined first and foremost by their property ownership. Individuals like Matthias Aspden fled their places of birth and left everything behind in order to preserve their identity as British subjects. They left behind their homes, the goods inside their homes, and, in some cases, great amounts of lands. Many loyalists first faced protecting this property from destruction or confiscation by patriots, and then

they faced the recovery of this property in the newly independent states. Would the patriots allow loyalists, as British subjects, to retain and recover ownership of their property? Under what terms could this take place? Or, did they forfeit everything as British subjects and enemies of the newly independent republic?

Property ownership was one of the major hallmarks of citizenship in the years during and immediately following the American Revolution. The patriots actively confiscated and sold property belonging to known loyalists, as well as those who refused to take oaths of allegiance to revolutionary objectives. Seizing loyalist property became a visible way for the patriots to clear occupied homes, cities, and frontiers of enemies identifying with the British empire, acquire certain levels of revenue from the re-sale of these properties, and, eventually, to define the rights of citizens based on property. Effectively, then, the patriots defined themselves against who they were not, and they set outside the rights of citizens all those identified as loyal to the British empire. Loyalists represented the alien other; they were not citizens and therefore forfeited all rights of property ownership because of their position – whether declared or inferred -- during the war. The effects of this association between patriotism and the rights of property in the new republic further had the serious consequences of compelling patriots to turn on many of their neighbors, business associates, and, in some cases, members of their families.

By studying returning loyalists, struggles over property confiscation and its recovery, and the emergence of conceptualizations of citizenship, this dissertation explores previously ignored dimensions in loyalist history. Property confiscation

provides a mechanism for exploring the ways in which loyalists were treated during the war and a very pragmatic approach to how loyalists responded to these punitive measures. Confiscation certainly did have some financial motivation, as patriots sold extensive amounts of property to raise revenue and pay soldiers in the absence of currency; but equally, it served as a very real way for the patriots to oppose the loyalists in a highly visible manner. Property ownership became a defining feature, or right, of American citizenship during and after the Revolution. In the most practical of terms, the right own to property during the war became one of the greatest privileges claimed by new American citizens. In a time of war and a time when citizenship was a new idea, in opposition to the previous notion of British subjecthood, the ability to own land, a home, and the items inside of it became a hallmark of expanding the body politic and deepening the commitment of American citizens to the new ideals.

As Douglas Bradburn has argued, citizenship is a broad term and it implied belonging to some constituted sovereignty – especially a nation state – as well as having certain rights and privileges that were not available to outsiders. Eventually, it became clear that outsiders lacked clearly defined access to the court systems and the legal privileges of residents within the citizenry, and often they lacked the ability to hold offices. But arriving at this understanding of citizenship was not automatic or sudden.<sup>3</sup> The idea of being an American citizen – of a provincial state or of a vaguely

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<sup>3</sup> Douglas Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804* (Charlottesville, VA: University of Virginia Press, 2009), 3-6.

emerging nation state, rather than a British subject, was entirely new in 1776 and the rights, privileges, and duties it entailed had to be determined. The former British subjects in patriotic North America certainly sought political rights like jury trials, assembly representation, and taxation with consent, as outlined in the Declaration of Independence. Arguably, though, they sought something more as citizens who would no longer be under monarchical rule but, rather, would be free, independent individuals participating in a republican government.<sup>4</sup> The difficulty lay in determining who would be included in the new group of citizens and what types of rights privileges they would have as citizens.

Among the groups of people under scrutiny were those individuals who attempted to return to North America after being clearly defined as enemies. Would loyalists' goods remain confiscated, would they be welcomed back into the communities they had left behind, and would their choosing to side with the loyalists during the war be forgiven widely enough to make it possible to restart businesses, pursue education, hold public offices? The reintegration of loyalists varied greatly by community, by social status, and by the extent of loyalists' actions against the patriots. Returning loyalists faced a host of reactions upon their return. Some, like Matthias Aspden, spent the entire war seeking return and at the conclusion of hostilities prepared to return, but found they were held at arms' length from former neighbors and associates. Others, like prominent loyalist Samuel Shoemaker, returned

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<sup>4</sup> Bradburn, *The Citizenship Revolution*, 5.

successfully and reintegrated back into society. This dissertation explores the different fates of returning loyalists and their ability, or inability, to reintegrate after the war, and, as a consequence, presents new dimensions of our Revolutionary narrative.

Early scholarship focused on loyalists who dispersed within the British Empire, especially England. Mary Beth Norton's *The British-Americans: The Loyalist Exiles in England, 1774-1789* takes a very broad sweep of this subset of loyalists, illuminating both their experiences abroad and in the Revolution as a whole.<sup>5</sup> Norton's study, written in 1972, was one of the first to explore the complexity of loyalism and the difficulties they faced in exile. She argued that loyalists who returned to England often had a disorienting experience; they faced financial worries, struggled to find homes, and frequently failed to establish permanent employment. Norton's scholarship looks at how the loyalists lobbied the British Parliament for relief from their losses in the American Revolution. *The British-Americans*, however, does not trace the re-migration of members in this subset of loyalists, nor does she explore North Americans' perspectives about loyalists seeking reintegration.

Many of the loyalists who settled in England were elite, often royal officials, who faced targeted attacks within their communities. Historians have used biography to explore their experiences and persecution during the Revolution, and also to

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<sup>5</sup> Mary Beth Norton, *The British Americans: The Loyalist Exiles in England, 1774-1789* (London: Constable Press, 1978), 8.

illustrate the pressure they felt to flee during war. Some loyalists, like Thomas Hutchinson, were driven from their communities. Bernard Bailyn in *The Ordeal of Thomas Hutchinson* explores how Hutchinson was targeted almost immediately because of his loyalist persuasion. As the royal governor of Massachusetts, Hutchinson's property was attacked and the public hung effigies of him around town. Hutchinson felt he could not safely remain in the colonies and he returned to London in June 1774, staying there until his death.<sup>6</sup> Carol Berkin's *Jonathan Sewall: Odyssey of an American Loyalist* explores how Sewall, also from Massachusetts, experienced the torments of patriot ridicule and threats to his property and person early in the war, and he felt he had no choice but to leave. Sewall served as the attorney general of Massachusetts until he fled in 1775, after a mob stormed his family home. He continued to serve in the British government, and eventually left England for Nova Scotia in the 1780s. Sewall remained involved in government in Nova Scotia until his death in 1796.<sup>7</sup> William Franklin, much like Sewall and Hutchinson, was also driven out, as he was the former royal governor of New Jersey. Sheila Skemp's *William Franklin: Son of a Patriot, Servant of a King* notes that Franklin fled New Jersey for nearby occupied New York. He played an active part in military affairs there until the

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<sup>6</sup> Bernard Bailyn, *The Ordeal of Thomas Hutchinson* (Cambridge: Harvard University, 1974).

<sup>7</sup> Carol Berkin, *Jonathan Sewall: Odyssey of an American Loyalist* (New York: Columbia University Press, 1974).



evacuation. When he retreated to England, Franklin worked to gain government aid for the exiled loyalists. Loyalists like Hutchinson, Sewall, and Franklin were highly visible and attacked for their allegiance to the crown. Their biographies provide insight on loyalists who left for Great Britain at some point during the conflict, and who subsequently did not seek readmission into North America.

Another body of scholarship has emphasized the emergence of a loyalist diaspora. This movement of loyalists, however, was not always across water. Native Americans loyalists moved across North America over the Canadian border because of their allegiance in the American Revolution. Jim Piccuch explores how the British troops used the Native Americans, and how they were forced to resettle following the conclusion of hostilities in North America.<sup>8</sup> Alan Taylor also explores the movement of Native Americans in *The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution*. Taylor notes that the Mohawks were encouraged to settle in Upper Canada in the 1780s.

This scholarship of loyalist diaspora within and outside of North America also encompasses white Euro-Americans, and it is by no means new; in fact, Wallace Brown first presented the idea of diaspora in 1969 in *The Good Americans: The Loyalists in the American Revolution*. Brown traced the major areas and time periods of loyalist emigration in North America. He notes that loyalists first retreated in 1776

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<sup>8</sup> Jim Piccuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the Revolutionary South, 1775-1782* (Columbia, SC: University of South Carolina Press, 2008).

for Halifax, Nova Scotia. Settlement in British northern provinces was a popular choice for fleeing loyalists. Loyalists first retreated north following the occupation of Philadelphia and the largest evacuation occurred in 1783 following the fall of British occupied New York. Nova Scotia became the home of the majority of these loyalists on the continent, while many also settled in the province of Quebec.<sup>9</sup>

Scholarship on the Canadian loyalist settlements has explored the various communities that emerged and flourished because of loyalist immigration. Ann Gorman Condon studied New Brunswick loyalists and how they sought to be a model British colony. In her article “The Loyalist Community in New Brunswick,” Condon notes that loyalists tried to reproduce the social customs, religious institutions, and education that they had known prior to the American Revolution. They sought to create a “respectable” society by building elegant homes and elaborate Anglican churches.<sup>10</sup> Loyalists in Upper Canada did try to recreate a conservative, deferential society of the past, and they did still have strong personal attachments to their former homes. In contrast, Jane Errington and George Rawlyk, in “Creating a British American Political Community in Upper Canada,” note how loyalists, while seeking to recreate British political traditions, were still influenced by the United States and

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<sup>9</sup> Wallace Brown, *The Good Americans: The Loyalists in the American Revolution* (New York: William Morrow and Co. Inc, 1969), 191-193.

<sup>10</sup> Ann Gorman Condon, “The Loyalist in New Brunswick,” in *Loyalists and Community in North America*, ed. Robert Calhoon et. al. (Westport, Conn.: Greenwood Press, 1994), 161-164.

still felt ties to their old communities. Despite having left, loyalists in Canada found themselves still involved and interested in the politics of the Americans.<sup>11</sup> The loyalists who settled in British northern provinces found themselves capable of creating new communities. Exile for these loyalists meant the ability to reestablish lost British culture and traditions, but they also had to adapt to their proximity to the United States.

More recent scholarship has taken studies of loyalist exiles into the Atlantic world and explored the widespread nature of loyalist settlement in the years following the American Revolution. Maya Jasanoff's *Liberty's Exiles: American Loyalists in the Revolutionary War* investigates how loyalist refugees fled not only to Great Britain and the Northern British provinces, but also to Jamaica, the Bahamas, Sierra Leone, and a few unlucky loyalists were sent with the first convicts to Australia.<sup>12</sup> *Liberty's Exiles* centers on the idea of the "spirit of 1783," which Jasanoff argues is seen in Britain's efforts to expand its empire. She argues the British Empire significantly expanded around the world, and the loyalists were agents and advocates of imperial policy. *Liberty's Exiles* traces the journeys of loyalists throughout the loyalist empire into the Napoleonic War and the War of 1812. Keith Mason also explores the

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<sup>11</sup> Jane Errington and George Rawlyk, "Creating a British-American Political Community in Upper Canada," in *Loyalists and Community in North America*, ed. Robert Calhoon et. al., (Westport, Conn.: Greenwood Press, 1994), 187-197.

<sup>12</sup> Jasanoff, *Liberty's Exiles*, 10-11.

distribution of loyalists in “The American Loyalist Diaspora and the Reconfiguration of the British Atlantic World.” Mason, like previous historians, argues “loyalist migrants helped impart long-established colonial imperatives and structures to new regions, perpetuating the same notions of liberty and English identity by those who originally settled the provinces that became the United States.”<sup>13</sup> The loyalist immigrants were also comprised of a variety of ethnic, religious, and racial minorities. Mason points out that loyalist exiles were often “conscious minorities” from the American colonies.<sup>14</sup> The loyalist diaspora affected all parts of the British Atlantic World and its new colonizing tentacles, and it included a variety of ethnicities and cultural identities.

A significant body of scholarship has been devoted to the study of black loyalists in the British Empire. Black loyalists, primarily from the southern American colonies, had a substantial impact on the establishment of British colonial ventures in Sierra Leone. Sylvia Frey’s *Water from the Rock: Black Resistance in a Revolutionary Age* explores the evacuation and spread of black loyalists from the South. The British attracted hundreds of slaves to the loyalist cause through promises of freedom. Black loyalists did join the ranks of the British military, and their support was evident in

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<sup>13</sup> Keith Mason, “The American Loyalist Diaspora and the Reconfiguration of the British Atlantic World,” in *Empire and Nation: The American Revolution in the Atlantic World*, eds. Eliga Gould and Peter Onuf (Baltimore: Johns Hopkins University Press, 2005), 243.

<sup>14</sup> Mason, “The American Loyalist Diaspora,” 243-250.

South Carolina, Georgia, and in East Florida. However, the black loyalists often found themselves also leaving with the British retreat at the close of the American Revolution. The British evacuation of Charleston and other military garrisons led to the movement of black loyalists to Nova Scotia, the Bahamas, the Caribbean, and West Africa. For many black loyalists, however, Nova Scotia did not present many opportunities and they found themselves searching for new areas of settlement, re-migrating to ever more distant parts of the British empire and beyond. Moreover, not all black loyalists were granted freedom. Frey shows that in the Bermuda and the Bahamas, many black loyalist were forced into the plantation systems.<sup>15</sup>

Other black loyalists were granted freedom, as evidenced in the British colonization of Sierra Leone on the West African coast. Cassandra Pybus in *Epic Journeys of Freedom*, argues that African Americans were highly mobile in the Atlantic World. Pybus notes that freed black loyalists found very little opportunity in Great Britain following their flight from the American colonies, and they had to go outside of the British mainland in order to succeed following the Revolution.<sup>16</sup> James St. G. Walker also explores the idea of a free black loyalist diaspora in his study, *The Black Loyalists: The Search for a Promise Land in Nova Scotia and Sierra Leone*,

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<sup>15</sup> Sylvia Frey, *Water from the Rock: Resistance in a Revolutionary Age* (Princeton: Princeton University Press, 1991), Chapter 6.

<sup>16</sup> Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston: Beacon Press, 2006).

1783-1820. He argues that black loyalists were partially responsible for the expansion of Great Britain in the Atlantic World with the colonial enterprise of Sierra Leone. Many black loyalists found their opportunities severely limited in Nova Scotia and they also found little opportunity in Great Britain. Black loyalists did not have the full privileges of other citizens and lived in isolation in Nova Scotia and in Great Britain. Thus, the British government proposed to have African Americans settled the colony of Sierra Leone.<sup>17</sup> Sierra Leone presented harsh living conditions, poor land, and black loyalists found themselves struggling in the new colonial enterprise. The difficulties they faced in settlements following the American Revolution has been a large and expanding area of scholarship.<sup>18</sup>

Loyalists in the British West Indies have been understudied. Their arrival occurred in the 1780s with the final evacuations of British troops. Southern loyalists, many of whom had fled to Florida during the Revolution, often retreated to the

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<sup>17</sup> James St. G. Walker, *The Black Loyalists: The Search for a Promised Land in Nova Scotia and Sierra Leone, 1783-1790* (New York: Meiser Publishers, 1976).

<sup>18</sup> For scholarship on black loyalists and diaspora see Douglas R. Egerton, *Death of Liberty: African Americans in Revolutionary America* (New York: Oxford University Press, 2009); Joseph S. Tiedemann, et. al., *The Other Loyalists: Ordinary People, Royalism, and the Revolution in the Middle Colonies, 1763-1787* (Albany, NY: State University of New York Press, 2009); Nmate Amelia Blyden, "Back to Africa: The Migration of New World Blacks to Sierra Leon and Liberia," *OAH Magazine of History* Vol. 18 no. 3 (Apr., 2004): 23-25; Monday B. Abasiattai, "The Search for Independence: New World Blacks in Sierra Leone and Liberia, 1787-1847," *Journal of Black Studies* Vol. 23 no. 1 (Sept., 1992): 107-116. For information on Canadian migration see Ruth Holmes Whitehead, *The Black Loyalists: Southern Settlers of the first free black communities in Nova Scotia* (Halifax, NS: Nimbus Publishers, 2013).

Caribbean following Spain's acquisition of Florida in 1783. Wallace Brown notes that southern loyalists settled in the West Indies as a last resort. Other loyalists from Savannah and Charleston also fled to the West Indies at the close of the Revolution as a last resort, and settled in the Bahamas and Jamaica.<sup>19</sup> Maya Jasanoff, too, explores the refugees who fled to the Bahamas and Jamaica, "an island of opposites and extremes." Black loyalists were brutally re-enslaved. Moreover, the islands presented challenges of disease, extreme weather, and frequent death for all the exiled loyalists.<sup>20</sup>

In addition to tracing where loyalists fled during these chaotic years, some recent scholarship has focused on the complex affiliations and beliefs of loyalists. Judith Van Buskirk reveals that the boundaries between the two sides were actually quite permeable. In New York many people had connections on both sides, and family and friends carried on their old relationships during the Revolution. Van Buskirk argued that civilians continually crossed the terrain of the two armies, and they pursued their private affairs with little concern for political division.<sup>21</sup> Van Buskirk's scholarship argues that loyalty did not always interrupt daily activities. Likewise, Ruma Chopra studied loyalist networks in *Unnatural Rebellion: Loyalists in New York*

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<sup>19</sup> Brown, *The Good Americans*, 213-216.

<sup>20</sup> Jasanoff, *Liberty's Exiles*, 251.

<sup>21</sup> Judith Van Buskirk, *Generous Enemies: Patriots and Loyalists in Revolutionary New York* (Philadelphia: University of Pennsylvania Press, 2006), 47.

*City during the Revolution*. Chopra argues that New York was in the best position to widen the loyalist appeal, and found that loyalists sought to defend their rights in the empire. In New York, the loyalists worked collectively, and often crossed lines into patriot camps to pursue mutual benefits of exchanging goods, visiting family, or provisioning.<sup>22</sup>

Literary scholars have made significant contributions in loyalist studies in recent years, exploring the definition of loyalism and how literature has complicated, even expanded, the term. Edward Larkin in “What is a Loyalist” suggests that a reconsideration of loyalists and loyalism could modify understandings of the American Revolution. He seeks to place loyalists in the middle of the narrative on the Revolution, instead of relegating loyalists to the margins. Larkin finds that “loyalists have been omitted from the history of the Revolution because there is no convenient place for them in the stories of triumphal democracy and freedom that inform most histories of the Revolution.” Larkin uses the writings of J. Hector St. John de Crevecoeur and James Fenimore Cooper, who both had strong ties to loyalism and wrote about loyalists, to show that loyalism “has played a vital role in the development of American culture and society.”<sup>23</sup> Likewise, Kacy Tillman, in her noteworthy piece “What is a Female Loyalist,” explores the significance of female loyalists and their

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<sup>22</sup> Ruma Chopra, *Unnatural Rebellion: Loyalist in New York City during the Revolution* (Charlottesville: University of Virginia Press, 2011), 1-12.

<sup>23</sup> Edward Larkin, “What is a Loyalist,” *Common-Place* 8 (2007).  
<http://www.common-place-archives.org/vol-08/no-01/larkin/>.



participation in the American Revolution. She argues that, when read from the perspective of female loyalists, the term loyalism becomes more inclusive for their inability to vote, fight, or legislature complicates how we understand their political affiliation.<sup>24</sup> Furthermore, Philip Gould's *Writing the Rebellion: Loyalists and the Literature of Politics in British America* looks at the experiences of loyalists in the local domain, arguing that "the loyalist presence changes the ways in which we read the political literature of this period and produces a new image of the complex political and cultural dynamics" that shapes British Americans "English" culture.<sup>25</sup> Literary scholars have made significant contributions to expanding our understanding of loyalists and their role, or self perceived role, during the American Revolution.

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<sup>24</sup> Kacy Tillman, "What is a Female Loyalist?" *Common-Place* 13 (2013). <http://www.common-place.org/vol-13/no-04/tillman/>. Tillman is largely concerned with how women used letters, journals, and letter journals to construct and distribute their own definitions of loyalty during the war. See also Kacy Tillman, "The Epistolary Salon: Eighteenth and Nineteenth Century Letter Writing as a Vehicle for Authorship," (PhD diss., University of Mississippi, 2008. Kacy Tillman has a forthcoming piece titled, "Women Left Behind: Female loyalism, Coverture, and Grace Growden Galloway's Empire of Self" in *Women's Narratives of the Early Americas and the Formation of Empire*, eds. Mary Balkun and Susan Imbaratto (New York: Palgrave Macmillan, Forthcoming 2016), 141-155.

<sup>25</sup> Philip Gould, *Writing Rebellion: Loyalists and the Literature of Politics in British America* (New York: Oxford University Press, 2013), 23. Gould favors Edward Larkin's description of a loyalist as some who favored reconciliation with Britain. For additional literary scholarship Early American literature see Paul Downes, *Democracy, Revolution, and Monarchism in Early American Literature* (New York: Cambridge University Press, 2002); Paul Giles, *Transatlantic Insurrections: British Culture and the Formation of American Literature, 1730-1860* (Philadelphia: University of Pennsylvania Press, 2001); Paul Downes, *Hobbes, Sovereignty, and Early American Literature* (New York: Cambridge University Press, 2015).

Few of these studies, however, address how and why many loyalists returned following the conclusion of hostilities, and when they do, there is hardly sufficient attention to the complexities and disappointments loyalists faced in this important phase of their lives. Historians writing in older veins of scholarship like Wallace Brown, Robert Calhoon, Claude Van Tyne, and numerous others have made mention of loyalists who reintegrated into society, but their examples are few and typically focus on elite, white men. Their studies have focused on the few examples of men who were capable of returning in the years after the war, and rarely did they consider failed efforts to reintegrate. Brown provides occasional references to notable loyalists who returned such as Robert Eden, Philip Barton Key, and Thomas Robinson. Like other historians, he mentions anecdotally the loyalists who returned and does not provide details.<sup>26</sup> Calhoon and Barnes look at the problems faced by loyalists who sought to reintegrate in society, and note the various responses in the communities. Their article “The Reintegration of the Loyalists and the Disaffected” surveys scholarship and find

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<sup>26</sup> Wallace Brown, *The King's Men: The Composition and Motives of the American Revolution Claimants* (Providence, RI: Brown University Press, 1965); Robert Calhoon, *The Loyalists in Revolutionary America, 1760-1788* (New York: Harcourt Press, 1965); Claude Van Tyne, *The Loyalists in the American Revolution* (New York: Macmillan Co., 1902).

that reintegration was “a social and political process” that has been largely understudied.<sup>27</sup> But, their call has gone unheeded.

This dissertation seeks to make an important intervention in the scholarship, arguing that attention must be paid to the loyalists who returned. The flight of these loyalists, their property confiscation, the attempts to return, and their subsequent battles to restore family fortunes and reputations tell us much about the nature of American citizenship. American citizens could only be created by defining themselves against who they were not, which was not a British subject or a loyalist. Property confiscation served as a way in which loyalists could be identified as an outsider not part of the American citizenry. Furthermore, by examining the mid-Atlantic, an area fraught with occupation, military campaigns, and a families torn apart by loyalism, the line between loyalists and American citizen is created, but not easily. Property confiscation tended to be quick and harsh in the mid-Atlantic, often following the occupation of Philadelphia. Philadelphia and its surrounding areas provides a vast area of study given the campaigns of the American Revolution. Philadelphia, too, was occupied during the war and although the occupation was brief, the wounds remained open for many years and the desire to keep confiscated property in the hands of new owners was strong.

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<sup>27</sup> Robert Calhoon, Timothy Barnes, and Robert Scott Davis, eds. *Tory Insurgents: The New Loyalist Perception and Other Essays* (Columbia: University of South Carolina Press, 2009), 362.

As the opening chapter shows, property confiscation legislation, the practical process of confiscation, and the sale of seized property became crucial to the ways that patriots in the newly emerging states understood citizenship during a period of revolutionary turmoil. Patriots effectively began to define who would share in the rights and obligations of citizens in large part through the process of confiscating the property of those whom they placed outside of the republic, and this took place beginning in the midst of a civil war. Confiscation was by no means a simple task, and new legislation and committees to oversee its enforcement were fraught with conflicted interpretations.

The next chapters look at how line between loyalist and patriot was often blurred. They trace the complicated meanings of loyalty from the standpoint of colonial ties based on economic interest, cultural affinities, and family attachments, as well as the painful ways those loyalties were broken or challenged during the process of identifying loyalists and deciding their fates. The process was inherently complex and messy, and at no point in the war would there be an easy solution to the problem of property confiscation. In the chaos of warfare at this local and personal level, the meanings of citizenship began to emerge in pragmatic, and then ideological and legislated ways. Seizing the homes, goods, and lands belonging to the loyalists was also highly symbolic, as it identified the loyalist as the “other,” as individuals who were no longer privy to rights in the newly independent states of the republic.

Following the Revolution, as the next chapter reveal, returning loyalists experienced dramatically different results depending on their role in the war, their

visibility before and after the Revolution, and the resources they were able to mobilize to challenge confiscation. This dissertation admittedly explores only a select group of individuals within the wider spectrum of returning former loyalists -- about two dozen loyalist men, women, and families. Only seven succeeded in returning in the years following the Revolution: Samuel and Rebecca Shoemaker, James Humphrey, Philip Barton Key, Robert Christie, Jacob Duche, and Robert Eden. Some loyalists, like Matthias Aspden, attempted to return and did, but left almost immediately because of perceived hostilities. Joseph Galloway continually petitioned the Pennsylvania legislature for the ability to return and was banished from ever returning to Pennsylvania, likely because of his prominent role during the American Revolution. The number of returning loyalists is small in terms of the overall loyalist diaspora, but a few conclusions can be drawn by providing in-depth narratives of their individual experiences. The loyalists who did return faced uncertainty upon arrival, but all had left behind family, in some cases wives and daughters, as well as substantial amounts of property. All of the returning loyalists, with the exception of Robert Eden, had been born in the American colonies. While they continued to identify as British subjects in the abstract, they identified as Americans with respect to their local and daily experiences of recovery.

Loyalists like Samuel and Rebecca Shoemaker, Matthias Aspden, and Joseph Galloway were prominent Philadelphians of great means who might have relocated in nearly any part of the British Empire. But they considered Philadelphia home, had abiding ties to family and associates primarily in that city, and had particular reasons

for believing they would be welcome. And while Americans had undergone a radical transformation, the city and its inhabitants still represented home. Samuel and Rebecca Shoemaker returned to their children in and around Philadelphia, reuniting their long separated family. Matthias Aspden, a bachelor who never married, longed to return to his community, nieces and nephews, and his networks of friends. Joseph Galloway never returned and learned of his wife's death across the Atlantic. Loyalism produced very real property and emotional losses. The flight of the loyalists, the confiscation of their property, and the subsequent reintegration of a small proportion of them cast new light on the meanings of what it meant to bring an end to a raging civil war and who would become American citizens.

**Chapter 1**  
**REBELLIONS, OCCUPATION, AND**  
**“RAPACIOUS, UNGOVERNABLE INDIVIDUALS,” 1765 TO 1777**

1. The Onset of Rebellion and Occupation in the Mid-Atlantic

Dissatisfaction with imperial authority came to the forefront in the mid-Atlantic during the mid-1760s. In Maryland, Delaware, and Pennsylvania political tensions grew and fueled long-smoldering questions about governing the colonies and channeling the independent economic development in this productive region. By 1765 targeted opposition to imperial authority began surfacing in Philadelphia. Like other port city subjects in the British empire, Philadelphians questioned the Revenue Act, Currency Act, Stamp Act, and the Townshend Duties during the 1760s. Thomas Doerflinger and Benjamin Carp have noted that Pennsylvania was generally “slower to mobilize against imperial policies” than other ports of call in the empire. Radical Pennsylvanians did not find great support for their views in the State House, where the most conservative of Pennsylvania’s legislators held control, and so their opposition developed out of doors. Nor did radicals garner the support of most merchants at this time, as commercial connections to the empire were deep and productive. At the

urging of merchants in Boston and New York, Philadelphia merchants agreed to nonimportation on March 10, 1769, six months later than the other two cities.<sup>28</sup>

By 1760 Philadelphia was home to the largest port in America and the center of a thriving financial, political, and intellectual center. The economic success of Philadelphia owed largely to its merchant class who established a flourishing commercial trade, in addition to systems of credit, industry, and finance. As Doerflinger has shown, these merchants were critically important to the economic development in Revolutionary Philadelphia.<sup>29</sup> Doerflinger aptly describes Philadelphia's merchant class as "Reluctant Revolutionaries," finding that while they were opposed to the British encroachments on their commercial ventures, they failed to lobby as a unified group against these encroachments during the 1760s. Moreover, they had economic and personal connections to England, and among the city's large number of Quakers there was a commitment to neutrality during wars.<sup>30</sup> It appears that initially many of the leading Philadelphia merchants hoped to avoid a conflict with

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<sup>28</sup> Thomas M. Doerflinger, *A Vigorous Spirit of Enterprise: Merchants and Economic Development in Revolutionary Philadelphia* (New York: W. W. Norton and Company, 1987), 1-14; Benjamin Carp, *Rebels Rising: Cities and the American Revolution* (New York: Oxford University Press, 2007), 189-195; Jane T. Merritt, "Tea Trade, Consumption, and the Republican Paradox in Prerevolutionary Philadelphia," *The Pennsylvania Magazine of History and Biography* Vol. 128 No. 2 (Apr., 2004): 117-148.

<sup>29</sup> Doerflinger, *A Vigorous Spirit of Enterprise*, 1-7.

<sup>30</sup> Doerflinger, *A Vigorous Spirit of Enterprise*, 165-168.



Great Britain; however, the increasing commercial disruption pushed the colony towards war, and many merchants faced losing everything they had invested if they remained above the revolutionary fervor. Nevertheless, leading Philadelphia merchants attempted to maintain a moderate stance in the 1760s despite widespread resistance throughout Pennsylvania. The Stamp Act of 1765 was met with widespread resistance by the people of Pennsylvania, but the trading community was split. Many of the Quaker merchants did not oppose the Act, but some others, namely the Anglican and Presbyterian merchants did in overwhelming numbers.<sup>31</sup>

Philadelphia, like other North American port cities, increasingly felt the commercial disruption of regular international fluctuations and the mounting imperial crisis in the late 1760s and into the 1770s. Admittedly, had it been left up to the city's merchants, "the Revolutionary movement would have been more circumspect and cautious, more judicious and temperate" and, in short, "it would not have been a revolutionary moment at all." There had been a profitable boom in Philadelphia during the Seven Years' War and merchants embraced an aggressive trade in the years following. As a result, Philadelphia's market was flooded with goods by the mid-1760s, during the post-war depression affecting the entire empire, and debts higher than ever.<sup>32</sup>

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<sup>31</sup> Doerflinger, *A Vigorous Spirit of Enterprise*, 187-191.

<sup>32</sup> Doerflinger, *A Vigorous Spirit of Enterprise*, 167-169.

By the 1770s Philadelphia, like other colonial port cities, was embroiled in the revolutionary conflicts. Trade fluctuated violently during the initial phases of commercial disruption in the early 1770s.<sup>33</sup> The politics of trade undoubtedly spilled into the street. Over time, radical Philadelphians began expressing a desire for greater participation in the formal political process. Yet, in 1773 these radicals felt they were being excluded from formal politics. They felt excluded by those running Pennsylvania government and “as meetings out of doors gained strength, as Americans continued to deny Parliament’s right to impose internal taxes on its colonies, and as the Assembly proved unsatisfying as a protest mechanism, Philadelphia radicals increasingly began to link the Assembly and Parliament, two unresponsive legislative bodies, in their minds.”<sup>34</sup> Along with this growing division within the city, the division between reluctant merchants and eager radical artisans, craftsmen, laborers deepened.

Thus, Philadelphia’s role in the North American Revolution was forged not only in opposition to British policy makers and merchants across the Atlantic Ocean, but also in opposition to a recalcitrant conservative governing body and under-committed merchants in their own midst. As Carl Becker taught us over one hundred

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<sup>33</sup> Doerflinger, *A Vigorous Spirit of Enterprise*, 207-212. Doerflinger identifies four phases of commercial interruption beginning with the series of embargoes placed on American ports. He notes, too, that the embargo on imports imposed by the Continental Congress in December 1774 had a significant impact on raising the prices of West Indies goods and English dry goods.

<sup>34</sup> Carp, *Rebels Rising*, 189-195.

years ago, the Revolution was to be a struggle not only for independence from the empire, but one over “who should rule at home” as well. By 1773 and 1774 political power in the Pennsylvania Assembly rested in the hands of conservative men from the commercial elite, while their more radical counterparts tended to be less elite and more centered on the rising ambitious interests in the city “out of doors.”<sup>35</sup>

Differences between radicals and conservatives grew leading up to the First Continental Congress in September 1774. Joseph Galloway, a Pennsylvania lawyer and renowned conservative, was a respected leader in the Pennsylvania government; his political leanings favored remaining a British colony. Active in Pennsylvania politics and having presided over the House from 1766 to 1775, Galloway believed the American colonies should not break away from Great Britain. Instead, he argued, there should be an American branch of the British Parliament. In Galloway’s “Plan of Union,” all colonial legislation would need to be approved by British Parliament and American legislative bodies together. A president, with general authority, would be appointed by the crown to serve in America. Ultimately, Galloway’s plan called for continued British authority, but it gave colonists a way to participate in approving the laws. Galloway claimed that while Britain had indeed encroached upon American liberty, he believed the Americans could remain part of the British Empire. His effort

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<sup>35</sup> Robert Brunhouse, *The Counter-Revolution in Pennsylvania 1776-1790* (Harrisburg, PA: Pennsylvania Historical Commission, 1942), 10.

in 1774 to settle differences peacefully narrowly missed adoption by the Continental Congress. Galloway was, perhaps, the greatest of the colonial loyalists.<sup>36</sup>

By 1775 the divisions were apparent not only among colonists and their rulers in England, but between patriot and loyalist within Pennsylvania. Following the failure of Joseph Galloway's plan for union, coupled with the increasing colonial dissent with the British Empire, the divisions grew between patriot and loyalist.<sup>37</sup> This became obvious when, in June 1775, the treatment of suspected loyalists came under question. The Pennsylvania Assembly established a Committee of Safety to deal with individuals suspected of loyalty. The Committee called upon suspected loyalists and required them to confess their politics. For example, loyalist Thomas Mackeness left Philadelphia in September 1775 due to the actions he witnessed from the Committee of Safety. Mackeness claimed that he felt threatened "of the troubles in that country" and felt the need to leave Philadelphia early in the conflict. His loyalties were suspected as he had only arrived in Philadelphia seven and a half years before the "troubles broke." He was identified early as threat for he was a highly visible merchant in the community. Mackeness believed that in order to avoid taking an active part "against Great Britain" and avoid the Committee of Safety, he had no

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<sup>36</sup> Calhoon, *The Loyalists in Revolutionary America 1760-1781*, 85-90.

<sup>37</sup> Gary Nash, *The Unknown American Revolution: The Unruly Birth of Democracy and the Struggle to Create America* (New York: Penguin Books, 2005), 150-264. In the two chapters titled "Reaching the Climax, 1774-1776" and "The Dual Revolution," Nash writes on the series of events that sparked rebellion in the colonies.

choice but to leave Philadelphia.<sup>38</sup> He was in a first wave of self-exiled merchants, whose numbers grew in the coming months.

Some individuals refused to side with either the patriots or loyalists and instead chose neutrality. These individuals who professed neutrality, sometimes referred to as the disaffected or non-Associators, troubled the Committee of Safety. For some groups like the Quakers, Mennonites, and the Dunkards, their beliefs forbade them from choosing a side or engaging in military action. The Pennsylvania Assembly attempted to deal with the issue of non-Associators' refusal to bear arms and engage in military action with either side by requiring compulsory "defensive service" and taxing non-Associators £2 10s for their refusal to bear arms. This measure had limited success, failing to effectively collect and record the fines collected.<sup>39</sup> Moreover, at the regular Meeting for Sufferings, Pennsylvania and New Jersey Quakers "issued a testimony against usurpation of authority and against insurrections, conspiracies, and illegal

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<sup>38</sup> Claims of Thomas Mackeness, AO 12 Record Series (Reel 11), British Claims Commission, University of Delaware. The AO 12 Record Series Reel 11 is hereafter cited as AO 12/11, British Claims Commission, UD. This collection is a microfilmed copy of the original records. Thomas Mackeness appears to be spelled in several forms throughout the historical record including Mackeness, Mackaness, and Mackiness. Several historians have looked at the AO 12 British Claims Commission and debated the merit, accuracy, and the types of claims made. For general quantitative analysis see Eugene R. Fingerhut, "Uses and Abuses of the American Loyalists' Claims: A Critique of Quantitative Analyses," *The William and Mary Quarterly* Vol. 25 No. 2 (Apr., 1968): 245-258. For analysis of some of the claims made by women, see Mary Beth Norton, "Eighteenth-Century Women in Peace and War: The Case of the Loyalists," *The William and Mary Quarterly* Vol. 33 No.3 (Jul., 1976): 386-409.

<sup>39</sup> William H. Seibert, *The Loyalists of Pennsylvania* (Columbus, OH: Ohio State University Press, 1920), 23-24.

assemblies.” This formal statement by the Quakers immediately created the problem of neutrality in forthcoming war for American Independence. In Pennsylvania, despite the declaration of neutrality, some Quakers “deviated from the principle of non association [and] began joining, the [Continental A]ssociation for defending with arms the lives, liberty, and property of the people.”<sup>40</sup> This deviation from neutrality was not the norm. The Pennsylvania legislature responded to the Quaker address and the Pennsylvania Committee of Safety averred that “these gentlemen want to withdraw their persons and their fortunes from the service of the country at a time when their country stands in the midst need of them.” The Quakers, by principle, opposed taking up arms and choosing a side during the conflict.<sup>41</sup> Beginning in 1776, the Pennsylvania legislature identified the problem of treason and stated “high treason” was “the offense of any person owing allegiance to Pennsylvania who should levy war against the state or to be adherent to the King of Great Britain or...others of the enemies of the United States.” The punishments, if convicted of high treason, included forfeiture of real and personal estates and imprisonment.<sup>42</sup>

This law troubled the Quaker population, and at their Philadelphia Yearly Meeting in 1776 they held discussions on their proper behavior during the Revolution.

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<sup>40</sup> Siebert, *The Loyalists of Pennsylvania*, 22.

<sup>41</sup> Siebert, *The Loyalists of Pennsylvania*, 24.

<sup>42</sup> Henry Young, “Treason and Its Punishment in Revolutionary Pennsylvania,” *The Pennsylvania Magazine of History and Biography* Vol. 90 (Jul. 1966): 289-290.

They decided to “refrain from participating in government during the present commotions.” Neutrality continued, and in 1777 the Philadelphia Quakers stated they continued to oppose the Revolution. This opposition, while generally based on Quaker principles of non-violence, also stemmed, for a minority, from a desire to maintain ties with Great Britain and continued relationships with their networks of Quakers across the Atlantic. Meanwhile, other Pennsylvania Friends, not necessarily those who attended the Philadelphia Meeting, protested the war and did not maintain ties with their Quaker affiliates across the Atlantic.<sup>43</sup>

Fortunately, for the Pennsylvania Quakers, the initial treason law of 1776 went largely unenforced; only one person was formally charged with high treason and never brought to trial under this law.<sup>44</sup> The Pennsylvania legislature continued to grapple with the issue of treason and loyalty, passing ordinances in 1776 and 1777 to clarify whom they saw as enemies of the state, but enforcement continued to be selective. The ability to fully prosecute was too immense a task; even record keeping proved impossible, as the Committee of Safety was still in its infancy and lacked the personnel to investigate all testimonies.<sup>45</sup>

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<sup>43</sup> Karen Gruenther, “A Crisis of Allegiance: Berks County, Pennsylvania Quakers and the War for Independence,” *Quaker History* Vol. 90 No. 2 (Fall 2001): 17.

<sup>44</sup> Young, “Treason and Its Punishment in Revolutionary Pennsylvania,” 291.

<sup>45</sup> Young, “Treason and Its Punishment in Revolutionary Pennsylvania,” 294. Young notes the treason act of 1777 finally clarified the treason, identifying the seven offenses: accepting a commission from the enemy, levying war, enlisting or

By the fall of 1775 Philadelphians witnessed escalations of violence between the patriots and loyalists outside legislative halls and the laws of provincial rulers. With the passing of legislation and the implementation of fines against non-Associators by the Committee of Safety that proved ineffective in stemming the rise of non-Association and outright loyalism, some residents took to the streets and implemented vigilante style justice to seek out alleged disloyal individuals. In September 1775 Philadelphian John Kearsley, a medical doctor, suffered a brutal beating because of his suspected loyalism and sharing of intelligence information. His beating was particularly cruel as it was done mercilessly in the streets, witnessed by his wife Mary and their five children, “with the butt end of firelocks,” and then he was “dragged through the streets with blood streaming.” John languished at home for nearly a month until the Committee of Safety arrested and imprisoned him, with infected wounds, for twelve months in York, Pennsylvania. His family witnessed his near physical destruction at the hands of the patriots, and they were now forced to deal with his absence. Mary, left with the responsibility of providing for five children, moved outside of Philadelphia to the country in search of safety following John’s

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persuading others to enlist in the enemy army, furnishing arms or supplies to the enemy, carrying on correspondence with the enemy, being concerned in a treasonable combination, and furnishing intelligence to the enemy. Young’s article is not overly concerned with the confiscation of loyalist estates, but rather with all punishments associated with treason. It is also noted in Wilbur Henry Siebert, *The Loyalists of Pennsylvania*, in Chapter 3, that the Committee of Safety often accepted a simple apology in the early stages of war from those who refused to side during the war.



imprisonment.<sup>46</sup> John Kearsley became an example of what would happen to a suspected loyalist in Philadelphia; patriots would replicate the act over and over in the next years.

In 1776 the Pennsylvania Assembly passed additional acts to limit the activities of loyalists. In November the Council of Safety met to discuss the threat of the British troops entering the mid-Atlantic. Thomas Wharton Jr., the president of the Council of Safety, described the very real possibility of the British seizing the city of Philadelphia. He described the British and anyone who supported them as “rapacious, ungovernable” individuals. Upon learning that British troops planned to head up the Chesapeake Bay toward Philadelphia, Wharton described the plan as having “immense consequence, not only to the people of the state, but to all Americans.”<sup>47</sup> His information proved prophetic, and soon a series of laws stipulated how to arrest and hold persons whose activities threatened the colony in the face of the British advances.<sup>48</sup>

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<sup>46</sup> Claims of Mary Kearsley, AO 12/11, British Claims Commission, UD. John Kearsley passed away at some point. Mary Kearsley made a claim for repayment of loss property in April 1785 as a widow. She does not mention her husband having traveled with them to London or having rejoined the family in her claim to the British Claims Commission.

<sup>47</sup> Letter to Colonel Peter Grubb from Thomas Wharton, November 11, 1776, Revolutionary War Papers, Grubb Collection, Historical Society of Pennsylvania. The Historical Society of Pennsylvania is hereafter cited as HSP.

