

**THE PRICE OF LOYALTY**

BY

CLARK MASER

PRESENTED TO THE CHIT CHAT CLUB

SAN FRANCISCO, CALIFORNIA

MARCH 12, 2012

## The Price of Loyalty

Up from the harbor of St. John's, New Brunswick, on a low rise overlooking the center of the town, is a large cemetery. In the older section are numerous gravestones marking the burial places of those who fled the American colonies during or after the American Revolution, in some cases voluntarily and in other cases forced to leave by confiscation of their property and threats to their lives by those who supported the Revolution. In this paper I have used the name "Loyalists" for these refugees, which they were in the sense of being loyal to the British Crown, even though their opponents chose to call them Tories, which was a political label then used for the conservative party in British politics. For those who were supporters of the Revolution and originally could have been labeled as insurgents or rebels, I have used the name "Patriots."

It is estimated that at least 100,000 Loyalists fled from Boston, New York, and the Southern Colonies, the great bulk of same going in British vessels to Nova Scotia and New Brunswick and a lesser number to the Niagara Frontier of Canada [where they created the Province of Ontario], Jamaica and other Caribbean islands, and Great Britain.

Most of the refugees left after the Treaty of Peace between the Continental Congress and Great Britain in 1783. Britain was concerned about actions by the Colonies depriving Loyalists of their civil rights and confiscating their homes and property. At the end of European civil wars it has been customary to restore the civil rights of the defeated and compensate the losers for seizure of their properties. Thus, after the English Civil War of 1642-1645, Cromwell inflicted no civil penalties nor loss of property upon the Royalists, and when Charles II acceded to the throne a broad amnesty act was passed by Parliament.

The American Revolution was, among other things, a civil war, a point which will be discussed in more detail later in this paper. In any event, the best that Britain could obtain was a provision in the treaty that the Continental Congress would recommend to the Colonies to desist from further proceedings against Loyalists and to allow persons having claims to confiscated lands to initiate legal proceedings to recover same, and for this purpose to be allowed to return to the particular colony for a period of one year. In few, if any, cases was confiscated property recovered and, in fact in many colonies confiscation of Loyalist lands continued without hindrance from the courts and some of the Loyalists who returned to reclaim their property were seized and subjected to tar and feathering or worse.

Virginia's legislature declared it would not honor any reimbursement request by the Continental Congress until Britain paid Virginia 500,000 pounds to compensate for Negro slaves who had run away to the British forces during the war. In some of the colonies bills of attainder were enacted depriving Loyalists of their civil rights. Alexander Hamilton publically deplored these acts and declared that the departure of the Loyalists was a great loss to the colonies, which he felt needed wealthy and conservative citizens. For doing so he was accused of being a Torylover in the pay of the British. In view of such actions by the colonies, the British Parliament established a commission to review loss claims by the Loyalists, sending representatives to Canada and elsewhere for this purpose. Over the period 1785-1788 almost 3,300,000 pounds were disbursed, which covered but a small fraction of the actual losses.

As to the question of how numerous the Loyalists were in the colonies, a point played down by historians supportive of the Revolution,

John Adams wrote on one occasion after the end of the Revolution that one-third of the Colonists were Patriots, one-third were Loyalists, and the remaining one-third did not want to get involved and were neutral. Many historians have challenged this ratio and said that Adams' remarks were taken out of context. Henry Steele Commager, in speaking of Adams' comments, stated that one-third Loyalists is too high if it includes only those who were actively loyal and who joined the British forces and/or went into exile but is too low if it also includes those who were against independence and the war.

Whatever the correct figures, in a white population of approximately 2,000,000 there were hundreds of thousands who could be classified as Loyalists. The proportion of Loyalists was smaller in New England but larger in New York and the Southern Colonies. Those who tried to stay neutral were a particularly large group in Pennsylvania with its substantial population of Quakers and other sects who opposed war as a matter of principle.

Who were these Loyalists and why didn't their views translate into successful resistance against the attempts of their opponents, who later, after armed conflict began in April, 1775, were transformed from insurgents into Patriots?

