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The "Loyalist problem" in the early republic: Naturalization, navigation and the cultural solution, 1783--1850

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The "Loyalist problem" in the early republic: Naturalization, navigation and the cultural solution, 1783--1850

Abstract
Traditionally, studies of the Loyalists from the American Revolution highlight their wartime experience or explore their post-war experience as exiles in other areas of the British Empire. Instead, this study begins in 1783 and focuses on the majority of Loyalists who stayed in the United States after Independence. Using legal documents, personal correspondence, and popular newspapers the "Loyalist Problem in the Early Republic," analyzes the legal and cultural dimensions of citizenship from the Loyalist's perspective. It suggests that the Loyalists played a significant role in the legal and cultural formation of American citizenship and national identity. Additionally, it explores the Loyalists role in shaping American commercial policy and suggests the loyalists had a greater influence than has been traditionally recognized.

Keywords
History, United States, American Studies
THE "LOYALIST PROBLEM" IN THE EARLY REPUBLIC: NATURALIZATION, NAVIGATION AND THE CULTURAL SOLUTION, 1783-1850.

BY

EMILY IGGULDEN
BA History, University of Glasgow, 2005

THESIS

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ABSTRACT

THE "LOYALIST PROBLEM" IN THE EARLY REPUBLIC: NATURALIZATION, NAVIGATION AND THE CULTURAL SOLUTION, 1783-1850.

By

Emily Iggulden

University of New Hampshire, September, 2008

Traditionally, studies of the Loyalists from the American Revolution highlight their wartime experience or explore their post-war experience as exiles in other areas of the British Empire. Instead, this study begins in 1783 and focuses on the majority of Loyalists who stayed in the United States after Independence. Using legal documents, personal correspondence, and popular newspapers the "Loyalist Problem in the Early Republic," analyzes the legal and cultural dimensions of citizenship from the Loyalist's perspective. It suggests that the Loyalists played a significant role in the legal and cultural formation of American citizenship and national identity. Additionally, it explores the Loyalists role in shaping American commercial policy and suggests the loyalists had a greater influence than has been traditionally recognized.
Introduction

Few events in American history have captured the historian's imagination more than the American Revolution. From the progressive historians of Charles Beard's cohort at the turn of the twentieth century, through the social historians of the 1960s and now the post-modern/postcolonial scholars of the twenty-first century, the Revolution provides the locus around which the historical profession explores the development of American society. Even the loyalists, the big losers in the contest, have received adequate, if somewhat narrow attention. In fact, after the neo-Progressive historians displaced the old "consensus" school in the 1960s, historians have emphasized the internal conflicts of the war and most historians now characterize the Revolution as a civil conflict.


Richard Ryerson, "The Revolution is now begun": the radical committees of Philadelphia, 1765-1776, (Philadelphia, University of Pennsylvania Press, 1978), when I refer to 'postmodern/postcolonial I refer in particular to the recent roundtable discussion in the William and Mary Quarterly led by Jack P. Greene, "Roundtable: Colonial History and National History: Reflections on a Continuing Problem," in William and Mary Quarterly, (April 2007) Of course Greene advocates a move away from treating the Revolution as a boundary and a barrier between the colonial and national periods but in so doing he highlights the trend thus far in American historiography.


One consequence of interpreting the Revolution as a civil war was to encourage scholars to pay attention to the Loyalists. Historians sought to find answers to the question of motivation and demographics: why did certain individuals or certain regions remain loyal to the King? How was loyalty to the Crown expressed and how was it punished or rewarded? How powerful was the internal opposition to independence and why did its supporters fail? Wallace Brown initiated the current interest in the Loyalists in 1965 with *The Kings' Friends*, which is a systematic examination of the nature of loyalism in each of the thirteen colonies. The book encouraged Brown to reach the now universally accepted conclusion that loyalism was not a cohesive movement but varied in each colony in type, quantity and intensity. As a result, historians treated the Loyalists as an anomaly, a problem to investigate and explain.

Brown's approach set the precedent for subsequent studies of the Loyalists. Most are sympathetic in nature and focus on pre-war time motivations and treatment of the Loyalists during and immediately after the War, 1765-1783. Most of the books are either

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*Wallace Brown, The Kings Friends: The Composition and Motives of the American Loyalist Claims*, (Providence, Brown University Press, 1965). Lorenzo Sabine was the first to attempt to tackle the Loyalist problem in 1847 with his invaluable contribution, *Biographical Sketches of the Loyalists of the American Revolution*. Sabine’s study paved the way for interest in the losers of the Revolution and provided factual foundations to accelerate future study.