<sup>48</sup> Calhoon, *The Loyalists in Revolutionary America*, 398-399. Calhoon notes that Snowden went mad during his imprisonment. Calhoon states that the house searches

Outside the legislature, in November 1776, small groups of men organized vigilante style campaigns to seize and jail suspected loyalists in Philadelphia. They broke into homes and seized possessions, and then sent numerous loyalists to jail. Men like John Kearsley were held in county jails, often for lengthy and undefined periods of time, as prisoners for their alleged behavior. Patriots were driven by the threat of loyalist activity in their area, and they sought to quell rebellions through any means necessary. In Philadelphia suspected loyalists were taken to the Indian Queen Tavern and then brought to a hearing at the tavern presided over by Thomas McKean, a Revolutionary leader. No substantial documentary evidence resulted from the hearings or the house searches, but individual accounts affirm that the divisions and tensions grew in the city.<sup>49</sup>

Both the Pennsylvania legislature and the pragmatic efforts of radicals in the street continued to discover loyalists and bring them to justice. The Test Act, passed in June 13, 1777, denied citizenship to those refusing to take oaths of allegiance to the new state, identifying rights that would be given only to those who chose the side of patriots, effectively determining who would be included in the newly constituted body of citizens and those who would be excluded. The process of renouncing fidelity to

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provided no physical evidence. The only evidence that was presented at the hearings in Indian Queen tavern were that suspects had been overhearing singing songs such as “God Save the Queen” at social gatherings. Furthermore, Calhoon notes that by the middle of September 1777 the Council had either dropped the charges or paroled all loyalists except for one in Philadelphia.

<sup>49</sup> Calhoon, *The Loyalists in Revolutionary America*, 398-399.

King George and pledging allegiance to Pennsylvania aimed to identify and punish Loyalist traitors. However, the law also succeeded in further punishing nonjurors, those Quakers who were still opposed to oaths of any kind. By requiring oaths, the Pennsylvania legislature also struck down the neutrality of the large Quaker population within their borders.<sup>50</sup> The problem, once again, was enforcement; it was relatively easy to switch sides or avoid enforcing agents.

The Test Act further denied political rights and access to the courts, trial by jury, and positions in public offices to those who refused to proclaim loyalty to the independent state of Pennsylvania.<sup>51</sup> These rights were bestowed only to the allegiant, the citizens, and assured that patriotism and allegiance to the Revolutionary cause guaranteed rights of citizenship. Thus, Pennsylvania effectively began to define citizens through acts of exclusion and forced individuals to affiliate with either the patriot or the loyalist persuasion. This also meant the exclusion of non-Associators from the body of citizens.

The Test Act had a direct impact on Sarah Logan Fisher, for example. Her husband, referred to as “My Tommy” in her diaries, was imprisoned and exiled early in the American Revolution due to his Quaker sensibilities, refusal to take the Test Act

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<sup>50</sup> Robert Brunhouse, *The Counter-Revolution in Pennsylvania, 1776-1790*, 42-43; Brown, *The King's Friends*, 134; Lorenzo Sabine, *Biographical Sketches of Loyalists of the American Revolution with an historical essay Vol. II* (Boston: Little Brown and Co., 1864), 301.

<sup>51</sup> Anne M. Ousterhout, *A State Divided: Opposition in Pennsylvania during the American Revolution* (New York: Greenwood Press, 1987), 161.

which would proclaim an allegiance to the Patriot cause, and his prominent position within the Philadelphia community.<sup>52</sup> On September 4, 1777, just two days after he was taken to prison, Sarah heard that her husband would be sent to Augusta County in Virginia, nearly 300 miles away, for failure to take the Test Act. Sarah found this “cruel and wicked,” and it was a particular hardship for Sarah who was pregnant. As she wrote, “my husband, in whom is centered too much of my earthly comfort, is likely to be torn from me by the hands of violence and cruelty, and I left within a few weeks of lying-in, unprotected and alone.” Her husband was taken to Virginia on September 13, and Sarah wrote of distress and anxiety upon their separation. She noted a few days later, on September 16, “my mind so deeply affected with the absence of my beloved husband, and my heart so much sunk with the gloomy prospect before and the little probably there is of our meeting with each other again soon.”

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<sup>52</sup> The Test Act, passed in June 13, 1777 prior to the occupation, denied citizenship to those refusing to take oaths of allegiance to the new state. The process of renouncing fidelity to King George and pledging allegiance to Pennsylvania aimed to identify and punish Loyalist traitors. However, the law also succeeded in punishing nonjurors, those Quakers who were opposed to oaths of any kind. Political rights and access to the courts were decidedly stripped from those who refused to proclaim loyalty to the independent state of Pennsylvania. The Test Act began to strip men who refused to pledge allegiance access to the courts, trial by jury, and the ability to be elected or hold office. See Brunhouse, *The Counter-Revolution in Pennsylvania*, 42-43; Brown, *The King's Friends*, 1340137; Sabine, *Biographical Sketches Vol. II*, 301.

Sarah felt a great separation from her husband, describing herself as “solitary and alone.”<sup>53</sup>

Sarah feared her inability to provide for her children during her husband’s absence, but she did whatever she could to keep her family fed during the war. At the end of her pregnancy, Sarah noted that she had scarcely any milk, butter, or eggs for her children. She feared her children would have “nothing to eat but salt meat and biscuit” in November 1777. Fortunately, friends brought Sarah butter and eggs for her children. However, she worried constantly because in Tommy’s absence, she alone was responsible for supporting her children: “I have to think and provide everything for my family, at a time when it is so difficult to provide anything at any price.”<sup>54</sup>

In April 1778 Sarah and her husband were reunited after a seven-month separation. Sarah wrote of his return “thankfully” and that her husband and other Philadelphia Quakers “were restored to their families and honorably discharged.” But for Sarah, the reunification of her family brought her “peace of mind, which unspeakable favor I earnestly wish I may keep in grateful remembrance.” Though Philadelphia was highly unstable at the time of her husband’s return and the British

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<sup>53</sup> September 4, 1777, Sarah Logan Fisher Diaries 1776 -1795, HSP; September 16, 1777, Sarah Logan Fisher Diaries 1776 -1795, HSP; September 21, 1777, Sarah Logan Fisher Diaries 1776 -1795, HSP.

<sup>54</sup> November 1, 1777, Sarah Logan Fisher Diaries 1776 -1795, HSP. Her diary is largely absent for the next month. When she begins writing in her diary she notes her lying in period after a month long absence in her diary, where she resumes writing on December 5, 1777.

were beginning to lose control, Sarah's family was reunited and she believed she would be able to face her next "severe trial" as a loyalist under patriot rule over the city.<sup>55</sup>

Quakers like Sarah Logan Fisher were greatly troubled by the events of the Revolution and their determination to remain neutral. At the Philadelphia Yearly Meeting in 1778, the Quakers were again encouraged to refrain from "promot[ing] any work or preparation for the war." The principles of neutrality and peace testimony emerged at the forefront of discussions. Yearly meeting leaders, however, recognized that some of the Friends were failing to remain neutral. Men were to strictly avoid "join[ing] in carrying on war" on account of their peace principles. Some friends were losing sight of their neutrality and this was a great fear amongst the Quakers who attended the Philadelphia Yearly Meeting. This fear was especially prominent during and in the wake of the occupation of Philadelphia, a theme to which we will return.<sup>56</sup>

Another fear Philadelphians faced was the continuing financial impact of occupation. Philadelphia, a port city, was a major commercial hub and a center for much of the mid-Atlantic region. The Council of Safety was fearful about losing

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<sup>55</sup> May 29, 1778, Sarah Logan Fisher Diaries 1776 -1795, HSP. She notes in this diary entry an absence in writing due to fit of illness and many engagements. He husband returned on April 29<sup>th</sup> from his period of forced exile in Virginia.

<sup>56</sup> Gruenther, "A Crisis of Allegiance," 17-18; No author, *From our General Spring Meeting of Ministers and Elders, held in Philadelphia, for Pennsylvania and New Jersey, by Adjournments, from the 21<sup>st</sup> of the Third-month to the 24<sup>th</sup> of the same, 1778* (Philadelphia: 1778), HSP.

possession of Philadelphia and the “dreadful effects to the commerce of this state, which must inevitably follow from the city falling into the hands of the enemy.” The Council of Safety was concerned with the presence of the British troops, but was clearly worried about the impact it would have on commerce in the city. Philadelphia was a geographically important location and served as a major import and export center for the mid-Atlantic region. Wharton described Philadelphia as being fundamentally “necessary for our existence” in terms of importing and exporting goods.<sup>57</sup> The threat of the British and what they could do to the city of Philadelphia weighed heavily on the minds of the legislators.

Nearby Maryland also faced unrest, challenges to imperial authority, and financial and economic turmoil. Between 1759 and 1763, Maryland planters and merchants found themselves in a long-term trade imbalance. They imported far more in value than they exported or could pay for, and this produced an extremely indebted merchant and planter class. In 1765 the Stamp Act, where the British sought to recoup the costs of the Seven Years’ War by raising revenue through taxation, exacerbated the trade imbalance and rising debt. Colonists revolted against the Stamp Act throughout the American colonies and Maryland was no exception. Zachariah Hood, an Annapolis merchant, accepted the position of tax collector and faced brutal assaults the moment he arrived to accept the post. Hood had been in London and, upon arrival

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<sup>57</sup> Letter Thomas Wharton to Colonel Peter Grubb, November 11, 1776, Folder 4, Revolutionary War Papers, Grubb Collection, HSP.

in Annapolis, he discovered he had been hung in effigy. The crowd also burned the warehouse storing the stamps.<sup>58</sup> For their part, many Maryland colonists engaged in the non-importation movement and radicals burned a vessel carrying boycotted goods. These actions, coupled with the signing of the Declaration of Independence in 1776, thrust Maryland directly into the American Revolution.<sup>59</sup>

In the fall of 1774 the *Peggy Stewart* incident changed the landscape of Maryland politics and the coming revolution. Anthony Stewart, a leading Annapolis merchant, attempted to import cargo into the Annapolis harbor on his brig the *Peggy Stewart*. His cargo included 2,000 pounds of tea, one of the most controversial imports incorporated into the politics of the revolution.<sup>60</sup> Word spread throughout Annapolis about the *Peggy Stewart* and her controversial cargo. The brig remained anchored in the Annapolis harbor, but unable to unload any cargo. It was in a state of limbo. The Annapolis port collector and comptroller John Davidson was said to have spread word about the cargo of the ship and it was believed Davidson was plotting the destruction of the ship. The *Peggy Stewart* dropped anchor in the Annapolis harbor on October 15,

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<sup>58</sup> Robert J. Brugger, *Maryland: A Middle Temperament, 1834-1980* (Baltimore: Johns Hopkins University Press, 1988), 103-104.

<sup>59</sup> Brugger, *Maryland*, 107-116.

<sup>60</sup> Alfred Young, *The Shoemaker and Tea Party: Memory and the American Revolution* (Boston: Beacons Press, 1999); Robert Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789* (New York: Oxford University Press, 2005); Nash, *The Unknown American Revolution*.



1777 and four days later a meeting was held to discuss what to do with Stewart and the ship.<sup>61</sup>

On October 19, 1777 public meetings were held in multiple locations in Maryland to discuss the fate of the *Peggy Stewart*, her cargo, and the owner Anthony Stewart. Several votes were taken and it was determined, though not without debate, that only the tea should be burned and that the *Peggy Stewart* would be spared. Unfortunately, the news of the vote did not reach the men in charge of destroying the cargo in time. Rezin Hammond and Charles Ridgely, a member of the radical committees from Baltimore, had left for the *Peggy Stewart* prior to the announcement of a formal decision and reached the ship without formal direction. There was a clear miscommunication, and both the *Peggy Stewart* and her cargo were destroyed in the midst of growing resentment toward Britain.<sup>62</sup>

Those in Annapolis described a horrific scene, one that was mob driven and violent. John Galloway witnessed the destruction of the *Peggy Stewart* in Annapolis in October 1774. He grew indignant that the mob “threatened to lay violent hands” on Mr. Stewart, the ship’s owner, if he did not burn both the tea and the vessel. Galloway reported that because of the mob and violence “Mr. Stewart went on board of his

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<sup>61</sup> Ronald Hoffman, *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland* (Baltimore: Johns Hopkins University Press, 1973), 134-135.

<sup>62</sup> Ibid. For additional information on the organized action in the colonies against the East India Company and British trade see also Arthur Meier Schlesinger, “The Uprising Against the East India Tea Company,” *Political Science Quarterly* Vol. 32 No. 1 (Mar., 1917): 60-79.

Vessell and set fire to her with his own hands and she was a burning when I left town.” He agreed that Stewart was to blame for bringing in the tea, but declared it was “monstrous to destroy” the *Peggy Stewart*. Galloway reported the whole “infamous and rascally affair which makes men of property reflect with horror on their present Situation to have their lives and property at the disposal and mercy of a Mob is shocking indeed.”<sup>63</sup>

Property destruction, now an ongoing affair in Maryland, became key to defining the differences between patriots and loyalists. Loyalists grew increasingly visible, violent, and disruptive between 1775 and 1777; many banded together and attempted to organize within their community on Maryland’s Eastern Shore, particularly in Somerset and Worcester Counties. Early on, they failed to organize effectively. In 1775 Isaac Atkinson, of Somerset County, attempted to organize a loyalist militia but his actions were discovered and he was arrested. Nearby in Delaware, a charter colony that had been ruled by the Penn family and was still closely tied to Pennsylvania, also saw an increase in loyalist visibility and activity.<sup>64</sup> In 1776 Delaware loyalist Thomas Robinson, of Sussex County, claimed to have

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<sup>63</sup> John Galloway, “Account of the Destruction of the Brig “Peggy Stewart,” at Annapolis,” *The Pennsylvania Magazine of History and Biography* Vol. 25 No. 2 (1901): 248-250.

<sup>64</sup> For information on the connection between Delaware and Philadelphia see John A. Munroe, “The Philadelphians: A Study in the Relations between Philadelphia and Delaware in the Late 18<sup>th</sup> Century,” *The Pennsylvania Magazine of History and Biography* Vol. 69 No. 2 (Apr. 1945): 128-149.

obtained 5,000 signatures from individuals who opposed independence. When the Delaware Assembly showed support for the Continental Congress, hundreds of residents of Sussex County banded together in displays of rebellions. They tore down liberty polls, cheered exaltations for the King, and used violence to dissuade men from voting in elections under the new government.<sup>65</sup>

Northern Delaware was somewhat divided in the Revolution, although, as Liam Riordan wrote, “from the Stamp Act to the Declaration of Independence...New Castle County was at the forefront of the Revolution in Delaware.”<sup>66</sup> New Castle was in regular contact with Philadelphia, located just thirty miles away, and as the Revolution progressed, became a site for symbols of patriotism.<sup>67</sup> Downstate, Kent and Sussex Counties witnessed radically different politics. The Delaware capital was relocated from New Castle in the midst of the war due to its vulnerable position on the river. The capital moved to Dover in 1777 for its safer and “more central” location, but the area was fraught with two major problems. For one, Dover was largely sympathetic to the loyalist cause and home to hundreds of individuals who refused to side with the patriots during the war. Furthermore, Dover was also closer to the

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<sup>65</sup> Calhoon, *The Loyalists in Revolutionary America*, 405.

<sup>66</sup> Liam Riordan, “Identity and Revolution: Everyday Life and Crisis in Three Delaware River Towns” *Pennsylvania History: A Journal of Mid-Atlantic Studies* Vol. 64 No. 1 (Winter 1997): 59-60.

<sup>67</sup> Riordan, “Identity and Revolution,” 65.

rebellious Sussex County, located further south, where the unrest plaguing Maryland spilled over to neighboring Delaware.<sup>68</sup>

Social unrest emerged amidst the reorganization of Maryland's government. In 1776 and 1777 Maryland experienced a series of riots aided by the British on the Eastern and Western Shores. On the Eastern Shore, Loyalists teamed up with free African Americans and Lord Dunmore to establish resistance actions against the Patriots. The Maryland legislature wrote that Dunmore's followers were "very smart fellows" and were fearful of the unrest on the Maryland Eastern Shore. The Council of Safety grew increasingly apprehensive of the insurgents and learned, in 1776, the British were landing supplies in Somerset County. Charles Carroll, an elite Patriot legislator, warned of disorder in Caroline and Dorchester Counties on the Eastern Shore. In the fall of 1776 officials from the Council of Safety in Dorchester reported nearly one hundred armed men resided in the county and behaved "riotously and disorderly."

The Western Shore experienced similar difficulties. In St. Mary's County John Dent, a patriot military commander, reported 150 loyalists and 100 free African Americans were preparing to rebel against the Patriots. In 1777, an estimated 500 loyalist men banded together in Somerset and Worcester counties to formally denounce and oppose the American Revolution. The Maryland General Assembly responded by sending 200 men to disband the loyalists. Many of the suspected

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<sup>68</sup> Riordan, "Identity and Revolution," 66-68.

loyalists escaped and their rebellion had warranted a reaction from the Maryland legislature.<sup>69</sup>

In the midst of property destruction, rebellion and violence Maryland's Royal Governor, Robert Eden, departed. In July 1776 Revolutionary politics came to the forefront in the Maryland Assembly as, amidst this political unrest, there was also a struggle for power amongst the Maryland elite. Historically, offices in Maryland's colonial government had only been open to a select few. Social position, advantageous marriage, and land ownership largely determined one's ability to be appointed to positions of power. The royal governor and lieutenant governor were appointed by the King, but, locally, positions were traded among a handful of elite men who continually selected and favored those within their inner circle. These men comprised the officeholders of Maryland and determined the political trajectory of the colony.<sup>70</sup> However, when the war broke out the proprietary elite of Maryland chose to side with the patriot cause. It is estimated that two thirds of the Maryland officeholders sided with the Patriots.<sup>71</sup> Unlike Pennsylvania, Maryland officeholders were quicker to side

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<sup>69</sup> Calhoun, *The Loyalists in Revolutionary American*, 469; Hoffman, *A Spirit of Dissension*, 184-189.

<sup>70</sup> Anne Aldan Allan, "Patriots and Loyalists: The Choice of Political Allegiances of Maryland's Proprietary Elite," *The Journal of Southern History* Vol. 38 No. 2 (May 1972): 284. Allan provides extensive background on the separation between classes in Maryland, and the history of the proprietary elite and their relationships to Lord Baltimore.

<sup>71</sup> Allan, "Patriots and Loyalists," 288.

with the patriot cause. Propertied elite men such as Charles Carroll of Carrollton, William Paca, Samuel Chase, William Tilghman, Robert Goldsborough, and George Plater all sought to shape the Maryland Constitutional Convention.<sup>72</sup>

On April 19, 1777 John Hancock commented on the similar situation in both Maryland and Delaware at the meeting of the Continental Congress. He declared both Maryland and Delaware to be in positions of “imminent danger of an insurrection.” He called for the Continental Congress to appoint a continental army contingent to help the Maryland counties of Somerset and Worcester, and Delaware’s Sussex County to “overawe and quell insurgents” of the loyalist persuasion. Furthermore, John Hancock called for the removal of all disaffected persons in these counties. What is particularly poignant about John Hancock’s statement to the Continental Congress is his statement concerning the seizure of British, loyalist property. He proposed:

to enact laws appointing commissioners in each of the counties above mentioned, whose business it shall be to make inventories, and to take charge of the personal estates of the persons so removed, and to receive the rents arising from the real estates, in order that the same may be appropriated as a fund for their maintenance till the government of their respective states shall direct otherwise; and vesting the said commissioners with full and adequate powers to enquire into, detect, and defeat, all plots, or conspiracies formed in the respective counties against the liberties of America.<sup>73</sup>

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<sup>72</sup> Robert J. Brugger, *Maryland*, 84-122. The revolutionary era governors for Maryland included Thomas Johnson serving from 1777 to 1779, Thomas Sim Lee serving from 1779 to 1782, and William Paca serving from 1782 to 1785.

<sup>73</sup> Delaware Military Records, Vol. 3, Page 1279, Military Collection, Delaware State Archives. The Delaware State Archives are hereafter cited as DSA.

Hancock's statement on the situation in Delaware and Maryland is extraordinarily revealing. He notes the similar situations, insurrection, and problems with the loyalist population in both Delaware and Maryland, and proposed to use Congressional authority to quell rebellions and confiscate property of loyalists, in the face of weak resistance to loyalists in the two provinces. Further, he feared the instances of rebellion and acts of revolution would have harsh reverberations throughout the mid-Atlantic region, and envisioned further uses of Congressional authority in the future.

By 1778 the Maryland legislature, now under patriot leadership, sent men to observe the conditions on the Eastern Shore. Luther Martin, one member of this delegation, reported on the shocking conditions in Somerset County. He told of "disaffected inhabitants" who engaged in the "height of insolence and villainy." He told of gatherings of men who took arms and engaged in trade. According to Martin, these "disaffected" were "openly and avowedly enlisting men." The conduct of these men was "alarming" and Martin reported the number, activities, and rebellions among these loyalist-leaning inhabitants to be growing.<sup>74</sup> Martin's report from March 1778

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<sup>74</sup> Luther Martin to Governor Thomas Johnson, 18 March 1778, Executive Papers, Maryland State Archives. The Maryland State Archives are hereafter cited as MSA. For additional information on Luther Martin, see Paul S. Clarkson and R. Samuel Jett, *Luther Martin of Maryland* (Baltimore: Johns Hopkins University Press, 1970) and also Keith Mason, "Localism, Evangelicalism, and Loyalism: The Sources of Discontent in the Revolutionary Chesapeake," in *The Journal of Southern History*, Vol. 56, No. 1 (Feb., 1990): 23-54. Mason's article notes in great detail the events of rebellion and discontent in the Chesapeake. He speaks to great extent about the variations amongst the disaffected.

only confirmed the earlier fears of the Maryland legislative bodies and Congress. In the Eastern and Western shores, locations that, under conditions of war, were far from central authority, the insurrections unfolded somewhat more easily than in the heart of port towns.<sup>75</sup>

Delaware also experienced destruction and political instability, and strove to find a stable form of government during the Revolutionary years. In 1773, a Committee of Correspondence was established in Delaware, but its members were largely prominent supporters of Great Britain rather than patriots. Thomas Robinson, for example, was a founding member and he remained a supporter of the King throughout and after the Revolutionary era. Bruce Bendler has noted that Delaware's political leaders fell into three categories. The first advocated for immediate independence and included men such as Thomas McKean and Caesar Rodney. The second group was more conservative. Men such as George Read and John Dickinson argued they were not yet prepared to enter war. The final group of individuals, the loyalists, actively opposed independence, including Thomas Robinson.<sup>76</sup> By May of

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<sup>75</sup> Brugger, *Maryland*, 109-122.

<sup>76</sup> Bruce Bendler, "The Emergence of Rural Federalism: Political Culture in Delaware, 1760-1812," (PhD diss., University of Delaware, 2000), 50-51.



1775 the second meeting of Committee debated about those opposing Great Britain as “an unconstitutional body of men” and announced their support for the King.<sup>77</sup>

The political instability of Delaware often spilled out into the streets, in a very real fashion. In the legislature, loyalists, composed of moderates and conservatives who favored retention of the status quo, were willing to protest against the violations of what they considered to be their rights as Englishmen such as the collection of tax without consent. On election night in 1776, however, five or six hundred loyalists shouted “huzzah” for King George and General William Howe, damning Congress and the Whigs, and chopping down the liberty tree. Armed with a large hickory stick, one member of the mob stood at the entrances to the courthouse, restricting voting to those who favored the King. The men elected that night in Sussex County were all loyalists: Joshua Hill, John Laws, Jacob Moore, Isaac Bradley, Philip Kollock, Isaac Horsey, and Elijah Cannon.<sup>78</sup> The election of these men only further demonstrated the instable nature of the land. Prominent loyalists maintained their positions of authority, and even gained it with the chopping down of the liberty tree.

By mid-1777 Delaware was in the path of General Howe’s campaign through the Chesapeake Bay. By mid-August Howe and his troops arrived with warships at

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<sup>77</sup>Claudia L. Bushman, Harold B. Hancock, Elizabeth Moyne Homsey, eds., *Proceedings of the Assembly of the Lower Counties on Delaware 1770-1777, of the Constitutional Convention of 1776 and of the House Assembly of the Delaware State 1776-1781* (Newark, DE: University of Delaware Press, 1986), 9-10.

<sup>78</sup> Ibid., 22-27.

Elk River in Cecil County, Maryland, approximately seventy-five miles from Philadelphia.<sup>79</sup> Upon hearing about the British movement and their proximity to Philadelphia, General Washington and the Continental Army, numbering around ten thousand at this time, marched through Philadelphia and took the road to Chester and Wilmington. The British occupied north New Castle County and the Battle of Brandywine led to a temporary British occupation of Wilmington. During the occupation, President John McKinly was captured, but he was eventually released in August 1778. Meanwhile, the Vice President George Read fled to New Jersey, and the patriot speaker of the house Thomas McKean served as acting president. The loyalists in the Lower Counties of Delaware took up arms, as well as those loyalists residing in the Eastern Shore of Maryland.<sup>80</sup>

In Philadelphia, residents prepared for the British invasion that came next. Philadelphians seized lead pipe to make bullets and individuals who were loyalists and non-Associators faced intense scrutiny. The Supreme Executive Council called for the arrest of key loyalists, including Miers Fisher, Elijah Brown, Hugh Roberts, George Roberts, Joseph Fox, John Hunt, Samuel Emlen Jr., Adam Kuhn, Phineas Bond, Rev.

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<sup>79</sup> Cecil County, Maryland is located in the upper right corner of the state of Maryland and borders New Castle County, Delaware on the right hand side. The Elk River travels through the heart of the county seat the Head of Elk, now modern day Elkton, and provides an easy way to travel up towards the Brandywine valley.

<sup>80</sup> Bushman, et.al., *Proceedings of the Assembly*, 32; Harold Bell Hancock, *The Delaware Loyalists* (Wilmington, DE: Historical Society of Delaware, 1940), 15, 28-30; J. Thomas Scharf and Thompson Westcott, *History of Philadelphia Vol. I, 1609-1884* (Philadelphia: L.H. Everts and Co., 1884), 345-346.

William Smith, Rev. Thomas Coombe, Samuel Shoemaker, Charles Jervis, William Drewitt Smith, Charles Eddy, Thomas Pike, Owen Jones, Jr., Jeremiah Warder, William Lennox, Edward Penington, Caleb Emlen, William Smith, Samuel Murdock, Alexander Stedman, Charles Stedman, Jr., Thomas Ashton, William Imlay, Thomas Gilpin, Samuel Jackson, and Thomas Afflick. William and Charles Steadman were arrested as a result, and the others were given paroles. Some of the men took the oath of allegiance to the patriot cause and secured their release, while others refused the oath.<sup>81</sup>

General Howe's army landed in the Head of Elk on August 26, 1777. His force of seventeen thousand forged towards the Brandywine in search of George Washington and his troops. Howe and his men checked the Continental Army in early September, and occupied Wilmington, Delaware. After a successful surprise defeat of the Continental troops near the Schuylkill at the Paoli tavern, Howe and his men crossed the Schuylkill undisturbed, entering Philadelphia on September 26. Howe issued a proclamation on September 28<sup>th</sup>, from his headquarters at Germantown, guaranteeing protection and security to all who joined the British troops during the occupation of Philadelphia.<sup>82</sup> As Benjamin Irvin has noted, Howe sought "to win the esteem and political support of fence-sitting Quakers." He did so by first appointing

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<sup>81</sup> Scharf and Westcott, *History of Philadelphia Vol. I*, 345-346.

<sup>82</sup> Scharf and Westcott, *History of Philadelphia Vol. I*, 346-352.

Joseph Galloway, the Philadelphia native who had supported reconciliation with Britain, as the superintendent general of the city. Samuel Shoemaker, a previous mayor of Philadelphia and respected member of the Quaker merchant community, was also put in a position of power.<sup>83</sup> Moreover, an estimated two thousand deserters came in from the Continental Army and joined the loyalist cause, while fugitives from Virginia, Maryland, and New Jersey also fled to the city for protection. Loyalist merchants and shopkeepers reopened their shops during the occupation. In some cases, stores and shops of the absent patriots were opened, plundered, and the goods sold. For example, James McDowell took over Gilbert Barclay's store on Second Street; Ninian Mangies took over Thomas Gilpin's place; and other loyalists reopened taverns of their now-absent neighbors.<sup>84</sup>

There were approximately fifteen thousand residents in Philadelphia when the British took over the city, but nearly six thousand men were absent from the city once occupation became a reality. A British census of the city population at the time of the occupation recorded only 4,996 men over the age of eighteen in Philadelphia in the fall of 1777 and, overall, Philadelphia women outnumbered men by about thirty

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<sup>83</sup> Benjamin H. Irvin, "The Streets of Philadelphia: Crowds, Congress, and the Political Cultures of the Revolution, 1774-1783," *The Pennsylvania Magazine of History and Biography* Vol. 12 No. 1 (January, 2005): 22

<sup>84</sup> Scharf and Westcott, *History of Philadelphia Vol. I*, 365-367;. According to Scharf and Westcott's *History of Philadelphia* as many as 121 new stores in Philadelphia at this time, according to a claim made in Christopher Marshall's diary on page 367.

percent. Many of the men who remained behind were Quakers who refused to carry arms.<sup>85</sup>

There were also deep disruptions to everyday life in Philadelphia during the occupation, especially due to quartering of soldiers. General Howe's army found room on the Commons in the center of Philadelphia and others camped along the road to Germantown. Still, others requested places in the city and imposed themselves on the residents. Elizabeth Drinker, a Philadelphia Quaker, noted the disturbances of the British troops in her diary and how many Quakers in Philadelphia were forced to quarter soldiers. She reported on November 5, 1777 that a soldier "came to demand blankets" and when she refused "he went up stairs and took one." She also recorded that men were "rude and impudent" although her household quartered an officer in early 1778 -- Major Crammond -- who took up two front parlors, a chamber upstairs, and the stables, in addition to using the kitchen.<sup>86</sup>

Social life in Philadelphia during the occupation flourished for loyalists and British occupiers, if one belonged to the upper class. Balls, elaborate dinners, and the

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<sup>85</sup> Scharf and Westcott, *History of Philadelphia Vol. I*, 367; Darlene Emmert Fisher, "Social Life in Philadelphia during the British Occupation," *Pennsylvania History: A Journal of Mid-Atlantic Studies* Vol. 37 No. 3 (July, 1970): 237.

<sup>86</sup> Elizabeth Drinker, *The Diary of Elizabeth Drinker: The Life Cycle of an Eighteenth Century Woman*, ed. Elaine Forman Crane (Boston: Northeastern University Press, 1994), 66-69, 71.

famous Meshcianza of May 1778 occurred during the occupation.<sup>87</sup> At the latter, marking the retreat of the British, Major Andre hosted an elaborate farewell dinner for General Howe. The women dressed in Turkish garb, including exotic silk polonaise, styled their hair in high turbans, and covered themselves in spangles. The men greeted the women and proceeded to joust for each woman's honor. At 10 o'clock that evening a fireworks display lit up the sky and the ball lasted until almost dawn.<sup>88</sup>

During the period of occupation in Philadelphia, General Howe and the other loyalists did not intend to destroy the city. As evidence by the Meshcianza Ball, the attempted to "occupy gently," according to historian Benjamin Irvin.<sup>89</sup> During the occupation, Howe sought to keep Philadelphia running as smoothly as possible and he had native Joseph Galloway oversee much of the day to day affairs in order to insure the success of the city. For example, shops remained open, storekeepers encouraged to keep hours, and the ports attempted to main trade. Local mainstays, such as City Tavern, remained open and even hosted balls. Destruction of property in Philadelphia

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<sup>87</sup> Lynn Matluck Brooks, "Emblem of Gaiety, Love, and Legislation: Dance in Eighteenth Century Philadelphia," *The Pennsylvania Magazine of History and Biography* Vol. 115 No. 1 (Jan. 1991): 63-87; Kate Haulman, "Fashion and the Culture Wards of Revolutionary Philadelphia," *The William and Mary Quarterly* Vol. 62 No. 4 (Oct. 2005): 625-662.

<sup>88</sup> Irvin, "The Streets of Philadelphia," 23; Fisher, "Social Life in Philadelphia," 252-253.

<sup>89</sup> Irvin, "The Streets of Philadelphia," 22.

did not come until later as the loyalists attempted to maintain an air of normalcy during the occupation.<sup>90</sup>

British sanctuary in Philadelphia was brief and, in the spring of 1778, the Patriots began to encroach.<sup>91</sup> In May General Howe relinquished his command of the army to Sir Henry Clinton and, after his farewell Meshcianza Ball, set sail for England. Soon thereafter, Clinton realized evacuation of Philadelphia was unavoidable, although Galloway and others wanted to remain in Philadelphia. Galloway strongly advised against the evacuation, fearing that the hundreds of loyalists who had entered Philadelphia during the occupation would be forced to abandon their new dwellings. Others, including Lord George Germain, urged Clinton to retain Philadelphia as long as possible. Clinton, however, decided that the British should focus on maintaining a military stronghold in New York. In June 1778, loyalists and British forces evacuated Philadelphia, some leaving by ship to New York, some marching to New Jersey, and some removing to the countryside as prisoners of the Patriots..<sup>92</sup>

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<sup>90</sup> Ibid.

<sup>91</sup> Calhoon, *The Loyalists of Revolutionary America*, 394; Ousterhout, *A State Divided*, 145-150.

<sup>92</sup> George W. Kyte, "Some Plans for a Loyalist Stronghold in the Middle Colonies," *Pennsylvania History: A Journal of Mid-Atlantic Studies* Vol. 16, No. 3 (Jul., 1949): 178-182.

The evacuation of Philadelphia was at least as materially destructive as the confiscation of property in the months before it. The loyalists who had welcomed the British with open arms in the fall of 1777 found they had to abandon their homes and property in order to escape to New York. Many of the prominent figures involved in the occupation, such as Joseph Galloway and Samuel Shoemaker, separated from their families. Grace Growden Galloway, wife of Joseph Galloway, stayed behind to protect remaining family property from confiscation.<sup>93</sup> Moreover, as the British troops began leaving the city on June 17<sup>th</sup> they left a smoldering scene of destroyed homes. An estimated twenty homes were deliberately burned, causing damage estimated at £187, 280.<sup>94</sup> Loyalists and British troops also destroyed churches and public buildings, looted shops and homes, and left filth covering the streets.<sup>95</sup> In the south part of Dock Ward, thirty-six individuals reported damages to their property after the British evacuation. The extent and cost of the damages varied significantly. John Williams reported just over £26 in damages while William Henry reported £3645 in damages. In the Walnut and Lower Delaware Wards, the assessors formally reported no damages,

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<sup>93</sup> Biographical information on Grace Growden Galloway can be found in Raymond Werner, "Diary of Grace Growden Galloway," in *The Pennsylvania Magazine of History and Biography*, Vol. 55 No. 1 (1931): 32-94.

<sup>94</sup> Sieburt, *The Loyalists of Pennsylvania*, 38-55; Brown, *The King's Friends*, 130-131.

<sup>95</sup> Jacob E. Cooke, "Tench Coxe: Tory Merchant," *The Pennsylvania Magazine of History and Biography* Vol. 96 No. 1 (Jan., 1972): 83.



although personal testimonials leave little doubt about destruction. Germantown, which was heavily occupied by the British, reported enormous losses. Joseph Ferree assessed and recorded the damages in Germantown from 116 individuals. The values of the damages varied greatly. William Brighthurst reported damages caused by the British that amount to less than £5. Others like George Losch and Samuel Mechlin reported substantial damages amounting to £2412 and £2571, respectively.<sup>96</sup> The British left a lasting and costly mark on Philadelphia and in the aftermath of occupation, animosity against loyalists surfaced with renewed vigor.

## 2. Responding to “rapacious, ungovernable” Individuals

Months before the occupation of Philadelphia, patriot legislative bodies in Pennsylvania acted swiftly and harshly against anyone suspected of British sympathies, responding to the threat of “rapacious, ungovernable” individuals. Pennsylvania was not alone in passing legislation; in fact, patriots in Pennsylvania, Maryland, and Delaware all faced uprisings and uncertainty in their midst and responded with laws that restricted the rights of loyalists. Application of these new laws intensified by 1777. Due to the rebellions on the Eastern shore in Maryland and the occupation of Philadelphia, both the Maryland and Pennsylvania legislatures felt

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<sup>96</sup> Anthony Cuthbert, “Assessment of the Damages Done by the British Troops During the Occupation of Philadelphia,” *The Pennsylvania Magazine of History and Biography* Vol. 25, No. 3 (1901): 323-335. Cuthbert lists the assessments that were reported after June 1778 and organizes his findings by wards and townships.

the need to use legal means to punish the loyalists, including property confiscation. By seizing property, patriots effectively set loyalists outside their emerging definitions of citizens, creating an identity as American citizens centered on the idea of allegiance to independence from the empire and the Patriot cause.<sup>97</sup>

Across the colonies and new states, confiscation also allowed the new legislative bodies to raise revenue and assert their authority over patriots.<sup>98</sup> By seizing the property of professed British subjects who refused to take oaths to the patriot cause or organized on behalf of the Crown, those who struggled for political independence staked a claim to authority over the future of that property. But importantly, seizing loyalist property also made a statement about the connections between this ability to strip property ownership from British subjects and what it might mean to be something other than subjects of an empire, how a new category of “citizenship” might be emerging. To these ends, the Pennsylvania legislature passed additional

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<sup>97</sup> Forfeited Estate Files, Revolutionary War Records, PSA; Revolutionary War legislation, Pennsylvania State Legislature and Council of Safety, Revolutionary War Records, PSA. On the emerging definition of citizenship see Dror Wahrman, “The English Problem of Identity in the American Revolution,” *The American Historical Review* Vol. 106 (Oct., 2001): 1236-1262.

<sup>98</sup> Ruma Chopra, *Unnatural Rebellion: Loyalists of New York City during the Revolution* (Charlottesville, VA: University of Virginia Press, 2011); James Henry Stark, *The Loyalists of Massachusetts and the Other Side of the American Revolution* (Baltimore: Clearfield, 1999); Isaac Harrell, *Loyalism in Virginia: Chapters in the Economic History of the Revolution*, (Durham, NC: Duke University Press, 1926); Harry Beller Yoshpe, “The Dispositions of Loyalist Estates in the Southern District of the State of New York”, (PhD diss., Columbia University, 1939); Wallace Brown, *The King’s Men*.

legislative acts after 1777 that linked questions of loyalty and citizenship rights. Continuing to meet, despite the occupation, legislators immediately began punishing those who did not support their cause, shielded by the laws of a newly forged state. The Council of Safety, now meeting in Lancaster, denounced those who “wickedly joined” their enemies and further prohibited any aid to the British.

The commonwealth of Pennsylvania declared on October 21, 1777 that “all personal estates and effects belonging to those who supported the King of Great Britain and gone within the British lines” were to be seized.<sup>99</sup> It further appointed Commissioners to confiscate, keep a record, and oversee the sale or auction of Loyalist properties. The Commissioners maintained moveable goods prior to auction, and collected the revenue from sales of property and personal effects. Most counties assigned their own Commissioners to oversee confiscation; however, the city and county of Philadelphia appointed separate Commissioners to handle its significant loyalist population.<sup>100</sup>

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<sup>99</sup> Pennsylvania County of Safety, 21 October 1777, Broadside, Revolutionary War Records, PSA.

<sup>100</sup> Ibid. For the city of Philadelphia the Commissioners were William Will, Sharp Delany, Jacob Shriner, Charles Wilson Peale, Robert Smith, and Samuel Massey. For the county of Philadelphia the Commissioners were William Antis, Robert Lollar, James Stroud, Daniel Hiester, and Archibald Thompson. Philadelphia received additional scrutiny and care because of the damages that occurred during the period of occupation by notorious loyalists.

In early 1778, the Pennsylvania legislature added to these activities by passing “An act for the attainder of diverse traitors,” amending its previous legislation and, strengthening its resolve to single out traitors who:

have most traitorously and wickedly, and contrary to the allegiance they owe to the said state, joined and adhered to, and still do adhere to, and knowingly and willingly aid and assist the army of the King of Great-Britain, now enemies at open war against this state and the United States of America, and yet remained with the said enemies in the City and County of Philadelphia, where they daily commit diverse treasonable acts without any sense of honor, virtue, liberty, or fidelity to this state.<sup>101</sup>

The treasonous individuals identified by the legislature varied greatly in profession and community status, and they resided throughout Pennsylvania. Among them were: Joseph Galloway who had aided General Howe; John Allen who had formerly served on the committee of inspection; William Allen, a current British lieutenant-colonel; James Rankin, a yeoman of York County; Jacob Duche, the previous Chaplain to Congress; Gilbert Hick, a farmer from Bucks county; John Potts, a farmer from Philadelphia County; Nathaniel Vernon, the former sheriff of Chester County; Christian Fouts, a lieutenant-colonel; Reynold Keen, a farmer from Berks County; John Biddle, a deputy quarter master; and Samuel Shoemaker, a former Alderman and and former mayor of Philadelphia as well as a prominent merchant.

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<sup>101</sup> “An act for the attainder of diverse traitors,” Pennsylvania Council of Safety, printed in Lancaster [PA], by John Dunlap in 1778, Revolutionary War Records, PSA.

Legislators targeted this particular group of men because of their involvement and association with British occupation of Philadelphia. In varying capacities, all of these men had aided the British and resided within the enemy lines by giving intelligence or serving the British army. For example, Samuel Shoemaker was part of the influential group of men who advised General Howe. Together these men were found guilty of treason and singled out for punishment by the state of Pennsylvania.<sup>102</sup>

The legislators also used “An Act for the attainder” that was formulated during 1778 to identify the lingering avowed British subjects who lived among the body of citizens with patriot allegiance. The act deemed those who joined the British forces as the most “traitorous and wicked” of men, for they had acted “contrary to the allegiance they owe to the said state.” Pennsylvania legislators declared these men “enemies at open war against this state and the United State of America. . . [they] remain with the said enemies in the city and county of Philadelphia, where they daily commit diverse treasonable acts, without any sense of honor, virtue, liberty or fidelity to this state.”<sup>103</sup> Men like Joseph Galloway and Samuel Shoemaker, so obviously loyal to the British crown, had lost their rights and privileges in Pennsylvania. Section five of the Act for

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<sup>102</sup> Ibid. On page 2 of the act, additional information can be found describing the individuals who committed their treasonous offenses against Pennsylvania by joining the loyalists cause.

<sup>103</sup> John Bioren, *Laws of the commonwealth of Pennsylvania, Volume II* (Philadelphia: Printed by John Bioren, 1806), 165-173. Original editions of this book, which has also been copied onto microform, are found at the Library Company of Philadelphia.

Attainder clearly stated that any individual named as a traitor or found guilty of treason since July 4, 1776 would "be duly attainted as guilty of treason, [their property] should be discovered, and applied to the use of the state."<sup>104</sup> A second act in 1778 outlined the process for confiscation, stating the goods would be inventoried and collected by a state appointed commissioner mentioned in the previous legislation from 1777.<sup>105</sup> Furthermore, additional sections of the law explained that debts owed from loyalists to patriot residents were not only outstanding but required immediate repayment.<sup>106</sup>

Maryland, unlike Delaware and Pennsylvania, had not been occupied but faced uncertainty and disruptions due to loyalist activities. In 1777, following the adoption of the "Act to Prevent the Growth of Toryism and an Act for the Better Security of the Government," county authorities began to create lists of men who were patriots and

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<sup>104</sup> Bioren, *Laws of the Commonwealth of Pennsylvania, Volume II*, 167.

<sup>105</sup> Ibid. The sale of the goods would be done publicly at auction, following the issuance of a public notice at least ten days prior. Commissioners would examine debts owed by these men and pay them from the confiscated estates. The remainder would go to the state. Curiously, the final section of legislation outlined provisions for the wives and children of the named loyalists. The Pennsylvania Supreme Court could "order and appropriate parts of the said forfeited estates for the support of such traitor's children, or wife."