Some historians have asserted that in substantial part the American Revolution was a class war pitting poorer rural inhabitants and unskilled workmen in towns and cities against wealthy holders of Royal positions in the administration of the colonies, such as judges and collectors of customs, wealthy merchants, and large land owners. This is patently incorrect when one considers the wealthy plantation owners who supported the Revolution in Virginia and elsewhere, the well-to-do

lawyers and other professionals who were active in promoting rebellion in New England and the other colonies, and the skilled craftsmen who were in the forefront of the insurgency in many areas.

The Loyalists were in fact a mixed group like the rest of American society and included farmers, laborers, shopkeepers, and other less-well-to-do individuals.

One major exception was that of church affiliation with Anglican clergymen being almost entirely Loyalists, with the service requiring a prayer for the King, and the Congregational ministers, especially in New England, for the most part supporting the Patriots.

The actual dividing line between Patriots and Loyalists was essentially the degree of attachment to Britain and to the belief that differences with Britain could be gradually worked out and compromised if the Colonists used patience and restraint rather than taking provocative measures. The resistance to the 1765 Stamp Act and the Colonists' success in securing repeal of the Act by Parliament a year later seemed to the Loyalists to be the path to follow.

Unfortunately, Parliament's imposition of a tax on imports of tea and the Boston Tea Party which followed in December, 1773, where over a thousand cases of tea were dumped in Boston Harbor, caused a harsh response by Britain. What were known as the "Intolerable Acts" were promulgated by Britain in early 1774, one being the Navigation Act which closed the Port of Boston and another which restructured the government of Massachusetts by replacing the elected legislators, the General Court, by a body appointed by the Royal Governor.

The other colonies took steps to support Boston and Massachusetts with food and other aid. A Continental Congress was convened in

Philadelphia, and committees of correspondence were established in each colony to coordinate resistance to the acts of Parliament. By the Fall of 1774 British control over the American colonies had largely disappeared. Royal Governors had fled to the safety of British ships and local militias replaced their Loyalist officers with officers favoring the Patriots. In Massachusetts the courts ceased to function with some judges resigning and others forced to resign by the threats of mobs. Other courts which sought to remain open could not secure jurors.

General Thomas Gage, the Royal Governor of Massachusetts and Commander-in-Chief of the British forces in North America, appointed "mandamus" councilors to fill the upper house of the legislature, known as the Council of the General Court, but many refused to serve and most of the others were forced to resign by mobs of men who threatened to destroy their homes or "tar and feather" them.

Intimidation of officials occurred everywhere in Massachusetts and the other colonies. In Barnstable on Cape Cod a crowd, of 1200 men gathered in front of the Court of Common Pleas and refused to allow the Chief Justice to enter. On August 22, 1774, a large body of men from Worcester and neighboring towns, assembled on the Worcester Common and called on one Timothy Paine to resign as a mandamus councilor. Fearing violence, he resigned. But then the mob formed a gauntlet that extended from the courthouse to the meeting house and pulled known Loyalists out of the crowd that had gathered and pushed Paine and the others into the gauntlet, forcing them all to stop frequently to read aloud their "acknowledgement of error and repentance."

About 500 members of the mob then headed to nearby Rutland and demanded the resignation of James Putnam, another mandamus councilor.

Putnam, a renowned lawyer, had served as a major in the French and Indian War and John Adams had boarded in his house and studied law under him for two years. Fortunately, Putnam was not at home but a letter ordering him to publish his resignation in the Boston newspapers was left with his family. Putnam resigned.

Ad hoc, self-appointed committees of men sprang up throughout Massachusetts and other colonies to identify and intimidate known Loyalists, taking the name of Committees of Public Observation and Public Safety, an unfortunate choice since Committees of Safety were the bodies in the French Revolution which during the Reign of Terror denounced perceived enemies of the revolution and brought them before kangaroo tribunals.

An example of the committee activities was the treatment accorded David Wardrole, a school teacher, by the Westmoreland County, Virginia, committee. In June, 1774, he sent a letter to a friend in Scotland lamenting the erosion of the British Crown's authority in America. Unfortunately, the letter was published in a Glasgow newspaper and a copy of the paper was carried back on a ship bound for Virginia where it came to the attention of the committee. Wardrole was brought before the committee with his punishment being loss of his classroom, a demand that parents take their children out of his school, and a requirement that he publish in the Virginia Gazette in Williamsburg a full confession "expressing to the world his remorse." He never got his classroom or students back.