*Brown actually made this conclusion explicit in his later book* *The Good Americans* *which drew on similar sources but broadened the definition of loyalism from simply those who made financial claims for compensation to the “rank and file.” Brown, The Good Americans, (New York, William Morrow and Company, 1969)*

biographies of individual loyalists or regional case studies that offer useful, if somewhat
biased and narrow treatment of the Loyalists. Additionally, scholars such as Paul H.
Smith and John Shy tracked the military contributions of the Loyalists and their
relationship with the British troops. Although many of these studies made important
contributions, much of the work on the Loyalists was antiquarian and genealogical in
style and not analytical nor academic enough to be integrated into the mainstream
revolutionary narrative. The ‘school’ of loyalist historians remained on the periphery of
American historiography despite its active and enthusiastic members.

To the extent that the Loyalists exist in American historiography after 1783 it is as
new settlers in Canada, Britain and the West Indies, not as American citizens on the
mainland. In reality, only 1/5 of loyalists actually left the newly independent states after
the Peace of Paris in 1783. The majority, as many as 413,000 remained behind and made

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example, L.F.S. Upton, The Loyal Whig: William Smith of New York and Quebec, (Toronto, University of
Toronto Press, 1969) and slightly later Bernard Bailyn, The Ordeal of Thomas Hutchinson, (Cambridge,

6 The antiquarian style of many of these biographies is evident in the trade or sometimes personal
publications rather than academic press. See for example, Eugene R. Fingerhut, Survivor: Cadwallader
Colden II in Revolutionary America, (Rowman and Littlefield, 1982), Brian C. Cuthbertson, Loyalist
loyalists of Massachusetts and the other side of the Revolution, (Boston, J.H. Stark, 1910), Robert Orley
DeMond, The loyalists in North Carolina during the Revolution, (Hamden, Archon Books, 1964), David E.
Ph.D. dissertation at the University of New Hampshire reflects this trend to quantify and classify the
loyalists in a bid to make them more understandable, Robert Munro-Brown, "We deserved a better fate"

7 Paul H. Smith, Loyalists and Redcoats: A Study in British Revolutionary Policy (Chapel Hill, Published
for the Institute of Early American History and Culture by the University of North Carolina Press, 1964),
Kurtz and James H. Hutson, eds., Essays on the American Revolution (Chapel Hill, Published for the
Institute of Early American History and Culture by the University of North Carolina Press, 1973)

8 Maja Jasanoff makes this point in her recent WMQ article, The Other Side of the Revolution; Loyalists in
the British Empire.” Jasanoff correctly classifies Sabine’s study as genealogical as well as the On-Line
Institute of Advanced Loyalist Studies, www.royalprovinivial.com. One might add,

9 See for example, Wallace Brown, The Kings Friends: The Composition and Motives of the American
Loyalist Claims, (Providence, Brown University Press, 1965), North Callahan, Flight from the Republic,
(Indianapolis, Bobbs-Merrill, 1967), Mary Beth Norton, The British-Americans: The Loyalist Exile in
lives for themselves in the new republic. This study responds to this missed opportunity in the historiography and offers a new perspective on the post-war history of the American loyalists.

"The Loyalist Problem in the Early Republic" begins where most other studies end, on the American mainland in 1783. In contrast to previous studies, it is not solely about the Loyalists but addresses the themes of naturalization and international trade in the nineteenth century through the lens of the loyalist experience. The first scholars on the Loyalists sought to recover the "losers" of the Revolution and include them in the mainstream narrative of the war. These historians sought to re-balance the biased history of the Revolution and animated their studies with sympathy and respect for the losers of the Revolution. Because these historians were successful, this study looks instead at the legacy of the Revolution in the Early American Republic and focuses on the loyalist role in that legacy. To do so, it asks slightly different questions than previous work. It is less concerned with motives and type and instead approaches the subject from a political, legal and cultural perspective. How did loyalists who chose to stay in America adapt to the new administration? How did those Americans who supported independence react to these 'disloyal' citizens? Given America's continued reliance on trade with the British Empire after 1783, how did those who supported the Crown in the Revolution affect the

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10 Scholars disagree on the total number of loyalists but there is recent consensus around the 20% mark. According to Moses Coit Tyler John Adam's asserted that a 1/3 of the American population were loyal to the crown, Moses Coit Tyler, "The Party of the Loyalists in the American Revolution," in *The American Historical Review*, vol 1, (Oct 1895) 24-45. Modern scholars put the figure nearer 20% see for example, Paul H. Smith, "The American Loyalists: Notes on their Numerical Strength," *William and Mary Quarterly*, 3rd series, 25, (April 1968) 259-277. All of the key monographs on loyalists acknowledge that the majority stayed behind, see Wallace Brown, *The Good Americans*, (New York, Morrow, 1969) 251.