<sup>106</sup> The repayment of debts was clarified in additional pieces of legislation, see John Bioren's, *Laws of the Commonwealth of Pennsylvania, Vol. 2*, on pages 167-174. For additional information. There is also some discussion on the escalation of confiscation in William Siebert's *The Loyalists of Pennsylvania*, although it is brief and not an in depth analysis of the practice of confiscation.

identify those suspected of being loyalists. The Act stated that oaths to support independence were to be taken and recorded in front of the magistrate of the county in which the person resided. The magistrate for each county in Maryland was required to keep books and have all men sign their name.<sup>107</sup> Records were collected for those who did not sign, suspected of treasonous activity, or reported by their neighbors.<sup>108</sup> Across the state of Maryland counties faced a daunting task, they had to account for the allegiance of all free male citizens over the age of eighteen.<sup>109</sup> This identification represents one of the initial efforts to define a body of citizens in Maryland. The patriot legislature used oaths of loyalty to delineate clearly who was part of the new body of citizens. They also effectively identified those who were not part of the newly independent state.

Next, the Maryland legislature considered the issue of loyalist property confiscation in December 1779, and members of the lower house argued that the state

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<sup>107</sup> Alexander Contee Hanson, *Laws of Maryland, consisting of the acts of the Assembly under the proprietary government* (Annapolis: Printed by Frederick Green, 1784), 187. The text, typically referred to as Hanson's *Laws of Maryland* and online is referenced as volume 203, consists of a compilation of legislation as Hanson was responsible for keeping the recorded. The original copy can be found at the Maryland State Archives, but the record has also been digitized and is available through the Maryland State Archives website.

<sup>108</sup> Colonial officials used tax lists to compare who had signed and who had not, and then matched these records with the names of alleged or believed to be traitors.

<sup>109</sup> This is according to the outline of the law in the 1777 Act for the Better Security of the Government. For additional information see Hanson's *Laws of Maryland* for the complete text. There is also some record in the Revolutionary War Records collection at the Maryland State Archives.

needed to do so in order to help finance the war effort. In order to justify the confiscation, they argued this property belonged to all Americans and was no longer rightfully owned by enemy British subjects. Charles Carrollton initially opposed the confiscation and wrote on behalf of the Senate. The Senate rejected confiscation and felt it was not a feasible task, feeling it would not generate substantial revenue for the state.<sup>110</sup> The two houses continued to argue over the necessity of British property confiscation, but eventually both sides agreed it would generate some revenue for the state. Furthermore, both sides agreed the state had the right to confiscate property, for the British subjects had forfeited their status in the state.<sup>111</sup> Some legislators were not without self-interest as well. Samuel Chase, a wealthy landowner and member of the General Assembly, sought to confiscate property for private profit. Likewise, so did a cluster of state land speculators who viewed land confiscation as a quick method for personal gain, including Daniel Jenifer and William Paca.<sup>112</sup>

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<sup>110</sup> Votes and Proceedings November 1779, Legislative Records, MSA. For specific information regarding the November Session meetings, pages 17-27 contain the discussion over confiscation.

<sup>111</sup> William Kilty, *Laws of Maryland, Laws I* (Annapolis: Printed by Frederick Green, 1800), 8-17. William Kilty, an attorney at law, was responsible for keeping and collecting some of the legislative records and compiled the laws in two volumes. They are available at the Maryland State Archives and the collection, sometimes referred to as Kilty's *Laws of Maryland Vol. 192*, can be accessed online.

<sup>112</sup> Hoffman, *Spirit of Dissension*, 251-268. For more information on the relationship among the elites in Maryland see Hoffman's Chapter 10: The End of the Popular Party.



In order to confiscate loyalist property, the Maryland legislature passed “An Act to appoint Commissioners to preserve Confiscated British Property” in 1780. They determined they had the ability to seize the property of loyalists and absentees since both of these groups had forfeited their rights when they refused to associate with the patriot cause. As an additional justification for the confiscation of property, the law formally stated that the “British army and navy, and other armed vessels, acting under the authority of the British king, have seized in this and other of the United States the negroes and other property of the citizens of these states, and the property so seized have carried off and disposed of at their will and pleasure.” Maryland could do the same with British property.<sup>113</sup> William Paca, Uriah Forrest, and Clement Hollyday were appointed Commissioners for seizing, confiscating, and appropriating all British property in the state. The Commissioners were told to produce at the next meeting of the general assembly an inventory of all British property they discovered.<sup>114</sup>

In Delaware, legislation concerning loyalists emerged after the April 1778 rebellion led by Cheney Clow, a loyalist from Kent County.<sup>115</sup> Originally from

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<sup>113</sup> Hanson, *Laws of Maryland*, 269.

<sup>114</sup> Hanson, *Laws of Maryland*, 273-274. They were in charge of confiscating property until 1782 when they were placed under the Intendant of Revenue, and formally freed of all duties in 1784.

<sup>115</sup> Hancock, *The Loyalists of Revolutionary Delaware*, 39-42.

England and raised in Queen Anne's County in Maryland, Clow moved to Kent County, Delaware, some time before the Revolution. In Kent County, an area with a substantial loyalist population, Clow rallied together a number of men opposed to the newly independent Delaware. The rebels seized arms, provisions, and prisoners and blockaded themselves within a house near the Chesapeake Bay. They drew new supporters to their cause, and reportedly built a fort. Troops from Maryland and Delaware were sent to quell the rebels, but Clow and his followers fled to the surrounding swamps of the Chesapeake where they were captured one by one. Clow evaded capture until 1782, but he was executed in 1787. It is said, however, that Cheney Clow's 1778 Rebellion marked "the end of the loyalist challenge in Eastern Shore of Maryland and Delaware."<sup>116</sup>

The Delaware Assembly met to pass a series of laws to put down future insurrections anyway, and Caesar Rodney was elected as the new President of Delaware by a General Assembly vote of 20 to 4. Rodney, who had served as an officer in the Delaware militia, unmistakably favored independence from Great Britain. As a signer of the Declaration of Independence, his election also signaled measures to punish loyalists. In May 1778 the Assembly passed a series of three laws to deal with the loyalist problem. Like Maryland, Delaware first required oaths of allegiance. "An act for the further security of the government" required every white

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<sup>116</sup> Mason, "Localism, Evangelicalism, and Loyalism," 50-51; Hancock, *The Delaware Loyalists*, 34-35. It is unclear exactly where Clow and his men fortified themselves, but it is rumored to be near Kenton fort in Delaware.

male over the age of 21 to appear before the justice of the peace and take an oath of allegiance by July 1, 1778. The consequences for not pledging allegiance included the inability to hold any civil or military office, vote in official elections, or serve in a jury trial – all of which would become the hallmarks of citizens’ rights in the coming years.<sup>117</sup>

A second act legitimated confiscating supplies, horses, property, and boats of those loyalists who were caught trading with the British military. The Delaware government had hoped to curtail and punish those caught aiding the enemy vessels blockading the bay. A third act, “An Act of Free Pardon and Oblivion,” granted officials of the state the ability to seize property from those who refused to take an oath of allegiance. However, Delaware’s confiscation act was narrower and less contentious. Importantly, it stated that those who had neglected to take the oath of allegiance and had their property confiscated, with the exception of forty-six named loyalists, would have their freedom and property restored if they took the oath by August 1, 1778. Those individuals would still never be able to hold civil or military office or vote. Curiously, Delaware identified forty-six specific loyalists – known participants in the Clow Rebellion or known associates of occupying British forces -- in their confiscation laws for partaking in treasonous acts that could not be forgiven; they would forever be stripped of property and political rights. The general assembly

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<sup>117</sup> Hancock, *The Delaware Loyalists*, 32; Proceedings of the Assembly of the Lower Counties of Delaware and the House and the Assembly of the Delaware State, 1776-1781, DSA.

did agree, however, that their wives and children would be able to receive a portion of the sale of their husbands' property.<sup>118</sup>

Delaware records reveal that a substantial number of men were charged and fined for "levying war against the state of Delaware." Seventy-five men were listed and fined for treason or levying war against the state of Delaware from 1777 to 1781, and their fines ranged from 50 pounds to 9000 pounds.<sup>119</sup> There is no record pertaining to the collection of the various fines, nor are there detailed explanations for the specific amounts of individual fines. But it appears that like Maryland, Delaware engaged in an identification process that distinguished levels of treasonous activity.

Despite the different laws and procedures from state to state, loyalist property confiscation became an effective tool for identifying traitors across the mid-Atlantic. The confiscation of loyalist property helped identify individuals who had, for one reason or another, betrayed the principles of the patriots and therefore lost the privileges of property ownership. The act of seizing property was something very real the patriots did in order to exert their new position as independent citizens. As citizens, no longer British subjects, they used property confiscation legislation to

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<sup>118</sup> Hancock, *The Delaware Loyalists*, 32. Among the loyalists included were from New Castle County and believed to be instrumental in the insurrections were loyalists Joshua North, William Almond, John Almond, John Drake, John Watson, Charles Gordon; in Kent County loyalists Cheney Clow, William Burrows, Simon Van Winkle, Prestly Allee; in Sussex County Thomas Robinson, Joshua Hill, James Rench, Boaz Manlove, Dorman Loftland, Abraham Whitbank, and Simon Kollock.

<sup>119</sup> Military Records, Vol. 3 Part II, Page 1300, Military Records Collection, DSA.

delineate who was and who was not part of the emerging independent republics. Part of this process of citizen making, then, included the practical exclusion of individuals not part of the newly forming states, quite apart from other exclusionary discourses about race and gender. The exclusion of loyalists from the rights of citizenship further included the prohibition on office holding, rights in the courts, and property ownership also emerged during the Revolutionary struggle. In the coming months and years, however, the patriots would find out that identifying loyalists and seizing their property would be an inherently complex task and an enormous undertaking.

**Chapter 2**  
**THOSE WHO LEFT, THOSE WHO WERE LEFT BEHIND,**  
**1774 TO 1780**

Making the decision to struggle for dissenters' rights as loyalists, move behind the lines of British occupying forces, or seek the safety of a new home elsewhere in the British Empire was wrenching for most loyalists. Those who fled often left behind property and sometimes members of their families. Many loyalists in the mid-Atlantic region fled north to British controlled New York, but others ventured throughout the Atlantic World without their clothing, crops, houses, stores, and valuable bonds, ships, and houses. Meanwhile, the confiscation of loyalists' property hastened with their departure and was aided with proliferating confiscation acts. The patriot controlled legislatures in Pennsylvania and Maryland asserted their fragile new authority through confiscation, thereby not only accumulating property for patriot defense costs, but also clarifying the lines between those who deserved to own property in the newly independent states – and thereby earn the privileges of citizenship, as that term evolved -- and those who deserved to be outside that circle.

## 1. Deciding Whether to Flee or Stay

Loyalists began leaving or retreating more deeply into the North American colonies as early as 1774. Mary Beth Norton believes that the first signs of loyalist flight can be traced to August and September 1774, when “frightened Massachusetts citizens” sought shelter in Boston. Norton argues that early on these individuals were unprepared for “the sudden explosion of violence that greeted the Intolerable Acts.”<sup>120</sup> In Philadelphia, Maryland, and Delaware loyalists fled at different points in the Revolution, responding to various different threats from neighbors and business associates, and then responding to the patriot legislative bodies involved in defining the rights of citizens through the identification and exclusion of loyalists.<sup>121</sup> Some loyalists fled at the beginning of the war, knowing they had already been identified as treasonous individuals. Other loyalists in Philadelphia became targets during the occupation of the city as evidenced by legislation passed requiring oaths of fidelity and the confiscation of loyalist property.<sup>122</sup>

Moreover, in transitioning to a body of American citizens, the former colonists had to determine what exactly being a “citizen” entailed and, perhaps more

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<sup>120</sup> Norton, *The British-Americans*, 15-16.

<sup>121</sup> Van Buskirk, *Generous Enemies*, 177.

<sup>122</sup> See loyalist property confiscation laws in Chapter 1. The can be found in the legislative records collections at the Maryland State Archives, Delaware State Archives, and Pennsylvania State archives. See also Bioren’s *Laws of Pennsylvania*, Hanson’s *Laws of Maryland*, and Kilty’s *Laws of Maryland*.

importantly, how to reconcile their past British identity with their new independent status. As Douglas Bradburn aptly notes, this was a “complicated affair,” for rejecting British identity was “difficult, shocking, and never universal.” It required individuals to evaluate their local identities, histories, and regional cultures.<sup>123</sup> Building a body of American citizens required more than a rejection of British imperial authority. The colonists had to determine more than the legal rights of being a citizen, they had to reconcile what being an American citizen meant in practical terms as they moved into a condition of economic and cultural freedom from the British Empire.<sup>124</sup> As the loyalists fled, they created an opportunity for the Patriots to claim citizenship.

The loyalist diaspora, according to historian Maya Jasanoff, created waves of loyalist migrations before, during, and after the American Revolution.<sup>125</sup> Thousands of loyalists initially sought refuge in New York throughout the seven-year occupation. Between 1776 and 1783, loyalists fled north to the British occupied New York in waves as the British army withdrew from locations across the colonies. Historian

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<sup>123</sup> Van Buskirk, *Generous Enemies*, 5-6.

<sup>124</sup> Non-Associators, a loosely defined category of those who refused to claim allegiance to either side in favor of neutrality, also puzzled the legislature and were often referred to in legislation as non-jurors. Some have used the term disaffected to refer to individuals who choose neutrality during the revolution. For additional discussion on this term, see the forthcoming discussion provided by Michael McDonnell in *The American Revolution Reborn*, eds. Michael Zuckerman and Patrick Spero (Philadelphia: University of Pennsylvania Press, 2016).

<sup>125</sup> Jasanoff, *Liberty's Exiles*.



Judith Van Buskirk notes that “surges of new Tories” arrived in New York as the British lost control of areas: New Jersey in 1777; Philadelphia in 1778; Rhode Island in 1779; Virginia in 1779, 1780, and 1781; South Carolina in 1781.<sup>126</sup> New York represented safety for many loyalists, but it also presented a great departure from previous lives. The loyalist refugees overwhelmed the living quarters of many cities even though they tried to recreate their homes, businesses, and lives.<sup>127</sup> Oftentimes these loyalists had left behind their wives and children and they struggled with that separation.

Some loyalists, however, recognized the ability to stay in the American colonies was not permanent and they would likely have to leave at some point during the war. As the British lost control over areas throughout the colonies, New York became the final secure area. For example, in the southern colonies, five thousand white loyalists and ten thousand slaves left when the British evacuated Savannah in July 1782 and Charleston in December 1782.<sup>128</sup> New York emerged as the “last

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<sup>126</sup> Van Buskirk, *Generous Enemies*, 26.

<sup>127</sup> In Judith Van Buskirk’s *Generous Enemies* she mentioned Rebecca Shoemaker throughout the text. In particular, Chapter 1 discusses Rebecca Shoemaker extensively. In a similar fashion, Maya Jasanoff in *Liberty’s Exiles* also follows a cast of characters and attempts to trace the narrative of some of those in the loyalist diaspora.

<sup>128</sup> Ruma Chopra, *Unnatural Rebellion: Loyalists in New York City During the Revolution* (Charlottesville: University of Virginia Press, 2011), 199.

bastion of loyalism in the rebel colonies.”<sup>129</sup> However New York City also fell, and with that, the loyalist diaspora was felt throughout the British Empire. It is estimated that around sixty-two thousand loyalists fled their colonial homes because of the American Revolution. Approximately thirty-eight thousand went to colonies in British North America and to the Canadian territories, three thousand to Jamaica, twenty-five hundred to the Bahamas, and five thousand to Florida.<sup>130</sup> Historian Cassandra Pybus has looked extensively at the evacuations of black loyalists and their flight from New York. She noted that many black loyalists left for Sierra Leone at the conclusion of the Revolution. Pybus has also estimated that between eight and ten thousand black loyalists survived the 1783 evacuation and gained their freedom.<sup>131</sup>

Many of the loyalist refugees settled in the Canadian provinces in Nova Scotia and Brunswick, with the vast majority evacuating from New York to those places. At the end of summer in 1784 it is estimated that twenty-eight thousand loyalists settled in the region. Clearly, the Canadian provinces served as a primary place for loyalist

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<sup>129</sup> Chopra, *Unnatural Rebellion*, 199.

<sup>130</sup> Jasanoff, *Liberty's Exiles*, 13, 91, 349-9. For an excellent synthesis see Jerry Bannister and Liam Riordan, “Loyalism and the British Atlantic, 1660-1840,” 3-36.

<sup>131</sup> Cassandra Pybus, “Jefferson’s Faulty Math,” *William and Mary Quarterly* 62 no. 2 (April 2005), 243-64. See also Cassandra Pybus’s *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston: Beacon Press, 2006) for an exploration and discussion of the lives of individuals from the faceless and nameless tens of thousands that characterize a good deal of the historical discussion of black runaways during the Revolution.

settlement at the conclusion of the American Revolution. Britain offered incentives of free land, supplies, and other provisions to aid the loyalist refugees. As Maya Jasanoff has noted, loyalists spread loosely throughout the British Empire, but in Canada they formed new communities, sought government compensation, and influenced the role of imperial government after the war wherever they settled in substantial numbers. The loyalist diaspora into Canada transformed the provinces of Nova Scotia, New Brunswick, and Quebec, bringing a large group of individuals to lesser settled areas of the British Empire.<sup>132</sup>

Other loyalists fled to Britain, seeking refuge with family and friends. Historians estimate that nearly seven thousand loyalists fled to Britain between 1774 and 1789, most of them gathering in England early in the Revolution. Notorious loyalists such as Thomas Hutchinson fled his home of Massachusetts for Britain on June 1, 1774 to escape threats by angry patriots after threats, vandalism, and mob violence. Many of the loyalists who fled to England between 1774 and 1775 believed the conflict between colonial America and the crown could and would be resolved.<sup>133</sup> As the American Revolution escalated, increasing numbers of loyalists fled to Britain including both well-established loyalists associated with the British military and occupations, but other middling class loyalists fled as well. However, the transition to

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<sup>132</sup> Jasanoff, *Liberty's Exiles*, 9-15.

<sup>133</sup> Norton, *The British-Americans*, 11, 43.

life in England was difficult. Some loyalist exiles struggled to find affordable housing along with the other refugees, and consistent work, and they struggled to support their families. Other loyalists used extensive networks and wealth to aid in their transition to life in London and rekindled networks of family, friends, and business ties.<sup>134</sup>

The loyalists of Philadelphia left at different points during the war and spread throughout the British Empire in similar ways that loyalists from other colonies did. Some Philadelphia loyalists anticipated the occupation and fled before it took place. Loyalist merchant Thomas Mackeness, for example, initially left Philadelphia in September 1775 in order to avoid “taking an active part against Great Britain.” He first traveled to England, but returned to the American colonies once Great Britain seized control of New York. Mackeness served as a volunteer in loyalist associations for three years during the war, and traveled to South Carolina to aid the southern campaign. There is evidence that Mackeness traveled to England and Quebec prior to 1783, for as he notes, some books were stolen from him on a voyage from England to

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<sup>134</sup> Norton, *The British Americans*, 63-70; Also Judith Van Buskirk’s *Generous Enemies* for additional information. Much of the description of loyalist struggle can also be found in the Loyalist Claims Commission in the testimonies of exiled loyalists.

Quebec by an American privateer named “Hawk.”<sup>135</sup> Although he left early in the conflict, he returned to North America to aid Britain after the mid-point of the war.<sup>136</sup>

Other Philadelphia merchant loyalists fled at the beginning of the war in hopes of establishing their business in London for the duration of the war. Matthias Aspden departed Philadelphia in 1776 and left much of his business and property in the hands of family and trusted acquaintances. Previously, in September 1775, Aspden witnessed the violent beating of a suspected loyalist, John Kearsley, in the streets of Philadelphia. Aspden began to fear for his personal safety and prepared to depart the city. He secured his businesses, drafted a will, and assigned individuals to watch over his property. In his will Aspden noted his intention of leaving Philadelphia for Britain, and he put his debts, property, and finances in order. His will calls for his executors to use all of his funds to first pay his debts and also collect all of the debts owed to him. Next, as Matthias Aspden did not marry and had no children, he left his property to various relatives. His house and grounds on the east side of Water Street in Philadelphia, his plantations in Chester County, and the sum of £4,500 to all be divided equally among his three nephews Joseph Harrison, Matthias Harrison, and George Harrison. Aspden also left £3000 to his nieces Mary White and Anne

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<sup>135</sup> Mackeness Claim, AO 12/38 British Claims Commission, UD. The confusion over his record and this loyalist is found with his last name. He is also referenced in the Lorenzo Sabine’s *Biographical Sketches of the American Loyalists* as Thomas Mackiness.

<sup>136</sup> It is not clear where Thomas Mackeness took final residence at the conclusion of the American Revolution.

Harrison. His half brothers Roger, James, and Benjamin Hartley were each left £1000. James Hartley was also bequeathed Aspden's silver plates. Smaller sums of money from £100 to £500 were left to Aspden's half sisters and a cousin, and the remainder was bequeathed to his nephews Joseph, Matthias, and George Harrison. Aspden declared that Joseph Harrison, James Hartley, and Jacob Cooper all share responsibility for being the executor of his will on March 24, 1776.<sup>137</sup>

Once Aspden got his affairs in order, he began to search for safe passage in May 1776. Securing passage was complicated as the American Revolution gained momentum. Aspden wrote to a friend about difficulties in securing a safe means of travel. His friend, Hugh Wallace, replied "I observe your intention of going to Europe by first opportunity, yet I see little hopes of your getting there in any merchant ship...the West Indies will be the safest and surest method."<sup>138</sup> Aspden headed Wallace's warning and delayed his trip to Great Britain. After many failed attempts

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<sup>137</sup> Introduction, Matthias Aspden, *Letters and Other Documents Produced in the Case of the Succession of Matthias Aspden and Ordered to be Printed* (Philadelphia, 1837), 1-21. This book is a collection of documents, letters, and other materials that pertain to Matthias Aspden and his heirs contest to his will. The will cited on March 24, 1776 details the exact way in which Aspden bequeathed his money. In addition to those listed above, he left his half sisters Bersheba Sane and Rebecca £500 a piece, his aunt Margaret Bailey in Lancaster Great Britain £200, cousin John Aspden of London £100, cousin William Aspden of Lancaster Great Britain £100, cousins Elizabeth Corley and Ann Aspden each received £100, and his cousin William Aspden £100. This will also revoked all former and other wills, and Aspden declared it to be his final will and testament.

<sup>138</sup> Hugh Wallace to Matthias Aspden, May 20, 1776 in Aspden, *Letters and Other Documents*, 18.

Aspden eventually secured safe passage and crossed the Atlantic in 1777. By June 1777 Aspden arrived in Bristol, where he kept in constant contact across the Atlantic through extensive letters with merchants and friends about his business in Philadelphia, the ability to send cargo on merchant ships during wartime, and the likelihood of his returning to America.<sup>139</sup>

As a consequence of his inability to fully access North American consumers, Aspden used his exile in London to travel to Spain and Amsterdam to open up new markets for trade. For example, correspondence on August 4, 1778 with the Dutch trading company T. Van Egmont & Son describes the impact of the war on trade. The Dutch partners called for payment and claimed that no Dutch vessels of any kind would be going to England during this time because “navigations began to turn perilous.”<sup>140</sup> On the other hand, Dutch merchants J. and J. Van de Wall hoped to conduct trade with Aspden if, and when, he returned to Philadelphia. They felt confident that Aspden was a good risk, as his Philadelphia contacts regarded him highly; once the conflict subsided, they wrote, “we hope you may be so happy as to

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<sup>139</sup> William Priddie to Matthias Aspden, June 15, 1777 in Aspden, *Letters and Other Documents*, 19. The documents do not state when precisely Aspden arrived in Bristol. The correspondence from June 15, 1777 does list that Matthias Aspden was currently receiving letters in Bristol.

<sup>140</sup> T. Van Egmont and Sons to Matthias Aspden, August 4, 1778 in Aspden, *Letters and Other Documents*, 23.

meet them once again.”<sup>141</sup> In this way, Aspden used his perch in the British empire to continue a flow of goods to the empire’s enemies during the Revolution whenever possible.

Aspden also utilized his correspondence with merchants to inquire about friends in Philadelphia and the ongoing events of the American Revolution. In a letter to J. Van de Wall in November 1779 Aspden wrote, “You will please to excuse my troubling you with politics, but being idle man until I can return to America, they will unavoidably force an observation or two now and then from being the chief objects of attention, when it had better be left alone.” Later, in the same letter, Aspden requested copies of any newspapers from Philadelphia.<sup>142</sup> In January 1780, two months later, Van de Wall wrote back and replied, “We have nothing new to communicate you from America at present...no vessels going direct to the port of Philadelphia.”<sup>143</sup> Aspden nevertheless remained hopeful about re-establishing ties to his former home port; until then, he was “an idle man until [he] can return to America.”<sup>144</sup>

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<sup>141</sup> J. and J. Van de Wall to Matthias Aspden, August 28, 1778 in Aspden, *Letters and Other Documents*, 24.

<sup>142</sup> Matthias Aspden to J. and J. Van de Wall, November 30, 1779 in Aspden, *Letters and Other Documents*, 25-26.

<sup>143</sup> J. and J. Van de Wall to Matthias Aspden, January 18, 1780 in Aspden, *Letters and Other Documents*, 26.

<sup>144</sup> Aspden to J. and J. Van De Wall, Nov. 30, 1779 in Aspden, *Letters and Other Documents*, 25-26.



Aspden's correspondence also reveals significant concern over his property in Philadelphia. As the Patriot legislature passed laws in Pennsylvania to confiscate his estate, Aspden's colleagues and friends wrote to tell him of his losses of "material property." Friends advised him to "continue in England,"<sup>145</sup> although Aspden wrote to Reverend William White in July 1780 to congratulate him on the arrival of a new baby and noted his desire to be near his old friends. Aspden also commented, "It would give me pleasure to embrace them."<sup>146</sup> His letters reflected a sense of loss and sadness due to prolonged separation. Aspden inquired about other acquaintances in his letters, but also about the likelihood of his being able to return to the city. On December 12, 1782 he wrote to James Hartley, in Philadelphia, "Be candid and tell me in your next, whether a person who formerly lived in Philadelphia can return and live with comfort in it again, knowing in what hands power must rest, and being disposed to conduct himself on fair and honest principles." In short, he asked, "what protection is the person and what security the property of the subjects in much or little." Aspden continued, "nor do I expect if I return to America, I can lead a very pleasant life. Comfort I believe is not for us in our day."<sup>147</sup> James Hartley replied that the

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<sup>145</sup> L. Cower to Matthias Aspden October 19, 1780 in Aspden, *Letters and Other Documents*. 29.

<sup>146</sup> Matthias Aspden to Reverend William White, July 10, 1780 in Aspden, *Letters and Other Documents*, 27-28.

<sup>147</sup> Matthias Aspden to James Hartley December 12, 1782 in Aspden, *Letters and Other Documents*, 36-37.

Committees of Safety in Pennsylvania, which were determining cases of loyalists, questions of treason, and what to do with loyalist property, had become aggressive in executing their tasks. Hartley did not know what Aspden's fate would be if he returned; "altho' I should be extremely glad to see you, I cannot recommend to you to come here immediately."<sup>148</sup> Another friend, Joseph Harrison of Philadelphia, wrote in 1783 that "I am very sorry to say that at present I see nothing that can promise you the tranquility you might wish on your return to this country."<sup>149</sup>

Other loyalists struggled in similar ways with leaving behind property and close personal ties in Philadelphia. William Moorehead described immense hardship and burden for his loyalty to the King and this forced flight from Pennsylvania. William only arrived in Pennsylvania in 1773, after emigrating from Ireland in search of land and opportunity for his wife and children. He sold his leases and property in Ireland so that he could purchase a piece of land near Philadelphia in 1774, saving for a year to buy "120 acres" where he cultivated the land and worked to build a cabin. Within two years, William, his wife, and their five children were living in their new home on their property near Philadelphia when the Revolutionary war broke out. William, however, retained his "unshakeable loyalty to his majesty and endeavored as

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<sup>148</sup> James Hartley to Matthias Aspden July 8, 1783, in Aspden, *Letters and Other Documents*, 40-41.

<sup>149</sup> Joseph Harrison to Matthias Aspden October 17, 1783, in in Aspden, *Letters and Other Documents*, 47.

much as possible to suppress and check the factious spirit of rebellion.” In 1777, as a consequence of his allegiance, William was fined for refusing to take up arms in favor of the Patriot cause. He did not pay the fine and was taken prisoner by the patriots and his lands were seized. William testified that he escaped the prison to the British lines in occupied Philadelphia. In 1778 William, then quite ill and too weak to join British military forces, left Philadelphia for Ireland with his family on a merchant ship; after the war he reported losses of property in America. Along with many other British subjects in the American colonies, William lost everything and fled with the knowledge that he would likely never know what happened to his home, his possessions, or his land in North America.<sup>150</sup>

Philadelphia merchant Thomas Yorke fled as the patriots organized their resistance and sought safety outside the colonies at the start of the American Revolution. Yorke fled with other British sympathizers and left behind property, family, and a valuable business. He owned the ship *Rittenhouse* with fellow loyalist John Potts, both of whom suffered the loss business and family. Yorke refused to sign the oath to the rebel states and thus fled Philadelphia in November 1776 for his own safety. He first traveled to France and then settled in England.<sup>151</sup> John Potts, the co-owner and business partner of Thomas Yorke, also fled Philadelphia during the

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<sup>150</sup> Claim of William Moorehead, AO 12/38, British Claims Commission, UD.

<sup>151</sup> Claim of William Potts, AO 12/38, British Claims Commission, UD.

Revolution. With the destruction of the *Rittenhouse* and other property along Philadelphia's waterfront, Potts fled for safety behind British lines, following the army to New York after the evacuation of Philadelphia in 1778.<sup>152</sup>

The evacuation of Philadelphia forced many additional loyalists to flee quickly. James Humphrey had opened a newspaper in Philadelphia, the *Pennsylvania Ledger*, which supported the British. Consequently, Humphrey's loyalty to the crown was highly visible and he felt that after "persecutions and a number of publications stirring up the populace against him, he was obliged to fly and conceal himself in the country at great expensive in very uncomfortable situations till the arrival of the royal army at Philadelphia." Once the occupation of Philadelphia ended Humphrey, like many others, fled to New York. He left behind his business and property, and subsequently sailed for Nova Scotia, fearing his inability to support his wife and three children.<sup>153</sup>

Loyalist Justice Walker, too, was forced from Philadelphia fearing for his life. Walker arrived in Philadelphia in 1775 after living in London for twenty-one years prior to that. His wife followed shortly after and together they began a life in Philadelphia, purchasing a house and running a tavern. At the beginning of Revolution, Walker refused to sign association oaths and he was threatened with

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<sup>152</sup> Ibid.

<sup>153</sup> Claim of James Humphrey, AO 12/38, British Claims Commission, UD; Claim of William Moorehead, AO 12/38, British Claim Commission, UD.

imprisonment. Like others, Walker joined the British troops in Philadelphia and followed them during the evacuation to occupied New York. Walker left behind his house, furniture, and the stores of liquor at his tavern.<sup>154</sup>

Philadelphia Loyalist Thomas Badge fled Philadelphia prior to the occupation, returned, and fled again in 1778 with great consequences. Badge had lived in Philadelphia for sixteen years with his family after having lived in Ireland. He came to Philadelphia in 1767 and worked as soap boiler who made candles and soaps. At the start of the Revolution, Badge made soap and candles for the rebel patriots, but he refused to take the oath of allegiance. Consequently, he was suspected of being a loyalist sympathizer and was forced from the city about six months before the British took control of Philadelphia. Badge's loyalist sympathies forced him to leave behind his wife and five children. He also suffered physically from fleeing during the American Revolution. Upon first leaving Philadelphia Badge sought sanctuary behind the British lines by gathering intelligence for William Howe. Badge was then employed to lead the British troops into Philadelphia, through the Chesapeake Bay and up through Head of Elk in nearby Maryland. While guiding the British troops, Badge took a musket ball in the right arm in a local skirmish with patriots.<sup>155</sup>

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<sup>154</sup> Claim of Justice Walker, AO 12/38, British Claims Commission, UD; Claim of William Moorehead, AO 12/38, British Claims Commission, UD.

<sup>155</sup> Claim of Thomas Badge, AO 12/38, British Claims Commission, UD; Claim of William Moorehead, AO 12/38 Claim, British Claims Commission, UD.

Leading loyalist Joseph Galloway left Philadelphia immediately following the British occupation. Prior to then, Galloway was a significant figure in colonial Pennsylvania politics and government. In 1774 he was a member and then Speaker of the Assembly in Philadelphia. As Jessica Roney has noted, Philadelphia had a unique political background given the organization of the commonwealth. In the years leading up to occupation individuals like Galloway had featured prominently in local politics. Galloway, who had originally proposed his plan for union, found his political interests aligned with the British once the city of Philadelphia was occupied.<sup>156</sup> When Galloway joined loyalist forces and aided General Howe in 1778, he was immediately identified by the patriot controlled legislature as a known loyalist and the virtual governor of Pennsylvania during the occupation. Galloway appointed Samuel Shoemaker, along with Daniel Cox and John Potts, to serve as magistrates in the city, thereby solidifying his highly visible political convictions.<sup>157</sup> The same service to British forces spurred Galloway to flee to New York in 1778 and from New York he fled to London, leaving behind his wife and three children. Galloway had designs for

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<sup>156</sup> Jessica Roney, *Governed by a Spirit of Opposition*, (Baltimore: Johns Hopkins University Press, 2014), 1-70.

<sup>157</sup> Calhoun, *The Loyalists in Revolutionary America*, 390-396; Ousterhout, *A State Divided*, 171-173.

eventually fleeing to Nova Scotia, but he remained in Great Britain for years to come.<sup>158</sup>

Philadelphia loyalist Samuel Shoemaker is another important case. He fled during the evacuation of Philadelphia because of his outspoken loyalism. He and his wife Rebecca were both highly regarded citizens of the Philadelphia merchant world and the Quaker community. Samuel had served his community in a variety of capacities, holding public offices from 1755 to 1776. He had served as a member of the Philadelphia common council, an Alderman, city treasurer, associate justice of the court, Mayor of the city, and Justice of the Peace. Shoemaker was also a notable member of the American Philosophical Society and a founder of the Pennsylvania Hospital.<sup>159</sup> He married widowed Rebecca Rawle in 1763 and took in her three children from her previous marriage, Anne, William, and Margaret Rawle. Shoemaker betrayed the Pennsylvania government on several counts during the Revolutionary years and he actively joined the loyalist cause during the British

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<sup>158</sup> Claim of Joseph Galloway Claim, AO 12/38, British Claims Commission, UD. Galloway's claim notes that he sought relief from the Loyalist Claims Commission so that he could reside in Nova Scotia and possibly live there with his wife and other family. For additional information see *The Examination of Joseph Galloway, Esq. by a Committee of the House of Commons*, ed. Thomas Balch (Philadelphia: T.K. and P.G. Collins, 1855), 71.

<sup>159</sup> Introduction to Rebecca Shoemaker's Diary, Shoemaker Family Papers, HSP; Rawle Family Papers, HSP. Many of the offices and positions held by Samuel Shoemaker overlapped in years and he held some in the years just prior to Revolution.

occupation.<sup>160</sup> Shoemaker jumped onto one of the first ships during the British evacuation in June 1778, and sailed north to New York. Rebecca Shoemaker followed shortly thereafter under accusations of aiding the enemy, but her daughters stayed behind, as they were not required to leave Philadelphia and could provide some measure of protection for the family property.<sup>161</sup>

Leading loyalists in Maryland also fled for safety in the British empire during the war, following similar patterns to those of the Philadelphia loyalists. Maryland identified treasonous individuals in various categories. The easiest group of treasonous individuals identified members of Loyalist militia units, such as the Maryland loyalist regiment. The Courts had no difficulty in identifying loyalists who actively fought against Maryland in the British militia. For example, in 1781 the General Court of the Eastern Shore found all those serving in the loyalist regiments guilty of treason. The following men enemies the state and indicted these men for treason on March 1, 1781: Robert Alexander, Robert Christie, John Christie, Henry Stevenson, Richard William

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<sup>160</sup> Calhoun, *The Loyalists in Revolutionary America*, 390-396; Ousterhout, *A State Divided*, 171-173.

<sup>161</sup> Introduction to Rebecca Shoemaker's Diary, Shoemaker Family Papers, HSP. For information on the lives of the Shoemaker's in New York see Judith Van Buskirk's *Generous Enemies: Patriots and Loyalists in Revolutionary New York* (Philadelphia: University of Pennsylvania Press, 2002). Van Buskirk describes the Shoemaker's connection in sending reports home, using illegal communication methods to transport news to Philadelphia and efforts to liberate British prisoners. For additional information on New York loyalists see Ruma Chopra's *Unnatural Rebellions: Loyalists in New York City During the Revolution*. This can also be found in her dissertation "Loyalist Persuasion: New York City, 1776-1783," (PhD diss.: UC Davis, 2008).



Parkin, Patrick Kennedy, John Lynch, William Smith, Edward Carnes and James Hall. In May 1781 Daniel Dulany of Daniel, Daniel Dulany of Walter, Lloyd Dulany, Jonathan Boucher, Henry Addison, William Edmiston, John Montgomery, Bennett Allen, Anthony Steward, Walter Dulany, Philip Barton Key, Daniel Addison, Henry Riddle, Thomas French, George Chalmers, Charles Gordon, Leigh Master, Nathaniel Richardson, David Carcaud, and Daniel Stevenson.<sup>162</sup>

Many of the men who served in the Maryland loyalist regiment were prominent merchants, involved in politics, and great land owners. Robert Alexander had been a prominent Baltimore merchant, and he had attended the Continental Congress. He later changed sides and joined the British and served as an adviser during the war. Robert Christie had previously been the Sheriff of Baltimore and his cousin James Christie was often involved in the politics of Annapolis. The Dulany family established themselves in Maryland in the early 1700s and rose to prominence through their substantial land holdings prominence as lawyers. Daniel Dulany, a lawyer, had previously served as the Recorder of Annapolis and the deputy secretary of the provinces.<sup>163</sup>

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<sup>162</sup> Brown Book IX, p. 24-26, Government Records, MSA.

<sup>163</sup> Hoffman, *A Spirit of Dissension*, 48, 103-115, 144, 155. For additional information on the Dulany family see Aubrey C. Land, *The Dulanys of Maryland: A Biographical Study of Daniel Dulany the Elder (1685-1753) and Daniel Dulany the Younger (1722-1787)* (Baltimore: Maryland Historical Society, 1955).

Some of the men in the Maryland loyalist regiment found themselves stripped of their prestigious societal standing as a result of their political leanings. The Maryland loyalist regiment was first stationed in Philadelphia in 1777 and then moved to Long Island in 1778. In late 1778 they were transferred to Jamaica and then to Western Florida to fight the Spanish. The regiment remained in Florida for 1780 and 1781; however, many men were taken prisoner by the Spanish, deserted from the ranks, or died in service.<sup>164</sup> The Maryland loyalist regiment withdrew from Florida in 1781 and the approximately one hundred remaining men returned to New York City. Of the remaining Maryland loyalists in New York most set sail for Nova Scotia on the *Martha* which wrecked on the coast of Nova Scotia on September 23, 1783. Nearly sixty Maryland loyalists drowned, forty survived, and the few survivors remained in Nova Scotia. Captains John Sterling, Patrick Kennedy, and Caleb Jones resided in Nova Scotia along with other members of the regiment including Lieutenant James Henley, Ensign Thomas Gill, and Sergeant William Owens.<sup>165</sup>

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<sup>164</sup> Loyalist Muster Rolls, 1777-1783, Box #3, Maryland Loyalist Muster Roll, MHS; Richard Overfield, "The Loyalists of Maryland during the American Revolution," 397-398.; *Orderly Books of the Maryland Loyalist Regiments*, ed. Paul Leicester (Brooklyn: Historical Printing Club, 1891), 10-11. The record is somewhat unclear about the fate of all the Loyalists. The muster rolls track some men who deserted, died, or were taken prisoner; however, some men are entirely absent and we do not know what happened to them while in Florida in 1780 and 1781.

<sup>165</sup> Overfield, "The Loyalists of Maryland during the American Revolution," 398-399. For additional information on Caleb Jones see David Harper, "Ambitious Marylander: Caleb Jones and the American Revolution," (M.A. thesis, Utah State University, 2001).

Maryland loyalist Jonathan Boucher left in 1775. A highly visible member of the community, Boucher was an Episcopal clergyman. His unwavering loyalty led to his early departure and he settled in England. There he was appointed a new position as the Vicar of Epsom.<sup>166</sup> Loyalist George Chalmers also returned to England because of his loyalism. He had been a practicing lawyer in Maryland prior to the Revolution but left, returning to England around 1780 and became a chief clerk of the Committee of the Privy Council. He also forfeited his property upon leaving.<sup>167</sup> James Chalmers experienced yet another fate, serving as Lieutenant Colonel of the Maryland Loyalists. He was in service until 1782 when he returned to England.<sup>168</sup> Colonel James Christie, who was a member of the Royal army and also a merchant in Baltimore, was identified early as a loyalist. Christie did not have the chance to flee Maryland; he was placed under house arrest in 1775.<sup>169</sup>

Maryland loyalist Francis Sanders was identified as “an early Whig,” but he switched sides in May 1775. He subsequently confessed his errors publicly, gave up his position as a judge, but continued to be charged with being sympathetic to the loyalist cause. He continually was brought to court and tried as loyalist until he left

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<sup>166</sup> Sabine, *Biographical Sketches*, Vol. I, 240.

<sup>167</sup> Sabine, *Biographical Sketches Vol. I*, 299.

<sup>168</sup> Sabine, *Biographical Sketches Vol. I*, 301.

<sup>169</sup> Sabine, *Biographical Sketches Vol. I*, 312-313.

Maryland for Pennsylvania.<sup>170</sup> Reverend John Scott served as Chaplain for Governor Eden but when Eden stepped down as Royal Governor, the Maryland Legislature examined Scott. He was deemed “a disaffected person and a dangerous person.” He sold his property in 1777, thus prior to the Confiscation Act, but fell under the jurisdiction of the later Act to Prevent the Growth of Toryism, and left for Virginia, then eventually for Scotland.<sup>171</sup> Anthony Stewart was loyalist who left Maryland for Nova Scotia and petitioned for a loyalist tract of land after leaving Maryland in 1783.<sup>172</sup> Loyalist Philip Barton Key did leave Maryland although he was taken as a prisoner during the American Revolution. Philip Barton Key was a Maryland native, born in Cecil County.”<sup>173</sup> Key served as a British military officer in Florida until the Spanish captured him, he resided in Great Britain briefly, and then returned to Maryland. His flight was forced. Philip Barton Key was taken prisoner, sent to Havana, Cuba, and returned to England on parole although the exact conditions of his release are unknown.<sup>174</sup>

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<sup>170</sup> Sabine, *Biographical Sketches Vol. II*, 254.

<sup>171</sup> Sabine, *Biographical Sketches Vol. II*, 267 - 268.

<sup>172</sup> Sabine, *Biographical Sketches Vol. II*, 332.

<sup>173</sup> Obituary, Box 1 in File marked 1786 September 3, Aldine Collection, MHS; Julian C. Lane, *Key and Allied Families* (J. W. Burke Company: Macon GA, 1931), 10, 53.

<sup>174</sup> United States Congress, House, Committee on Elections, Amendatory report of the Committee of Elections, February 18, 1808, Revolutionary War Records, PSA.