Massachusetts' Chief Justice Peter Oliver lamented that all "civil government both in form and substance" had ended and stated that "the people now went upon modeling a new form of government by committees and associations... the wildfire ran through all the colonies."

The Committees of Public Safety published the names of merchants who failed to stop dealing in British goods and organized boycotts of their stores. The response of one such merchant, Theophilus Lillie, published in one of the few remaining pro-Loyalist newspapers, made the fundamental Loyalist argument that it was “better to be ruled by a king than by a mob.” Lillie went on to say: “It always seemed strange to me that people who contend so much for civil and religious liberty should be so ready to deprive others of their natural liberty.... If one set of private subjects may at any time take upon themselves to punish another set of private subjects just when they please, it's such a sort of government as I never heard of before.... I had rather be a slave under one master (for if I know who he is I may perhaps be able to please him) than a slave to a hundred or more whom I don't know where to find, nor what they will expect of me.”

Gouverneur Morris, who years later helped draft the United States Constitution, commented in a similar vein that “if the disputes with Great Britain continue, we shall be under the worst of all possible dominions, we shall be under the dominion of a riotous mob.”

The Committees of Public Safety began to require oaths of loyalty to the Patriot cause from known or suspected Loyalists. If the oath was violated, tar and feathering was often the punishment.

A more ominous example of coercion occurred in Brunswick, Maine, where vigilantes beat suspected Loyalists, almost drowned one man in the course of their interrogation, and forced another to dig his own grave while pointing guns at his head, which resulted in a dramatic patriotic conversion.

However, in general the committees did not advocate harsh physical punishment but rather sought to shame their opponents into making



public confessions. Local show trials took on a ritual quality in which terror and humiliation were aimed at converting dissenters. Most of the moderates chose silence over confrontation. Surprisingly, only one death of a Loyalist is known to have occurred: that from being tarred and feathered and then placed on a sharp-edged rail which caused him to bleed to death.

Local militias, with their Loyalist officers purged, drilled weekly on village greens and supplies of gunpowder were seized. There was an attempt in Salem to convert cannons, obtained from an abandoned fort, into field artillery by constructing undercarriages for same. General Gage got wind of this and on Sunday, February 27, 1775, 250 British soldiers with fifes and drums playing "Yankee Doodle" reached a raised drawbridge over the North River in Salem. In the meantime the cannon had been hauled away and hidden. At the northern end of the bridge was a group of armed militiamen whose number was quickly increasing. The British tried to seize three flat-bottomed scows which had been grounded by the tide but before they could do so several Salem men jumped into the scows and smashed their bottoms. Luckily, a local clergyman intervened and called upon the British not to shed blood on the Lord's Day and proposed that the drawbridge be lowered so the soldiers could make a symbolic search for the cannon and then depart. This pantomime occurred with the soldiers marching about 500 feet beyond the bridge and then marching back to their ship in Marblehead and returning to Boston. But for the intervention of the preacher, fighting could have begun in February rather than April of 1775.

The number of newspapers expressing Loyalist views dwindled rapidly in 1774-1775. Perhaps the leading Loyalist paper was James

Rivington's *New York Gazette*, a highly professional publication. In the face of widespread condemnation and prohibition of the distribution of the paper by many communities, Rivington mounted a spirited defense of freedom of the press. But in November, 1775, while New York was still in Patriot hands, a mounted party of Connecticut Patriots rode into New York, stormed Rivington's shop, and took away all the lead type to the applause of a large crowd.

One can inquire why those who were Loyalists, and who, as previously discussed, constituted a substantial part of the population, did not forcefully resist the rebels in 1774-1775. The reasons are numerous.

In the first place the Loyalists were in the position of defending the established order and the status quo, a stance which lacked the emotional fervor of the Patriots. They found it difficult to face the fact that the world as they knew it, and their place in it, was headed towards destruction.

The Loyalists never sufficiently developed the enthusiasm and cohesion vital to achieve victory. They were conservative by nature and failed to accommodate to the new elements of American society that were coming into political prominence and power: the town laborer and frontier farmer. The Loyalists displayed a degree of snobbery toward the Patriots and a remarkable lack of timing in opposing them.

The Loyalists assumed the British Army could easily crush any armed rebellion. After fighting began, at least in the early stages of the war, the British looked down upon all colonists, Patriots and Loyalists alike, as amateur soldiers and inferior in military ability and, in the case of the Loyalists, unsuitable to be recruited and incorporated in the British forces. Too late in the war the British realized that Americans could best fight Americans.