11 In the bibliographical essay of the *The Loyalist Perception and Other Essays*, Robert M. Calhoun characterizes the comprehensive texts on the loyalists as "sympathetic to their subjects." Bernard Bailyn made these bias' clear in his introduction to *The Ordeal of Thomas Hutchinson* in which he stated he was doing something different; "My purpose, then, is to convey something of the experience of the losers of the American Revolution. And I do this not because I agree with them or judge them to have been right or because I find them more appealing people than their opponents." X.
trade policy between the two nations? Finally, how did the growing sense of national pride and identity in the nineteenth century include, explain or forgive the Loyalists?

In 1970, Wallace Brown asserted that “something of a renaissance” was taking place with loyalist historiography. He predicted a “golden age” of loyalist history was about to begin and he especially looked forward to the establishment of the Program for Loyalist Studies and Publications. George Billias echoed Brown’s eagerness for renewed scholarship on the Loyalists, when he observed in 1972 that the Loyalists remained the first ‘Un-Americans’ in American historiography. Billias’ complained that historians still considered Loyalists as entirely different from their patriot peers and, though treated seriously by historians, loyalists remained an anomaly in the historical record.

Brown’s optimism was well placed but also prescient because at present, the Loyalists are once again enjoying a revival in American historiography. Maya Jasanoff is currently working on a book about the global experience of the Loyalists in exile. Alan Taylor is engaged in a study of the Loyalist exiles in Canada and their influence on imperial identity. Liam Riordan is researching four individual loyalists on four different continents to explore the exile experience from a global and personal perspective.

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15 Alan Taylor, “The Late Loyalists; Northern Reflections on the Early American Republic,” Journal of the Early Republic 27 (Spring 2007).

16 In conversation with the author at the New England Historical Association Conference, (Northeastern University, Boston, April 26).
As with the work of these scholars, this thesis focuses on the post 1783 experience and shares the interest in the political and cultural legacy of the loyalists. However, this study looks at the loyalists who remained in the newly independent United States rather than those exiled by the new republic. Although it shares the interest in the contributions the Loyalists made to American history, it looks beyond the traditional temporal boundaries of 1775-1783 to assess how far their influence reached. It builds on Oscar Zeichner and David E. Maas’ attention to what happened to remaining and returning Loyalists on the American mainland. Both Zeichner and Maas focused on regional case studies: New York, Connecticut and Massachusetts.17 This study attempts to broaden that analysis to a national level and from a legal and political angle rather than the bibliographic approach Maas adopts.

Chapter One looks specifically at the problem of dual allegiance and the question of citizenship from a legal and cultural perspective. Using the definition of loyalists articulated in the Treaty of Paris (1783), this study analyzes the extent to which Americans at the local level accepted these definitions. New York, Pennsylvania and Massachusetts will act as case studies to represent how Americans interpreted and implemented the treaty. Public broadsides written by Alexander Hamilton and Benjamin Rush reveal the division within the states on how to interpret the language of the treaty and the identity of loyalists. The chapter draws attention to the duality of the loyalists’ allegiance in the Revolution and suggests this duality explains the continued problem of legal definitions in the 1780s. It traces individual experiences such as those of Tench

Coxe and Peter Van Schaack to illuminate the personal experience of the law. The role of the loyalty oath and its use against the loyalists in the revolutionary and into the national period reinforces how Americans contested the legal status of loyalists. Chapter one suggests that the individual loyalists who were allowed to return or remain in their communities all brought with them economic prosperity and skills useful to the community. This sense of "usefulness," of civic virtue and its influence on the meaning of American citizenship is re-visited again in chapter three from the perspective of memory.