## 2. Women Left Behind

While many loyalist men fled in the name of self preservation, their wives and children frequently stayed behind in Philadelphia to support themselves and protect their property from confiscation. In Philadelphia, many loyalist women found their lives altered, but they rose to the challenge by protecting their estates, providing for their families, remaining in contact with their separated families, and even embracing new business ventures in the wake of their husband's departures. Not all of them, however, identified with their husbands' political perspectives. Some women outright refused to identify as loyalists and instead created a new life independent of their husbands' politics and based on pragmatic adjustments to the local crises of daily life.<sup>175</sup> Indeed, many loyalist women took extraordinary measures to provide for their families during the American Revolution and showed remarkable resilience in a time

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<sup>175</sup> For some background on the Philadelphia occupation see Robert Calhoon, *The Loyalists in Revolutionary America, 1780-1781* (New York: Harcourt Brace, 1965), 390-394. For material on women in Philadelphia and their treatment, behaviors, and perspectives on occupation and the period after see Judith Van Buskirk, "They Didn't Join the Band: Disaffected Women in Revolutionary Philadelphia," in *Pennsylvania History*, Vol. 62 no. 3 (Summer 1995): 306-329. Her article gives space to the women's experiences during the occupation and notes their absences in the much of the literature on the disaffected and loyalist women. See also Linda Kerber, *Women of the Republic: Intellectuals and Ideology in Revolutionary America*, (Chapel Hill, NC: 1980) and Wayne Bodle, "Jane Bartram's 'Application': Her Struggle for Survival, Stability, and Self-Determination in Revolutionary Pennsylvania," in *Pennsylvania Magazine of History and Biography*, Vol. 115 no. 2 (April 1991): 185-220.

of chaos. They ran businesses, circumvented the law, and sought to protect their families throughout the course of the war.

Loyalist Susanna Marshall, for example, resided in Baltimore at the beginning of the Revolution and supported the British troops on their way to the Philadelphia campaign; she intended to go to Philadelphia in the absence of her husband. Her husband William Marshall, originally from Ireland, refused to sign an oath of allegiance and was “obliged to quit the country and leave his wife and children” behind. In her husband’s absence Susanna feared that she, too, would be targeted for loyalism and packed up her children to search for Lord Dunmore in June 1776. However, not finding Dunmore, she journeyed instead to Head of Elk, a small town on the way to Philadelphia in Cecil County Maryland, hoping to intercept the British troops on their rumored journey to Philadelphia. Once at Head of Elk, Susanna realized her food supplies were running low and she lacked the ability to provide for her children. So she stayed on and decided to run Elk Tavern, which provided shelter and a livelihood for her and her children. But it was a difficult adjustment, and all the while, Susanna longed to be reunited with her husband; in March 1777 she heard of a proclamation by Congress, which would allow loyalists to “quit” the colonies without taking any of their goods. As a supporter of the British crown this appealed to Susanna; however, she found the idea of leaving behind her possessions appalling. In

defiance of the law, Susanna held a public auction to raise the funds for travel so she and her children could reunite with her husband.<sup>176</sup>

Susanna's dreams of finding Lord Dunmore and heading to Philadelphia changed course suddenly as she realized she was no longer safe in the American colonies. Following the sale of her goods, Susanna chartered a schooner to sail to the West Indies where she learned her husband had fled. She and her children took everything they owned that had not been sold at auction – a small amount of venison, hams, bacon, and a hogshead of flour. While en route to the West Indies, she allowed aboard the schooner three men also “quitting America.” But an armed patriot boat intercepted them and took the small party to St. Augustine, where American soldiers stole some goods from her sloop but allowed Susanna and her children to leave soon thereafter. She and her children left St. Augustine aboard the *Hawk Transport*, seeking refuge in England after discovering her husband died in St. Domingue. While Susanna never made it back to Philadelphia and the protection of the British lines, she provided for her family by any means necessary in England. Many years later, in June 1785, she petitioned the Loyalist Claims Commission in London for support and repayment for losses of her property to the American soldiers while in St. Augustine.<sup>177</sup>

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<sup>176</sup> “Memorial of Susanna Marshall,” AO 12/28 Claim, AO 12 Roll 38, British Claims Commission, MHS.

<sup>177</sup> Ibid.

Sarah Logan Fisher (see above) also was separated from her husband early during the revolutionary conflict. In September 16, 1777 she wrote, “My mind so deeply affected with the absence of my beloved husband, and my heart so much sunk with the gloomy prospect before and the little probability there is of our meeting with each other soon again.” Fisher greatly missed her husband Thomas, who had been exiled from Philadelphia in September 1777. She recorded in her diary on September 22, 1777 that Patriot captains and soldiers demanded blankets or old carpets for the war. Sarah wrote, “I told them I had never given them any, but that they had robbed me of what was far dearer than any property I had in the world, that they had taken from me my husband, and that I could by no means encourage war of any kind.” Local authorities decided to seize and exile Philadelphia’s prominent Quaker leaders in September 1777 and as we saw in Chapter 1, Thomas Fisher was forced from Philadelphia, Sarah felt a profound loss and hardship in his absence.<sup>178</sup>

Her husband, referred to as “My Tommy” in her diaries, was imprisoned and exiled due to his Quaker sensibilities, and his refusal to take the Test Act oath, which would proclaim an allegiance to the Patriot cause.<sup>179</sup> On September 4, 1777, just two

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<sup>178</sup> September 16, 1777, Sarah Logan Fisher Diaries 1776-1795, HSP; September, 22, 1777, Sarah Logan Fisher Diaries 1776-1795, HSP.

<sup>179</sup> The Test Act, passed in June 13, 1777 prior to the occupation, denied citizenship to those refusing to take oaths of allegiance to the new state. The process of renouncing fidelity to King George and pledging allegiance to Pennsylvania aimed to identify and punish Loyalist traitors. However, the law also succeeded in punishing nonjurors, those Quakers who were opposed to oaths of any kind. Political rights and



days after he was taken to a Philadelphia prison, she heard that her husband would be sent to Augusta County, Virginia, nearly 300 miles away, for failure to take the oath. Sarah found this “cruel and wicked,” a particularly deep hardship for Sarah who was pregnant and noted “my husband, in whom is-centered too much of my earthly comfort, is likely to be torn from me by the hands of violence and cruelty, and I left within a few weeks of lying-in, unprotected and alone.” Thomas was taken to Virginia on September 13<sup>th</sup> and Sarah wrote of distress and anxiety upon their separation. She noted days later, on September 16<sup>th</sup>, “my mind so deeply affected with the absence of my beloved husband, and my heart so much sunk with the gloomy prospect before and the little probably there is of our meeting with each other again soon.”<sup>180</sup>

Like Susannah Marshall, Sarah Fisher feared her inability to provide for her children’s basic needs during her husband’s absence. At the end of her pregnancy, Sarah noted that she had scarcely any milk, butter, or eggs for her children. She feared

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access to the courts were decidedly stripped from those who refused to proclaim loyalty to the independent state of Pennsylvania. The Test Act began to strip men who refused to pledge allegiance access to the courts, trial by jury, and the ability to be elected or hold office. See Robert Brunhouse, *The Counter-Revolution in Pennsylvania, 1776-1790*, (Harrisburg, PA: Pennsylvania Historical Society, 1942), 42-43; Brown, *The King’s Friends The Composition and Motives of the American Revolution Claimants* (Providence, RI: Brown University Press, 1965), 134; Sabine, *Biographical Sketches II*, 301.

<sup>180</sup> September 4, 1777, Sarah Logan Fisher Diaries 1776-1795, HSP; September 16, 1777, Sarah Logan Fisher Diaries 1776-1795, HSP; September 21, 1777, Sarah Logan Fisher Diaries 1776-1795, HSP.

her children would have “nothing to eat but salt meat and biscuit” in November 1777. Fortunately, friends brought her butter and eggs. However, Sarah constantly worried because, in Tommy’s absence, she alone was responsible for supporting her children. Sarah wrote, less than one month before she gave birth to a girl, “I have to think and provide everything for my family, at a time when it is so difficult to provide anything at any price.”<sup>181</sup> In April 1778 Sarah and her husband were reunited after a seven-month separation. She wrote of his return “thankfully” and that her husband and other Philadelphia Quakers “were restored to their families and honorably discharged.” The return of her husband and reunification of her family brought her “peace of mind, which unspeakable favor I earnestly wish I may keep in grateful remembrance.”<sup>182</sup>

Other women were faced prolonged separations from husbands with pronounced loyalist sympathies during the British occupation of Philadelphia beginning in late summer 1777. One consequence of the evacuation was confiscation of property that loyalist women had desperately defended in earlier months. During the occupation in 1777 and 1778, the Pennsylvania legislature passed additional

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<sup>181</sup> November 1, 1777, Sarah Logan Fisher Diaries 1776- 1795, HSP. Her diary is largely absent for the next month. When she begins writing in her diary she notes her lying in period after a month long absence in her diary, where she resumes writing on December 5, 1777.

<sup>182</sup> May 29, 1778, Sarah Logan Fisher Diaries 1776- 1795, HSP. She notes in this diary entry an absence in writing due to fit of illness and many engagements. He husband returned on April 29<sup>th</sup> from his period of forced exile in Virginia.

legislative acts that targeted questions of loyalty and citizenship rights.<sup>183</sup> This legislation forced numerous loyalist women – acting as proxy heads of households – to flee from the city, leaving behind lands, homes, and goods. Grace Growden Galloway, wife of loyalist and Pennsylvania statesman Joseph Galloway, was another who stayed behind. They had married in 1753 and lived in Philadelphia with their daughter Elizabeth.<sup>184</sup> When Joseph was attainted at the onset of the war, he and Elizabeth sought refuge within the British lines, but Grace stayed in the city to guard their home and her substantial dowry. Joseph and Elizabeth returned to Philadelphia during the

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<sup>183</sup> A number of acts punishing loyalists and non-associators had already been passed in Pennsylvania. Beginning in 1776, the Pennsylvania legislature identified the problem of treason and stated “high treason” was “the offense of any person owing allegiance to Pennsylvania who should levy war against the state or to be adherent to the King of Great Britain or...others of the enemies of the United States.” The Test Act, passed in June 13, 1777 prior to the occupation, denied citizenship to those refusing to take oaths of allegiance to the new state. The process of renouncing fidelity to King George and pledging allegiance to Pennsylvania aimed to identify and punish Loyalist traitors. Information on the legislation can be found in Pennsylvania Committee of Safety Records, Revolutionary War Records, Pennsylvania State Archives; Henry Young, “Treason and Its Punishment in Revolutionary Pennsylvania,” *The Pennsylvania Magazine of History and Biography* 90 (Jul. 1966): 287-213; and see also *Laws of the Commonwealth of Pennsylvania* in Vol. VIII republished under the authority of the legislature by John Bioren in Philadelphia in 1806.

<sup>184</sup> Biographical information on Grace Growden Galloway can be found in Raymond Werner, “Diary of Grace Growden Galloway,” *The Pennsylvania Magazine of History and Biography* Vol. 55 No. 1 (1931): 32-94.

period of occupation, but fled with the British forces and ultimately sailed for England in October 1778.<sup>185</sup>

While Grace Galloway remained in Philadelphia, she was warned by Charles Wilson Peale, one of the commissioners in charge of the confiscation of British estates, that he would be taking possession of the family's properties spread throughout the city. In July 1778 a friend advised her to seek the counsel of lawyers to prevent the confiscation, especially the property left to her by her father to form part of her dowry. The reality of confiscation, however, was growing and very possible. On July 21, another friend told her that the committee of confiscation had begun its work of confiscating the property of Philadelphians charged with treason. Neighboring loyalists, the Shoemaker family, witnessed their property inventoried and confiscated

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<sup>185</sup> Werner, "Diary of Grace Growden Galloway," 32-34. The Galloway family held a great deal of property in Pennsylvania. For information on Joseph Galloway's claims of his losses the British Claims Commission Records, AO 12 Roll 38 in the Loyalist Claims for Pennsylvania. In Galloway's claim he notes that he sought relief from the Loyalist Claims Commission so that he could reside in Nova Scotia and possibly live there with his wife and other family. For additional information see Thomas Balch ed., *The Examination of Joseph Galloway, Esq. by a Committee of the House of Commons* (Philadelphia: T.K. and P.G. Collins, 1855), 71. Loyalist Joseph Galloway left Philadelphia immediately following the end occupation for obvious reasons of his involvement. Prior to the occupation of Philadelphia Galloway was a significant figure in Pennsylvania politics and government. In 1774 he was member and speaker of the assembly in Philadelphia. When Galloway joined loyalist forces and aided General Howe in 1778, he was immediately identified by the patriot-controlled legislature as a known loyalist. He was instrumental during the occupation of Philadelphia. During the period of British occupation, Galloway, a Loyalist from Philadelphia, advised Howe and served as the "virtual" governor of Pennsylvania. Joseph Galloway had appointed Samuel Shoemaker, along with Daniel Cox and John Potts, to serve as magistrates in the city, thereby solidifying his highly visible political convictions in the eyes of the Pennsylvania legislature and the Philadelphia community

the day before and, hearing that Samuel Shoemaker was charged with treason, Grace surmised this was her same fate. At 2 o'clock in the afternoon the agents in charge of confiscating estates came to her home and took an inventory of her goods. Grace wrote "they took an inventory of everything even to broken China and empty bottles."<sup>186</sup>

The loss of her estate, now very real, presented a great challenge for Grace. In addition to her possessions being seized and sold, she also faced the loss of her home. Grace feared she would be "brought to beggary" when agents of confiscation told her she could no longer stay in her own home. She lamented, "what shall I do there is No dependence on the arm of flesh; nor have I one hope in this world no any thing to rely on and am afraid no my child and husband came out of New York all hope is over." Grace wrote she had "no hope of saving anything," although she did try to seek legal counsel in hopes of recovering her estate. The day after her property was confiscated, Grace found out she would not recover her dowry, but she was advised to petition the Chief Justice for the recovery of her land estates. Grace wrote "I find I am a beggar indeed I expect every hour to be turn'd out of doors and where to go I know not."<sup>187</sup> The loss of her property, couple with the absence of her husband, threatened Grace's ability to survive.

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<sup>186</sup> July 21, 1778, Grace Growden Galloway Papers 1778-1781, HSP.

<sup>187</sup> July 21, 22, 1778, Grace Growden Galloway Papers 1778-1781, HSP.

Grace was adamant about retaining her property as long as possible, even telling agents she would not give up her house. She wrote, upon being asked about her property and leaving her home, she “will not go out of My house till I know the opinion of ye council.” On August 20, 1778 she remained true to her word. She refused to open the door to Commissioner Charles Peale and he forced his way into her home through the kitchen. Grace refused to leave and, as she wrote later, she pleaded with Peale to leave: “I was at home and in my house and nothing but force shou’d drive me out of it.” Peale then took Grace by the arm and led her from her home. She reported that fellow loyalist Rebecca Shoemaker “had agreed to go quietly out of her house,” but Grace could never go quietly.<sup>188</sup>

In the midst of losing her property and being separated from her family, Galloway’s health began to fail. Throughout the remainder of 1778, she noted her failing health, anxiety from her separation from her family, and overall failing quality of life due to her losses because of the American Revolution. In December 1778 she wrote “I was taken very bad in the morning...I am now quite overcome at being kept out of my estate.”<sup>189</sup>

Sarah Shepherd, wife of Philadelphia loyalist William Shepherd, also struggled to maintain ownership of the farm, stable, and house in the absence of her husband in

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<sup>188</sup> August 20, 1778, Grace Growden Galloway Papers 1778-1781, HSP.

<sup>189</sup> December 23, 1778, Grace Growden Galloway Papers 1778-1781, HSP.

Pennsylvania. William was “zealously attached to the British government” and he had fled Philadelphia in 1777. After witnessing the execution of a fellow loyalist associate William fled onward to Brunswick, New Jersey, leaving behind Sarah and their three children, who were “maltreated” in his absence and all of their property was destroyed. Sarah had attempted to protect the property she inherited from her uncle – property she inherited and held in her own name -- but she lost that property as well. Eventually, Sarah and the children rejoined William and together they fled North America and arrived in England in January, 1783.<sup>190</sup>

Philadelphia loyalist Margaret Locke had a similar series of traumas to face. She was separated from her husband for nearly four years. Joshua Locke left Margaret to join the British troops and left her to care for their home and their three-month-old infant. During the occupation of Philadelphia, General Howe approached Margaret about nursing wounded soldiers. Margaret came to the aid of wounded Hessian soldiers and sheltered them in her home. However, nursing the wounded Hessian troops was costly and Margaret struggled to provide bedding and clothing for them. She claimed that during her four-year separation from her husband she received no financial support from Howe’s coffers for either herself or their child; yet she

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<sup>190</sup> Claim of William Shepherd, AO 12/11, British Claims Commission, UD.

managed to care for herself, her child, and the wounded Hessian soldiers as requested by General Howe. We can only surmise that she used her own family resources.<sup>191</sup>

Prolonged separation anguished sisters Anna and Peggy Rawle, young women who stayed behind in Philadelphia while their loyalist parents Rebecca and Samuel Shoemaker fled the city. Philadelphia loyalist Samuel Shoemaker fled during the evacuation of Philadelphia because of his blatant loyalism. He and his wife Rebecca were both highly regarded citizens of the Philadelphia merchant world and the Quaker community in the years preceding the American Revolution.<sup>192</sup> He married widowed Rebecca Rawle in 1763 and took in her three children from her previous marriage, Anna, William, and Margaret (Peggy) Rawle.<sup>193</sup> Anna and Peggy were daughters of

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<sup>191</sup> The Humble Petition of Margaret Lock, in “Cases Under the Second Act,” AO 12/11, British Claims Commission, UD. The AO 12 Record Series contains this second set of legislation, where individuals were able to make additional claims for losses in the absence of their confiscated property. This is where Margaret Locke appears in the historical record. Her case is found in section marked cases under the 2<sup>nd</sup> act.

<sup>192</sup> Introduction to Rebecca Shoemaker’s Diary, Shoemaker Family, HSP. Many of the offices and positions held by Samuel Shoemaker overlapped in years and he held some in the years just prior to Revolution.

<sup>193</sup> Samuel did not maintain a neutral political stance; in fact, he actively joined the Loyalist cause during the British occupation in 1777 and 1778. Joseph Galloway had appointed Samuel Shoemaker, along with Daniel Coxe and John Potts, to serve as magistrates in the city, thereby solidifying his highly visible political convictions in the eyes of the Pennsylvania legislature and the Philadelphia community. These men had clearly aligned with the British, and the British rewarded their break from the patriots. Shoemaker jumped on one of the first ships during the British evacuation in June 1778, and sailed north to New York.



Francis Rawle, a well-established merchant who passed away in 1761. Both sisters remained in Philadelphia during the occupation and after the British left. Separated from their mother in June 1780, when she left Philadelphia for loyalist occupied New York, they did not see each other for three years. Anna wrote to her mother on June 7, 1780, begging for her return: “I have ever day for this fortnight been expecting to hear from my dear mother, and yet three have elapsed since she left us and I have not yet had that pleasure.” Anna described the separation from her mother as a “disagreeable and painful circumstance” though it was “not a hundred miles asunder.” Anna seldom heard from her mother and the silence between letters was painful.<sup>194</sup>

Nine months after her mother had left Philadelphia, Anna Rawle heard a rumor that her mother might leave New York for England. The thought of an Atlantic separation caused Anna great discomfort. She wrote, “Tho’ I should be distressed at your staying in Mew York a moment longer than it was safe to do so, yet the thought of being a greater distance, and for how long a time we know not, is most afflicting.” Rebecca replied quickly to her daughter’s concern, assuring her daughter that she had sent earlier word, but the letter must have gotten lost. She tried to alleviate Anna: “I hope that movement [to England] will never be necessary...but we must submit if it should be required, at present there is not the least appearance.” Despite her mother’s reassurances that she would not cross the Atlantic, Anna continued to worry about

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<sup>194</sup> June 7, 1780, Rebecca Shoemaker Papers 1780 -1786, HSP.

their separation in New York. In April 1781, a month after hearing rumors of her mother leaving for England, Anna reported she heard:

by a resolve of Congress they talk of absolutely preventing all correspondence between here and New York...surely no honest person would wish impose laws on another interferes with that first of all human consideration, duty to one's parents, and abstaining from writing would be a great failure of what is owing to them.

The letters Anna wrote to her mother were a source of comfort; despite the separation, the war, and the uncertain future, Anna and Rebecca relied on their correspondence to continue to sustain the family's closeness.<sup>195</sup>

The separation nevertheless produced great strain. Rebecca wanted her daughters to join her in New York, although she knew their staying in Philadelphia was the only way to preserve family property – maybe -- during the war. Even as late as April 1781, she believed she and her daughters would remain separate for the time being, writing “I hope you did not please yourselves with the expectation of permission to come . . . we must try to see each other in the fall.” In October 1781 Anna wrote to her mother, fearing her mother would be “obliged to leave New York” and if that were to happen, “Peggy and myself [would] be permitted to accompany you.” Anna knew this plan was premature, but she reassured her mother they would

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<sup>195</sup> Anna Rawle to Rebecca Shoemaker, March 7, 1781, Rebecca Shoemaker Papers 1780 -1786, HSP; Rebecca Shoemaker to Anna Rawle, March 26, 1781, Rebecca Shoemaker Papers 1780 -1786, HSP; Anna Rawle to Rebecca Shoemaker, April 5, 1781, Rebecca Shoemaker Papers 1780 -1786, HSP.

work out a means to dispose of their property and asked her mother, “if we may take some steps towards” ridding themselves of property in Philadelphia. By late 1781 Anna Rawle urged her mother to allow the family to be reunited even if it meant disposing of family property.<sup>196</sup>

Reunion, however, would still take several years for Anna and Rebecca. The idea of leaving for England troubled Rebecca Shoemaker, for she, too, conceived of herself as a British subject with a home in North America. The idea of exile “distressed” her and she “pray[ed] we may not be under a necessity of leaving America. I cannot bear to think it.” She could only hope for a “general peace” and reunification of family with their property.<sup>197</sup> But, in 1783, Rebecca Shoemaker realized that occupied New York and the events of the American Revolution could not be ignored. Anna Rawle also wrote of the worsening situation in Philadelphia, when in April 1783, some four thousand loyalists fled from that city to New York. For weeks she “fear[ed] the destruction of property in Philadelphia,” but did not mention any immediate plans to leave the city.<sup>198</sup> Rebecca “did not know that there will be any

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<sup>196</sup> Rebecca Shoemaker to her daughters, April 11, 1781, Rebecca Shoemaker Papers 1780 -1786, HSP; Anna Rawle to Rebecca Shoemaker, October 26, 1781, Rebecca Shoemaker Papers 1780 -1786, HSP.

<sup>197</sup> Rebecca Shoemaker to Anna Rawle, Nov. 3, 1781, Rebecca Shoemaker Papers 1780 -1786, HSP.

<sup>198</sup> Anna Rawle to Rebecca Shoemaker, April 26, 28, 1781, Rebecca Shoemaker Papers 1780 -1786, HSP.

time fixed for evacuation” from New York City, but loyalists were heading for Nova Scotia and Great Britain in “droves.”<sup>199</sup> Within weeks, Samuel and their Edward son Edward left for England on November 18, 1783 in one of the final ships, leaving Rebecca and her daughters behind.<sup>200</sup> The American Revolution mean prolonged separation for the Shoemaker and Rawle family. The separation forced the family to use correspondence to foster their relationships and ties in the absences of physical contact.

Some women lost contact with their husbands permanently. Philadelphia loyalist Mary Kearsley was forced take over the care of her family following the beating and imprisonment of her husband because of his loyalist sympathies. Mary described her husband as having been beaten in front of her and the children “with the butt end of firelocks” and then “dragged through the streets with blood streaming.” John languished at home for nearly a month until the Committee of Safety arrested him and he was imprisoned for a year in York, Pennsylvania. His family witnessed his near physical destruction at the hands of the patriots, and they were now forced to deal with his absence. Mary, left with the responsibility of caring and providing for five children, moved outside of Philadelphia to the country in search of safety. When the

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<sup>199</sup> Rebecca Shoemaker to Anna Rawle, April 13, 1783, Rebecca Shoemaker Papers 1780 -1786, HSP.

<sup>200</sup> Introduction to the Collection of Rebecca Shoemaker’s letters and diaries, Shoemaker Family Papers, HSP.

British occupied Philadelphia Mary and her children returned, but they soon found themselves in danger again. Mary evacuated Philadelphia with the British and took only what they could carry, their ship wrecked in November 1778 and they lost everything. She eventually arrived in London with her children, penniless and exhausted.<sup>201</sup>

Not all women shared their husbands' loyalist sympathies and instead used the absence of heads of households to embrace a radically different political viewpoint.<sup>202</sup> For example, Jane Bartram, wife of Alexander Bartram, stayed behind in Philadelphia in mid-1778, and her husband stated they did not share the same politics.<sup>203</sup> Jane did

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<sup>201</sup> Claims of Mary Kearsley, British Claims Commission, AO 12/11, British Claims Commission, UD. John Kearsley passed away at some point. Mary Kearsley made a claim for repayment of loss property in April 1785 as a widow. She does not mention her husband having traveled with them to London or having rejoined the family in her claim to the British Claims Commission. For information on the claim see the record for the details given by Mary Kearsley. She provided an extensive testimony to supplement the information on her loss. She did not have as much evidence to support her claim, but still requested repayment due to her husband's loyalty to the crown during the American Revolution.

<sup>202</sup> Van Buskirk, "They Didn't Join the Band," 306-329. Van Buskirk discusses at great length how women in Philadelphia did not share the politics of the American Revolution and uses their writings to show how they became "disaffected." She explores the politics of some of the same women discussed in this paper including Sarah Logan Fisher, Grace Growden Galloway, and Rebecca Shoemaker along with other Philadelphia women.

<sup>203</sup> Wayne Bodle, "Jane Bartram's 'Application': Her Struggle for Survival, Stability, and Self-Determination in Revolutionary Pennsylvania," *The Pennsylvania Magazine of History and Biography* Vol. 115 (April 1991): 195. For additional information on the confiscation of the Bartram property, Jane Bartram's claims against the property, and details on her story see Wayne Bodle's article "Jane Bartram's

not uphold her husband's politics nor did she rejoin her husband; instead, she severed her ties with Alexander, and in 1785 petitioned for divorce.<sup>204</sup>

Elizabeth Graeme Fergusson also utilized her husband's departure during the Revolution to embrace an independent life. In 1772 Elizabeth married Henry Hugh Fergusson and it appears they spent much of their marriage separated. Hugh left for Europe in September 1775 and stayed away until 1777, an early individual case of political sympathies with the British crown being "obnoxious to America." In 1777 he returned to Philadelphia, briefly, but evacuated again in 1778 with the British troops, when Elizabeth remained behind as a self-described "American." Since Elizabeth Ferguson, the "American," stayed behind in Philadelphia she was able to make claims for the property in her husband's name. She began by seeking possession of goods being sold at auction following the initial acts requiring the confiscation of British property. On October 8, 1778 she petitioned the Justices of the Supreme Court of Pennsylvania for articles of furniture from Hugh's estate. The Justices of the Supreme Court declared that she could possess the items until the time of the auction. One week later a public auction was held for the sale of Fergusson's household goods. Elizabeth attended the auction and bought some of the goods that were for sale, all of which

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'Application.'" Bodle also looks extensively at her legal rights and her ability to petition the Pennsylvania legislature for her ability to be granted a divorce.

<sup>204</sup> Bodle, "Jane Bartram's 'Application,'" 195-203. Bodle also discusses the possible motivations for the divorce petition and also the nature of divorce in Pennsylvania following the American Revolution.

were different items than those she had previously petitioned to keep, but were perhaps cheaper or of higher sentimental value.<sup>205</sup>

In 1779 Elizabeth Ferguson made another formal appeal for some property that her father had left to her. However, the appeal was denied, as the property had first passed into the hands of her husband, due to their marriage, and then became the property of the state because of his loyalism.<sup>206</sup> Elizabeth petitioned the Assembly of Pennsylvania once again for this lost property in 1781. She outlined her husband's fleeing America, their lengthy separation, and her husband's betrayal by joining the British troops. Elizabeth's petition was quick to point out how she had previously received "no kind of Relief" under the terms of the confiscation. She begged the Assembly to grant her the land that had been left by her father in "her much loved country." For Elizabeth, she and Hugh had spent the majority of their marriage apart, he had betrayed American by joining the British forces, and she felt he had no claim to

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<sup>205</sup> Biographical information on Elizabeth Fergusson can be found in Simon Gratz, et. al, "Some Material for a Biography of Mrs. Elizabeth Fergusson," *The Pennsylvania Magazine of History and Biography* Vol. 39, No. 3 (1915): 257-321. See also *Pennsylvania Archives Sixth Series, Volume XII*, ed. Thomas Lynch Montgomery (Harrisburg, PA: Harrisburg Publishing Company, 1907): 647-653. On October 8, 1778 she requested specific furniture from her parlous, bedchamber, and kitchen. These were not the same items she purchased at auction the following week. The following week she purchased an easy chair, 2 sets of drawers, 3 bedsteads, 4 flower casks, 2 red sows and pigs, 2 white sows and pigs, a pair of small scales and weights, and a table cloth. Extensive biographical details can be found in Anne Ousterhout, *The Most Learned Woman in America: A Life of Elizabeth Graeme Fergusson* (University Park, PA: Pennsylvania State University Press, 2004).

<sup>206</sup> Gratz, et. al, "Some Material for a Biography of Mrs. Elizabeth Ferguson," 305-308.

the property.<sup>207</sup> Her petition in 1781 did garner some success; she was exempted from previous acts calling for the immediate sale of confiscated property and commissioners avoided future sale of it.<sup>208</sup>

Elizabeth Ferguson's acts of independence did not go unnoticed. Across the Atlantic, Hugh Fergusson knew of his wife's actions and was more than displeased with her claims. While Elizabeth petitioned for what she claimed was her property, Hugh was across the Atlantic and faced the task of putting together a claim for repayment for lost property from the British government. In 1785, nearly four years after Elizabeth had petitioned the Pennsylvania Assembly, Hugh claimed she had sold his property without consent. He claimed she had sold nearly 264 acres of land that had belonged to him, and garnered a hefty profit of 2000 pounds sterling for the land sale. Other exiled loyalists supported Hugh's claims. Daniel Coxe swore that he heard rumors of Elizabeth selling Hugh's property in Pennsylvania. John Young, Elizabeth Fergusson's nephew, also swore that Elizabeth was zealous in the American cause.<sup>209</sup>

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<sup>207</sup> Ibid, 308-311, 258-259.

<sup>208</sup> The article "Some Material for a Biography of Mrs. Elizabeth Fergusson" notes her success likely happened because a number of influential men in Pennsylvania supported her petition and came to her aid including James Wilson, Thomas Mifflin, George Clymer, Robert Morris, John Dickinson, and others.

<sup>209</sup> When asked by the Loyalist Claims Commission to provide documentation of the 1775 land sale, Hugh was unable to do so. He claimed, on February 3, 1785, that Elizabeth had destroyed any record of the land sale, and she had taken the profits. He also remarked, at this juncture, he and Elizabeth were not on good terms. See Claims of Hugh Ferguson, AO 12/11, British Claims Commission, UD.



As “the most devoted American,” she used her husband’s flight to exert her own political opinion, claim ownership of property, and, perhaps, even profit from her husband’s absence.<sup>210</sup>

The American Revolution tore families apart, and it frequently left women behind while men went off to war and traversed the Atlantic World. In Philadelphia and its surrounding areas some families were never reunited, others experienced only a brief period of separation, and still other families used the Revolution to forge a permanent separation. Other women, however, sorely missed their husbands and felt profound loss in their absences; yet, they maintained their family life despite being left behind. The war greatly disrupted their lives and they had to forge ahead in the absence of their husbands during a war for independence.

### 3. Preparing for Confiscation

As the loyalists took flight and scattered across the British Atlantic World, the patriot-controlled legislatures took advantage of their departures. The events of the Revolution and the passing of confiscation legislation, coupled with the flight of the loyalists, prompted action towards confiscation. In order to confiscate British property, the Maryland legislature passed “An Act to appoint Commissioners to preserve Confiscated British Property” in 1780. William Paca, Uriah Forrest, and Clement

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<sup>210</sup> Philadelphian loyalist Phineas Bond was a sworn witness for Hugh Ferguson to validate his property claims and he described Elizabeth Fergusson and her political opinions as opposite of her husband’s politics.

Hollyday were appointed Commissioners for seizing, confiscating, and appropriating all British property in the state. The Commissioners were told to produce at the next meeting of the general assembly a list or account of all such British property they discovered, give a valuation of the property, and return an inventory of the property.<sup>211</sup> The Commissioners created a system for identifying British property and methods for collecting it. They also sought to rent out some property until it was to be auctioned. Personal property was inventoried and sold as quickly as possible. This included perishable items, personal belongings, animals, grain, and slave.

The Maryland Commissioners faced a daunting task. They served as agents for a newly constituted legislature and in the midst of large numbers of resistant British sympathizers who were not going to give up property willingly. Thus, the Commissioners recognized they would be faced with a difficult task in the years to come for property would be hidden, transferred, sold, and ownership would be questioned. Despite these inherent complications, the Maryland legislature began aggressively confiscating British property beginning in 1780.<sup>212</sup> That year, the legislature passed an Act that placed higher taxes on nonjurors and absentees.

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<sup>211</sup> Hanson, *Laws of Maryland*, 273-274. They were in charge of confiscating property until 1782 when they were placed under the Intendant of Revenue, and formally freed of all duties in 1784.

<sup>212</sup> Rolfe L. Allen, "The Legislation for the Confiscation of British and Loyalist Property During the Revolutionary War," (PhD Diss., University of Maryland, 1937), 239; Overfield, "Loyalists of Maryland," 341-342; and the Commissioners Ledger and Journal of Confiscated British Property, Revolutionary War Records, MSA.

Nonjurors were not deemed alien enemies by the state, but they were taxed like all inhabitants and held in suspicion of disloyalty. Indeed, the Act taxed nonjurors at higher rates than patriots on both real and personal property, as punishment for “the neglect of such nonjurors to take the oath or affirmation required by the act for the better security of the government.” But many of these property owners evaded payment, for which they faced forfeiture of assessed holdings.<sup>213</sup> The Maryland commissioners began confiscating “British property” during 1781, including that of any non oath-taker and any absentees who had returned to Britain after April 30, 1775, although the latter group were given the ability to reclaim property in the state if they took the oath of allegiance by March 1, 1782.<sup>214</sup> Alien enemies, on the other hand, were immediately liable to be deprived of their property and absentees whose allegiance was undetermined would lose their property after March 1, 1782.

Moreover, confiscation had a particularly punitive and perhaps malicious quality for some Pennsylvanians. As previously described, the 1778 Pennsylvania law for confiscation had identified a specific initial group of loyalists whose property

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<sup>213</sup> Hanson, *Laws of Maryland*, 273. Also in 1780 an Act concerning nonjurors was passed by the Maryland legislature, there was an addition An additional supplement was “to the act for raising funds for the year seventeen hundred and seventy-nine, and an act, entitled, An act for the Assessment of property within this state, and also by an act passed at the last session of assembly, entitled, A Supplement to the act for the assessment of property within this state, shall be and is hereby suspended until the end of the next session of assembly, any thing to the contrary notwithstanding.” This is found in Hanson, *Laws of Maryland*, 243.

<sup>214</sup> Hanson, *Laws of Maryland*, 269-273.

would be taken.<sup>215</sup> The Commissioners inventoried everything in the loyalists' homes, no matter how insignificant or worthless the item, in order to make a statement about the consequences of loyalty. They seized perishable commodities listed as "assorted food and goods" in the kitchen and a quarter pound of "middling quality" tea. These items clearly would not generate great income at auction, but instead emphasize the totality of the confiscation process; while it is unknown if these goods even went to auction or were merely recorded by the Commissioners, they nevertheless reveal the enormity of confiscation and the diligent records of the Commissioners.<sup>216</sup>

In this early stage, the beginnings of confiscation, Maryland and Pennsylvania Commissioners had yet to realize what they were fully undertaking. They had no clear conceptualization of how much property they could reasonably seize and sell; how exactly the funds stemming from sales would aid the Revolution or pay patriot creditors; or how they would build a bureaucratic apparatus to manage confiscation records. But the confiscation of loyalist property clearly hastened as the war progressed and as loyalists fled north from the mid-Atlantic to New York, the Canadian provinces, Great Britain, and the West Indies. The flight of loyalists left greater questions about property ownerships, the lives of the families, and what their

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<sup>215</sup> Ibid.

<sup>216</sup> Forfeited Estate Records, Revolutionary War Records, PSA. For some information relating to Charles Peale, confiscation, and Benedict Arnold see Benjamin Irvin, *Clothed in Robes of Sovereignty*, 253-254.

prolonged absences would mean. Moreover, as property confiscation progressed, the mid-Atlantic region's patriot Commissioners realized they had embarked on a complicated task. The legislation, commissioners, and the inventories of loyalist property would prove to be a significant burden in the coming years. There were be questions over property ownership, wives contesting the seizure of their loyalist husbands land, and other attempts to circumvent the confiscation of loyalist property.

**Chapter 3**  
**“A GREAT MANY THINGS TO BE SOLD**  
**TOO TEDIOUS TO MENTION:”**  
**DISPOSING OF CONFISCATED LOYALIST PROPERTY**

As the loyalists fled, legislative bodies throughout the mid-Atlantic actively confiscated their property. The confiscations, which served as a method for punishing loyalists and stripping non-citizens of property ownership, were complicated and drawn out processes. Legislators in Pennsylvania and Maryland used confiscation to define what rights and privileges were granted to citizens, and under conditions of Revolutionary war, new laws permitted patriots to swiftly and effectively assert patriots' authority to seize land, buildings, and the possessions of loyalist enemies, especially those who actively aided the British during the occupation and became visible opponents.<sup>217</sup> Agents of confiscation, appointed to keep records, registers, list the confiscated estates, and uphold and repay debts owed from the confiscated properties, became guardians of great quantities of household goods, lands, and houses belonging to treasonous individuals. Everything was inventoried, appraised, and sold

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<sup>217</sup> “An act for the attainder of diverse traitors,” Pennsylvania Council of Safety, printed in Lancaster [PA], John Dunlap Printer: 1778, Revolutionary War Records, PSA.

at auctions. Public auctions for the sale of confiscated estates were advertised at least ten days before they were held and noted the time, location, and some of the items for sale. If properties were not sold immediately, or if an auction was postponed, the forfeited real estate could be rented for up to two years. All records of the confiscated property, rented real estate, and sold property would be kept by the agents and eventually submitted to the secretary of the Supreme Executive Council.<sup>218</sup>

### 1. Confiscated Estate Sales

Selling confiscated estates proceeded much like selling the property of deceased individuals before the war. Notices identified whose property was being sold, the terms of sale, and the time and place of the auctions. Public auction notices for confiscated estates began appearing in Philadelphia newspapers in the fall of 1778, following the British occupation. For example, the property belonging to printer James Humphrey Jr., an attainted loyalist, was to be sold at auction on September 14<sup>th</sup>. His printing press, other printing materials, grammar books, Latin grammars, two stores, two printing irons, and other goods were held at a warehouse near Market and Second Streets. On September 17<sup>th</sup> the effects of druggist John Sullivan were sold at his home, on Second Street near Arch Street, including his chests of drawers, store counters, drugs, and other personal goods.<sup>219</sup> Joseph Galloway's property was first

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<sup>218</sup> Ibid.

<sup>219</sup> Public Auction, *The Pennsylvania Packet*, September 12, 1778, pg. 1.

sold on September 23, 1778, including feather beds and bedsteads, chairs, tables, tea china, Queensware, plates, dishes, household furniture, kitchen furniture, an open stove, a chariot, and a cow.<sup>220</sup> The advertisement which ran three times did not include all of his household goods, lands, or houses. Other loyalists, like Gilbert Hicks, had more modest property, including dining tables, looking glasses, and Indian corn in the ground. The sale was held on October 14, 1778.<sup>221</sup> Loyalist Hugh Ferguson's property went up for sale at 10 o'clock in the morning on October 15, 1778 at Graeme Park and included the "best household and kitchen furniture" and a "great many things to be sold too tedious to mention." Agents George Smith and John Moore saw that the auction and the sale of Ferguson's property continued from day to day until everything was sold.<sup>222</sup>

Occasionally confiscated loyalist property was sold in large joined public auctions. On December 21, 1778 a large public auction was held at the warehouse on the south side of Market Street wharf. The auction consisted of goods belonging to William Sheppard, John Burkett, and John Bird. Household and kitchen furniture were advertised as some of the goods available. The auction also offered property belonging

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<sup>220</sup> Public Sale, *The Pennsylvania Packet*, September 15, 1778, pg. 3. No location of the sale is mentioned in the advertisement.

<sup>221</sup> Public Sale, *The Pennsylvania Packet*, October 13, 1778, pg. 1. The advertisement for the sale of Joseph Galloway's estates ran in the *The Pennsylvania Packet* on September 17, September 19, and September 22 in 1778.

<sup>222</sup> Public Vendue, *The Pennsylvania Packet*, October 13, 1778, pg. 3.



to attainted loyalist such as Samuel Shoemaker, whose house on Water Street between Arch and Race was up for sale. A store property, late belonging to William Price, was also up for sale and included “some Walnut logs at Walnut Street dock” that had previously belonged to John Atkinson. The large sale was advertised four times in *The Pennsylvania Packet* in the two weeks preceding the auction, and included the provision that cash had to be paid on the delivery of bills of sale.<sup>223</sup>

Additional auction advertisements ran during 1779 in Philadelphia. The property belonging to Reverend Jacob Duche was auctioned off in April 1779 at his house and included all of the goods inside such as bedsteads, tables, chairs, and “a great many other things.” The agents Robert Smith, William Will, and Charles W. Peale oversaw the sale.<sup>224</sup> The three men also held a large auction on September 2, 1779 consisting of the estates and goods belonging to cordwainer Henry Welfing, baker George Napper, and merchant Joel Evans. Their collective goods, businesses, and properties were all up for sale at the courthouse that morning.<sup>225</sup> On September 4, 1779 *The Pennsylvania Packet* advertised the sale of loyalist property by agents George Smith and Thomas Hale, who put up for sale the properties and dwellings belonging to John Potts, John Butcher, Thomas Mackiness, Christopher Sower Jr.,

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<sup>223</sup> *The Pennsylvania Packet*, December 12, 1778, pg. 1. The same advertisement ran again on December 15<sup>th</sup>, December 17<sup>th</sup>, and December 19<sup>th</sup> in *The Pennsylvania Packet*.

<sup>224</sup> No headline, *The Pennsylvania Packet*, April 17, 22, 1779, pg. 3.

<sup>225</sup> No headline, *The Pennsylvania Packet*, August 31, 1779, pg. 4.

Holton Jones, Samuel Shoemaker, John Parrock, Joel Evans, John Tolley, George Ensors, Peter Arthur, George Harding, William Harding, William Rhoden, John Bartlett, and Reynold Keen at a public vendue at the courthouse in Philadelphia on September 16. The sales continued from day to day until everything sold, and the terms of sale required individuals to pay one-fourth within ten days of the sale and the remainder was to be paid in one month.<sup>226</sup>

While most advertisements in newspapers concerned the sale of loyalist property, some were concerned with returning property to patriot owners after the British occupation. When the British took up residence throughout the city they seized goods, furniture, and other items. British soldiers arrived in the city in September 1776 and needed housing during the duration. Many of General Howe's troops settled in encampments along the road to Germantown, but others sought relief within the city. British officers often sought housing in the city, taking over residences of some patriots, requesting lodging with those who stayed behind, and still others forcing their way into homes to seek relief from the upcoming winter months. The British officers sometimes disrupted the homes they occupied, and items from the homes occasionally went missing.<sup>227</sup> Agents attempted to return goods they found in the city and their homes to their rightful owners after the period of occupation. For example, Benjamin

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<sup>226</sup> Public Auction, *The Pennsylvania Packet*, September 4, 1779, pg. 4.