The Loyalists, scattered over the colonies, lacked the unity and leadership of their adversaries and failed to recognize early enough the need for arms and their effective use.

There were Loyalist irregular units who operated in the areas near New York where the British took control in 1776, including in particular Long Island and Northern New Jersey. In these areas conflict between the Loyalists and Patriots became a bitter partisan civil war with atrocities committed by both sides and large scale destruction of property.

When Cornwallis extended British military activity to the Southern Colonies in <sup>1780-1781</sup>~~1798-1791~~, the British finally made considerable use of Loyalist units, but it was too late for them to be a significant factor. The most important Loyalist military operation was an incursion into western North Carolina where the Loyalist force of 1100 men, including the King's American Regiment, led by the British officer, Patrick Ferguson, was badly defeated by a Patriot force which included Daniel Morgan and his riflemen. Ferguson was killed and thirty-six of the 698 Loyalist prisoners were condemned to death in retaliation for their military activity. Due to the intervention of Morgan's officers only nine were actually hanged. The defeat was a requiem for the Loyalist cause.

As discussed at the beginning of this paper, as many as 100,000 Loyalists left the colonies during and after the Revolutionary War with most of them finding refuge in Nova Scotia, New Brunswick, and other parts of Canada. Among the refugees were at least 8000 free blacks, many of whom had been liberated by the British when they chose to fight for the Crown. The bulk of the exodus was in the summer and fall of 1783 just before the British turned control of New York over to the Patriot forces.

The Treaty of Peace contained a provision that prohibited the British from "carrying away any Negroes, or other property" but Sir Guy Carleton, now commander of the British forces in North America, provided all of the black loyalists with documents establishing their freedom and hurried them aboard British ships headed for Nova Scotia. George Washington was infuriated but Carleton informed him that it was a matter of honor, saying that "the Negroes in question... I found free when I arrived in New York. I had therefore no right... to prevent them going to any part of the world they thought proper."

Britain supplied the shipping for the departing Loyalists as well as pork, flour and other provisions. Tents, timber, and tools were provided and land was allocated to them for building houses and for farming. The Loyalists were not used to the harsh winter conditions where they settled, especially in New Brunswick, and many were unable to construct rude cabins before the snows six or more feet in depth commenced and were forced to endure the winter in their tents, warmed by fires that had to continually be attended to. A number of the women and children died in these frigid conditions, lacking the shelter and comfort that their former homes provided.

A pamphlet which circulated among the Loyalists, and which contained more than a bit of exaggeration, described the climate of Nova Scotia thus: "It has a winter of almost insufferable length and coldness ... there are but a few inconsiderable spots fit to cultivate; and the land is covered with a spongy mass in place of grass .... Winter continues at least seven months of the year; the country is wrapped in the gloom of a perpetual fog; the mountains run down to the seacoast, and leave but here and there a spot to inhabit."

Despite all this, about 21,000 of the Loyalists remained in Nova Scotia, doubling its population and providing many of the future leaders of the province.

The treatment accorded the Loyalists had important consequences. They fought with determination and success against American attempts to invade Canada during the War of 1812 and their talents made a great contribution to the creation of the Canada of today.

The fate and beliefs of the Loyalists had a significant influence on the United States as well. A backlash against bills of attainder occurred and they were specifically prohibited in Article I of the Constitution. Also the checks and balances placed in the Constitution, among other things, reflected the concerns of the signers that populist actions and views could get out of hand, whether through civil disorder, as was the case in the runup to the American Revolution or through the vote of an electorate led by demagogues. In this sense the conservative position of the Loyalists was tacitly endorsed by the Constitutional Convention of 1787.

As one writer put it, the Loyalist belief in systematic reform, law and order, and traditional methods of political activity and conduct has evolved into the "American Way." The Loyalist political creed became a part of the ethos of the American Republic with George Washington in the 1790s condemning the farmers and backwoodsmen who took part in the Whiskey Rebellion as "armed banditti."

While the price of loyalty was immense for the tens of thousands who left their homes to remain under the authority of Britain and its Parliament and Crown, the courage and dedication of the Loyalists should not be forgotten nor relegated to some dark corner of the American Revolution.