Chapter Two assesses the loyalist problem from the standpoint of foreign trade. In 1972, Charles Ritcheson asserted that the loyalists had little influence on British or American policy after 1783. This chapter offers a different perspective based on analysis of British and American trading policy in the 1780s and the 1790s. The two treaties of the period, Paris (1783) and Jay's (1796) supply the legal anchors governing the era. Navigation and shipping rights continued to generate hostility between Britain and America as the former mother country refused to grant American vessels permission to trade with the West Indies. The role loyalist merchants in the West Indies played in subverting British trade restrictions is explored and the chapter asserts that the Loyalist merchants in the West Indies actually benefited the American and West Indian economy. In doing so, it challenges Charles Ritcheson's assertion that loyalists were insignificant in the new republic. Additionally, it highlights the political and commercial links between the Early Republic and those areas of the British Atlantic still in the colonial period and emphasizes the importance of the loyalists in this relationship.
Chapter Three shifts the emphasis from the Confederation period to the heart of the Early Republic (1805-1850). It revisits the question of citizenship explored in chapter one and the issue of navigation investigated in chapter two. The War of 1812 supplies the locus around which these ideas of naturalization and the problem of navigation collide. In contrast to the legal emphasis in the first two chapters, this section addresses the problem of the loyalists from a cultural perspective. It is concerned solely with the memory of loyalists rather than the actions of living loyalists. This approach offers an angle on how Americans in the Early Republic remembered the internal divisions during the Revolution and how they used them positively to develop the meaning of American citizenship. It looks at the ways newspapers and magazines rehabilitated infamous loyalists or “Tories” from the Revolution as useful American citizens. Magazines used individual loyalists as models to demonstrate how American citizenship was to be earned through merit rather than a de facto right of birth.¹⁸ Political parties in the Early Republic also used the memory of the first “Un-Americans” as a political insult to the party opposition. The chapter explores the similarities between the partisan divisions loyalists

¹⁸ The chapter subscribes to David Waldstreicher and Simon P. Newman’s definition and use of popular print culture. In “Rites of Rebellion, Rites of Assent,” Waldstreicher proposes that the coverage of national parades, fêtes, and celebrations in print played an integral role in communicating feelings of consensus and national unity to communities across the New Republic. He argues that it was the replication of such events in newspapers, magazines and almanacs, which strengthened and developed a unique American identity and nationality. The same principle is applied here to the presentation of Tories in print as an example of what American readers were encouraged to regard as fundamentally un-American. David Waldstreicher, “Rites of Rebellion, Rites of Assent: Celebrations, Print Culture and the Origins of American Nationalism,” in The Journal of American History, 82, no.1 (1995) David Waldstreicher, In the Midst of Perpetual Fetes: the making of American Nationalism 1776-1820, (Chapel Hill: University of North Carolina Press, 1997). Simon P. Newman, Parades and Politics of the Street, (Philadelphia, University of Pennsylvania Press, 1998). I have also drawn on Elizabeth L.Eisentein’s understanding of written communication as especially influential in effecting the ‘hearts and minds’ of readers. The Printing Press as an Agent of Change; communications and cultural transformations in early modern Europe, (Cambridge; Cambridge University Press, 1979). Jennifer Tebbe’s definition of print culture as both ‘economic commodity and cultural agent’ has also been instructive – this paper ascribes to her assertion that a society’s culture is created and maintained through the books, magazines and newspapers it generates, Jennifer Tebbe, “Print and American Culture” in American Quarterly, 32, 3 (1980) 259-279. Finally, Benedict Anderson’s Imagined Communities; Reflections on the Origins and Spread of Nationalism, (London; New York, Verso, 2006) linked the use of print culture to the much bigger picture of national identity.
caused in the Revolution and its immediate aftermath with the discords the memory of the loyalists created between political parties in the early nineteenth century. For example, during the War of 1812 the Democratic-Republicans co-opted the term “Tory” to fire as an insult against the Federalist party opposition. The terms connotations with the internal enemies of the Revolution undermined the Federalists by classifying them as enemies to American liberty and sovereignty. The chapter continues to trace the political use of the term through the 1820s and the 1830s. Consequently, this section shows that the loyalists continued to act as a vibrant cultural force in the Early Republic.