<sup>227</sup> Darlene Emmert Fisher, "Social Life in Philadelphia during the British Occupation," *Pennsylvania History: A Journal of Mid-Atlantic Studies* Vol. 37 No. 3 (July, 1970): 237-242.

Harbeson returned to Philadelphia and found a small mahogany table in his home on the north side of Market Street, opposite Strawberry Alley, that was not his. He ran an advertisement in *The Pennsylvania Packet* twice declaring that the table had been “left in the home by the enemy; the owner proving property may have it again.”<sup>228</sup> An advertisement ran in November 1778 that also concerned returning goods to their rightful owners. The goods “believed to be plundered” were found in the Northern Liberties of Philadelphia and believed to have been left “by a party of the British army sometime before they evacuated.” The plundered goods included items such as a dark flowered chintz gown, a small spotted cotton bedspread, one bedspread of coarse linen, cloaks lined with silk and fine cloths, and other textiles.<sup>229</sup>

Most advertisements, however, concerned the sale of confiscated loyalist estates. The Commissioners seized loyalists’ tracts of land, houses, and real property. Nothing was spared in their efforts beginning during August 25, 1778. Alexander Bartram and Hudson Burr’s estates were both sold in August, for £586 and £24 respectively. Large sales followed in September, November, and December of 1778, bringing additional sums into patriot coffers. The first sale of Samuel Shoemaker’s estate brought £2589. Attainted loyalists James Humphries, John Sullivan, and Joseph Galloway also had some of their property sold in September 1778. Altogether the

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<sup>228</sup> No headline, *The Pennsylvania Packet*, August 29, 1779, pg. 2; No headline, *The Pennsylvania Packet*, September 5, 1778, pg. 2.

<sup>229</sup> No headline, *The Pennsylvania Packet*, November 19, 1778, pg. 2.

Commissioners recorded a collected revenue of nearly £5,000 for confiscated loyalist estates in August and September 1778. During the entire Fall of 1778, total loyalist estate sales totaled over £7,100 with Samuel Shoemaker's property accounting for over one third of the total sale, although the sales in 1778 were typically of personal property sold to produce quick revenue.<sup>230</sup>

Lengthy inventories were taken in 1778 to record every plate, scrap of fabric, and items of furniture in the homes of some loyalists. These records were then used to promote the sale of loyalist goods. For example, loyalist Samuel Shoemaker appears repeatedly in the records of the commissioners. The September 8, 1778 sale of some Shoemaker property was recorded in fourteen pages by the Commissioners and the items for sale varied greatly. Empty casks were sold for less than £1 and a wood saw sold for £1. In contrast, Shoemaker's carriage and horses were sold for £216.<sup>231</sup> For James Humphrey's sale, held on September 14, 1778, the Commissioners documented in eight pages every item they took to public auction. Many items sold for less than £1, like a plate, cards, and many lots were simply labeled "sundries." Other items like a bedstead and sacking sold for over £5, a mahogany printing press sold for £20, and Latin grammar books sold for £6. James Humphrey's goods sold for £505

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<sup>230</sup> Sales for Estates, Records of the Office of the Comptroller General, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA,

<sup>231</sup> Sales of Goods late the property of Samuel Shoemaker. Sales for Estates, Records of the Office of the Comptroller General, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA.

altogether.<sup>232</sup> The sale of Jonathan Sullivan's sundries on September 17, 1778 sold for £345. His sale, recorded in three pages by the Commissioners, reveals that most items sold for small amounts, with the greatest revenue being £33 from the sale of some walnut chairs. Most items such as soup plates, lesser quality furniture, and small pieces of furniture sold for much smaller amounts.<sup>233</sup>

At Joseph Galloway's property sale on September 24, 1778 the Commissioner's recorded his items over seven pages for a total of £421. His coal sold for £147 and his carriage sold for £275. Commissioner's also seized Galloway's bedsteads, sacking, rugs, blankets, looking glass, chest of drawers, card tables, mahogany furniture, Windsor chairs, hand irons, tablecloth, books, teapot, water glasses, and many other items. A coffee pot and other sundries sold for £1 and it appears that no item, no matter how insignificant its value, was exempt from the sale.<sup>234</sup> John Parrock's goods were sold on November 20, 1778. Like Galloway and others, the Commissioners recorded Parrock's goods and their sale in detail. His items

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<sup>232</sup> Sales of goods late the property of James Humphreys Sales for Estates, Records of the Office of the Comptroller General, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA.

<sup>233</sup> Sales of sundries late the property of Jonathan Sullivan. Sales for Estates, Records of the Office of the Comptroller General, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA.

<sup>234</sup> Sales of goods late the property of Joseph Galloway Sales for Estates, Records of the Office of the Comptroller General, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA.

sold for a total of £647, including a sleigh, desk and bookcase, clocks, dining tables, copper coffee pot, coffee mill, and many other items. Parrock owned a number of high quality goods such as a day clock that sold for £85, chest that sold for £44, and a feather bed that sold for nearly £30.<sup>235</sup>

The Commissioners did not discriminate in their sales. While individuals like John Parrock, Joseph Galloway, and Samuel Shoemaker clearly possessed many valuable items, loyalists of lesser means lost their possessions to auctions as well. Loyalist Jonathan Bird's items sold for £72 and most items sold for only few pounds each. His plates, pictures, small looking glass, kitchen pans, bottles, and small tubs did not generate an enormous revenue. The sale of Bird's goods speaks to the punitive nature of loyalist property confiscation. The Commissioners seized everything from the loyalists and used the sale of their goods to punish those who had committed acts of treason against the newly independent state, symbolizing the power of the Commissioners and of Pennsylvania to punish those who chose to remain British subjects.<sup>236</sup> Several modest sales were held on December 21, 1778 for the property belonging to Jonathan Bird, Jonathan Burkett, William Sheppard, William Price, and John Atkinson. Atkinson's goods, consisting only of walnut logs, sold for a total of

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<sup>235</sup> Sales of goods late the property of Jonathan Parrock. Sales for Estates, Records of the Office of the Comptroller General, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA.

<sup>236</sup> Sales of sundries late the property of Jonathan Bird, Sales for Estates, Records of the Office of the Comptroller General, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA.

£13.<sup>237</sup> Like Bird, the sale of Atkinson's goods did not necessarily generate substantial revenue for the commissioners, but it demonstrated the authority and desire to punish loyalists.

Large auctions were held to sell the property of a few prominent notorious loyalists. On Wednesday, August 25, 1778 the Commissioners sold the property belonging to twenty-one loyalists, including elite Joseph Galloway, Samuel Shoemaker, John Parrock, and Alexander Bartram. The total sale was for £247,955 and at the time of sale the agents collected £19,830.<sup>238</sup> In the case of Samuel and Rebecca Shoemaker the Commissioners first seized their land in Pennsylvania, and then their personal effects in their Philadelphia home. The ten-page inventory of their belongings illustrates their class status, the detailed nature of confiscation, and its punitive nature. Additionally, sale of the Shoemakers' property was an extensive and long lasting process. The confiscation of their personal property on Arch Street, such as furniture and home décor, took place in July 1778, room by room. The value of

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<sup>237</sup> Sales of goods late the property of John Atkinson, Sales for Estates, Records of the Office of the Comptroller General, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA.

<sup>238</sup> August 25, 1778, Records of the Office of the Comptroller General, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA

mahogany and walnut furniture, often described as of “fine quality,” was astounding. Their tracts of land, houses, and other real property were sold during 1782.<sup>239</sup>

The records for Samuel Shoemaker’s estate include careful documentation of the quality and value of each item. The initial inventory lists compiled in July 1778 are organized according to room; for example, the back room downstairs contained two pages’ worth of items. The walnut bookcase and desk were valued at £15 and the ten books were valued at an additional £2. The inventory contained furniture, green velvet cushions, silver, marble, and wine glasses. In the inventory for the front and back parlor, the list included a china sugar bowl, jelly glasses, and bottles, among many other items; together with his horses and carriage, the inventory reached over £1300.<sup>240</sup> The inventory reveals that the Shoemaker’s possessed over three dozen chairs of solid mahogany, mahogany and leather, walnut, or armchair style upholstery with green fabric. The multiple sets of bedroom furniture all had mahogany frames with high posts. Each bed contained featherbeds, additional sacking, sets of sheets, pillows, and various quilts, coverlets, and other blankets. Fabric and material are

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<sup>239</sup> “Forfeited Estate Sale,” August 27, 1778, *The Pennsylvania Packet*, pg. 3; “Forfeited Estate Sale,” July 13, 1779, *The Pennsylvania Packet*, pg. 2. There are additional copies and clippings available in Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA. Furthermore, these are only some example of advertisements of the sale of confiscated property. There are many additional examples of forfeited estate sales in *The Pennsylvania Packet* between 1778-1782.

<sup>240</sup> “Forfeited Estate Sale,” Aug. 27, 1778, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA. This is an estimate of the goods on the inventory list. Some of the records are not complete as numbers are missing or damaged.



replete throughout the inventory. Window curtains, bolts of fabric, spools of thread, tablecloths, and bedding are listed for each room in the house. The material varies in quality, from calico coverlets and scraps to finer silks and tapestries.<sup>241</sup>

The Shoemaker inventory also reveals coveted luxury items and status symbols. The Shoemakers owned several large looking glasses, framed pictures, smaller hand held looking glasses, and glass windows. In Samuel Shoemaker's office, there was an "exceptional quality" mahogany desk and leather chair, as well several mahogany bookcases complete with old maps, two hundred and fifty-eight books, and a large quantity of pamphlets. An "abundance of writing paper," pewter inkstands, and quills could also be found at his desk. Other valuable confiscated items included china, glassware, and utensils. Dishes, saucers, and bowls, described as "Queensware" proved to be numerous and of the "finest quality." Silver trays and serving utensils also spoke to the elite status of Shoemakers, and certainly to the value of their property. The Shoemakers also possessed seventeen wine glasses and two wine decanters, illustrating their consumption of elite beverages. Rebecca and Samuel Shoemaker's goods also spoke to their style of British consumption, their

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<sup>241</sup> No title, clipping, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA.

connectedness to commerce, as well as their extremely privileged status.<sup>242</sup> The most valuable goods were a coach, valued at £250, and a pair of horses worth £200.<sup>243</sup>

Without question, the Shoemakers contributed deeply to the patriots' coffers, but the sale of their multiple properties also shamed the family publicly and stripped them of prominence in the city. Moreover, confiscation had a particularly punitive and perhaps malicious quality. The Commissioners seized and provided an inventory for everything in the Shoemakers home, no matter how insignificant or worthless the item, in order to make an example out of Samuel Shoemaker. He was highly regarded and respected figure who, prior to the American Revolution, wielded authority in Philadelphia. By taking the goods of a prominent figure the Commissioner's asserted claims for power on behalf of the patriot and diminished the authority British subjects. At the Shoemaker's home, the Commissioners seized "broken hewers of glass" of no value, damaged baskets worth a shilling, and old "poor quality" curtains. These worthless items likely brought little, if any, money at the sales. Likewise, the Commissioners seized perishable commodities listed as "assorted food and goods" in

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<sup>242</sup> Shoemaker records, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA. For additional information on elite consumption patterns, such as wine glasses and decanters see David Hancock, *Oceans of Wine: Madeira and the Emergence of American Trade and Taste* (New Haven: Yale University Press, 2010).

<sup>243</sup> The calculation of the Shoemakers property is a close approximation from the Forfeited Estate File, Pennsylvania State Archives. The inventory, while complete, was damaged in parts and some of the numerical values were missing. This number of £1,353 accounts only for the listed value of the goods at the time of confiscation. I have yet to locate the file or record that lists the amount collected from the auction of the Shoemakers goods.

the kitchen and a quarter pound of “middling quality” tea. These types of items clearly would not generate great income at auction, but instead emphasize the totality of the confiscation process, and they symbolized the consequences of being a loyalist.<sup>244</sup>

Sales of confiscated loyalist estates continued throughout 1779. In January Peter Campbell’s property went up for sale for £79. In February 1779 the sale of property belonging to Joseph Galloway and David Sprout sold for £40 each. March 1779 also saw some smaller loyalist property sales for goods belonging to John Parrock and Samuel Shoemaker, for £100 and £220 respectively. On April 26, 1779 the Commissioners sold the sundries belonging to Jacob Duche, a notorious loyalist. His eight-page sale generated revenue of over £1700. Rugs and quilts sold for less than £1, while walnut chairs, mahogany furniture, brass kettles, and chest of drawers sold for far more. Two looking glasses were sold for £144 and another looking glass sold for £50. Duche’s immense wealth is reflected in the volume of goods that sold in April as dozens of chairs, multiple tables, and numerous sets of linens and bedding passed into other Philadelphians’ hands.<sup>245</sup>

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<sup>244</sup> Records for Property Sale, 1779, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA. For some information relating to Charles Peale, confiscation, and Benedict Arnold see Benjamin Irvin, *Clothed in Robes of Sovereignty*, 253-254.

<sup>245</sup> Sales for Estates, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA; Sale of goods late the property of Jacob Duche, Sales for Estates, Records of the Off Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA.

Larger sales of confiscated loyalist property including goods, lands, and houses continued in the latter part of the year. On May 13, 1779 William Austen's property sold for £880 and Hudson Burr's property sold for £385. The five-page sale of William Austen's property was for goods alone, as was the sale of Hudson Burr's property.<sup>246</sup> However, by August 1779 the Commissioners held larger loyalist property sales of lands, buildings, and houses, which generated larger revenues for the state of Pennsylvania as the American Revolution progressed and the expense of fighting a war grew. Estates sold on August 25, 1779 belonged, in part, to some wealthy and influential members of Philadelphia society. Confiscation agent George Smith reported that total goods sold on August 25 were worth £247,953 belonging to 22 men attainted of loyalism. The property values and revenue varied greatly. For example, Joseph Galloway's property at the sale was valued at £39,100, Alexander Bartram's property was valued at £10,370, and Christopher Sower's property was valued at an astounding £48,370. Loyalist John Parrock's estate sold for £27,660, Samuel Shoemaker's property sold for £2180, Thomas Mackiness's estate sold for £24,000, and John Potts' estate sold for £26,800. Other loyalists' property at the sale in 1779 carried significantly less value with property from Enoch Story selling for

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<sup>246</sup> Sales of sundries late the property of William Austen, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA; Sale of sundries late the property of Hudson Burr, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA.

£120, Abraham Carlisle property selling at £365.<sup>247</sup> Just one day earlier on August 24, 1779 another part of Samuel Shoemaker's property sold for £39,100 for a home and its contents on Arch Street, and another estate belonging to David Sprout sold for £14,400.<sup>248</sup>

Advertisements of sales continued to run in *The Pennsylvania Packet* during 1780. On October 3<sup>rd</sup> additional properties belonging to John Parrock, William Austen, Richard York, and Andrew Elliot went on the auction block. The sale was hosted by agents William Will and Robert Smith and referred to five specific lots of property in Philadelphia. The first sale was a three-story brick home, or message, on the south side of Sassafras Street, between Front and Second Streets. It had previously belonged to attainted loyalist Parrock. The second sale was a two-story building and a lot of ground on Mulberry Street that had previously belonged to William Austen. Two continuous lots of land on the south side of Sassafras Streets, between Third and Fourth Streets were also for sale, formerly the property of loyalist Richard York. The fourth sale involved a three-story brick home and store on the west side of Front Street, and the fifth involved a two story home and lot of ground on Front Street, between Market and Mulberry Streets that had previously belonged to Andrew Elliot.

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<sup>247</sup> Sales of Sundries for Mackeness, Records of the Office of the Comptroller General, Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA.

<sup>248</sup> General Accounts, Philadelphia City, Forfeited Estates accounts, 1777-1809, Revolutionary War Records, PSA.

All of the properties went up for sale at auction on November 6, 1780 and the sales were set to continue from day to day “till the whole disposed of.” The terms of the sale were clear. One fourth of the purchase was to be paid with ten days of the sale, and the remainder was to be paid within one month. If the amount was not paid in the proper manner, the property would revert back to the state of Pennsylvania and any money already paid would be forfeited. The agents William Will and Robert Smith also declared they would “attend at the Court house on the tenth day after sale to receive the first payment” in order “prevent all difficulties.”<sup>249</sup>

On July 25, 1780 an advertisement ran the sale of property belonging to Samuel Shoemaker, Andrew Allen, William Austen, Isaac Allen, George Knapper, David Jones, John Henderson, William Ross, Williams Evans, John Hale, and John Parrock. Commissioners advertised twenty-four different houses, lots, rents, and tenements of various sizes. The auction was also overseen by agents William Will and Robert Smith, and required the same terms of purchase when the property and buildings were up for sale. Some of the property in the auction, however, was not up for sale and was offered for rent. Two lots of Shoemaker’s ground lots on the east side of Fourth Street between Sassafras and Mulberry Street went for “two yearly rent charges of 10 Spanish Silver Milled dollars and a half each.” Other ground lots on the

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<sup>249</sup> “Sale,” October 3, 1780, *The Pennsylvania Packet*, pg. 2. This clipping is also located in the Forfeited Estate Accounts, 1777-1809, Revolutionary War Records, PSA.

west side of Second Street between Sassafras and Mulberry were up for yearly rent of £100, formerly the property of Andrew Allen.<sup>250</sup>

The auction of loyalist property had the potential to generate substantial revenue in 1780, but the records are vague about how much money was collected from the sale of the property. In June several properties belonging to John Parrock sold for an astounding £137,000. The property ranged from brick houses, several three story brick homes, lands rented to the University of Pennsylvania, lands purchased by the state of Pennsylvania for future use by the University, and numerous houses in the heart of Philadelphia. Loyalists Hudson Burr, Robert Luezly, and Alexander Smith also lost estates that went up for sale in June. Hudson Burr's two story brick house between Vine and Sassafras Streets was purchased by the state for a recorded £10,000, and Alexander Smith's frame smith's shop and brick kitchen on the west side of Third and south side of Union Street was purchased by the state for a reported £5,200. The records continued to reflect substantial amounts of cash collected for confiscated loyalist properties throughout 1780. Estates belonging to Alexander Carlisle, Samuel Shoemaker, Andrew Allen, George Napper, William Ross, William Evans, John Parrock, Richard, York, and Andrew Elliot altogether sold for a reported £880, 660.<sup>251</sup>

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<sup>250</sup> No headline, July 25, 1780, *The Pennsylvania Packet*, pg.3.

<sup>251</sup> Ledger, General Accounts, Philadelphia City, Forfeited Estates accounts, 1777-1809, Revolutionary War Records, PSA.

The Commissioners' records, however, do not fully explain what payments were received and for what properties. At times large payments were received, as when on October 15, 1779 George Smith submitted £13,826 to the Pennsylvania treasury for the sale of forfeited estates sold in Philadelphia County. Altogether, George Smith submitted ten payments for confiscated loyalist estates in 1779. The payments ranged in amount and throughout the course of the year, yielding a total of nearly £21,400.<sup>252</sup> On May 12, 1780, George Smith recorded receiving from John M. Nesbitt £9,275 in payment for an estate he had purchased. David Rittenhouse, treasurer for the state, recorded this and the money was received by the state. Other payments were received and given to David Rittenhouse. On June 5, 1780 he received £8,369 from George Smith for confiscated estates. Rittenhouse received a large payment of £6828 for confiscated loyalist estates from George Smith the following month as well, but thereafter, Smith remitted smaller payments: on June 21, £182; on July 2, £75; and on September 28, £136. The largest payment for confiscated loyalist

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<sup>252</sup> General Accounts, Philadelphia City, Forfeited Estates accounts, 1777-1809, Revolutionary War Records, PSA. The amounts and dates of payment are as follows for 1779: January 20<sup>th</sup> £80, February 11<sup>th</sup> £971, April 6<sup>th</sup> £164, May 19<sup>th</sup> £164, May 31<sup>st</sup> £56, September 18<sup>th</sup> £150 and £4252, October 15<sup>th</sup> £13, 826, December 16<sup>th</sup> £1689, and December 22<sup>nd</sup> £347. The receipts of payment do not note what properties the payments were for, if they were for multiple properties, or from how many individuals.



estates came on July 24, 1780 for £118,745.<sup>253</sup> But a record of outstanding amounts not yet paid has not survived, if the commissioners in fact knew what they were.

## 2. Maryland's Efforts to Confiscate

The Maryland Legislature began formally confiscating British property in 1781 following the passage of the British Property Confiscation Act.<sup>254</sup> Property was held to be "British" goods and lands of enemy aliens if it had belonged to anyone who had not joined the Revolutionary cause or assented to the Revolution. One clause dealt with absentees who had left Maryland after April 30, 1775. Those who had left Maryland and were not declared or known British subjects were still given the ability to reclaim property in the state if they took the oath of allegiance by March 1, 1782.<sup>255</sup> But despite differences with Pennsylvania laws, the British Property Confiscation Act began to define the British subjects through an exclusionary process and created a category of Maryland citizens and "foreigners." Furthermore, in 1780 the Maryland legislature passed an additional law enforcing the treble tax which fined those who refused to sign the oaths of allegiance, but the legislation permitted some relief. The

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<sup>253</sup> Scrap receipts, General Accounts, Philadelphia City, Forfeited Estates accounts, 1777-1809, Revolutionary War Records, PSA. All amounts from scrap receipts in the folder which are not catalogued or identified further.

<sup>254</sup> Robert J. Brugger, *Maryland: A Middle Temperament*, 134-136.

<sup>255</sup> Hanson, *Laws of Maryland*, 269-273.

nonjurors continued to be taxed for their neglect “to take the oath or affirmation required by the act for the better security of the government,” but they were not excluded completely from the body politic.<sup>256</sup> Further, the law stated that the tax did not have to be collected from all nonjurors. It granted leniency, stating those in charge of collecting the tax could “suspend the collection of the said treble tax from nonjuror and shall report the name of such person and his case to the next general assembly” if the nonjuror was believed to have good conscience.<sup>257</sup>

The Patriots still recognized nonjurors as an independent category, but they no longer feared their disruption of the revolutionary war; nevertheless, during 1780 the Maryland government began to actively seize the property of both nonjurors and loyalists. State commissioners William Paca, Uriah Forrest, and Clement Holyday, were appointed to seize and confiscate all British property within the state.<sup>258</sup> They

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<sup>256</sup> Legislators estimated that revenue generated from British property confiscated and treble taxes would generate as much as 9 million dollars. However, these estimates were grossly overstated, and the treble taxes and property confiscation did not generate a third of the expected revenue. See “Letters Between the Two Houses Concerning British Property Confiscation,” Revolutionary War Records, MSA.

<sup>257</sup> Hanson, *Laws of Maryland*, 273. Also in 1780 an Act concerning Nonjurors was passed by the Maryland legislature, there was an addition An additional supplement was “to the act for raising the supplies for the year seventeen hundred and seventy-nine, and an act, entitled, An act for the Assessment of property within this state, and also by an act passed at the last session of assembly, entitled, A Supplement to the act for the assessment of property within this state, shall be and is hereby suspended until the end of the next session of assembly, any thing to the contrary notwithstanding,” found in Hanson, *Laws of Maryland*, 243.

<sup>258</sup> Hoffman, *Spirit of Dissension*, 251-268.

were expected to inventory all the property and return to the General Assembly of Maryland with lists; in order to preserve the British property in the state the Commissioners could appoint people to take care of it.<sup>259</sup> The Commissioners utilized the records of tax Commissioners and county clerks for lists of persons who had not signed the oaths of allegiance. They also wrote letters to the county tax commissioners requesting information on property belonging to British subjects or absentees who were known British subjects. The law granted the absentees the exception to take an oath of allegiance by 1782; however, the previously created lists of those who signed oaths of allegiance, coupled with the county records declaring absentees as known British subjects, allowed the Commissioners to determine quickly who was not a citizen of the state.

Absentees were the most easily identified group of non-citizens and this was the first property confiscated. Their property was also the largest estates taken by state appointees and sold off down to 1785. Officeholders and Anglican clergy were among the prominent men dispossessed in the commercial and professional centers of Maryland, Annapolis and Baltimore, while insurrectionaries' properties tended to lay along the Eastern Shore, Western Maryland, and in Southern Maryland. There was also a concentration of Loyalists in Frederick County.<sup>260</sup> A large portion of absentee

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<sup>259</sup> Hanson, *Laws of Maryland*, 273-274.

<sup>260</sup> Brown, *The King's Friends*, 165-175.

property in the 1780s had belonged to owners of gristmills, furnace companies, or iron works that produced raw materials shipped across the Atlantic. These business properties were valuable for several reasons. For one, it was typically large in size and could be sold in several tracts. Secondly, company property often contained other assets such as gristmills, tools, and slaves. Moreover, the businesses contained furnaces and ore deposits that were coveted by the patriots. Property belonging to companies such as Cunningham, Findley, & Company; Spiers, Mackie, & Company; and the Nottingham Company owned by James Russell were confiscated.<sup>261</sup>

British iron works had a prosperous history in Maryland during the eighteenth century. The first iron works were erected in Maryland in 1715 and by 1718 pig iron, a crude form of iron obtained after smelting, was being shipped across the Atlantic. In 1761 Maryland reported eight furnaces and ten forges that produced some 2500 tons of pig iron annually.<sup>262</sup> In seizing the property of large British companies in Maryland, the Commissioners identified the importance of creating an economy built and run by Maryland citizens. The property was extraordinarily valuable and profitable, thus facilitating a transition from British economic outpost to a separate

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<sup>261</sup> Overfield, "Loyalists of Maryland," 359. Also specifically the law identified these men and their companies, they were significant estates in Maryland and held profitable companies that could help pay back the debt in Maryland.

<sup>262</sup> William G. Whitely, "The Principio Company," *The Pennsylvania Magazine of History and Biography* Vol. 11 No. 1 (Apr., 1887): 63-64. It was reported that the Maryland iron works also produced an additional 600 tons of bar iron yearly. Altogether the total annual production was only 17,000 tons of pig iron.

state with businesses controlled by the Maryland citizens. British mining and forging property was indeed coveted by the elite in Maryland. Speculators such as Samuel Chase, General Mordecai Gist, David Poe, and John McClure eagerly bought the holdings of these enterprises when they became available.<sup>263</sup> On March 10, 1781 the Commissioners issued the first advertisement for the sale of British property in the Baltimore and Annapolis newspapers. The ad was for the property that belonged to these profitable enterprises: James Brown and Company; Mackie, Spiers, and Company; Mackie, Spiers, French and Company; and James Christie, John Buchanan, John Glasford & Company. At the auctions from April 4 to November 26 the ironworks sold for a total of £19,000.<sup>264</sup>

On March 17, 1781 the Commissioners took possession and inventoried the property that belonged to Principio iron works lying in Anne Arundel, Baltimore, and Harford Counties. The Principio Company was of particular interest because of the amount of land and great iron forges it ran, and its subsidiary the Kingsbury Furnace Company added nearly 15,000 acres of land and forty-five African American slaves to the seizure. Altogether the Principio Company reportedly owned one hundred thirty-

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<sup>263</sup> Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>264</sup> Ledger and Journal, pg. 6, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA; Sale book, pg. 1, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

six slaves, gristmills, and extensive tools.<sup>265</sup> In buying this coveted British property the Maryland elite gained great financial advantages under the auspices of the state.<sup>266</sup> The Commissioners also set out to seize the personal property belonging to well-known elite loyalists. Between 1781 and 1785 they inscribed in their sale book one hundred entries of property being sold, seventy-six of which were for large individual estates. Typically this valuable and easily identifiable property was located in desirable areas and contained valuable assets such as gristmills.<sup>267</sup> Furthermore,

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<sup>265</sup> Ledger and Journal, pg. 9-11, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA; Lewis, "Slavery on Chesapeake Iron Plantations Before the American Revolution," 243.

<sup>266</sup> Another group easily targeted as known British subjects was the personal property, both land and belongings, which belonged to the owners of the British Companies. The Commissioners recorded these men held property separate from the Nottingham Company, separate from the company property. Together their personal estates totaled over 12,000 acres and combined the men possessed 161 slaves. This is found in the Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>267</sup> Sale book, 1-69, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA. The record is not entirely clear if some of the property was personal property or company property listed under the names of men. Men identified clearly by the record as having their personal property sold are James Christie, Ebenezer Mackie, Robert Christie, James Buchanan, Daniel Dulany son of Daniel, Daniel Dulany son of Walter, William Smith, Henry Harford, Henry Addison, Henry Stevenson, Lloyd Dulany, Alexander Hamilton, Alexander Richardson, Matthias Gale, Jonathan Boucher, Sherbourne Steward, John Frost, Joseph Richardson, James Nussel, Nathaniel Richardson, Robert Alexander, and John Lynch. These were known loyalist, many of whom participated in the march towards Philadelphia as members of the Maryland loyalist regiment.

elaborate dwelling houses, chattel, slaves, personal belongings, and large pieces of land were confiscated and sold for revenue.

Absentee property, like the absentee British iron forges and furnaces, proved to be easily identifiable and highly lucrative for Maryland legislature. The first plots of personal property sold were manors belonging to James Christie Jr., Ebenezer Mackie, James Christie, and Robert Christie sold on April 4, 1781 for £6780.<sup>268</sup> Lord Baltimore (Harford), who remained a loyal British subject, possessed the largest land holdings in the Ledger and Sale Book of the Commissioners; he lost eighteen properties. Harford's land sold for approximately £74,000.<sup>269</sup> His property included valuable manors lying throughout Maryland, including Beaverdam Manor and Chaptico Manor in St. Mary's County, which were sold in September of 1781.<sup>270</sup>

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<sup>268</sup> Sale book, pg. 1, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>269</sup> Some of Henry Harford's land holdings in the record are unclear; as to what of Harford's holdings were purely his or company holdings. The Commissioners ledger never mentions a Henry Harford, and only lists his property by descriptive names such as Beaverdam or Chaptico Manors. The sale book identified Henry Harford as the owner, and in one instance Chaptico Manor as an "iron works." It is unclear if Harford owned the land and leased it to companies. Therefore, Henry Harford is being placed under the category of individual British property holdings though he had some type of connection with the British companies. See Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>270</sup> Ledger and Journal pg. 67,92, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA; Sale book, pg. 10-13, Sale Book and Ledger of the Commissioners, Commissioners for

Additional property lying in Charles County and St Mary's County was auctioned by the state in 1781 and 1782. Henry Harford's total British Property was a great source of revenue for the Commissioners and it was reported the Commissioners received around £43,000 in payment. Lord Baltimore provided a fine source of revenue for the state and his property amounted to the greatest total sold for an individual.<sup>271</sup>

The Commissioners also targeted the influential landowning Dulany family, although its members were divided between loyalists and patriots.<sup>272</sup> The Commissioners carefully sought out land from primarily two members of the Dulany family who were known British subjects. The Dulany Family, considered one of Maryland's proprietary elites, had consistently held appointed offices in the Maryland legislative bodies. These men held offices that formed the mainstay of Maryland's

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Confiscation Property, Revolutionary War Records, MSA. The two sold together for £13, 894.

<sup>271</sup> Ledger, pg. 60, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA; Sale book, pg. 21, 27-28, 32, 68, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA. Commissioners Clement Holding seized Harford's land known as Calverton Manor in Charles County of about 200 acres on July 14<sup>th</sup>. That land was sold on October 13, 1781 for £7301. Harford's Queen Anne Manor sold for £12,357 in January 1782, Nanticoke Manor sold for £9,110 in January 1782, and Kent Manor in February 1782 sold for £5, 927. Harford had additional property sold in August and September of 1785, his Monocacy Manor and My Lady's Manor together sold for £133. Partial payments were received for Harford's property, and the full £74,000 was not received.

<sup>272</sup> For additional information on the Dulany family and their political influence in Maryland, see Robert McCluer Calhoun, *The Loyalists in Revolutionary America*, 135-146. Chapter 11 contains information of the Dulany family and their significance in the proprietary elite.



government. As friends of both the King and Lord Baltimore, Daniel Dulany Jr. and his loyalist relatives were easily identifiable because of their role in government, but also because of their relationship with the crown.<sup>273</sup> Daniel Dulany, Jr., singled out for his prominence within the community and his role in politics, had both his real and personal property seized and auctioned by the Commissioners in 1781 and 1782.<sup>274</sup> His household belongings consisted of over 100 items including tables, trunks, chest of drawers, kitchen utensils, and books; at an auction in Annapolis on July 19, 1781 these items were purchased and sold for £115. In another sale that day, Cornelius Mills purchased two maps Daniel Dulany possessed and William Bigger purchased thirty-two books from his personal collection. John Shaw bought a hearth stove, coffee

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<sup>273</sup> Anne Alden Allen, "Patriots and Loyalists: The Choice of Political Allegiances by the Members of Maryland's Proprietary Elite," 284-285. As Allen notes these "positions of profit" in Maryland's proprietary government included the lieutenant governor, agent and receiver general, commissary general, rent-roll keeper, treasurer, surveyor general, attorney general, commission of the loan office, clerk position, Church of England clergyman, collector of customs, county clerk, sheriff, and deputy commissary. All were appointed positions.

<sup>274</sup> In the Dulany family there are two Daniel Dulany's who were both loyalists in Maryland. Historical record identifies the two by whom their father was. Therefore, there is Daniel Dulany son of Daniel and a Daniel Dulany son of Walter. For additional information see Aubrey C. Land, *The Dulanys of Maryland: A Biographical Study of Daniel Dulany the Elder (1685-1753) and Daniel Dulany the Younger (1722-1787)* (Baltimore: Maryland Historical Society, 1955) and Wallace Brown, *The King's Friends The Composition and Motives of the American Revolution Claimants* (Providence, RI: Brown University Press, 1965).

roaster, and inkstand for a less than a pound.<sup>275</sup> Later, his personal belongings and acreage at Tasker's Chance amounted to £55,215 on October 10, 1781; sale of the land on this property on October 25 also resulted in £7,505 for Maryland.<sup>276</sup> Dulany also held property in western Maryland, amounting to nearly 7,152 acres of land in Frederick County that included two brick houses with "substantial improvements." That property was sold on August 1782 for a total of £515.<sup>277</sup> In total the confiscated property deemed "British" of Daniel Dulany Jr. generated a revenue over £67,000. Sales of his personal holdings were second only to Lord Baltimore's.

The property belonging to Daniel Dulany, son of Walter Dulany and a member of Maryland's proprietary elite, was also confiscated in Baltimore County, Annapolis, and 2500 acres of land in Montgomery County of the "best quality"<sup>278</sup> for a combined revenue of £13,810 in 1781 and 1785.<sup>279</sup> A third member of the Dulany family,

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<sup>275</sup> Ledger, pg. 93-96, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA

<sup>276</sup> Sale book, pg. 17-19, 22, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>277</sup> Ledger, pg. 111, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA; Sale book, pg. 47-48, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>278</sup> Ledger, pg. 108, 111, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>279</sup> Sale book, pg. 7, 22, 67, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

Lloyd, had personal property confiscated in 1782 consisting of slaves, chattel, books, furniture, and tea totaling £3,977 at the auction. Lloyd Dulany also had some property confiscated in Kent County, including two brick homes, yielding an additional £6,000 at the auctions. His land was broken up into smaller lots for quicker sale.<sup>280</sup> The combined total of confiscated British property coming from the Dulany family was nearly £91,000 at auction, nearly one fifth of the revenue recorded in the sale book for confiscated “British” property.

British supporters including Anglican clergymen, members of the British military, and royal officeholders were another group of absentees easily identified by the Commissioners. Under the law, these men forfeited the right to own property in the state for they supported the King, actively resisted by serving in the British military regiments, or had fled to serve the King and his church in England. Reverend Jonathan Boucher was among the first group of men who had property confiscated, a leading Anglican minister who fled Maryland in 1775. Boucher’s land and slaves were confiscated and appropriated by the Commissioners in Prince George’s County in July

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<sup>280</sup> Sale book, pg. 35-36, 39-44, 53, 59, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA. Lloyd Dulany is not in the Commissioners Ledger and Journal, and the only descriptions of his property are in the sale book. Additional information on Jonathan Boucher and his Loyalist ties can be found in Robert Calhoon’s *The Loyalists in Revolutionary America*.

1781. His land and personal property was sold at auction in May 1782 for £6,393.<sup>281</sup>

Reverend Henry Addison's property was confiscated and sold for approximately £2,000 in 1781 and 1782. Addison held 285 acres of land in Frederick County, and two holdings known as Friendship and Addison's Choice.<sup>282</sup> The Commissioners felt they had clear authority to confiscate and sell the property of Anglican clergymen who fled the state.

Next, the members of the Maryland loyalist regiment faced property confiscation. These men actively engaged in the Royal military forces and their undeniable support subjected them to great property confiscation from 1781 through 1784. Composed primarily of colonists from the Eastern Shore of Maryland, it was commissioned in 1777 as "The First Battalion of Maryland Loyalists," clearly a treasonous group. The regiment never fought in Maryland, but served in Florida, fighting the Spanish in the fall of 1778. The Maryland loyalists then fought in New York, the command center for British forces in the war.<sup>283</sup>

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<sup>281</sup> Ledger, pg. 82, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA; Sale book, pg. 38, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA; Hoffman, *A Spirit of Dissension*, 118-120, 123.

<sup>282</sup> Ledger, pg. 111-112, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA; Sale book pg. 22, 45, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>283</sup> M. Christopher New, *Maryland Loyalists of the American Revolution* (Tidewater Publishers: Centreville, MD, 1996).

In the meantime, the Maryland Patriot legislature identified those serving in the Regiment and marked these men for treason. Consequently, the property of these men was seized. Regiment Commander Alexander Hamilton held property in both Dorchester and Caroline Counties. The property amounted to 470 acres of land in Caroline County, 37 acres of land in Dorchester County, an additional 232 acres in tracts known as Hayward and 1 slave. All of this property was valued at £691 and was left in the possession of Charles Blair. There is an additional record of Alexander Hamilton possessing 516 acres of land in Caroline County. Maryland Loyalist James Russell had personal property as well. Russell and Hamilton's property was inventoried and seized by the Commissioners on May 12, 1781 for they did not make any efforts to conceal it.<sup>284</sup> The General Court of the Western Shore outlawed General Robert Alexander for treason in 1780. Alexander actively resisted the state and served in the Maryland Loyalist Regiment, but his property was not easily seized. Alexander's property in Cecil County was left in the possession of his wife Isabella Alexander for a bond of £5,000. The estate amounted to 900 acres and 22 slaves.<sup>285</sup> Additional larger personal holdings of Robert Alexander were reported on April 27, 1781, recorded, taken into possession by the Commissioners, and sold on June 6, 1783

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<sup>284</sup> Ledger, pg. 47-52, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>285</sup> Ledger, pg. 3, 33-35, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA

for £108.<sup>286</sup> Henry Stevenson, also serving in the Maryland Loyalist Regiment, owned property in Baltimore and Harford Counties that was confiscated on April 20, 1781. His goods and chattel were valued at £105; he held nine slaves and owned almost 400 acres of land. The Commissioners left the property, not inventoried, in the possession of William Smith until the Commissioners decided to sell the property.<sup>287</sup> Stevenson's property sold for nearly £3,500 in two separate auctions.<sup>288</sup>

Some estates were confiscated and left in the care of loyal Maryland citizens assigned by the Commissioners and were never auctioned. It is unclear what, if any, revenue was ever collected from identified but unsold lands from which the Commissioners took rents. The property of William Smith, outlawed for treason, was inventoried and left in the possession of Thomas Worthington for the sum of £10 per

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<sup>286</sup> Ledger, pg. 45-46, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA; Sale book, pg. 59, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>287</sup> Ledger, pg. 41-43, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA. Additional property of Dr. Henry Stevenson was found in Baltimore County and revealed Stevenson left in the possession of John Porter, containing 203 acres of land in Bleachinhurst, 83 acres in Collick Moor, 28 acres in Cades, 83 acres in Edward's Garden sport, and 99 acres in Timber Grove. Also left in possession to John Porter were Henry Stevenson's 12 slaves, 360 bushels of Indian corn, and miscellaneous plows and farming utensils.

<sup>288</sup> Sale book, pg. 60, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

month.<sup>289</sup> John Roberts' property was also inventoried. Roberts was actually a subject of Pennsylvania with property in Maryland who was executed for treason. He owned property in Cecil County amounting to 1364 acres and included sixteen slaves. The property was left in the care of Thomas May who agreed to maintain the condition of the property for the Commissioners until a later date.<sup>290</sup> The property belonging to British subject Thomas Blade was also seized and left in the possession of Dr. James Craik.<sup>291</sup>

In Somerset County in February 1782 the Commissioners inventoried the property belonging to British subject John Henry Carey. Carey had eight slaves, nine cattle, eight sheep, and extensive household furnishings. A tract of land of 2,372 acres also belonged to the Carey family. Carey's property, real and personal, was inventoried and left in the care of Robert Banks for a security bond with the understanding that Banks was to keep to property in the same condition and could produce the property to the Commissioners upon request.<sup>292</sup> Likewise, the

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<sup>289</sup> Ledger, pg. 30-31, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>290</sup> Ledger, pg. 33-35, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>291</sup> Ledger, pg. 56, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>292</sup> Ledger, pg. 172, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA. It is unclear if Robert Banks ever paid the bond.

Commissioners noted loyalist John Bale had confiscated property in Queen Anne's County that was never sold.<sup>293</sup> Commissioners took into possession seven slaves belonging to Darby and John Morton Jordan of Annapolis. The slaves, described as a man Samson, women Mary and Nanny, and four children, belonged to "known British subjects" and were seized but there were never sold publicly in an auction.<sup>294</sup>

The Commissioners in Maryland, then, controlled far more property than they actually sold. Possibly, they had limited power in the task of confiscation and the task often overwhelmed the three men appointed for this task. In any event, they appealed to the legislature for additional statutes to dispose of loyalist lands and estates, thereby putting more teeth into their authority. Some confiscated property was challenged by wives and family members who wished to recover lands and household goods, and creditors claimed an interest in much confiscated property as well. In 1781 and 1782 the Commissioners approached the Maryland legislature about the problems plaguing the confiscation of British property reporting that they were unable to "furnish the legislature with a perfect account." In addition to on-going challenges to particular individual estates, the Commissioners reported many of the claims brought forward on

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<sup>293</sup> Ledger, pg. 70, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>294</sup> Ledger, pg. 81, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.



British property were “founded on fraud and collusion.”<sup>295</sup> In the case of Patrick Kennedy, a niece and his wife both claimed familial ownership of the land and contested the confiscation of the estate, on the grounds of their own patriotism.<sup>296</sup> Kennedy’s niece claimed that a portion of the property had been given to her and her husband before Kennedy left Maryland in September 1777, but the “deed was lost.” This claim was rejected. Next, Kennedy’s wife successfully petitioned the General Assembly and said the property belonged to her and not her husband.<sup>297</sup>

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<sup>295</sup> Maryland House of Delegations, Votes and Proceedings, May Session 1781, p. 130-131, Legislative Records, Revolutionary War Records, MSA.

<sup>296</sup> It appears from record that no other Captain was able to keep family land. The property of Captain Grafton Dulany was transferred because he died during the War; therefore, I am not considering his property as one of the two instance of where land remained in family. For additional on the Dulany land claims see Peter Wilson Coldham, *American Loyalist Claims Vol. I Abstracted from the Public Record Office Audit Series 13 Bundles 1-35*, 37 (Washington DC: National Genealogical Society, 1980), 133. For general information of the Dulany family during the American Revolution see Aubrey C. Land, *The Dulany’s of Maryland: A biographical study of Daniel Dulany, the elder (1685-1743) and Daniel Dulany, the younger (1772-1797)* (Baltimore: Maryland Historical Society, 1955).