Ultimately, this thesis demonstrates that the history of the loyalists is not simply a history of losers or disaffected aristocrats. Nor is it a history of ideology or motivation during a time of civil conflict. It need not be reduced to a list of names and professions but can illuminate the story of naturalization, navigation and the meaning of American citizenship from the Revolution through the early nineteenth century.
In 1775, British ships sailed from the ports of Boston, New York, and Charleston with loyalists aboard seeking refuge in other parts of the Empire. It seemed to many observers at the time and to historians now a mass departure: Abigail Adam's described the first ships that left Boston as akin to a forest with "upward of one hundred and seventy sail counted." More recently, North Callahan described the exits as "hopeless confusion" and captured the mood of the time by citing a popular rhyme of the period, "The Tories with their brats and wives/Have fled to save their wretched lives." Susannah Well's personal diary of the experience reinforces the reality of such an image as she shared her "joy, so truly [to be] in the wide Ocean out of the dominion of Congress." It is certainly romantic to picture as Callahan does, "the last hectic days of peace [as if] everybody, the whole world, moved to Nova Scotia." Although such romanticism has characterized many studies of the Loyalists, the statistics simply do not support the notion of an exodus.

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19 I am grateful to Eliga Gould for this phrase which he used to describe the loyalists that remained within the U.S after the Treaty of Paris in his comments on Maya Jasanoff's "The Other Side of the Revolution: Loyalists in the British Empire," (a paper presented at the MHS Early American Seminar, Thursday February 7th, 2008).


The most reliable sources available indicate that the majority of Loyalists actually remained in the United States after independence. Although there is some disagreement on actual figures Paul H. Smith's calculations have been the most accurate to date. Smith argues there were 513,000 loyalists in America from 1775-1783 and most scholars agree with Charles Ritcheson's findings that somewhere between 60,000 and 100,000 loyalists left the U.S. in exile. That leaves a minimum of 413,000 loyalists in the newly independent U.S. These figures, distributed throughout the country may not have constituted a significant threat to the almost 3,000,000 strong American population but are a number larger than the neglect of loyalists in the historiography indicates. This remains an unexplored yet significant detail in the scholarship on loyalists. How did 413,000 loyalists adapt to the new republic? What was their legal status and how did this translate to their social standing and integration into the community?


This chapter explores three legal documents of this period and their application to the loyalists in order to offer possible answers to the above questions: articles V and VI of The Treaty of Paris 1783, the Test Laws of 1777 and their development into the first Naturalization Law of 1787. Consideration of the role of Loyalty Oaths helps trace the principle of allegiance and its applications across the colonial, revolutionary and early national periods. These oaths permeate the boundary between legal and social regulations of citizenship. They can demonstrate the disparity between the legal and social criteria for citizenship and expose the contested status of the Loyalists in the early national period.

Each document has broad implications, although their impact on and influence by Loyalists will remain the main focus of this discussion. The argument shows how each document adds a perspective to the issue of loyalist identity, how British subjects, specifically those whose allegiance to America was in doubt, made the transition to American citizens. In addition, the individual experiences of loyalists such as Tench Coxe and Peter van Schaack illuminate the personal application of the law.

* * *

In order to assess the status of loyalists after the Revolution, it is first important to outline how the American rebels identified and punished loyalists during the War. Initially, many loyalists actually supported colonial resistance to British aggravations such as the Stamp and Sugar Acts. Indeed, most individuals who came to be known as ‘Loyalists’
advocated increased American representation in Parliament and resented Britain’s interference in the internal workings of colonial government.\textsuperscript{27} The Reverend Samuel Seabury, an outspoken loyalist, concisely described this duality as follows, “Many loyalists...had not been much happier with British policies since 1763 but whatever their discontent they stopped short of rebellion.”\textsuperscript{28} James Allen, a member of the well-respected Allen’s of Pennsylvania also admitted, “I love the cause of liberty but cannot heartily join in the prosecution of these measures [that are] totally foreign to the original plan of resistance.”\textsuperscript{29} The case of Samuel Johnson exemplifies both of these descriptions: Johnson ultimately supported the Crown and maintenance of the status quo, but during the chaotic years following the implementation of the Stamp Act in 1765 he sat on the board of the Stamp Act Congress and advocated the colonist’s right to be free from parliamentary taxation.\textsuperscript{30} From the outset of rebellion then, loyalists experienced a duality of allegiance and identity which both compromised and complicated their social and political relationships.