<sup>297</sup> Maryland House of Delegations, Votes and Proceedings, April Session, 1782, p. 136-139, Legislative Records, Revolutionary War Records, MSA. Kennedy is also mentioned on Overfield, “The Loyalists of Maryland,” 347; although, he does not follow through and examine the claims of Kennedy’s wife. Overfield does however provide an extensive analysis of his confiscated British property as used to pay debts. In Chapter VII: Confiscation provides useful information on how the state paid debts with the confiscated property during and after the American Revolution.

Despite these types of debates over ownership, the Commissioners declared they would continue to confiscate and inventory property to the best of their ability.<sup>298</sup> They again addressed the General Assembly the following year about the continuing difficulties in confiscating British property, citing three major impediments in the confiscation process. One, they had no authority or power to have people “discover or deliver” British property they may possess. The Commissioners believed a “considerable amount of property in the state was under concealment.” Secondly, the Commissioners determined that even after selling property they did not have the authority to enforce payment. Auctioned property often went unsettled and the proceeds of sold property had not been paid in full. Finally, the Commissioners were still unclear as to what property belonged to British subjects or to Maryland citizens. Maryland citizens wrote the Commissioners claiming they possessed an interest in property that had been seized, and the Commissioners were not able to determine who owned what property or if debts were owed on the property.<sup>299</sup>

The Maryland legislature did little to alleviate the problems; they even built certain exceptions into the laws that permitted confiscated parties to reclaim their property. Most prominently, the Confiscation Act in 1780 exempted former Governor

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<sup>298</sup> Ledger, pg. 66-67, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

<sup>299</sup> Ledger, pg. 197-198, Sale Book and Ledger of the Commissioners, Commissioners for Confiscation Property, Revolutionary War Records, MSA.

Horatio Sharpe from confiscation if he returned in March 1782. The law essentially gave Sharpe the choice to claim allegiance or forfeit his property. John Ridout, an acquaintance of Sharpe, lived on Sharpe's land in Annapolis during the Revolution to watch over his property until Sharpe's return. Sharpe did not return and instead of turning the property over the Commissioners, Ridout sold the property to Benjamin Ogle. Ogle took all the property, both real and personal, and created deeds declaring the property belonged to Ridout. According to the deeds Ridout was to pay Sharpe for the property after the conclusion of the Revolution. Ridout then held the estate for Sharpe on a £15,000 sterling bond that could be transferred to Sharpe.<sup>300</sup> The example of Sharpe and Ridout illustrates efforts that bordered on fraud, giving force to the Commissioners laments that they were consistently hindered from their duties.

Other British property was confiscated and sold more successfully under the Commissioners' orders. They seized and inventoried the property belonging to former Royal Governor Robert Eden on May 17, 1781, and then they transferred the property to the new Governor Thomas Sim Lee. Eden's "commodious dwelling house" had valuable improvements. The items formerly belonging to Eden, now in possession of Sim Lee, were listed and numbered by each room in the house: the bedroom had a four post bedstead, divinity window curtains, feather bed with bolster and pillows, large

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<sup>300</sup> Overfield, "The Loyalists of Maryland," 346; Bond of John Ridout to Horatio Sharpe June 22, 1782, Ridout Papers, MSA. There is no clear record of when Ridout began living on Horatio Sharpe's property. This historical record states his residency began during the American Revolution.

mattress, mahogany night table, large chair, French commode table, bookcase and drawers, tin finder, a pair of tin dogs, shovels and tongs, two chairs, and a looking glass.<sup>301</sup> Instead of selling the British property of the former Royal Governor, the commissioners chose to transfer the land and personal property to the new Maryland Governor, who held the property in trust. This transference indicates the desire of the Commissioners to take care of government property and hold it close to their authority during the war, and such special actions protected the rising new elite in Maryland.

### 3. Delaware's Confiscation Process

Delaware's confiscation process was simpler, smaller in scale, and appears to have been less troubled than in neighboring states. Unlike Maryland, Delaware passed three laws in 1778 and confiscation was not repealed, reconsidered, or readdressed by the Delaware General Assembly thereafter. Some Delaware loyalists did own valuable land and estates, but the volume of Maryland's and Pennsylvania's property seizures overshadowed Delaware. Moreover, Delaware officials did not collect large sums of revenue from confiscation, in contrast to Maryland's proceeds from several British companies and prominent British families. The Delaware records reveal that a substantial number of men were charged and fined for treason, although their property was not necessarily confiscated in every case. Seventy-five men are listed and fined

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<sup>301</sup> Ledger, pg. 57-63, Sale Book and Ledger of the Commissioners, Commissioners for Confiscated Property, Revolutionary War Records, MSA.

for levying war against Delaware from 1777 to 1781, and their fines range from £50 to £9000.<sup>302</sup>

Records that exist for the confiscation of loyalist property in Delaware are individual documents and there is no single volume that records the confiscation, sale, or collection of payment. Jacob Derickson, a captain of the British militia, lost his property in August 1778. His estate, located in Brandywine Hundred in New Castle County, generated approximately £7,350, varying from a pot and hook to land and slaves. His plantation consisted of 190 acres and sold for £6,000. The other items of substantial value included his four slaves, which garnered nearly £650. Jacob Derickson's wife and three children were granted a sum of four thousand pounds by the state, used to buy items totaling £273 from the sale of his estate.<sup>303</sup>

The most prominent Delaware loyalist, in terms of wealth and political involvement, was Thomas Robinson of Sussex County. Robinson owned multiple tracks of land in the state, numerous slaves, and was politically active in Delaware Assembly prior to and at the outbreak of the Revolution. But he fled Delaware to New York in late 1776, and joined British military forces. By 1778 he and his family left for Nova Scotia and then England, leaving behind a substantial estate, which sold for an astounding £34,000 in November of 1779. He owned plantations and gristmills in

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<sup>302</sup>Military Records, Vol. 3 Part II, pg. 1300, Military Records Collection, DSA.

<sup>303</sup> Box 1 Military records, file folder 213, Military Records Collection, DSA.

northern Delaware valued at £6,000, acreage and improvements in Sussex County amounting to about £4,000, and smaller holdings in Sussex County along Rehoboth Bay.<sup>304</sup>

Joshua Hill, also of Sussex County and a former member of the General Assembly, was driven from home in March 1778 by a mob. He owned nearly 2,000 acres of land, eight slaves, and a large number of livestock. The total sale of his property generated over £5,000. At the time of sale in September 1778, Commissioner Levin Derickson collected £2,000 in payment. Likewise, Boaz Manlove, also a former member of the General Assembly, was deemed an enemy of the state of Delaware and his property was seized and sold in 1778. In September his tracts of in Sussex County were sold for £2,000. His five slaves sold for a total of £700 and his property was sold to three men for a combined total £1,100. On the day of sale Levin Derickson collected £689 in cash payment.<sup>305</sup>

Delaware's loyalists generally held small estates, however. When compared to Maryland, substantially less revenue was generated; yet, the county commissioners recorded even the smallest confiscation. Loyalist Nehemiah Fields, of Sussex County, fled to Canada at the outbreak of the Revolutionary War. His estate was sold for £761. Three additional estates belong to Simon Kollock, Samuel Edwards, and Luke

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<sup>304</sup> Box 1 Military records, file folder 221, Military Records Collection, DSA; Hancock, *The Delaware Loyalists*, 58-61.

<sup>305</sup> Box 1 Military records, file folder 216, Military Records Collection, DSA.

Shields also sold in Sussex County in 1778. Shields' property sold for only £11, and he was captured by the British and was forced to pilot vessels for the patriots. Once he was released in 1783, the Delaware Assembly pardoned him and paid him back for his property. Simon Kollock, found guilty of buying cattle from the enemy, lost his property and it was sold for £111. Edwards's property sold for £130.<sup>306</sup>

The records pertaining to confiscation in Delaware are frustratingly incomplete and unclear. County records are inconclusive and there is no way to gauge the amount of revenue collected in any one county for the duration of confiscation. A few examples of estate sales indicate that the sums might have been substantial if there were additional large landholdings and households taken as enemy property. In Sussex County Levin Derickson reported the collection of £3,494 in 1778 for forfeited estates. By 1780, Derickson reported the sale of seven additional loyalist estates. For the estate of loyalist Boaz Manlove he collected nearly £1,500. At the time of sale, nearly £500 was collected. However, there is no indication of the payment for the other estates.<sup>307</sup>

Delaware state's confiscation revenue, however limited it might have been, often went to pay debts owed by the loyalists to merchants or for delayed tax

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<sup>306</sup> Box 1 Military records, file folder 216, Military Records Collection, DSA; Hancock, *The Delaware Loyalists*, 64. There is no additional information on Samuel Edwards in the records at the Delaware State Archives.

<sup>307</sup> Box 1 Military records, file folder 214, Military Records Collection, DSA.

payments. For example, in October 1778 Philadelphia merchant Thomas Baston petitioned the Justice of the Peace for debts owed against a forfeited estate. He claimed loyalist Jacob Rogers owned him nearly £200. Other debts were brought against Jacob Rogers's estate, amounting to near £1,077. The state of Delaware paid Jacob Rogers' debts in full.<sup>308</sup>

Likewise, the records for New Castle County are largely inconclusive. William Clay had been appointed commissioner for the sale of forfeited estates in the county beginning in September 1785. In his report of December, he recorded a collection of £245 from the estate of Charles Gordon. His report notes that very little actual revenue was collected because of the claims of debt against the estate. But overall, his report reveals the frustration of property confiscation in Delaware because the state had not put in place a clear system for confiscation, and sums of money were largely unaccounted for and; moreover, when money was collected it was routinely not deposited, likely due to distance, disorganization, and immediate creditor demands.<sup>309</sup>

By the end of 1785, only ten loyalist estates had been sold in New Castle County totaling £52,642. The property belonging to Joshua North accounted for nearly £37,000. Of North's property, £24,000 of the sale was "land estate" and £13,000 was

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<sup>308</sup> Box 1 Military records, file folder 216, Military Records, Collection, DSA. There is no mention of the sale of Jacob Rogers's estate. The record is unclear as to what, if any revenue was generated from the sale of his property.

<sup>309</sup> Box 1 Military records, file folder 218, Military Records Collection, DSA.



“moveable estate.” But the county records do not indicate how much, if any, cash was collected at the time of sale. Clay did comment he had deposits to make for the sale of confiscated property, but does not state how much money was to be deposited. He does note, with regard to the sale of Joshua North’s estate, that he was uncomfortable with holding on to the money. Clay told the Delaware Assembly,

I attended with all the money ... on the sales I had made [after the sworn order of the honorable house which I had paid] and requested the county direction [in] what I should do with the money then in my hands, as I wished not to have the charge of so much money, and I proposed to the court to put said money into the said loan office, as a place of security the court said they had no authority to do and adding that if any accident happened to it I was not accountable.<sup>310</sup>

Despite these examples, loyalist property in Delaware did not generate enormous amounts of revenue. The best estimate for New Castle County for January of 1781 is a collection of only £8,060 and for Sussex County in December 1781 for £43,000. There is no record for Kent County, largely because of a smaller population and in a state of general poverty.<sup>311</sup> Though Delaware undoubtedly had a large loyalist population, very little property was confiscated.

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<sup>310</sup> Box 1 Military records, file folder 218, Military Records Collection, DSA.

<sup>311</sup> Hancock, *The Delaware Loyalists*, 33; Box 1 Military records, treason file folders, Military Records Collection, DSA.

#### 4. The Limitations of Confiscation

Confiscation of loyalist property in the mid-Atlantic produced mixed results. In Philadelphia the need to quickly identify, punish, and sell the property belonging to loyalists, especially those who had participated in the occupation of Philadelphia, produced an immediate response. Sales and confiscation began early, in 1778, and continued with great success throughout 1780, although the process tapered off dramatically after 1780 and revenues dropped sharply and it was often difficult to obtain full payment from the sale of confiscated estates. Agent George Smith, for example, dutifully submitted sums for purchases to Commissioner George Rittenhouse, but his payments fell short of the anticipated revenue for the sale of the property.<sup>312</sup> In nearby Maryland, Commissioners sold some prominent loyalists' estates, but they failed to sell the property of non-elite enemies. Overall, the confiscation process was not an overwhelming success for the patriots. It was inherently flawed under law, property was hidden, and the task proved to be too great for legislatures strapped with other pressing duties. However, the confiscation process did succeed in showing the power of the legislative bodies to act independently and

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<sup>312</sup> Confiscated Estates of the City and County of Philadelphia, Forfeited Estates Accounts 1777-1809, Revolutionary War Records, PSA. In the record collection, there are records pertaining to the sale of property containing receipts from George Smith to George Rittenhouse. When the receipts are compared with the records from the auction sale, they are consistently less than the amount of sale.

assert authority as Americans over British subjects, and it was an important precedent in defining citizenship in the years to come.

Treatment of nonjurors who claimed neutrality would complicate the emergence of citizenship. Some nonjurors justified their stance on religious grounds, such as the Quakers, and others refused for personal reasons. As a punishment for refusal of allegiance, the Maryland legislature imposed a treble tax on nonjurors and fined them if they refused to serve in the militia.<sup>313</sup> But identifying and punishing nonjurors proved difficult. Beginning in 1777, individual members of the Maryland Quaker community reported on the burden of the treble tax. Bringing their evidence to the yearly meetings, men from all parts of Maryland reported on the impact of the punitive laws. The additional tax burden fell heavily on farmers. William Hayward paid his tax by forfeiting a mare and calf worth £18. The Patriots took Joseph Scott's three cows, servant, and an apprenticed blacksmith in order to pay the £35 he owed. Fourteen other Quaker men reported personal property and livestock was taken in order to pay the treble tax. As a result of their neutrality, mares, cows, sheep, and colts were ruthlessly seized in order to pay the fines. William Brown paid his fines with

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<sup>313</sup> The laws mentioned are found in Hanson's *Laws of Maryland* in the 1777 "Better Security Act" and the 1780 "An Act Concerning Nonjurors."

personal possessions: a blanket, table, dough trough, and four chairs. In April 1777 the Patriots fined and collected £155 worth of personal property and livestock.<sup>314</sup>

Quakers continued to record how the treble tax affected their lives in the coming years of warfare. In 1779 an account of the sufferings of Friends in the Western Quarter of Maryland cited £96 of property seized from several members.<sup>315</sup> In 1778 the Patriots took John Wilson's fifteen sheep, John Maulsby's two young cattle, and William Matthew's cow as payment of the treble tax. In October 1779 five men gave up property in order to pay the treble tax. Benjamin Powell's two horses paid his tax and were valued at £26. Richard Belt paid his tax with one mare valued at £9. A. Thompson's steer worth £5 paid his treble tax and John Smith's three hogs paid his £15 treble tax. In November 1779 John Hopkins, Thomas Pearson, Joseph Hopkins, and Elisha Hopkins again paid the treble tax. The record does not indicate how they paid the treble tax in November 1779; however this time the total paid was

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<sup>314</sup> Quakers Yearly Meeting for Sufferings, page 8, Quaker Records Collection, MSA. Some of the citations include the page number when available. When the page number for the Quakers Yearly Meeting Records is not available, the date of the record is cited.

<sup>315</sup> Quakers Yearly Meeting for Sufferings, pg.10, Quaker Records Collection, MSA. The combined revenue collected from Quaker taxes paled in comparison to the revenue generated from the sale of the large British estates.

£103. In 1779 the Quaker men in the Western Quarter of Maryland paid over £200 to the Patriot legislature.<sup>316</sup>

Quakers in the Eastern Quarter of Maryland also experienced confiscation of livestock and personal property. In 1779 James Edmiston gave away spools of “valued” thread. John Cowe paid £50 for the treble tax and forfeited two young mares. In Kent County, Quaker James Maslin also paid the treble tax and was fined for refusing to serve in the militia. The Patriots seized two young mares and a heifer from Maslin.<sup>317</sup> Property was taken from James Parr, John Mason, William Amos, Benjamin Howard, and Job Spencer for refusal to join the militia. Their combined seized property was valued at £86. The fines for refusal to join the militia were not necessarily about generating vast amounts of revenue, but rather to register longstanding resentment towards nonjuring Quakers.<sup>318</sup>

Many Quakers resisted paying a tax they viewed as burdensome. In the year following the passing of the Act for Better Security, many Quakers actively petitioned

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<sup>316</sup> Quakers Yearly Meeting for Sufferings, pg. 10-11, Quaker Records Collection, MSA.

<sup>317</sup> Quakers Yearly Meeting for Sufferings, pg. 12-14, Quaker Records Collection, MSA.

<sup>318</sup> Quaker Yearly Meeting for Sufferings, pg. 10-11, Quaker Records Collection, MSA. Information on religious quarrels in Maryland is found in Ronald Hoffman’s *A Spirit of Dissension*.

for relief.<sup>319</sup> Beginning in September 1778, Quakers petitioned the Maryland General Assembly about their “suffering situation” under the treble tax and they asked the legislature to reconsider requiring Quaker men to sign the oath of affirmation. The refusal to sign the oaths of affirmation had resulted in some Quakers being imprisoned, and this petition pleaded for their release. Over twenty Quaker men signed the petition, but the Maryland General Assembly ignored their pleas.<sup>320</sup>

In November 1778 the Quakers again petitioned the Maryland General Assembly; however, the Maryland legislature again ignored their grievances. In November 1779 a number of Quakers again came forward with a similar petition but they were once again ignored.<sup>321</sup> The Patriots did respond, however, to individual requests from Quaker nonjurors. Between 1779 and 1780 Quaker yearly meetings sent lists of grievances to the patriots in the legislature and succeeded in being relieved of their fines.<sup>322</sup> Although the stance of the Maryland legislature against neutrality thus

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<sup>319</sup> Quaker Yearly Meeting for Sufferings, November 9, 1778, Quaker Records Collection, MSA.

<sup>320</sup> Ibid.

<sup>321</sup> Quaker Yearly Meeting for Sufferings, November 1779, Quaker Records Collection, MSA; Quaker Yearly Meeting for Sufferings, May 1780, Quaker Records Collection, MSA.

<sup>322</sup> The Maryland legislature granted exceptions to the treble tax on a case-by-case basis. Individuals brought forth their particular issues the Houses while in session. For examples of the exemptions from the treble taxes see Hanson’s *Laws of Maryland* in the years 1781 and 1782.

began to crumble with respect to individual please , the Patriots controlling the legislature were not willing to forgive the Quakers for their position as a religious minority. The Patriots in the legislature feared the potential ramifications if they relaxed the laws for nonjurors as a group. Therefore, the Maryland General Assembly continued to deny the requests and the petitions presented on behalf of the Quaker Yearly Meetings.<sup>323</sup>

In 1780 the Maryland legislature passed an additional law enforcing the treble tax and used the tax to fund the war effort. If anything, the Maryland legislature mocked the religious beliefs of the nonjurors by using their money to fund a war they refused to support. The nonjurors continued to be taxed for their neglect “to take the oath of affirmation required by the act for the better security of the government.”<sup>324</sup> This new law varied from the others, for the Patriots determined the revenue generated from nonjurors would be used entirely to raise supplies for the Maryland militia. The law passed in 1780 also represented a shift in the mentality of the Patriots in the Maryland legislature. The law stated the tax did not have to be collected from all nonjurors. It granted leniency to some, stating those in charge of collecting the tax had

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<sup>323</sup> Maryland State Votes and proceedings, November 1781, pg. 54-56, Legislative Records, MSA. The specific laws can also be found in Hanson’s *Laws of Maryland* for 1781 collectively.

<sup>324</sup> Also in 1780 the Maryland legislature approved an Act for the Confiscation of British Property. It was estimated that revenue generated from British property confiscated and treble taxes would generate as much as 9 million dollars. However, these estimates were grossly overstated, and the treble taxes and property confiscation did not even generate a third of the expected revenue.

the ability to abide by the “scruples of conscience” and could “suspend the collection of the said treble tax from such nonjuror and shall report the name of such person and his case to the next general assembly.”<sup>325</sup>

Despite the reworking of the law, the 1780 records of the Western Shore Quarterly Meeting reveal the continued enforcement of the treble tax. The patriots collected livestock and personal property from twenty-seven men worth a total of £180. The men paid with cattle, bushels of wheat, and bushels of corn, pine cupboards, tobacco, and horses.<sup>326</sup> Later in 1780 the Western Shore reported an additional twenty-eight men had £160 of property confiscated for payment. The property taken was similar to the others, being primarily livestock and grain.<sup>327</sup> The Eastern Shore Quarterly Meeting reports from 1780 report similar seizure of property for payment. Ten men had property taken for payment valued at a total of £81. Their property included cows, steers, bushels of hay, cupboards, and sheep.<sup>328</sup> The next Quarterly

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<sup>325</sup> Hanson, *Laws of Maryland*, 273. Also in 1780 an Act concerning Nonjurors was passed by the Maryland legislature, there was an addition An additional supplement was “to the act for raising the supplies for the year seventeen hundred and seventy-nine, and an act, entitled, An act for the Assessment of property within this state, and also by an act passed at the last session of assembly, entitled, A Supplement to the act for the assessment of property within this state, shall be and is hereby suspended until the end of the next session of assembly, any thing to the contrary notwithstanding.” This is found in Hanson, *Laws of Maryland*, 243.

<sup>326</sup> Quakers Yearly Meeting for Sufferings, pg. 16-17, Quaker Records Collection, MSA.

<sup>327</sup> Quakers Yearly Meeting for Sufferings, pg. 20, Quaker Records Collection, MSA.

<sup>328</sup> Quakers Yearly Meeting for Sufferings, pg. 17, Quaker Records Collection, MSA.



meeting in the Eastern Shore also produced substantial amounts of property being seized to pay the treble tax and these goods were sold at auction by the government in order to pay the fines. In 1780 the combined total of fines levied in the Eastern Shore resulted in more than £200 of revenue for the patriot legislature.<sup>329</sup>

In 1781 the Maryland legislature passed another law to reaffirm the importance of loyalty; all men eighteen years and older, including those who were out of the state at the time the original security act passed, needed to sign an oath of allegiance within a month of their return to the state. The patriots used the law to define the role of nonjurors and formally recognized Quakers and Methodists could not sign oaths of fidelity, but then imposed additional taxes.<sup>330</sup> Seizing of Quaker property on the Western Shore continued, and in 1781 674 pounds of property was taken from thirty-seven men to pay the stipulated taxes.<sup>331</sup> But thereafter, an element of confusion entered legislative thinking about how much to punish nonjurors. It had become evident to some lawmakers that the Quaker population was no longer a threatening faction; major insurrections in the state of Maryland had been quelled. The Maryland Legislature did attempt to persuade the Quakers to sign an agreement in May, 1781

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<sup>329</sup> Quakers Yearly Meetings for Sufferings, pg. 20-21, Quaker Records Collection, MSA.

<sup>330</sup> Hanson, *Laws of Maryland*, 284.

<sup>331</sup> Quaker Yearly Meetings for Sufferings, pg. 22-25, Quaker Records Collection, MSA.

that would alleviate them of payment of the treble tax if nonjurors declared they were “friends to the now established government.” However, the Quakers refused to sign this document, and therefore the Maryland legislature could not use this method to gain the allegiance of the Quakers.<sup>332</sup> But equally, legislators did not have clear means to exclude nonjurors from emerging definitions of citizenship. Taxing nonjurors was not a great economic measure, but it allowed the Patriot legislature to legitimize their government. However, by 1782 the Maryland legislature gradually relaxed the laws and granted more exemptions. By 1783 revenue collection under the treble tax was insignificant.<sup>333</sup> More significantly, the experience of Quakers in the years immediately following the Revolution illustrates the process of identification, punishment, and eventual gaining of rights of citizenship. By 1783 the Maryland legislature did not fear the Quaker population as a subversive group.

Like the Quakers, the Methodists faced severe fines and imprisonment for not affirming allegiance to the state. Their fines generally were paid for suspicious preaching and alleged involvement in the insurrections in Maryland before Revolution. Furthermore, the Methodist population widely sympathized with the Crown. In the 1777 Act for the Better Security of the Government, law makers included a provision that required any man desiring to preach to give an oath of

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<sup>332</sup> Quaker Yearly Meetings for Sufferings, May 7, 1781, Quaker Records Collection, MSA.

<sup>333</sup> Hanson, *Laws of Maryland*, 187-188.

allegiance to the state.<sup>334</sup> In the months to come, the General Court indicted thirty-four nonjurors for preaching, primarily Methodists on the Western Shore. The fines ranged from £30 to £200.<sup>335</sup> Beginning in 1779 the Maryland legislature began to relax these fines and imprisonment for nonpayment, in part because the Methodist ministers made concessions to the Maryland legislature and abided by the laws. Unlike the Quakers, the Methodists in Maryland were willing to take oaths of fidelity to gain back the right to preach.<sup>336</sup> After 1780 the Methodist population, both preachers and congregations, faced less severe treatment as a consequence, and by 1782 Methodists, like the Quakers, faced less scrutiny and were allowed to preach freely regardless of having taken any type of oath to the state unless “his actions and conduct hath manifested a disposition inimical to the present government.”<sup>337</sup> The treatment of Methodists and Quakers during the Revolution reveals initial fears – at least in government -- about those who chose a neutral stance, and their potential involvement

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<sup>334</sup> Hoffman, *A Spirit of Dissension*, 227-230.

<sup>335</sup> Court sessions of the western shore – 1778, 1779 and 1780, Executive Miscellaneous, Legislative Records, MSA.; Hoffman, *A Spirit of Dissension*, 230.

<sup>336</sup> Maryland State Votes and Proceedings, November 1779, pg. 16, Legislative Records, MSA.

<sup>337</sup> Hanson, *Laws of Maryland*, 331. Information on Quaker opposition to an established state church in Maryland can be found in Kenneth L. Carroll, “Quaker Opposition to the Establishment of a State Church in Maryland,” *Maryland Historical Magazine*, Vol. 65 (1970): 158-162. For information on religious history and tensions with the Anglican church and others see Nelson Wait Rightmyer, *Maryland’s Established Church* (Baltimore: Church Historical Society, 1956).

in insurrections against the patriots. Legislators, however, came to believe nonjurors, unlike loyalists, were not a continuous threat.

Pennsylvanians also struggled with the treatment of nonjurors. The state's Test Act forced all men over sixteen to take an oath of allegiance to the state, denounce the King, and report all acts of treason to the state. Individuals who refused to sign oaths of allegiance, as required by the act, forfeited rights to hold office, serve on juries, the ability to sue for debts, and the buying, selling, or transferring property in Pennsylvania.<sup>338</sup> The Pennsylvania legislature punished nonjurors and fined individuals, but also imprisoned those who refused to side with the patriot cause during the war. Thomas Fisher, who had been exiled from Philadelphia in September 1777 for his refusal to sign an oath of allegiance on the patriots' behalf, was a member of the Quaker community banished from the state. Thomas left his wife Sarah behind in Philadelphia, where she also refused to support the Patriot cause, defying the Patriots who sought to take advantage of her husband's absence. She recorded in her diary on September 22, 1777 that Patriot captains and soldiers demanded blankets or old carpets from her. "I told them I had never given them any, but that they had robbed me of what was far dearer than any property I had in the world, that they had

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<sup>338</sup> Anne M. Ousterhout, "Controlling the Opposition in Pennsylvania during the American Revolution," *The Pennsylvania Magazine of History and Biography*, Vol. 105, No. 1 (Jan., 1981): 4. The Pennsylvania Test Act was passed in 1777, prior to the occupation of Philadelphia.

taken from me my husband, and that I could by no means encourage war of any kind.”<sup>339</sup>

In practice, a number of nonjurors in Pennsylvania faced imprisonment and prolonged separation from their families. Others, however, did not threaten the government and their punishments were less severe. In Northampton County a group of Mennonites, who refused to sign oaths on religious grounds, were ordered to have all their personal property seized and sold in June 1778. They were ordered to leave the state as well, but a number of women petitioned the Northampton Council for their personal property, claiming they would be destitute. The Council sided with the women, alleviated the harsh penalties, and returned the property. Eventually, the state issued a proclamation pardoning and releasing all those imprisoned for refusing to take the Test Act.<sup>340</sup>

Individuals who refused to associate according to religious convictions puzzled both the Maryland and Pennsylvania legislatures. Initially both legislative bodies sought to punish nonjurors, or nonassociators, harshly at the beginning of the war by levying fines, seizing property, and by imprisoning individuals. Much like the process

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<sup>339</sup> September 16, 1777, Sarah Logan Fisher Diaries 1776-1795, HSP; September 22, 1777, Sarah Logan Fisher Diaries 1776-1795, HSP. For additional information on the Test Act, see Anne M. Ousterhout, *A State Divided: Opposition in Pennsylvania during the American Revolution* (New York: Greenwood Press, 1987), 161.

<sup>340</sup> Ousterhout, “Controlling the Opposition,” 30; *Laws Enacted in the Third General Assembly of the State of Pennsylvania* (Philadelphia, 1778), 172-75, Revolutionary War Records, PSA.

of confiscation, the punishment lessened as the years passed. Early treatment of nonjurors was harsh and disruptive, but as the war waged petitions caused most laws to be rewritten.

The confiscation of loyalist property, in Pennsylvania, Maryland, and Delaware produced multiple outcomes. For one, the visible nature of confiscation, be it the taking of the goods, the public notices of auctions, and the auctions themselves, provided a very tangible and visible consequence of loyalism. Seizing property from prominent proprietary elite families like the Dulany's was essentially a statement about the shift in political power in the rebellious colonies. Furthermore, the confiscation and sale process, while inherently flawed and complex, signified the ability of a new group, the now emerging American citizens, to exert their right over former British property. The confiscation of property was a direct attempt to mark the British as non-citizens and, because of their loyalty to the crown and not the patriot cause, they forfeited legal claims to property ownership.

Finally, the complex nature of confiscation including claims of ownership, exceptions to property confiscation, and future complaints and contests of confiscation further illustrate why the seizure of loyalist property was so vital to understanding the shift from subject to citizen. Confiscation served as a concrete means for identifying loyalists and excluding them from the body of American citizens. Careful legislation, advertisement of sales, and even the taxing of non-associators all served as means to identify those who were not in support of the patriots and the Revolutionary cause. Confiscation of property certainly had a monetary motivation as evidenced by the

widely advertised auctions, but the sales were largely spectacle and a legislated means for the patriots to denounce those who betrayed the patriotic cause.

In the years that followed the loyalists, their wives, children, and relatives fought back against the confiscation, seeking retribution for the unjust seizure of their property. For example, some made claims as British subjects, others claimed to have been harmed because of their loyalist family members leaning, and still others claimed to have patriots. The court systems were utilized by some individuals who typically did not have full rights of citizenship. The 1780s witnessed a great number of claims for property through petitions and other legal means, such as the courts, and showed the relentless spirit of those who felt the confiscation of property, loyalist or otherwise, was unjustified.

## **Chapter 4**

### **FIGHTING A “TYRANNICAL GOVERNMENT:” CONTESTS OVER CONFISCATED PROPERTY**

Loyalists did not stand by idly during the process of property confiscation and its long aftermath. Taking and selling loyalists' property was fraught with contests over legal rights to do so, as well as rightful ownership from its very beginning. Family members, including wives, children, and other relatives, claimed ownership over seized land and brought their claims to the courts. In some cases, individuals wrote long appeals to the Commissioners overseeing the confiscation for the return of their property. Some cases, too, presented themselves in the courts and family members sued the state government for repayment of property. The nature of the contested claims varied greatly. Some loyalist property confiscation cases were by family members who claimed rightful ownership of land and that it should have never been confiscated. In other cases, wives and other family members did not contest the seizure of property, but instead proclaimed their allegiance to the patriot cause and



sought help as citizens of the new state. The contests over ownership began in 1778 and continued well into the mid-nineteenth century.<sup>341</sup>

While loyalist men, or suspected loyalist men, fled in the name of self preservation or were exiled, their wives and children often were left behind in the mid-Atlantic to support themselves and protect family property from confiscation. In Pennsylvania, largely as a result of the Philadelphia campaign, loyalist women found their lives altered, but rose to the challenge by protecting their estates, providing for their families, and maintaining the family. Not all women, however, identified with their husbands' politics. Some women refused their husbands' loyalism and instead separated themselves from the tumult and ideology of revolution altogether, creating a new life independent of their husbands' politics.<sup>342</sup>

Nevertheless, there were numerous women who actively participated in the courts and, by claiming citizenship after the American Revolution, used court cases over contested property ownership as evidence of exercising citizenship. While

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<sup>341</sup> I am defining contest broadly, including anything from women refusing to leave the homes of their (now absent) loyalist husband to family members suing the state for repayment down to 1848, as in the case of Matthias Aspden.

<sup>342</sup> For some background on the Philadelphia occupation see Robert Calhoon, *The Loyalists in Revolutionary America*, 390-394. For material on women in Philadelphia and their treatment, behaviors, and perspectives on occupation and the period after see Judith Van Buskirk, "They Didn't Join the Band," 306-329. Her article gives space to the women's experiences during the occupation and notes their absences in the much of the literature on the disaffected and loyalist women. See also Linda Kerber, *Women of the Republic: Intellectuals and Ideology in Revolutionary America*, (Chapel Hill, NC: 1980) and Wayne Bodle, "Jane Bartram's 'Application,'" 185-220.

women often fell subject to coverture, they still brought cases of loyalist property confiscation to the courts and successfully petitioned for ownership.<sup>343</sup> Loyalist women went to extraordinary measures to protect their property. They claimed ownership of land, refused to leave their homes, and, in some instances, openly defied the laws in order to maintain property ownership. By contesting loyalist property ownership, women and other family members often were successful in proving claims to land that had been in their family, sometimes for generations.

In Maryland, some women attempted to stand their ground in the face of aggressive patriots armed with the cover new confiscation laws and growing practices of violent seizures. For example, Loyalist Susanna Marshall, originally residing in Baltimore at the beginning of the Revolution, supported the British troops on their way to the Philadelphia-area campaigns and intended to go to Philadelphia during 1777 in the absence of her husband. William Marshall, originally from Ireland, refused to sign an oath of allegiance and was “obliged to quit the country and leave his wife and children.” In her husband’s absence, Susanna feared that she, too, would be targeted by patriots for her loyalism, so she packed up her children to search for Lord

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<sup>343</sup> Linda Kerber, “The Paradox of Women’s Citizenship in the Early Republic: The Case of *Martin vs. Massachusetts*, 1805,” *The American Historical Review* Vol. 97 No. 2 (Apr., 1992): 349- 378. Coverture is the legal system in which a woman’s civic identity was essentially transferred to her husband through marriage. She gave ownership of property to her husband and lacked legal rights. Linda Kerber notes in her article that the founders wanted to maintain this system of coverture, but proves that women acted as citizens by utilizing the court system when they made claims for seized loyalist property.

Dunmore in June 1776. However, she could not find Dunmore and instead journeyed to Head of Elk in mid-1777, a small town on the way to Philadelphia in Cecil County, Maryland, in hopes of intercepting the British troops on their rumored journey to Philadelphia. Once there, Susanna ran out of resources to provide for her children, and she grasped at the opportunity to run Elk Tavern in order to provide shelter and a livelihood for her family. All the while Susanna longed to be reunited with her husband; during 1777 she heard of a proclamation by Congress which would allow loyalists to “quit” the colonies without taking any of their goods. As a supporter of the British crown this appealed to Susanna; however, the idea of leaving behind her possessions was unwelcome. In defiance of the law Susanna held a public vendue, or auction, to raise funds for travel so she and her children could reunite with her husband.<sup>344</sup>

Susanna’s dreams of finding Lord Dunmore and heading to Philadelphia vanished when she realized she was no longer safe in the American colonies. Following the sale of her goods, Susanna chartered a schooner to sail to the West Indies where her husband had fled. While her household goods had been sold, Susanna brought some food supplies of venison, hams, bacon, and a hogshead of flour aboard the ship. While headed to the West Indies, three men who were also “quitting

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<sup>344</sup> Memorial of Susanna Marshall, AO 12/11, British Claims Commission, MHS. I do not know what repayment Susanna was compensated. She and her children likely received partial repayment for the loss of her property, but the British Claims Commission Records do not specify if she received full repayment for her lost property due to her loyalty.

America” boarded the schooner. As it turned out, however, these three men revealed they were patriots, seized the schooner as enemy property, and had it hauled by an armed boat to St. Augustine. American soldiers in St. Augustine stole some goods from her vessel, but allowed Susanna and her children to leave soon thereafter. They boarded the *Hawk Transport*, seeking refuge in England after discovering her husband died in St. Domingue. There, she continued to provide for her children and petitioned the Loyalist Claims Commission in London for additional support in June 1785, seeking repayment for losses of her property to the American soldiers while in St. Augustine.<sup>345</sup>

Other loyalist women in the mid-Atlantic stayed behind in order to protect their property and provided for their families in the face of forcible exile for prominent loyalist men. Thirty men were exiled from Philadelphia to Virginia because they refused to sign oaths of loyalty. They were imprisoned and separated from their families for seven months, including known loyalists Thomas Fisher, Edward Pennington, Parson Coombe, Thomas Affleck, Thomas Gilpin, Myers Fisher, Phineas Bond, Thomas Pike, Elijah Brown, William Smith, William Drewet Smith, Thomas

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<sup>345</sup> Ibid.

Wharton, John Pemberton, Henry Drinker, Owen Jones Jr., Charles Jervis, Charles Eddy, Israel Pemberton, John Hunt, and Samuel Pleasants.<sup>346</sup>

Sarah Logan Fisher, wife of imprisoned Thomas Fisher, struggled in her husband's absence. The fear of property confiscation is evident in her diary. She noted on January 4, 1777 that she read about the property confiscation in the newspaper. The Committee of Safety, which was unlike anything Sarah "had ever heard of," caused her great concern. She compared the Committee of Safety to the Spanish Inquisition. She feared that she would face the loss of all her goods and believed she would eventually be banished. In Sarah's estimation, the Committee of Safety represented what would surely become a "tyrannical government it will prove from weak and wicked men."<sup>347</sup> Sarah's response to the threat of confiscation of family property was to contemplate hiding what possessions she could. While having coffee and dining with other Quaker women, she debated hiding her items. She heard rumors that, in October 1777, patriot soldiers were moving through the Pennsylvania countryside and this prompted fear that items would be seized, especially, wrote Sarah, nonassociators who faced certain loss of goods and livestock out in rural areas. She heard of a man

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<sup>346</sup> September 2, 1777, Sarah Logan Fisher Diaries, 1776 -1795, HSP. Local authorities called for the imprisonment of prominent Quakers in Philadelphia after word of a rumors of a potential British attack on the city.

<sup>347</sup> January 4, 1777, Sarah Logan Fisher Diaries, 1776 -1795, HSP.

who expected to lose his cows, sheep, pigs, and potatoes to the American soldiers.<sup>348</sup> She also described in her diary the Americans who engaged in “barbarous cruelty.” She noted examples where the Americans did not attempt to save the lives of men on British ships that had caught fire, noting that patriots valued the destruction of British ships more than the lives of British men. In her estimation, the Americans “seem to possess a more than savage barbarity.”<sup>349</sup>

Sarah feared her ability to provide for her children during her husband’s absence, but she did whatever she could to keep her family fed during the war. At the end of her pregnancy, Sarah noted that she had scarcely any milk, butter, or eggs for her children. She feared her children would have “nothing to eat but salt meat and biscuit” in November 1777. Sarah wrote, less than one month before she gave birth to a little girl, “I have to think and provide everything for my family, at a time when it is so difficult to provide anything at any price.” Fortunately, friends brought Sarah butter and eggs for her children.<sup>350</sup> In April 1778 Sarah and her husband were reunited after a seven-month separation, and other Philadelphia Quakers “were restored to their

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<sup>348</sup> October 19, 1777, Sarah Logan Fisher Diaries, 1776 -1795, HSP.

<sup>349</sup> October 23, 1777, Sarah Logan Fisher Diaries, 1776 -1795, HSP.

<sup>350</sup> November 1, 1777, Sarah Logan Fisher Diaries, 1776 -1795, HSP. Her diary is largely absent for the next month. When she begins writing in her diary she notes her lying in period after a month long absence in her diary, where she resumes writing on December 5, 1777.

families and honorably discharged,” bringing “peace of mind, which unspeakable favor I earnestly wish I may keep in grateful remembrance.”<sup>351</sup>

Elizabeth Drinker also faced a prolonged separation from her husband and struggled to maintain ownership of property during her husband’s exile. Philadelphia Quaker merchant Henry Drinker refused to signed the oath of allegiance and was exiled from Philadelphia to Virginia in September 1777. Elizabeth was left to care for their home and six children, and to maintain possession of their home and goods. She noted that it was difficult as individuals broke into their stable, stealing several barrels of flour.<sup>352</sup> Part of Elizabeth’s struggle, like Sarah Logan Fisher, was keeping armies, Hessian and British, from seizing all of her essential household supplies. She noted that everything was scarce and that by the winter of 1777 troops were plundering necessary items. At one point, a British soldier quartered himself in Elizabeth’s home, to the fright of her children. The soldier became “enrag’d, drunken” and Elizabeth and the children hid in the house. Fortunately, Elizabeth’s neighbors were able to remove

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<sup>351</sup> May 29, 1778, Sarah Logan Fisher Diaries, 1776-1795, HSP. She notes in this diary entry an absence in writing due to fit of illness and many engagements. He husband returned on April 29<sup>th</sup> from his period of forced exile in Virginia.

<sup>352</sup> Elizabeth Drinker, *The Diary of Elizabeth Drinker*, ed. Elaine Forman Crane (Boston: Northeastern University Press, 1991), 229, 235-240; Judith Van Buskirk, “They Didn’t Join the Band,” 309.

him from the home, but Elizabeth was left with a consistent sense of worry for her safety, possessions, and her home.<sup>353</sup>

In war torn Philadelphia, loyalist women faced prolonged and permanent separations from their husbands. In some cases, loyalist women stayed behind as a calculated decision, aimed to specifically protect the family property from confiscation. Grace Growden Galloway, wife of notorious loyalist and Pennsylvania statesman Joseph Galloway, stayed behind following the occupation of Philadelphia in hopes of protecting their property from confiscation.<sup>354</sup> At stake were her dowry, the goods and possessions in her home. Joseph and their daughter Elizabeth returned to Philadelphia during the period of occupation, but fled at the conclusion of occupation.

<sup>355</sup> It was not long before Grace was warned by Charles Wilson Peale, one of the

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<sup>353</sup> Wendy Lucas Castro, “‘Being Separated from my dearest Husband in this cruel manner:’ Elizabeth Drinker and the Seven-month exile of Philadelphia Quakers,” *Quaker History* Vol. 100 No. 1 (Spring 2011): 45.

<sup>354</sup> Biographical information on Grace Growden Galloway can be found in Raymond Werner’s article “Diary of Grace Growden Galloway,” 32-94.

<sup>355</sup> Raymond Werner, “Diary of Grace Growden Galloway,” 32-34. The Galloway family held a great deal of property in Pennsylvania. For information on Joseph Galloway’s claims of his losses the British Claims Commission Records, AO 12/38 in the Loyalist Claims for Pennsylvania. In Galloway’s claim he notes that he sought relief from the Loyalist Claims Commission so that he could reside in Nova Scotia and possibly live there with his wife and other family. For additional information see *The Examination of Joseph Galloway, Esq. by a Committee of the House of Commons*, ed. Thomas Balch (Philadelphia: T.K. and P.G. Collins, 1855), 71. Loyalist Joseph Galloway left Philadelphia immediately following the end occupation for obvious reasons of his involvement. Prior to the occupation of Philadelphia Galloway was a significant figure in Pennsylvania politics and government. In 1774 he was member



agents in charge of the confiscation of British estates in Philadelphia, that he would be taking possession of her house and estate. The threat of property confiscation was great for Grace for she and Joseph possessed a number of land holdings and various rented homes.<sup>356</sup> In July she was advised to seek the counsel of lawyers to prevent property confiscation. She hoped to at least prevent the confiscation of property that had been left to her from her father. The reality of confiscation, however, was growing and very possible. On July 21<sup>st</sup>, she was informed that the Shoemaker's property had been inventoried and confiscated the day before and, since Samuel Shoemaker was attainted of treason, Grace knew could be her same fate. At 2 o'clock in the afternoon the agents in charge of confiscating estates came to her home and took an inventory of "everything even to broken China and empty bottles."<sup>357</sup>

The loss of her estate, now very real, presented a great challenge for Grace. She feared she would be "brought to beggary" as she was told she could no longer stay

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and speaker of the assembly in Philadelphia. When Galloway joined loyalist forces and aided General Howe in 1778, he was immediately identified by the patriot controlled legislature as a known loyalist. He was instrumental during the occupation of Philadelphia. During the period of British occupation, Galloway, a Loyalist from Philadelphia, advised Howe and served as the "virtual" governor of Pennsylvania. Joseph Galloway had appointed Samuel Shoemaker, along with Daniel Cox and John Potts, to serve as magistrates in the city, thereby solidifying his highly visible political convictions in the eyes of the Pennsylvania legislature and the Philadelphia community.

<sup>356</sup> June 19, 1778, Grace Growden Galloway Papers, 1778-1781, HSP; July 9, 1778, Grace Growden Galloway Papers, 1778-1781, HSP.

<sup>357</sup> July 21, 1778, Grace Growden Galloway Papers, 1778-1781, HSP.

in her home: “what shall I do there is No dependence on the arm of flesh; nor have I one hope in this world no any thing to rely on . . . all hope is over.” Grace wrote she had “no hope of saving anything,” but she did seek legal counsel to recover her estate. The day after her property was confiscated, Grace found out she would not recover her dowry, but she was advised to petition the Chief Justice for the landed estate. Grace wrote “I find I am a beggar indeed I expect every hour to be turn’d out of doors and where to go I know not.”<sup>358</sup>

Joseph Galloway wrote to Grace from London in August 1778, advising that he could “express the pain we suffer at our separation.” In his letter he carefully asked if their separation was accomplishing anything and if Grace was having any luck in protecting the property. He thought it was best that he seek repayment for the confiscated property in England rather than have Grace prevent confiscation. He wrote specifically about the property her father, Lawrence Growden, had left in his will as Grace’s dowry. Under the law, the property left to Grace was transferred to Joseph by marriage, and he believed that if they could “get some friend to purchase [your own estate]” they might retrieve the property at a later time.<sup>359</sup> At nearly the same moment, Grace was informed that she was expected to leave her home. Commissioner Peale informed her on August 19, 1778 that was she expected to “go out” of her house the

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<sup>358</sup> July 21, 22, 1778, Grace Growden Galloway Papers, 1778-1781, HSP.

<sup>359</sup> Evans, *Weathering the Storm*, 199.

following day by ten o'clock. Grace wrote she "was much shock[ed]," and she sent word to other men in the community about her plight.<sup>360</sup>

Grace was adamant about retaining her property as long as possible, even telling confiscation agents she would not give up her house. She wrote that she would "not go out of My house till I know the opinion of ye council." On August 20, 1778 she remained true to her word. Grace shut all of her doors and windows and ignored the violent knocking on her door by Peale and his agents, who forced their way into her home through the kitchen, the door "broke into pieces," and it took nearly "eight or ten minutes before they had it open." Peale then took Grace by the arm and took her from her home. She reportedly had the following conversation with him later:

"Come, Mrs. Galloway. Give me your hand." I answered, "Indeed I will not; nor will I go out of my house by force." He then took hold of my arm. I rose and he took me to the door. I then took hold on one side, looked round and said, "Pray take notice. I do not leave my house of my accord, or with my own inclination, but by force. And nothing but force should have made me give up possession." Peale said, with a sneer, "Very well, madam."<sup>361</sup>

Grace was forced from her home, and Elizabeth Drinker described herself as now being driven out of her home, destitute, and "much distressed." She reported that

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<sup>360</sup> August 19, 1778, Grace Growden Galloway Papers, 1778-1781, HSP.

<sup>361</sup> August 22, 1778, Grace Growden Galloway Papers, 1778-1781. HSP.

fellow loyalist Rebecca Shoemaker “had agreed to go quietly out of her house” as well.<sup>362</sup>

Despite being removed from her home, Grace still hoped to appeal to Commissioners and receive some of her confiscated property. She wrote to her daughter Elizabeth on September 23, 1778, expressing concern about leaving Philadelphia and the confiscated property: “Should I leave this place, they will not only take my income, but confiscate my estate.” She told her daughter how the furniture and chariot had been sold at auction, and she lamented that she did not have enough money to buy back her own books, tea chest, or work basket. Grace thought she would have the best luck if she petitioned for the property because “if they possess my petition rather than claim my right, for if they possess my estates I cannot maintain, but I can claim afterwards.”<sup>363</sup>

In the midst of losing her property and being separated from her family, Grace Growden Galloway’s health began to fail during the remainder of 1778. Anxiety over her separation from her family, and her overall failing quality of life, added to her miseries. In December 1778 she wrote “I was taken very bad in the morning...I am now quite overcome at being kept out of my estate.”<sup>364</sup>

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<sup>362</sup> August 20, 1778, Grace Growden Galloway Papers, 1778-1781, HSP.

<sup>363</sup> Elizabeth Evans, *Weathering the Storm*, 203.

<sup>364</sup> December 23, 1778, Grace Growden Galloway Papers 1778-1781, HSP.

In June 1779 exiled Philadelphia loyalist Joseph Galloway spoke about his family's losses. In a public examination by the British Committee of the House of Commons, Galloway responded to questions about motivations and events that spurred the Revolution, his involvement in Pennsylvania government, and his own personal experiences. The committee questioned Galloway directly about his losses, to which Galloway replied, "I had very considerable property in America before the troubles. I have said before, my life was attainted by an Act of Assembly of the Rebel States, and my property confiscated" and unless Britain emerged victorious in the war, Galloway believed he had "no hope of recovering it." Galloway's loss was very real. His home, possessions, and even his wife Grace remained in the American colonies. By 1779 Galloway's life had been forever changed by the events of the American Revolution and especially by the occupation of Philadelphia.<sup>365</sup> Grace Galloway died on February 6, 1782 in Philadelphia with the Atlantic separating her from her husband and daughter.<sup>366</sup>

Beginning in 1783, Elizabeth Galloway took over her mother's efforts to recover property from the new Pennsylvania government. Now the legitimate heir of

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<sup>365</sup> Galloway, *The Examination of Joseph Galloway*, 71. Galloway's wife Grace Growden Galloway remained in Philadelphia following the period of occupation in order to protect her property in Pennsylvania. Grace did manage to protect some of her assets that were not in her husband's name inherited from her family's iron-works business in Pennsylvania and her father Lawrence Growden. But, she passed away and Joseph Galloway never returned to Philadelphia, banished from the state.

<sup>366</sup> Evans, *Weathering the Storm*, 239.

family lands and homes, Elizabeth claimed that certain property had belonged to her grandmother Sarah Growden and could not be liable for confiscation. She followed up on this claim in January 1785, asking if she could purchase some pieces of property from the North American estate of her father, Joseph Galloway. She asked that her father's lands and houses be paid for from the sale of her inherited estate on her mother's side of the family. It took several years for the Pennsylvania Council to review and grant Elizabeth's claims in mid-1787, although by then Elizabeth lived in England.<sup>367</sup>

Sarah Shepherd, wife of Philadelphia loyalist William Shepherd, also stayed behind in Philadelphia during the occupation and struggled to maintain ownership of the farm, stable, and house in the absence of her husband. William Shepherd was "zealously attached to the British government" and he had fled from Philadelphia to New Brunswick, New Jersey in 1777, after witnessing the execution of a fellow loyalist. In fleeing, he left behind his wife Sarah and their three children, who were "maltreated" in the process of all of their property being destroyed. Sarah had attempted to protect the property she inherited from her uncle, but lost that property as well. Eventually, Sarah and the children welcomed William back to Philadelphia, but they fled North America for Britain in January 1783.<sup>368</sup>

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<sup>367</sup> Evans, *Weathering the Storm*, 240-244.

<sup>368</sup> Claim of William Shepherd, British Claims Commission, AO 12/ 11, British Claims Commission, UD.

Two Shoemaker children also sought to prevent the confiscation of the family estate in the absence of their parents. Samuel Shoemaker (discussed previously) jumped on one of the first ships to New York during the British entry into Philadelphia; Rebecca followed shortly thereafter under accusations of aiding the enemy.<sup>369</sup> But following the pattern of many dividing loyalist families, their two daughters stayed behind to protect family land, houses, and goods to the best of their ability.<sup>370</sup> Initially, Rebecca presented a petition to the Commonwealth of Pennsylvania in August 1778. In her petition she requested that the Assembly reconsider seizing Samuel Shoemaker's estate, conceding that he had been found guilty of high treason, but imploring for those in charge to be "reasonable." She requested a portion of the estate because the law made allowances for the "wives and children of persons so attainted." In her petition, Rebecca wrote of how the commissioners had inventoried her goods and violated her sense of security and privacy. She claimed they had "broke open her drawers and other private inclosures." She claimed to be but a "helpless woman with her children" and requested immediate

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<sup>369</sup> Rebecca's movement to New York came under accusations of aiding the British enemy and passing on information. For additional information, see Anne M. Ousterhout, *A State Divided: Opposition in Pennsylvania to the American Revolution* (New York: Greenwood Press, 1987).

<sup>370</sup> Introduction to Rebecca Shoemaker's Diary, Shoemaker Family Papers, HSP. For information on the lives of the Shoemaker's in New York see Judith Van Buskirk's *Generous Enemies*. For additional information on New York loyalists see Ruma Chopra's *Unnatural Rebellions*.

return of her possessions, pointing to a portion of the confiscation law that required allowances for the wives and children of loyalists.<sup>371</sup>

Rebecca's appeal, however, was futile. She left Philadelphia in the fall of 1778 under the cloud of aiding the enemy.<sup>372</sup> Daughters Anna and Peggy became her confidants from 1780 to 1783, revealing much about the consequences of loyalty as a refugee.<sup>373</sup> Moreover, Anna and Peggy found their status to be far more directly and immediately problematic and worrisome after the British evacuation. Anna wrote about her lack of belonging and fears for her personal security in the city once the British had left. Patriot soldiers often entered dwellings in Philadelphia, searching for goods and guns; they "rummaged through [her] trunks and found nothing."<sup>374</sup> Peggy also wrote to her mother about the entrance of soldiers and citizen-loyalists entering the home. French soldiers, ostensibly serving the patriot cause, were "plundering the Tories homes" because they wanted wages for service. Anna and Peggy stood by helplessly in Philadelphia as family property and personal possessions were

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<sup>371</sup> Petition of Rebecca Shoemaker, Revolutionary War Records, PSA.

<sup>372</sup> Rebecca's movement to New York came under accusations of aiding the British enemy and passing on information. For additional information, see Anne M. Ousterhout's *A State Divided*.

<sup>373</sup> Van Buskirk, *Generous Enemies*, 3-23.

<sup>374</sup> Rebecca Shoemaker to Anna and Peggy Rawle, June 21, 1780, Shoemaker Family Papers, HSP; Anna Rawle to Rebecca Shoemaker, June 30, 1780, Shoemaker Family Papers, HSP.



confiscated.<sup>375</sup> By October 1781 Anna feared her mother would be “obliged to leave New York” and if that were to happen “Peggy and myself [would] be permitted to accompany you.” She knew this plan was premature, but she reassured her mother they would work out a plan to dispose of their property and asked “if we may take some steps towards” selling goods in Philadelphia and joining Rebecca and Samuel immediately. By then, there was not much left to protect; most family properties had been sold at auction.<sup>376</sup>

Some women used the absence of their loyalist husbands to embrace a radically different political viewpoint. In some cases, declarations of patriot sympathies were intended to protect material property and even to gain personal independence from an undesirable marriage.<sup>377</sup> Jane Bartram, wife of Alexander Bartram, stayed behind in Philadelphia, and her husband stated they did not share the

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<sup>375</sup> Peggy Rawle to Rebecca Shoemaker, February 1781, Shoemaker Family Papers, HSP.

<sup>376</sup> Rebecca Shoemaker to her daughters, April 11, 1781, Rebecca Shoemaker Papers 178-1786, HSP; Anna Rawle to Rebecca Shoemaker, October 26, 1781, Rebecca Shoemaker Papers 178-1786, HSP.

<sup>377</sup> See Judith Van Buskirk, “They Didn’t Join the Band,” 306-329. Van Buskirk discusses at great length how women in Philadelphia did not share the politics of the American Revolution and uses their writings to show how they became “disaffected.” She explores the politics of some of the same women discussed in this paper including Sarah Logan Fisher, Grace Growden Galloway, and Rebecca Shoemaker along with other Philadelphia women.

same politics, in an effort to spare his wife from persecution and loss.<sup>378</sup> Alexander left with the British in June 1778 and Jane stayed behind; however, she did not stay under the auspice of upholding her husband's politics nor did she rejoin her husband. Instead, she severed her ties with Alexander, and in 1785 petitioned for divorce.<sup>379</sup>

Elizabeth Graeme Fergusson also used her husband's departure during the Revolution to embrace an independent life. In 1772 she had married Henry Hugh Fergusson and it appears they spent much of their marriage separated. Hugh left for Europe in September 1775 and stayed away until 1777, as he recognized his political sympathies to the British crown were "obnoxious to Americans." In 1777 he returned to Philadelphia, briefly, but evacuated again in 1778 with the British troops, while Elizabeth remained behind. Her allegiances varied from her husband's. In fact, Hugh described his wife as an "American."

However, as a married woman, Elizabeth Ferguson made claims to the property in her husband's name once he was gone. She began by seeking possession of goods being sold at auction following the initial acts requiring the confiscation of British property. On October 8, 1778 she petitioned the Justices of the Supreme Court

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<sup>378</sup> Wayne Bodle, "Jane Bartram's 'Application,'" 195; Evidence in the Claim of Bartram, May 10, 1785, AO 12/38, British Claims Commission, UD. For additional information on the confiscation of the Bartram property, Jane Bartram's claims against the property, and details on her story see Wayne Bodle's article "Jane Bartram's 'Application,'" 185-220.

<sup>379</sup> Bodle, "Jane Bartram's 'Application,'" 195-203. Bodle also discusses the possible motivations for the divorce petition and also the nature of divorce in Pennsylvania following the American Revolution.

of Pennsylvania for articles from Hugh's estate, including furniture in the parlor, the bed chamber, and the kitchen. Justices of the Supreme Court ruled that she could possess the items until the time of the auction. One week later a public auction was held for the sale of Hugh Fergusson's household goods, which Elizabeth attended and where she bought some of the goods offered for sale.<sup>380</sup> In the following year, she made another formal appeal for additional property that had been left to her by her father. However, the appeal was denied as the property had passed to her husband under laws of coverture, and as a loyalist he had lost all of his property.<sup>381</sup> Elizabeth petitioned the Assembly of Pennsylvania again in 1781, when she outlined her husband's flight from America, their length separation, and her husband's betrayal by joining the British troops. Elizabeth's petition was quick to point out how she has previously been "no kind of Relief" under the circumstances of the confiscation. She begged the Assembly to grant her the land that had been left to her father in "her much

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<sup>380</sup> Biographical information on Elizabeth Fergusson can be found in Simon Gratz, et. al, "Some Material for a Biography of Mrs. Elizabeth Fergusson," 257-321. See also Thomas Lynch Montgomery, ed. *Pennsylvania Archives Sixth Series, Volume XII* (Harrisburg, PA: Harrisburg Publishing Company, 1907), 647 – 653. On October 8, 1778 she requested specific furniture from her parlours, bed chamber, and kitchen. These were not the same items she purchased at auction the following week. The following week she purchased an easy chair, two sets of drawers, three bedsteads, four flower casks, two red sows and pigs, two white sows and pigs, a pair of small scales and weights, and a table cloth. Extensive biographical details can be found in Anne Ousterhout, *The Most Learned Woman in America: A Life of Elizabeth Graeme Fergusson* (University Park, PA: Pennsylvania State University Press, 2004).

<sup>381</sup> Gratz, et. al, "Some Material for a Biography of Mrs. Elizabeth Ferguson," 305-308.

loved country.” She emphasized that she and Hugh had spent most of their marriage apart, he had betrayed America by joining the British forces, and she felt he had no claim to the property.<sup>382</sup> Her petition in 1781 did garner some success; she was exempted from previous acts calling for the immediate sale of confiscated property and the sale was avoided.<sup>383</sup>

Elizabeth Ferguson’s acts of independence did not go unnoticed. Across the Atlantic, Hugh Fergusson knew of his wife’s actions and was more than displeased with her claims. He was, it turns out, simultaneously making his own claim to the British government for repayment for lost property. In 1785, nearly four years after Elizabeth had petitioned the Pennsylvania Assembly, Hugh continued to assert that she had sold his property without consent, beginning in 1775 and lasting through the war. He claimed she had sold nearly 264 acres of land that had belonged to him, and she had garnered a hefty profit of L2000 for the land sale. Other exiled loyalists supported Hugh’s claims. Daniel Coxe swore that he heard rumors of Elizabeth selling

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<sup>382</sup> Ibid, 308-311, 258-259.

<sup>383</sup> The article “Some Material for a Biography of Mrs. Elizabeth Fergusson” notes her success likely happened because a number of influential men in Pennsylvania supported her petition and came to her aid including James Wilson, Thomas Mifflin, George Clymer, Robert Morris, John Dickinson, and others.

Hugh's property in Pennsylvania. John Young, Elizabeth Fergusson's nephew, also swore that she was zealous in the American cause,<sup>384</sup> a "most devoted American."<sup>385</sup>

In the first years after independence had been won, the wives and children of attainted loyalists continued to petition for the return of unsold forfeited estates, sometimes successfully. Elizabeth Allen, who had been married to James Allen, successfully regained her husband's property in Northampton. Multiple members of the Allen family, including James, John, Andrew and William, were attainted of loyalism and had their estates confiscated. In August 1782 the Commonwealth of Pennsylvania returned a "sundry lot of lands" to Elizabeth so that she could provide for her infant son James.<sup>386</sup> On March 8, 1792, the courts returned estates that had belonged to loyalists John Roberts, attainted Philadelphia loyalist, and Abraham Carlisle, a Philadelphia loyalist who was executed in 1778 because of his aid to the British troops. John Robert's widow was given back a portion of the family property,

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<sup>384</sup> When asked by the Loyalist Claims Commission to provide documentation of the 1775 land sale, Hugh was unable to do so. He claimed, on February 3, 1785, that Elizabeth had destroyed any record of the land sale, and she had taken the profits. He also remarked, at this juncture, he and Elizabeth were not on good terms. See Claim of Hugh Ferguson, AO 12/38, British Claims Commission, UD.

<sup>385</sup> Philadelphian Loyalist Phineas Bond was a sworn witness for Hugh Ferguson to validate his property claims and he described Elizabeth Fergusson and her political opinions as opposite of her husband's politics. See Claims of Hugh Ferguson, AO 12/38, British Claims Commission, UD.

<sup>386</sup> Bioren, *The Laws of the Commonwealth of Pennsylvania, Vol. II*, 379; Lorenzo Sabine, *Biographical Sketches, Vol. I*, 157-158.

while his son (also Abraham) gained some of the estate.<sup>387</sup> In April 1792 the forfeited estate of Christopher Sower, a loyalist printer during the Revolution, was returned to his heirs, Christopher Zimmerman and David Sower.<sup>388</sup> Ann Nebinger, the wife of George Nebinger, also successfully petitioned for the return of her husband's estate, and in 1793 the children of James Rankin also received a return of part of their father's, James Rankin, forfeited estate.<sup>389</sup> Property was returned to the wives and children of attainted loyalists throughout the 1780s and 1790s; however, they only received property that had not already been sold and occupied by purchasers.

Widows and daughters of attainted loyalists also continued their efforts to reclaim family properties. Sophia Biddle, the widow of John Biddle, a known Pennsylvania loyalist with ties in Philadelphia, was one of them.<sup>390</sup> John Biddle was originally described as a yeoman by the Commonwealth of Pennsylvania in 1778, and later the commissioners revealed that he was also the Collector of Excise for Berks County. He fled for England, mostly likely for London, leaving behind his wife

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<sup>387</sup> Bioren, *The Laws of the Commonwealth of Pennsylvania, Vol. IV*, 124; Sabine, *Biographical Sketches, Vol. I*, 296; Sabine, *Biographical Sketches, Vol. II*, 219.

<sup>388</sup> Bioren, *The Laws of the Commonwealth of Pennsylvania, Vol. IV*, 141.

<sup>389</sup> Bioren, *The Laws of the Commonwealth of Pennsylvania, Vol. IV*, 270.

<sup>390</sup> Bioren, *The Laws of the Commonwealth of Pennsylvania, Vol. VII* (Philadelphia: John Bioren Publisher, 1806), 165-168.

Sophia and their children.<sup>391</sup> John Biddle died without leaving a will on April 10, 1794, so Sophia had to petition the new state government for certain parts of the forfeited estate for use by herself and their children. The Assembly determined on February 21, 1803 that certain unspecified parts of the forfeited estate that had not been seized or sold previously would remain for the use of Sophia and the children. Other property was unrecoverable.<sup>392</sup>

Some cases of former loyalists appealing for restitution became elaborate, drawn out affairs. The heirs of Matthias Aspden, a Philadelphia loyalist merchant, were embroiled in a lengthy conflict over property confiscated during the American Revolution. In 1775 Aspden began to fear for his personal safety and prepared to depart the city. He secured his businesses, drafted a will, and assigned individuals to watch over his property. In his will Aspden called for his executors to use all of his locally available funds to first pay his debts and also collect all of the debts owed to him. Next, as Matthias Aspden had not married and had no children, he divided his property among various relatives. His house and grounds on the east side of Water Street in Philadelphia, his plantations in Chester County, and the sum of £4,500 were to be divided equally among his three nephews Joseph Harrison, Matthias Harrison, and George Harrison. Aspden also left £3000 to his nieces Mary White and Anne

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<sup>391</sup> Sabine, *Biographical Sketches of Loyalists, Vol. I*, 228.

<sup>392</sup> Bioren, *Laws of the Commonwealth of Pennsylvania, Vol. VII*, 27.

Harrison. His half-brothers Roger Hartley, James Hartley, and Benjamin Hartley were each to receive £1000. James Hartley was also bequeathed Aspden's silver plate. Smaller sums of money, ranging from £100 to £500 were left to Aspden's half-sisters and cousin. Anything left after these divisions, and after creditors made their claims, was to be divided among his nephews Joseph Harrison, Matthias Harrison, and George Harrison. Aspden declared that Joseph Harrison, James Hartley, and Jacob Cooper all shared the responsibility as executors of his will, which was witnessed on March 24, 1776.<sup>393</sup>

Once Aspden got his affairs in order, he began to search for safe passage in May 1776,<sup>394</sup> although he arrived in Bristol only in June 1777. As the American Revolution gained momentum he kept in constant contact across the Atlantic through extensive correspondence with merchant friends.<sup>395</sup> Aspden's correspondence reveals

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<sup>393</sup> Matthias Aspden documents, *Letters and Other Documents*, 1-21. The will cited on March 24, 1776 details the exact way in which Aspden bequeathed his money. In addition to those listed above, he left his half sisters Bersheba Sane and Rebecca £500 a piece, his aunt Margaret Bailey in Lancaster Great Britain £200, cousin John Aspden of London £ 100, cousin William Aspden of Lancaster Great Britain £100, cousins Elizabeth Corley and Ann Aspden each received £100, and his cousin William Aspden £100. This will also revoked all former and other wills, and Aspden declared it to be his final will and testament.

<sup>394</sup> Hugh Wallace to Matthias Aspden, May 20, 1776 in Aspden, *Letters and Other Documents*, 18.

<sup>395</sup> William Priddie to Matthias Aspden, June 15, 1777 in Aspden, *Letters and Other Documents*, 19. The documents do not state when precisely Aspden arrived in Bristol. The correspondence from June 15, 1777 does list that Matthias Aspden was currently receiving letters in Bristol.



his deep ties to Philadelphia through his concern over his friends' livelihoods, his property, and his business during the war. He lamented that he was "an idle man until I can return to America," anxious to hear any news about Philadelphia and to get colonial newspapers.<sup>396</sup> In addition, Aspden's correspondence reveals significant concern over his property in Philadelphia, especially when his colleagues and friends wrote to tell him of his losses and advise him to "continue in England."<sup>397</sup> On December 12, 1782 Aspden wrote to James Hartley, in Philadelphia, "Be candid and tell me in your next, whether a person who formerly lived in Philadelphia can return and live with comfort in it again, knowing in what hands power must rest, and being disposed to conduct himself on fair and honest principles. In a word, what protection is the person [able to get] and what security [for] the property of the subjects . . . much or little." Aspden's letter continued, "nor do I expect if I return to America, I can lead a very pleasant life. Comfort I believe is not for us in our day."<sup>398</sup> James Hartley replied that he did not know what Aspden's fate would be if he returned; "altho' I should be extremely glad to see you, I cannot recommend to you to come here

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<sup>396</sup> Aspden to J. and J. Van De Wall, November 30, 1779 in Aspden, *Letters and Other Documents*, 25-26.

<sup>397</sup> L. Cower to Matthias Aspden, October 19, 1780 in Aspden, *Letters and Other Documents*, 29.

<sup>398</sup> Matthias Aspden to James Hartley, December 12, 1782 in Aspden, *Letters and Other Documents*, 36-37.

immediately.”<sup>399</sup> Joseph Harrison of Philadelphia told Aspden in 1783, “I am very sorry to say that at present I see nothing that can promise you the tranquility you might wish on your return to this country.”<sup>400</sup> As the Council of Pennsylvania passed legislative acts and actively began seizing property, Aspden’s fears grew. He noted that “the proclamation of the Council of Pennsylvania, touching us and some other of our friends, as a measure exceedingly rigorous and unexpected.”<sup>401</sup>

In July 1785 Aspden had had enough. He traveled across the Atlantic, hoping to reside in Philadelphia, but he found himself no longer welcome. Moreover, he had been attainted of treason by law, and therefore he and his property were not secure. He left Philadelphia quickly for nearby Burlington, New Jersey, an area known for loyalist sympathies, although he did not feel safe in New Jersey and quickly departed via New York for England. As he left America, he reflected on his journey: “I nevertheless could not help at times casting my eyes back, and feel it a painful circumstance to be this forced from my native country. . . in America. . . I am dead in

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<sup>399</sup> James Hartley to Matthias Aspden, July 8, 1783, in Aspden, *Letters and Other Documents*, 40-41.

<sup>400</sup> Joseph Harrison to Matthias Aspden, October 17, 1783, in in Aspden, *Letters and Other Documents*, 47.

<sup>401</sup> Aspden to unknown, October 21, 1780 in Aspden, *Letters and Other Documents*, 30.

law to all intents and purposes.”<sup>402</sup> Aspden continued to appeal the confiscation of his property and by April 1786 he received a full pardon, although he did not recover property that had already been sold. His house in Philadelphia, valued at £3350, had already been given to the College of Philadelphia. His home, wharf, and warehouses in Philadelphia were not returned.<sup>403</sup>

Matthias Aspden died in Middlesex, England on August 17, 1824 at the age of seventy-five.<sup>404</sup> His heirs filed an elaborate suit for his lost loyalist property, taking their case to the United States Circuit court in the mid-Atlantic region. They claimed that all goods, chattels, and other personal estate property had been taken from Aspden contrary to the laws; American officials debated the value of the items taken, the stocks and monies he had possessed, and closely examined his will. Moreover, there

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<sup>402</sup> Aspden to unknown, November 1785 in Aspden, *Letters and Other Documents*, 64-65. The documents in the collected. The letter does not contain a precise date or a receiver for the letter. The book is arranged in a chronological order and it is only dated as November 1785 and that Matthias Aspden was writing from Bath.

<sup>403</sup> Case of Matthias Aspden in Aspden, *Letters and Other Documents*, 95-96. Aspden also continued to appeal to the British government for relief of this lost property. He appealed to the British Claims Commission, which had been created to hear claims of lost loyalist property. Loyalists petitioned their cases and, with adequate evidence and support, received some compensation from the government for their lost property. Aspden struggled to have his claim heard and receive compensation because he had left so early during the Revolutionary conflict. Some of the Commissioners believed that Aspden did not “run every risqué” and believed that Aspden desired only to return to America; essentially, they questioned his loyalty and lack of action during the Revolution.

<sup>404</sup> Matthias Aspden, London, England, Deaths and Burials, 1813-1890, page 290, database online. Accessed March 29, 2015, <http://ancestry.com>.

was also a discussion about whether his heirs-at-law had proper claim to his goods. The suit dragged on and it was not decided until 1848, when the court agreed to restore to remaining heirs property valued at more than \$500,000.<sup>405</sup>

Wives and family members of loyalists in Maryland also fought confiscation. Perhaps the most egregious examples of the difficulties facing the Maryland Commissioners concerned two captains of the Maryland Loyalist Regiments. Despite the unambiguous terms of the Confiscation Act of 1780, they were able to protect their property against confiscation through inter-family transfer.<sup>406</sup> Patrick Kennedy, who fled to Canada after having fought in the Maryland Loyalist Regiment, had a niece who claimed Kennedy's property had been given to her before Kennedy left Maryland in September 1777, but the "deed was lost." This claim was rejected. Next, Kennedy's wife petitioned the General Assembly and said the property belonged to

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<sup>405</sup> Stephen K. Williams, *Cases Argued and Decided in the Supreme Court of the United States, Book IX, Lawyers' Edition* (Rochester, NY: The Lawyers, Co-Operative Publishing Company, 1883), 202-222.

<sup>406</sup> It appears from record that no other Captain was able to keep family land. The property of Captain Grafton Dulany was transferred because he died during the War; therefore, I am not considering his property as one of the two instance of where land remained in family. For additional on the Dulany land claims see Peter Wilson Coldham, *American Loyalist Claims Vol. I*, 133. For general information of the Dulany family during the American Revolution see Aubrey C. Land, *The Dulany's of Maryland: A biographical study of Daniel Dulany, the elder (1685-1743) and Daniel Dulany, the younger (1772-1797)* (Baltimore: Maryland Historical Society, 1955).

her and not her husband, who would inherit from her upon her death. This time, the court agreed with Kennedy's wife and she was able to recover the property.<sup>407</sup>

Philip Barton Key, the uncle of the future author of the Star Spangled Banner, also successfully challenged the Confiscation Act of 1780. Key served as a British military officer in Florida until he was captured by the Spanish, freed and lived in Great Britain briefly, and then returned to Maryland in 1785 as a dismissed officer receiving a half-pay pension from the British government. Key promptly claimed his American property and sold it. A land deed dated March 3, 1785 reveals that Key also sold land to his brother John Ross Key for two thousand pounds, thereby keeping the estate together "for no other intent of use whatsoever" than the family. Key did not reside on the property upon his return in 1785, and he subsequently transferred sole ownership to his brother.<sup>408</sup> The wording of the document suggests that Key avoided the law by not giving up his land and selling it to his brother, but requested his brother keep it within the family. This suggests that Key, like Kennedy, sought to avoid

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<sup>407</sup> Maryland House of Delegations, Votes and Proceedings, May Session 1781, p. 130-131, Legislative Records, MSA; Maryland House of Delegations, Votes and Proceedings, April Session, 1782, p. 136-139, Legislative Records, MSA. Kennedy is also mentioned on Overfield's "The Loyalists of Maryland," although he does not follow through and examine the claims of Kennedy's wife. Overfield does provide an extensive analysis of his confiscated property.

<sup>408</sup> Sale of Land Document, Vertical File (VF) March 3, 1785 – Key, Philip Barton and John Ross Key, No Collection, MHS. Upon his return Philip Barton Key resided in a dwelling in Annapolis and then later in Georgetown.

confiscation of his property by having another family keep the property out of patriot officials' hands.

Nearby Delaware witnessed fewer challenges to the law and to the acts of confiscation. The new state's confiscation process was simpler and smaller in scale. In New Castle County, by the end of 1785, only ten loyalist estates had been sold, if the official records can be believed. However, the total amount of sale valued at £52,642, garnered far less revenue for the state.<sup>409</sup> The best estimate for New Castle County's confiscation revenues, made in January of 1781, is only £8,060 and for Sussex County in December 1781, £43,000. There is no record for Kent County, largely because of a smaller population overall, much of which was impoverished.<sup>410</sup> Those loyalists who did witness their property being confiscated did tended not to appeal it, and their claims and petitions appear to be absent from the record, to the extent they may have happened at all.

The claims and petitions in Philadelphia following the American Revolution produced varied results. Some women and children of attainted loyalists petitioned the courts for their survival, claiming severe financial hardships in both the absence of their husbands and their property. Sophia Biddle faced an uncertain future once her loyalist husband died and she needed the property. Elizabeth Ferguson and Jane

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<sup>409</sup> Box 1 Military records, file folder 218, Military Records, DSA.

<sup>410</sup> Hancock, *The Delaware Loyalists*, 33; Box 1 Military records, Treason file folder, Military Records, DSA.

Bartram also faced uncertain futures, but they chose to separate from their husband's and expressed separate political identities. The heirs of Matthias Aspden contested the confiscation and financial loss, and they received compensation nearly thirty years after Aspden's death and more than sixty years after the property had been originally confiscated. Despite harsh confiscation, the need to retain loyalist property diminished as the Revolution ended and American citizens began to put their animosities against loyalists behind them. The need to continue punishing the wives, children, and other family members of prominent loyalists was no longer paramount in the minds of the Pennsylvania legislature and courts, and undoubtedly faded in the public mind as well. Overall, these examples only begin to represent some of the problems of loyalist property confiscation, and the questions over property ownership in the cases of forfeited estates; yet, they demonstrate the relaxing of attitudes towards loyalists in the many decades that followed the confiscation of loyalist property.

Family members of attainted loyalists proved their ability, too, to use the laws and shifting attitudes in their favor once the first years of the war had passed. Rebecca Shoemaker claimed that there were legal exemptions for the wives and children of attainted loyalists. Some used their physical occupation of property to ward off confiscation. Anna and Peggy Rawle (Shoemaker) sought to protect their property by staying behind in their homes, physically standing in the way of confiscators. Grace Growden Galloway attempted a similar tactic and she was dragged from her home. Furthermore, women like Susanna Marshall and Elizabeth Galloway showed tremendous ability in taking control over what they believed was rightfully theirs.

In all, just as the record of confiscation was mixed, subjective, and fraught with confusion, so, too, was the record of efforts to recover property and restore former loyalists' family lives and businesses to a semblance of their pre-Revolutionary conditions.



## Chapter 5

“I CANNOT RECOMMEND TO YOU TO COME HERE IMMEDIATELY:”

### COMMUNITY RESPONSES AND REINTEGRATION OF THE LOYALISTS

Signed in 1783, the Treaty of Paris brought the long Revolution to an official end. But, it left much undetermined for the loyalists who had fled North America before, during, and at the conclusion of the war. In a final phase of flight, many loyalists, like Samuel Shoemaker, fled North America quickly in 1783 as loyalist occupied cities fell to re-entering patriots.<sup>411</sup> However, the loyalists who had fled during the Revolution were not sure about their ability to return; some had tried to return and then left once again in the face of violence and persecution. Then, too, as North American patriots began to craft a new body of citizens institutionally and ideologically, loyalists who decidedly remained British subjects were unsure of how they would be received in the newly established states even if they were able to return.

The question, then, of loyalist reintegration was complex, for what did it mean for British subjects, those who had clearly chosen the side of the crown during the

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<sup>411</sup> Introduction to the Collection of Rebecca Shoemaker's letters and diaries, Shoemaker Family Papers, HSP.

war, to return and reintegrate in a body of newly established American citizens?

Admittedly, not all loyalists sought to enter the new United States; indeed, most did not. Loyalists set sail for northern British provinces, southerly British Caribbean islands, outer margins of the British Empire, and London. Scholarship has focused mostly on these tentacles of loyalist migrations during the Revolution and during its closing evacuation days. Even the most recent scholarship focuses on the loyalist diaspora. Between 1774 and 1789 an estimated sixty-two thousand loyalists fled the thirteen mainland British colonies. Of these, approximately thirty-eight thousand went to the Canadian territories, three thousand to Jamaica, twenty-five hundred to the Bahamas, five thousand to Florida, and nearly seven thousand to Great Britain. Some trickles of migration eventually took refugees to newly imagined African towns and the port cities of India.<sup>412</sup>

A small proportion of those who fled did seek to return. The return of loyalists was met with varied responses depending on the community, the nature of one's loyalty, friendships with those who could help, and the timing of one's return. Some communities still wanted to punish loyalists for their actions during the war. Historian Benjamin Irvin noted that in some cases Americans met returning loyalists with tar and feathers, as when two returning loyalists in Woodbridge, New Jersey were tarred and feathered on militia day in June 1784. The loyalists, Thomas Crowell and Elias

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<sup>412</sup> Jasanoff, *Liberty's Exiles*, 13, 91, 349-9. For an excellent synthesis see Jerry Bannister and Liam Riordan, "Loyalism and the British Atlantic, 1660-1840," 3-36.

Barnes were treated to a symbolic act of “naturalization,” according to Tory Peter Oliver. Irvin also notes that “disaffected citizens” were tarred and feathered in Fredericksburg, Virginia.<sup>413</sup> The act of tar and feathering returning loyalists are few, but symbolic nonetheless.

Both Maryland and Pennsylvania have examples of responding negatively to the return of some loyalists. Loyalist Matthias Aspden found he was unwelcome when he tried to return and, in fact, he departed again. Maryland, when faced with claims by loyalist Henry Harford for his confiscated estates, refused to honor his claim and found his actions during the Revolution as treachery. In some cases, like that of Joseph Galloway, loyalty towards the crown could never be forgiven. Still other loyalists returning to their native Maryland and Pennsylvania experienced some protest. Overall, the return of the loyalists and their ability to reintegrate depends on their actions during the war and arguably their visibility during the war as enemies of independence. Loyalists like Joseph Galloway, who had served as a virtual governor during the occupation of Philadelphia, found he was never able to return and his exclusion from America continued to serve as an example for the American citizens. By denying some loyalists return and by shaming other loyalists in their communities, whether it be through published opinion pieces or through acts of tar and feathering, the new body of American citizens continued to define themselves through acts of

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<sup>413</sup> Benjamin H. Irvin, “Tar, Feathers, and the Enemies of American Liberties,” 226-227.

excluding British subjects. However, by allowing some loyalists to return, like Samuel Shoemaker and Philip Barton Key, the new body of Americans citizens also expressed ambivalence and selective application of their emerging identity; some felt secure in their freedoms as they had achieved independence, received formal recognition from Great Britain, and no longer felt threatened by British subjects within the United States.

The desire to continue punishing loyalists for their acts of treachery continued well after the signing of the Treaty of Paris. In Maryland confiscated loyalist property contestations continued well after the conclusion of the war, and the Maryland legislative bodies refused to return contested property in many cases. In January 1786 loyalist Henry Harford appealed to the Maryland legislature for return or repayment of his confiscated property. Harford did not attempt to deny his loyalism as he remained in England, but claimed instead that he now should receive repayment for his lost property during the war. The Commissioners had rented his land and now Harford sought payments from the rents of those lands he was no longer occupying.<sup>414</sup> The Maryland Senate saw the situation in quite a different light. Harford made no move to return to Maryland and he made no effort to denounce his status as a British subject, and Maryland authorities refused his petitions. In their eyes, Harford was still a British subject and thus “he cannot of right ask of this state . . . any relief or retribution for the losses he suffered in consequence of this revolution.” The Senate did concede that

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<sup>414</sup> Claims, Brown Book IX, pg. 29, Revolutionary War Records, MSA

confiscation of loyalist property had indeed been “rigorous,” but claimed “the act of seizing and confiscation that property, under the circumstances and with the restrictions it was passed, we are convinced, was perfectly justifiable.” Furthermore, Harford made his claim as a British subject and this only further infuriated the Senate. He showed no remorse for his actions during the Revolution, made no apologies for his loyalty to the crown, and this made him incapable of asking for repayment. The Senate stated:

Instead of repairing to Maryland and becoming citizens, the memorialist, confiding in the power and success of his native country, remained in England, attending on the Court of Chancery...this state of facts leaves not the smallest room to doubt, that the memorialist, both from interest and inclination, continued a British subject, and devoted to his native Country, which, although free, endeavoured by lavishing its blood and treasures, to deprive us of our freedom. We cannot discover a single circumstance in the case of the memorialist, to distinguish him from other British Subjects.<sup>415</sup>

In January 1786 the Maryland Senate confirmed the rights of American citizens and did so by using property ownership as its basis; Henry Harford was thereby excluded from the body of state citizens.

Those who served in the Maryland loyalist regiment exemplify the consequences of their allegiance to the Crown. These soldiers, first stationed in

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<sup>415</sup> “No Headline,” *The Maryland Journal and The Baltimore Advertiser*, January 24, 1786, pg. 1.

Philadelphia in 1777, then marched to Florida for 1780 and 1781; however, many men were taken prisoner by the Spanish, deserted from the ranks, or died in service.<sup>416</sup>

Philip Barton Key was taken prisoner, sent to Havana, Cuba, and returned to England on parole although the exact conditions of his release are unknown.<sup>417</sup> The Maryland loyalist regiment withdrew from Florida in 1781 and the approximately one hundred remaining men returned to New York City, where they blended in with the city's population. The regiment disbanded and the remaining men experienced varied fates.<sup>418</sup> The approximately one hundred remaining Maryland loyalists in New York set sail for Nova Scotia on the *Martha*, which wrecked on the coast of Nova Scotia on September 23, 1783. Nearly sixty Maryland loyalists drowned, and about forty survived and remained in Nova Scotia. Captains John Sterling, Patrick Kennedy, and Caleb Jones were among them; Sterling ended up settling in St. John, New Brunswick

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<sup>416</sup> Loyalist Muster Rolls, 1777-1783, Box #3, Maryland Loyalist Muster Roll, MHS; Overfield, "The Loyalists of Maryland during the American Revolution," 397-398.; Ford, *Orderly Books of the Maryland Loyalist Regiments*, 10-11. The record is somewhat unclear about the fate of all the Loyalists. The muster rolls track some men who deserted, died, or were taken prisoner; however, some men are entirely absent and we do not know what happened to them while in Florida in 1780 and 1781.

<sup>417</sup> United States Congress, House, Committee on Elections, Amendatory report of the Committee of Elections, 18 February 1808, Revolutionary War Records, MHS. A copy of the report is found in the collection at the Maryland Historical Society.

<sup>418</sup> Loyalist Muster Rolls, 1777-1783, Box #2, Maryland Loyalist Muster Roll, MHS.

and received half pay from the British government for his service, but no hope of returning to Maryland.<sup>419</sup>

Some prominent loyalists who had their land confiscated fled to Great Britain during the Revolution and did not return to Maryland. Lloyd Dulany, Daniel Dulany son of Daniel, Daniel Dulany son of Walter, Reverend Henry Addison, and Reverend Jonathan Boucher all fled and never returned.<sup>420</sup> The Dulany family, a large predominately loyalist family, dispersed its land among other, less suspect, members of their clan in order to undermine the Confiscation Act. Daniel Dulany of the Walter Dulany's lost a substantial estate that patriots sold for nearly thirty-seven thousand pounds.<sup>421</sup> Daniel Dulany of the Addison Dulany's entered the Maryland loyalist regiment in 1776 and became Captain in 1782. He gave up his Maryland property and did not return, remaining in England until his death in 1808.<sup>422</sup> George Chalmers, a practicing lawyer in Maryland prior to the Revolution, and Lieutenant Colonel of the Maryland loyalists, left for England in 1782 and became a chief clerk of the Committee of the Privy Council. He also forfeited his property upon leaving.<sup>423</sup>

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<sup>419</sup> Lorenz, *Biographical Sketches of Loyalists Vol. II*, 334.

<sup>420</sup> Brown, *The King's Friends*, 170.

<sup>421</sup> Land, *The Dulany's of Maryland*, 327.

<sup>422</sup> Lorenz, *Biographical Sketches Vol. I*, 154.

<sup>423</sup> Lorenz, *Biographical Sketches Vol. I*, 299.

Colonel James Christie, who was a member of the Royal army, also had his estate confiscated under the 1780 act. He returned to Maryland following the Revolution, but his petitions for redress failed.<sup>424</sup>

Of Maryland loyalists who did find success in recovering lands, Philip Barton Key was one. In time, he passed the bar exam, served as mayor of Annapolis, became a member of the state legislature, and in 1808 was elected to the tenth federal Congress. His loyalty to the United States was questioned during confirmation hearings in Congress, but twenty-two years after he wrote his poem of loyalty to King George that expressed his discontent with the rebellious colonists, Key took office in the U.S. House of Representatives. He delivered a speech regarding the questions surrounding his loyalty:

My constituents knew the very circumstances of the follies of my early life, and my enemies had represented to them, that having been once, twenty years ago, in the British Army, I was not a proper person to represent them. The people scouted the idea ...they knew me from my infancy ...but I had returned to my country, like the prodigal son to his father; had felt as an American should feel; was received, forgiven...of which the most convincing proof is...my election.<sup>425</sup>

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<sup>424</sup> Lorenz, *Biographical Sketches Vol. I*, 312-313.

<sup>425</sup> Lorenz, *Biographical Sketches of Loyalists Vol. I*, 601-602. It should be noted he does not cite this quotation and there is no bibliography to find the source of this quote.



Key went on to lead a successful life serving in both the federal Congress and local governing bodies until his death on July 28, 1815 at fifty-eight years old.<sup>426</sup> Key, however, does not fit the norm.

Key's election to the U.S. House of Representatives was highly contested. An article from the *Republican Advocate*, a local paper in Fredericktown, Maryland, railed against his election on July 4, 1806. In an unsigned editorial, the author begs Federalists of the third Maryland Congressional district to reflect upon Philip Barton Key's past. It asks the readers to consider "whether our fathers fought, and bled, and died, for liberty in order that such men as Philip Barton Key would be elected." The column boldly responded "NO," for the Revolution was not for the Tories. The reader implored readers not to be "degenerate . . . and disavow all claims to the splendid patriotism of their progenitors, by selecting Tories now for their law-makers."<sup>427</sup> Though Key was a known Federalist and this article appeared in a Republican paper, it is still notable Key's "Toryism" was the point of contention. Then, although Key was elected, he faced official obstacles upon taking office. A report written December 11, 1807 by the Committee of Elections noted numerous petitions from residents of Montgomery and Frederick Counties against Key's election, with demands that he

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<sup>426</sup> Obituary, September 3, 1786, Box 1, Aldine Collection, MHS. It should be noted this obituary does not have a source. No other record of this obituary appears in any other sources.

<sup>427</sup> "Maryland; Congressional District," *Republican Advocate*, pg.3. This information can also be found in the collection of Philip Barton Key Materials and Miscellany at the Maryland Historical Society.

vacate his seat.<sup>428</sup> His election was contested in 1807 by petitioners who did not believe Key was an inhabitant of the state of Maryland.

There were eight pieces of evidence presented to question Key's residency in the state of Maryland, and, by extension, his citizenship. Petitioners suggested that Key took up residence in the District of Columbia in Georgetown in 1801; his residence in Georgetown was furnished, and improved upon for permanent residency. Furthermore, in 1805 Key purchased land in the nearby Montgomery County that had no house or dwelling on the land, although Key did build a house on the Montgomery land and moved there with his family on September 18, 1806; further, petitioners noted that on October 20, 1806 Key and his family returned to the District of Columbia, not a full year before the election, as required by law.<sup>429</sup>

Key protested that he was a native of Maryland, a resident of the state when the current Constitution was adopted, had served in the Maryland general assembly, and in 1801 had moved from Maryland to Georgetown where he resided until 1806. Secondly, Key contended he and his wife possessed large shares of land in Montgomery County, that Key practiced law, and that he was "personally known to,

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<sup>428</sup> Report on Philip Barton Key, December 7, 1807, US Congress, Aldine Collection, MHS. A copy of this report was found in the collection. The report was titled, "Committee on Elections, Petitions from Sundry Qualified Elections of Montgomery and Frederick Counties, in the State of Maryland relative to the election of Philip B. Key, 10<sup>th</sup> Congress, 1st session, 7 December 1807." Specific information can be found on Page 2 of the Committee's report.

<sup>429</sup> Ibid.

and by, a great proportion of the voters of his district.” Key further insisted that he had declined to practice law in the District of Columbia, preferring to practice in Maryland. And he argued that he had made considerable and expensive improvements to the land so he could fully reside in his summer residence in Montgomery County, where he claimed to have been living since September 18, 1806 with his wife and family; only then had Key moved back to the District of Columbia so that he could attend his duties in congress.<sup>430</sup> Ultimately, Philip Barton Key was able to rise above the claim of the petitioners that he was qualified as a resident in the state of Maryland. But more generally, this petition is significant in several points. It illustrates Key’s difficulties in reintegration following the Revolution. It also exemplifies how Key firmly believed he was a Maryland citizen and he claimed publicly a strong allegiance to the state. He insisted that his loyalties were to the new state and United States.

But Key’s battle for office was not over. On February 24, 1808 the tenth Congress presented a report that highlighted Key’s involvement in the Revolution as a fighter in the British army and as a commissioned loyalist officer starting in 1778. The committee report also printed details about Key following the Revolution, revealing that once he returned to Maryland in 1785 he, like other officers, was entitled to draw half pay from the British government. Although he had settled in Annapolis in 1790,

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<sup>430</sup> Ibid. For detailed information see pages 7 and 8 of the report. The report is in the Aldine Collection at the Maryland Historical society. The report is titled, “Committee on Elections, Petitions from Sundry Qualified Elections of Montgomery and Frederick Counties, in the State of Maryland relative to the election of Philip B. Key, 10<sup>th</sup> Congress, 1st session, 7 December 1807.”

and served in Maryland General Assembly for several years beginning in 1794, he had continued to draw pay from the British and had hidden his payments by selling them to his brother-in-law, General Forrest. Forrest received his pay until he passed away in July, 1805, when Key resumed getting payments until that December; only in January 1806 did he “resign all his right and claim to half pay and also to rank, if any could be supposed to exist.”<sup>431</sup> On October 25, 1807, Key sent a letter to the British ambassador in Washington that repeated his resignation “of all half pay, rank, annuity, or claim of every nature that might attach to him, in virtue of having been heretofore an officer in the British service.”<sup>432</sup>

Fearing that he was still not cleared to assume Maryland office, Key delivered a speech addressing the concerns raised by the newspapers, petitioners, and Congressional committees:

My constituents knew the very circumstances of the follies of my early life, and my enemies had represented to them, that having been once, twenty years ago, in the British Army, I was not a proper person to represent them. The people scouted the idea; ...they knew me from my infancy...but I had returned to my country, like the prodigal son to his father; had felt as an American

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<sup>431</sup> Ibid.

<sup>432</sup> In the amendatory report from the United States Congress, House, Committee on Elections they focused exclusively on the election of Key and his loyalty. In their report they reported his election as “contested” and debated the merits of his serving in the US Congress, as Key was a former loyalist.

should feel; was received, forgiven...of which the most convincing proof is...my election.<sup>433</sup>

Key's speech, his new denial of his British pay, and the inability of the Congressional committee to find that he ever signed a loyalty oath to the Crown quelled the contest over his election enough that he could serve as a Federalist in the U.S. House of Representatives from 1808 to 1813.

Yet despite successfully taking office, Key was never free from scrutiny of his loyalist past in the court of public opinion. For example, an article in *The Monitor* published August 30, 1808 discussed Key as an example of what was wrong with the emerging United States citizenship policy. The article highlighted his history of British military service, describing Key as a great folly in American history and a case "not where a friend of freedom in American had been complimented by the friends of liberty in Great-Britain, but where a native American had deserted his country in the day of peril." The article then questions what happened to Key following the Revolution; he was "applaud[ed] in everything; they proclaim him a patriot; they honor him more than a revolutionary worthy."<sup>434</sup> In this and other articles, Key's service in the Revolution was a point of contention that raised subtle issues about the nature of service to the state and the country, as well as character and personal identity. Regardless of his election and his distinguished career in the years following

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<sup>433</sup> Lorenz, *Biographical Sketches Vol. I*, 601-602.

<sup>434</sup> "French Citizenship," *The Monitor*, August 30 1808, pg. 1; "Maryland; Congressional District," *Republican Advocate*, July 4, 1806, pg. 3.

the Revolution, Key could not escape his past. His success was exceptional upon his return to Maryland in 1785 by comparison to other former Loyalists, and perhaps he faced greater scrutiny because of his achievements, or because of personal animosities that persisted through the war and its aftermath.

Philip Barton Key died in Georgetown in the District of Columbia on July 28, 1815.<sup>435</sup> One obituary published in the *Baltimore Patriot* stated Key died as a man “whose talents as a lawyer and politician were unquestionable.”<sup>436</sup> A longer obituary published in the *Boston Daily Advertiser* mentioned Key’s history more extensively, but his service in Maryland loyalist regiment was skimmed over as a “trying period which precede[d] . . . the declaration of the war, he was a member of the latter body...never wanting to act...to protect commerce and peace.” The obituary concluded that Key was a “moral portrait.”<sup>437</sup> In fact, Key’s obituaries do not mention or

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<sup>435</sup> Biographical information for Philip Barton Key, Maryland State Archives.

<sup>436</sup> No headline, *Baltimore Patriot*, August 9, 1815, pg. 2.

<sup>437</sup> No headline, *Boston Daily Advertiser*, August 12, 1815, pg. 2. The only obituary that mentioned Key’s service during the American Revolution was found in file marked 1786 September 3 Key, Philip of St. Mary’s Co., MD to S & J Smith of Baltimore in the Maryland Historical Society. It was not a part of a catalogued collection. It is un-sourced but stated that Key was born in Cecil County, Maryland, in 1765; entered the English army as a Captain; and when the Revolutionary war broke out he refused to bear arms against the Colonies; he had a small command and some service at Pensacola, Florida, where he was a hard student; and after the peace he returned to Maryland, where he took a high position as a lawyer. He also represented Annapolis in the State Legislature, and then in Congress, from Maryland, from 1807 to 1818, and died at Georgetown, District of Columbia, July 28, 1815. This appears to

question his loyalty, legislative service, or patriotism. In all, when compared to other Maryland loyalists, Key's was an unusual experience. Many others who returned suffered under the Confiscation Act of 1780, which defined who was considered British and the parameters for land confiscation. While Key skirted the law by selling his property to a family member, others lost everything of value and started their lives over.

In the case of the Shoemaker family, returning to Philadelphia was always problematic despite their fervent desire to return. Rebecca Shoemaker left Philadelphia for New York in 1780 and reunited with Samuel, William, and Edward.<sup>438</sup> She had been separated from Samuel for nearly two years, but Rebecca was then separated from her daughters who remained in Philadelphia.<sup>439</sup> Rebecca wrote extensively to her daughters Anna and Peggy Rawle from 1780 to 1783, revealing much about the consequences of loyalty as a refugee.<sup>440</sup> This separation was

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be the only obituary that highlights Key's service in the Maryland Loyalist Regiment besides the one article from the *Boston Daily Advertiser*.

<sup>438</sup> Introduction to the Collection of Rebecca Shoemaker's letters and diaries, Shoemaker Family Papers, HSP. William Rawle remained in New York until June 15, 1781 and then he sailed for England. It is unclear when exactly Edward Shoemaker arrived in New York, but he did leave with Samuel Shoemaker on November 18, 1783 for England.

<sup>439</sup> Ibid. For information on the lives of the Shoemaker's in New York see Judith Van Buskirk's *Generous Enemies*, 26, 162-3, 189.

<sup>440</sup> Van Buskirk, *Generous Enemies*, 3-23.

painful for the Rawle sisters and their mother, a “disagreeable and painful circumstance” though it was “not an hundred miles asunder.”<sup>441</sup> The letters Anna wrote to her mother were a source of comfort and represented her ability to maintain her relationship with her mother in a time of chaos. Rebecca Shoemaker reflected from New York about her comforts and security behind British military lines. For example, in June 1780, she conveyed to her daughter that living in New York was “pleasant, lively, in [her] part of town...everyone is well and in spirits.” However, she also revealed that returning to Philadelphia was no longer an option, as “nothing is left” of family belongings or estates, despite the efforts of her children and friends to recover her property. By contrast, Anna and Peggy Rawle found their status to be far more directly and immediately problematic and worrisome after the British evacuation. Anna Rawle wrote about her lack of belonging to a community of friends and family, and her fears for her personal security in the city once the British had left.<sup>442</sup>

As the Revolution dragged on, their letters took on radically different tones and questions of citizenship emerged as central concerns. Anna worried that her mother’s safety and comfort would be compromised in New York once the patriot victory

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<sup>441</sup> June 7, 1780, Rebecca Shoemaker Papers 1780-1786, HSP.

<sup>442</sup> Rebecca Shoemaker to Anna and Peggy Rawle, June 21, 1780, Shoemaker Family Papers, HSP; Anna Rawle to Rebecca Shoemaker, June 30, 1780, Shoemaker Family Papers, HSP.



became virtually certain, and she frequently asked whether Rebecca would consider moving to England. In March 1781, Anna wrote to her mother that “Tho’ I should be distressed at your staying in New York a moment longer than it was safe to do so, yet the thought of being at a greater distance, and for how long a time we know not, is most afflicting. Could we be together, all country’s would be alike to me, but such is our unfortunate situation.”<sup>443</sup> As a professed British subject and an increasingly targeted loyalist, she acknowledged her vulnerable place in Philadelphia, but she was resolutely loyal to the crown. As she stated, “I have read of people who called themselves citizens [of the] world, but in reality conceal their indifference for friends, country, kindred.” In war-torn Philadelphia, Rawle was uncertain how to reconcile her loyalty with the enticements of being a “citizen of the world,” as she struggled with the challenges of displacement, property loss, and separation from family members. Too many of her former friends seemed be disingenuous about their patriotic fervor and the new parameters of citizenship; at the least, they were unjustly rejecting an old friend.<sup>444</sup>

For her part, Rebecca wanted her daughters to join her in New York, although she knew their staying in Philadelphia was prudent for the family as a whole during

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<sup>443</sup> Anna Rawle to Rebecca Shoemaker, March 7, 1781, Shoemaker Family Papers, HSP.

<sup>444</sup> Anna Rawle to Rebecca Shoemaker, May 8, 1781, Shoemaker Family Papers, HSP.

the war. In April 1781 she wrote, “I hope you did not please yourselves with the expectation of permission to come...we must try to see each other in the fall.” Greater separation, however, was to come for other members of the Shoemaker family. William Rawle, who had been residing in New York, left for England on June 15, 1781. In October Anna feared her mother would be “obliged to leave New York” and she begged that if that were to happen “Peggy and myself [would] be permitted to accompany you.” Anna knew this plan was premature, but she reassured her mother they would work out arrangements to dispose of their property.<sup>445</sup>

The idea of family exile “distressed” Rebecca and she “pray[ed] we may not be under a necessity of leaving America. I cannot bear to think it.” She could only hope for a “general peace” and reunification of family with their property.<sup>446</sup> But in 1783 Rebecca Shoemaker realized that the New York occupation was rapidly coming to an end. Further, her daughter Anna wrote of the worsening situation in Philadelphia when in April 1783, some four thousand loyalists fled from that city to New York. For weeks Anna “fear[ed] the destruction of property in Philadelphia,” but she did not

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<sup>445</sup> Rebecca Shoemaker to her daughters, April 11, 1781, Rebecca Shoemaker Papers 178-1786, HSP; Anna Rawle to Rebecca Shoemaker, October 26, 1781, Rebecca Shoemaker Papers 178-1786, HSP.

<sup>446</sup> Rebecca Shoemaker to Anna Rawle, Nov. 3, 1781, Shoemaker Family Papers, HSP.

mention any immediate plans to leave the city.<sup>447</sup> Rebecca reported that she “did not know that there will be any time fixed for evacuation” from New York City, but loyalists were heading for Nova Scotia and Great Britain in “droves.”<sup>448</sup> Samuel and their son Edward left for England on November 18, 1783 in one of the final ships; Rebecca stayed behind alone in New York and her daughters remained in Philadelphia.<sup>449</sup>

Rebecca yearned to return to Philadelphia with her husband, writing to him that “I have no doubt we can live in some little rural retreat, where we could see our children and friends.” Her post-war letters were filled with the idea that North America remained their home, and that Philadelphia or its countryside was where she belonged.<sup>450</sup> But she demanded two things before her return to Philadelphia would be possible: the restoration of her husband’s seized property and maintaining her status as a British subject. Rebecca recognized the difficulty she and Samuel would face if they returned. As Rebecca wrote in 1784, “I think the present state of affairs may be a great disadvantage for Loyalists...there is a need for compensation, to be sure, to make up

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<sup>447</sup> Anna Rawle to Rebecca Shoemaker, April 26, 28, 1781, Shoemaker Family Papers, HSP.

<sup>448</sup> Rebecca Shoemaker to Anna Rawle, April 13, 1783, Shoemaker Family Papers, HSP.

<sup>449</sup> Introduction to the Collection of Rebecca Shoemaker’s letters and diaries, Shoemaker Family Papers, HSP.

<sup>450</sup> Rebecca to Samuel Shoemaker, May 12, 1784, Shoemaker Family Papers, HSP.

for what we have suffered in property,” especially in Pennsylvania. However, Rebecca wrote to Samuel that the repayment should be “equal to what we think just and right, and thee can but return to American with safety.”<sup>451</sup> In June 1785 Rebecca wrote to her husband, now separated from her, expressing the need to determine if they could return to Philadelphia as British subjects before receiving payment for their seized property. She wondered if returning too soon would hurt their claims for compensation, stating “the danger is thee will not be considered [for compensation] once in America as a British subject.” She clearly wanted to return as soon as possible to her beloved Philadelphia and her daughters, despite “the injury and injustice done to us by Pennsylvania,” but for now, a lack of legal clarity about compensation made it impossible for Samuel to re-cross the ocean. Without the return of their Pennsylvania home and lands, they would have lived more impoverished in North America than their already-poor conditions in two different continents.<sup>452</sup>

Samuel expressed similar sentiments about missing his life and family in the new American states. He kept a diary “for the entertainment of his wife” while he was a loyalist refugee. He recorded his efforts with the Royal Claims Commission, which investigated the losses of loyalists during the Revolution and to which he had submitted a petition in March 1784. He recorded an interview with King George III in

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<sup>451</sup> Rebecca to Samuel Shoemaker, May 12, 1784, Shoemaker Family Papers, HSP.

<sup>452</sup> Rebecca Shoemaker to Samuel Shoemaker, June 1785, Shoemaker Family Papers, HSP.

October 1784, during which the king asked Samuel about his family and where they resided. Samuel replied he had been “blessed with numerous family” but they were all “removed from me except a wife and two sons.”<sup>453</sup> Meanwhile, Samuel waited for the results of his petition which mentioned the threats he received prior to leaving Philadelphia. As he noted, “the Rebel Assembly....attainted him by name and confiscated his property” and he “was repeatedly threatened with being tarred and feathered.”<sup>454</sup> Samuel had been cautioned about returning to Philadelphia, as his life could be further “threatened.”<sup>455</sup> The King had earlier remarked, “Mr. S. you are well known here [in England], every body knows you.”<sup>456</sup> Finally, the Claims Commissioners wrote in the summer of 1785, more than a year after Shoemaker’s appeal that it, too, believed he was “a man well attached to this Country, believes no man more so.” His service during the Philadelphia occupation was noted, as was his resulting large property losses. In time, he received some payment for some of his

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<sup>453</sup> “A Pennsylvania Loyalist’s Interview with George III. Extract from the MS. Diary of Samuel Shoemaker,” *The Pennsylvania Magazine of History and Biography* Vol. 2 No. 1 (1878): 39. Samuel’s diary details his daily life in London during his separation from Rebecca. The excerpt reprinted in *The Pennsylvania Magazine of History and Biography* is a selection from that diary and contains his interview with George III. An additional copy of the interview can be found at the Historical Society of Pennsylvania.

<sup>454</sup> Claim of Samuel Shoemaker, British Claims Commission, AO 12/38, UD.

<sup>455</sup> Sabine, *Biographical Sketches of Vol. II*, 302.

<sup>456</sup> “A Pennsylvania Loyalist’s Interview with George III,” 38.

confiscated estate, though nowhere near the full value of his claim; perhaps more importantly, he and Rebecca thereafter did not have to forfeit or compromise their British identity.<sup>457</sup>

During the early 1780s, the Pennsylvania legislature revisited the laws addressing confiscation and treason, gradually decreasing the severity of punishments.<sup>458</sup> Samuel and Rebecca Shoemaker reunited in 1786 and took up residence in Burlington, New Jersey, where they assiduously rebuilt commercial and cultural connections to various parts of the British Empire and – in contrast to Key -- never once considered shedding their British identity. Samuel reported that he “might reside there [in Burlington] in peace as a British subject,” which he and Rebecca did until 1790, when the family reunited in Philadelphia. The jarring separation that was noted in correspondence had finally come to an end for the Shoemaker family. When Samuel passed away in 1800, he was remembered fondly in his death notice as a man who remained unwavering in his faithfulness to his King. His legacy was that of an “affable, courageous” man who possessed an “amiable character.”<sup>459</sup> By the time of

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<sup>457</sup> Daniel Parker Coke, *The Royal Commission on the Loss and Services of American Loyalists, 1783-1785*, (London: Oxford University Press, 1915), 382. The record does not fully state what exactly the Shoemakers received payment for and what land and goods the Claims Commission validated.

<sup>458</sup> Ousterhout, *A State Divided*, 287.

<sup>459</sup> Horle, et. al., *Lawmaking and Legislators in Pennsylvania*, 1295; Death notice of Samuel Shoemaker, *Poulson's American Daily Advertiser*, October 10, 1800, pg. 4.

Samuel's death, the new North American states were actively defining citizenship – excluding and including North Americans on such grounds as race, gender, and property. But there was now a newfound toleration – at least at a modest level -- for certain old enemies who had the economic ambitions and cultural attributes that easily accommodated the white, propertied membership in that citizenry.<sup>460</sup>

The Shoemaker's are only one example of the Loyalist experience in Philadelphia; like many others, their loyalty to the British empire proved to be exceptionally costly during the Revolutionary years, in terms of both confiscated property and their identities as British subjects within the shifting discourse about citizenship in America. The confiscation of the Shoemakers' property, both land and personal belongings, stripped them of their wealth, punished their loyalty severely, and at first isolated them as British subjects from the body of emergent American citizens. Property confiscation legislation, the action and process of confiscation, and the sale of their property became crucial for patriots trying to understand citizenship – how not to be British -- in the time of the Revolution. By identifying who was not a citizen, the Pennsylvania legislature effectively moved toward defining who was part of the new American states, and it did so initially, although not completely, during the years of wrenching wartime conflict when the violence of confiscation and civil discord were at their highest. Ironically, the Shoemakers experienced a degree of reconciliation in the post-war years, not as officially integrated citizens of the new

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<sup>460</sup> Ousterhout, *A State Divided*, 220.

republic but as individuals determined to reside freely where they chose and to restore the business and personal connections that they built in pre-Revolutionary years, as openly supportive of Britain.

Loyalist Matthias Aspden wanted nothing more than to return to Philadelphia, but found he was unable to do so. Loyalists, like Aspden, who relocated to Great Britain during the Revolutionary War sought refuge in the heart of the British Empire with family and friends. Aspden retained business ties in Philadelphia, and he never lost interest in his personal relationships as evidenced by extensive correspondence. He briefly returned to Philadelphia at the conclusion of the war, but found he was uncomfortable and unwelcome in his hometown. Yet until his death in 1824, Aspden continued to correspond and trade across the Atlantic. He maintained a constant stream of letters to and from Philadelphia during his lengthy and permanent exile.

Aspden conducted business with Dutch Merchants J. and J. Van de Wall, who hoped to conduct trade with Aspden if, and when, he returned to Philadelphia. One of the partners wrote that Aspden's Philadelphia contacts regarded him highly and that "we hope you may be so happy as to meet them once again."<sup>461</sup> When De Wall became an agent in Philadelphia in 1779, Aspden begged for news about the city: "You will please to excuse my troubling you with politics, but being an idle man until I can return to America, they will unavoidably force an observation or two now and

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<sup>461</sup> J and J Van de Wall to Matthias Aspden, August 28, 1778 in Aspden, *Letters and Other Documents*, 24.



then from being the chief objects of attention, when it had better been left alone.”

Later in the letter Aspden requested copies of newspapers from Philadelphia.<sup>462</sup> In January 1780, two months later, Van de Wall wrote back and replied, “We have nothing new to communicate you from America at present...no vessels going direct to the port of Philadelphia.”<sup>463</sup>

Aspden also wrote directly to his former friends in Philadelphia. For example, he wrote to Reverend William White in July 1780 to congratulate him on the arrival of a new baby and noted his desire to be near his old friends: “It would give me pleasure to embrace them.”<sup>464</sup> His letters reflected a sense of loss and sadness due to prolonged separation. For Aspden, then, the desire to return to Philadelphia was twofold: he wanted to return to the comforts of home, and he also wanted to secure his property and goods from confiscation. Throughout 1783 Aspden exchanged correspondence with James Hartley, Joseph Harrison, and many others about the status of his property. Despite their assurances that his property was likely to remain safe, Aspden found his concern mounting due to lack of communication and his distance from Philadelphia.

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<sup>462</sup> Matthias Aspden to J and J Van de Wall, November 30, 1779 in Aspden, *Letters and Other Documents*, 25-26.

<sup>463</sup> J and J Van de Wall to Matthias Aspden, January 18, 1780 in Aspden, *Letters and Other Documents*, 26.

<sup>464</sup> Matthias Aspden to Reverend William White, July 10, 1780 in Aspden, *Letters and Other Documents*, 27-28.

As noted earlier, Matthias Aspden represents a case of a loyalists who spent his years during and after the Revolution in turmoil. He felt exiled from his, but not at place anywhere else. In July 1785, Matthias Aspden attempted to return, but he was attainted of treason by law in Pennsylvania and no longer felt at home in his native land. Like other loyalists, Aspden attempted sanctuary but was never at peace. He reflected that the attempt to return to Philadelphia had failed and left him in a “painful circumstance.”<sup>465</sup> Aspden, a loyalist, identified himself as an a British subject, but America was indeed his home. After his failed journey to America, Aspden returned to England, though he never felt he truly belonged.

After 1785, Aspden attempted to acclimate himself to life outside of America, though his property remained an ongoing dispute. After Aspden returned to England he found that receiving compensation for his lost property was difficult. He appealed to the British Claims Commission, which had been created to hear claims of lost loyalist property. Loyalists petitioned their cases and, with adequate evidence and support, received some compensation from the government for their lost property. Aspden struggled to have his claim heard and receive compensation because he had left so early during the Revolutionary conflict. Some of the Commissioners believed that Aspden did not “run every risqué” and believed that Aspden desired only to return to America; essentially, they questioned his loyalty and lack of action during the

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<sup>465</sup> Matthias Aspden, [not dated but believed to be from 1785] in Aspden, *Letters and Other Documents*, 58-59.

Revolution.<sup>466</sup> Aspden continued to appeal to the British Claims Commission for his lost property on the grounds of his allegiance to the crown, but with little success.

In 1786 Aspden was pardoned of high treason by Pennsylvania under the order of Charles Biddle. Despite the pardon, he continued to fear for his safety and his property was still in limbo. So Aspden continued on in London. By 1789, twelve years after he had left Philadelphia, he finally received a hopeful letter from Biddle about possibly returning. Biddle thought that by then “Whig and Tory is finally done away, it is now federal or anti-federal.”<sup>467</sup> Biddle signaled to Aspden that the politics of the American Revolution were of little importance in the new United States. He believed that Aspden could finally return to Philadelphia and lead a peaceful life. Despite these assurances Aspden never returned to Philadelphia. His health declined over the following decades and while he had plans to visit Philadelphia in 1817, he never made the journey. Aspden passed away in Bloomsbury in London on August 17, 1824 at the age of 75.

Loyalist Joseph Galloway also failed to return to Philadelphia, but he was quite literally forbidden from returning to the city. In June 1779 exiled Philadelphia loyalist Galloway had spoken about his experiences during the Revolution while residing in

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<sup>466</sup> Joseph Galloway to Matthias Aspden, September 6, 1786 in Aspden, *Letters and Other Documents*, 78-80.

<sup>467</sup> Charles Biddle to Matthias Aspden, February 19, 1789 in Aspden, *Letters and Other Documents*, 125.

London. In a public examination by the Committee of the House of Commons, Galloway noted “I had very considerable property in America before the troubles. I have said before, my life was attainted by an Act of Assembly of the Rebel States, and my property confiscated” and unless Britain emerged victorious in the war Galloway believed he had “no hope of recovering [any of] it.” Galloway’s loss was very real. His home, possessions, and even his wife Grace remained in North America. By 1779 Galloway’s life had been forever changed.<sup>468</sup>

Galloway’s remark on the loss of his property reveals the personal impact of the war, but it also reveals the shift in power to newly independent legislatures with the authority to exclude those whom they deemed dangerous to the patriot cause. Galloway described a government in Pennsylvania that used laws to exclude many people and opinions, as well as oaths of allegiance, penalties for perceived treason, and ultimately the confiscation of loyalist property. Galloway believed “many more than four-fifths of the people would prefer an union with Great Britain, upon constitutional principles, to that of Independence.”<sup>469</sup> In Galloway’s estimation only a few individuals “have shown a willingness to take up arms” and he stated Congress

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<sup>468</sup> Thomas Balch ed., *The Examination of Joseph Galloway, Esq. by a Committee of the House of Commons* (Philadelphia: T.K. and P.G. Collins, 1855), 71. Galloway’s wife Grace Growden Galloway remained in Philadelphia following the period of occupation in order to protect her property in Pennsylvania. Grace did manage to protect some of her assets that were not in her husband’s name inherited from her family’s iron-works business in Pennsylvania and her father Lawrence Growden.

<sup>469</sup> Balch, *The Examination of Joseph Galloway*, 12.

forcibly drafted men for militia service.<sup>470</sup> His comments are, of course, biased because of his own experiences of the war and his interactions. Galloway had already lost a great deal by 1779 and he was forbidden from ever returning to the United States.<sup>471</sup>

Galloway spent his final years in England as a “traitor” to Pennsylvania and the new United States. He attempted to return to Pennsylvania and failed; he lost all of his property and his wife Grace died in Philadelphia while he lived abroad in England. Moreover, British authorities continually refused his petitions for restitution of property throughout the 1780s. In April and May 1786 the *Carlisle Gazette* printed a series of articles relating the Proceedings of the General Assembly of Pennsylvania, noting Galloway’s persistence in asking for restitution and identifying him as an

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<sup>470</sup> Balch, *The Examination of Joseph Galloway*, 13.

<sup>471</sup> Joseph Galloway represents a very extreme example of a loyalist driven from Philadelphia at the conclusion of the occupation. Galloway’s involvement during the occupation, his wealth, and involvement with British foreign affairs made him a very obvious target for the Pennsylvania legislature; however, Galloway is just one of many loyalists driven from Philadelphia and identified because of his role during the period of occupation. For additional biographical information on Joseph Galloway see Ernest H. Baldwin, “Joseph Galloway, the Loyalist Politician,” *The Pennsylvania Magazine of History and Biography* Vol. 26 No. 2 (1902): 161-191.

enemy to American liberties.<sup>472</sup> Joseph Galloway died at age seventy-four in September 1803 in England having never returned to Philadelphia.<sup>473</sup>

Reverend Jacob Duche was eventually allowed to return to Pennsylvania, but his struggle to get there was great. Duche had, according to his biographer, become a “Whig-Loyalist” during the war, allowing himself “to support American resistance vigorously, but to oppose, on principle, the radicalism of the American Revolution which resulted in the Declaration of Independence.” These individuals were often vilified because of their inability to wholeheartedly support the cause of the patriots. Jacob Duche fell into this category. As a minister in the Anglican Church, Duche moved to Philadelphia in 1762 to serve at Christ Church. Duche became involved in Philadelphia’s intellectual, social, and political affairs. When it became apparent that the Revolution was unavoidable, Duche found himself in a precarious position when he was called to the Continental Congress for religious guidance. Duche remained at Christ Church encouraged all in his congregation to avoid the Revolution. In short order, he was arrested by British soldiers when the city was occupied in the fall of 1777, released after only one night, and then on October 8, 1777 drafted a letter to George Washington asking for a negotiated peace with the British. Rejected out of hand by Washington, Duche then realized his difficult situation in occupied

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<sup>472</sup> No headline, *Carlisle Gazette*, April 19, 1786, pg. 2; No headline, *Carlisle Gazette*, May 3, 1786, pg. 2.

<sup>473</sup> Joseph Galloway Death Notice, *Poulson’s American Daily Advertiser*, December 27, 1803, pg. 3.

Philadelphia as a lukewarm loyalist. He chose instead to leave Philadelphia for England in December 1777, abandoning his family in Philadelphia until near the end of the war.<sup>474</sup> In 1783 he drafted letters to Washington and Franklin, asking for assistance in his return to Philadelphia. Washington, however, deferred to the Pennsylvania legislators to decide if they would allow Duche to return, which finally permitted him to return ten years later. Benjamin Rush wrote that Duche and his family were “kindly received” by their old friends until Duche’s death January 2, 1798.<sup>475</sup>

The return and reintegration of loyalists in Philadelphia and Maryland varied greatly. While neither state witnessed regular responses as violent as the tar and feathering in New Jersey, some loyalists found themselves exceptionally unwelcome. The examples of Joseph Galloway and Samuel Shoemaker are particularly telling. Both men held prominent roles in Philadelphia, both were involved in the occupation of the city, and both were driven from Philadelphia to New York and then to other parts of the empire. However, Galloway was forbidden from ever returning while Shoemaker and his family were allowed to return. Galloway attended the first

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<sup>474</sup> Kevin J. Dellape, “Jacob Duche: Whig-Loyalist?” *Pennsylvania History: A Journal of Mid-Atlantic Studies*, Vol. 62, No. 3 (Summer 1995), 297- 301; Philip S. Klein and Ari Hoogenboom, *A History of Pennsylvania* (University Park: The Pennsylvania State University Press, 1973), 79-92; William Allen Benton, *Whig-Loyalism: An Aspect of Political Ideology in the American Revolutionary Era* (Rutherford: Farleigh Dickinson University Press, 1969).

<sup>475</sup> Dellape, “Jacob Duche: Whig-Loyalist?”, 300-301. This source cites the *The Washington-Duche Letter* (New York: private edition, 1890).

Continental Congress and supported a plan for union at the congress. His choosing to be loyalist was a direct attack on the patriotism of the revolution and, as the years continued, he stood in direct opposition of the body of American citizens; his loyalism was all the more poignant because he had deliberated with patriots for so long. By excluding Galloway, the Pennsylvania legislature clearly excluded a highly visible politician and ideological leader during the war.

Both Shoemaker and Key also had actively fought for the British military; there was absolutely no debate over their loyalism. Yet, they were allowed to return. The treatment and reintegration of returning loyalists is highly dependent on community, the individual, and what the loyalist represented. Importantly, too, both Key and Shoemaker sought to return to their previous locations. Neither individual sought an entirely new life; instead, both desired to return to, in some capacity, what they previously had known. In the other hand, the Pennsylvania legislature could not allow such a traitor as Galloway to return and they stood firm as American citizens in denying him reentrance. His loyalty, and that of many others, was of great consequence during and after the Revolution. His role as a virtual governor, acting as General Howe's right hand, was not an offense that could be easily overlooked or dismissed despite the conclusion of the American Revolution. In other cases, a loyalist past could potentially, but not always, be forgotten. Reintegration and attempted reintegration reveal that loyalism was complex and dependent upon each individual and the community they were trying to reenter. There was no singular solution and every individual faced a different situation upon their return given their circumstances



both during and after the war. Loyalism could be overcome and some men, like Philip Barton Key, thrived in the years after the revolution. Samuel Shoemaker and his family were reunited in the years following the war and he, like Jacob Duche, was able to spend his final days with his family in Philadelphia. The experiences of loyalists in the years following the revolution varied significantly, but not all felt the need to partake in the loyalist diaspora. For many, the major desire was simply to return home, to friends, family, and property that defined them and accounted for their success and even survival in previous decades.

## CONCLUSION

As loyalists returned or forever faced banishment from the now the independent United States, the landscape of sentiments and laws concerning them altered substantially. By 1800, much of the animosity towards loyalists had dissipated and some state laws permitted the recovery of property, but not all loyalists decided to return to their former homes. Moreover, some property had been irrevocably confiscated. Though some loyalists, like Samuel and Rebecca Shoemaker, returned at the conclusion of hostilities, much of their property remained confiscated and was never returned. The loss of the Shoemakers' home on Water Street in Philadelphia, the sale of their china and carriage, served as a concrete means in which the patriots asserted their new role as American citizens.<sup>476</sup> Effectively defining themselves against a British loyalist other, property confiscation, though conducted during the

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<sup>476</sup> Philadelphia County and City Records, Forfeited Estate Sale, Revolutionary War Records, PSA; "Forfeited Estate Sale," *Pennsylvania Packet*, June 17, 1780, Revolutionary War Records, PSA. Samuel Shoemaker's property along Water Street was sold to Benjamin Davis in June 1780; however, there is no record of what it sold for and what money was collected at the time of sale. See examples in "Forfeited Estate Sale," records for September 23, 1779, June 17, 1780, October 1780, Revolutionary War Records, PSA.

hostilities and financial burdens of war, served as a means of becoming American citizens.

Though much of the confiscation legislation passed during the height of the American Revolution, often in response to the occupations of cities, was repealed in the 1780s and 1790s, confiscation still had some very real consequences in the war's aftermath.<sup>477</sup> Property confiscation legislation, the action and process of confiscation, and the sale of property became crucial for patriots trying to understand citizenship – how not to be British -- in the time of the Revolution. By identifying who was not a citizen, the Pennsylvania legislature effectively moved toward defining who was part of the new American states, and it did so initially, although not completely, during the years of wrenching wartime conflict when the violence of confiscation and civil discord were at their highest. After the war, the effects of confiscation and the limitations on its recovery played a role in determining the rights, limits, and expectations of American citizens.

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<sup>477</sup> For Pennsylvania laws see: Forfeited Estate Files, *Revolutionary War Records*, PSA; Revolutionary War legislation, Pennsylvania State Legislature and Council of Safety, PSA; Pennsylvania County of Safety, October 21, 1777, Broadside, *Revolutionary War Records*, PSA. For Maryland see: Hanson's Laws of Maryland, Vol. 203, page 187, MSA; Votes and Proceedings November 1779, pages 17-27, MSA; . For Delaware see: Eds. Claudia L. Bushman, Harold B. Hancock, Elizabeth Moyne Homsey, *Proceedings of the Assembly of the Lower Counties on Delaware 1770-1777, of the Constitutional Convention of 1776 and of the House Assembly of the Delaware State 1776-1781* (Newark, DE: University of Delaware Press, 1986), 9-10; Hancock, *The Delaware Loyalists*, 32; Proceedings of the Assembly of the Lower Counties of Delaware and the House and the Assembly of the Delaware State, 1776-1781, DSA.

In Maryland, the confiscation of property revealed the difficulty in determining loyalty, and the inherently complicated and unsatisfying process of deciding whose property was open to seizure. The newly established Maryland legislature struggled not so much to define who should be included in citizenship rights, but rather how to act upon the laws of the state in the midst of loyalist deception, hiding property within family estates, and property transfers during the Revolution. The government appointed Commissioners faced harsh odds, and they never collected the levels of revenue they anticipated was due to the state. Moreover, the Commissioners dismissed the smaller property holdings belonging to the non-elite.

Legislation was effectively used to identify those supporting the patriot cause throughout the mid-Atlantic. Citizenship in Maryland and Philadelphia was fundamentally shaped by the design of the laws concerning allegiance, taxation of nonjurors, and the confiscation of British property in that they identified groups separated from the population. All of these legal actions served as concrete means to create the group of Americans with defined legal rights, and the first of which was property ownership. Many of the loyalists who fled in the name of self-preservation likely did not foresee the potential consequences of their allegiance in the beginning of the Revolution. But, their loyalty to the British Empire proved to be exceptionally costly, materially and in terms of their identities as British subjects within the shifting discourse of citizenship in America. For those whose property was seized and forever lost, including both land and personal belongings, there was little relief in the aftermath of war. Others effectively circumvented the legislation that isolated them

from the body of American citizens, but struggled for recognition as citizens in the new republic.

The responses among loyalists to confiscation proved to be varied. Many fled to New York, England, Canada, and the British West Indies. Yet, most attempted to care for their property, leaving relatives and friends to look after their estates, houses, and personal belongings. Some, like loyalist Matthias Aspden, attempted to protect their property and subsequently left their heirs to seek repayment for the stolen goods, Aspden's relatives still pursuing compensation nearly sixty years later.<sup>478</sup> Property was not easily relinquished by the loyalists and this is also evidenced by the return, or attempted return, of some in the years following the Revolution.

Ultimately, the confiscation of loyalist property and what it meant for creating a body of American citizens had two very real consequences. For one, loyalty during the war did continue to matter after the conclusion of the Revolutionary war. This is evidenced by the continued banishment of Joseph Galloway from the state of Pennsylvania and by the challenges raised about Philip Barton Key's appointment to office in Maryland. Their actions during the war were not immediately or easily forgiven and the memory of enemies endured in some quarters for a long time. Secondly, establishing a body of American citizens who were no longer British

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<sup>478</sup> Stephen K. Williams, *Cases Argued and Decided in the Supreme Court of the United States, Book 9 Lawyers' Edition*, (Rochester, NY: The Lawyers, Co-Operative Publishing Company, 1883), 202-222. Aspden's estate was not fully resolved until 1848 when the United States Circuit Court agreed to some repayment.

subjects raised the matter of belonging and the extent of rights due to former loyalists who wished to enter the new body politic.

The Shoemakers vowed never to abandon their loyalty to the British crown although they did return to America, thereby closing off their ability to become American citizens even as they lived and worked in Philadelphia. Indeed, there is very little evidence that loyalists actively renounced their British allegiance in order to become full-fledged American citizens. Recovery of their material goods, however, was another matter, and many loyalists faced starting over or starting with very reduced circumstances upon their return. This probably helps explain why only a small proportion of loyalists – no more than ten percent of those who fled – made the decision to return. An untold number of loyalists, many of whom abandoned their worldly belongings when they fled to the interior of North America or other places of imperial refuge, or simply hid in plain sight, lost their material, cultural, and political places in North America forever.

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