Consequently, the classification of “Loyalist” as an outright dissenter to the American cause and champion of the King did not fall into official use until the introduction of the Test Act in 1777. The Committee’s of Safety and Justices of the Peace administered the Act in

\begin{itemize}
\item \textsuperscript{27} Brown, \textit{The Good Americans}, passim, Van Tyne, 8-11 & appendix A.
\item \textsuperscript{28} G.N.D. Evans, \textit{Allegiance in America: The Case of the Loyalists}, (Reading, Mass: Addison-Wesley Pub. Co. 1969) 5.
\item \textsuperscript{29} Evans, \textit{Allegiance in America}, 15.
\end{itemize}
each colony. As a result, the ways of identifying loyalism in each colony were slightly different, though all were based on similar principles. In Massachusetts, “persons suspected of being inimical to the cause of the colony” had to take the Test Act. In New York an individual who displayed a “neutral or equivocal; character” was listed, and in Pennsylvania one needed only to be “suspected of being unfriendly” to be required to take the Test. The ‘Test’ usually involved performing and signing an oath of allegiance to the colonies and renouncing all affiliation to the King. Such recitals often took place in the local court house with the Committee of Safety or a Justice of the Peace overseeing the procedure. Some colonies allowed local civilians to attend, watch and pressure individuals into signing. Punishment varied from colony to colony and became more severe as the war progressed. The most popular forms of retribution for really “conspicuous” or outspoken Tories was banishment, either to British occupied territory within the colonies or to another part of the Empire – all of which the accused paid for out of his own pocket. The case of the Philadelphia Quakers, who were exiled to Virginia, bears witness to the format and power of the Test Act and the significance of the Loyalty Oath as a measure of allegiance.

31 Van Tyne, Loyalists in American Revolution, 64-65.
32 Van Tyne, Loyalists in American Revolution, appendix B.
34 Jim Leamon, “The Religion of Politics” (paper presented on Loyalists and American Revolution Panel at NEHA conference, Boston, April 26th 2008) Brendan McConville’s and Liam Riordan’s “Comment” on the paper were also especially useful.
Harold Hyman has elegantly documented how ingrained the idea of loyalty oaths were in colonial American culture. They began as a tool of the British Empire to secure allegiance to the Crown and served as "prerequisites for suffrage, office-holding, and naturalization." During the Revolution, however, the patriots appropriated the oath. It had the same basic principles, but a different subject of allegiance. In September 1777, the Philadelphia Committee on Safety deemed Israel Pemberton, Samuel Pleasants and twenty other individuals "inimical to the cause of the United States." They were imprisoned in Philadelphia until they agreed to sign the oath. The narrative tells us that Pemberton and the other exiles' behaviour was considered hostile as they refused to recognize the authority of the Committee of Safety. This Committee demanded they agree not to write, speak or act against the Continental Congress as well as "not depart from [their] dwelling house," which was the point of contention for the Quakers who considered themselves innocent. Despite the legal remonstrance by the accused against their arrest and the Committees' demands, their refusal to take the oath equaled guilt. Although deemed slightly 'less treasonous' than outright conspiracy, refusal to take the oath still carried punitive measures. In this case, the punishment was arrest, interrogation and a sentence of internal exile within the town of Stoughton, Virginia "to be treated according to their characters

35 Hyman, *To Try Mens Souls*, chapters 1-3, quote 59.
and stations." Ultimately, the twenty proscribed individuals were imprisoned for eight months from September 1777 to April 1778. Congress released them after deciding their behaviour was no longer "inimical" and George Washington recognized their refusal to take the oaths as conscientious objection rather than seditious intent. Of course, the case of the Quakers as conscientious objectors is not perhaps representative of the whole. More typical was the Reverend Jacob Baileys' banishment experience, showing how the states identified loyalty to the Crown, ordered individuals into exile, confiscated their property, stripped them of voting rights and all other privileges of citizenship. As minister of the Parish of Pownalborough in Maine Bailey enjoyed a prominent and influential role in a vibrant and active community. Yet his actions during the crucial years of 1775-1777 gave the local Committee of Safety cause for concern. Bailey was accused of conducting seditious sermons, of praying for the King and was found guilty of refusing to read the Declaration of Independence. As a result he was called in front of the Committee for investigation on two separate occasions, yet was able to convince them of his moral obligation to honor his allegiance to the King. Although he was not technically proscribed in the Test Act, Bailey was 'asked to leave' and did so after several "molestations." He departed for

38 Gilpin, Exiles in Virginia, 124.
39 Gilpin, 237-238. The exiles also composed many remonstrance's to Congress to appeal their imprisonment which were accessed via Evans, Israel Pemberton, John Hunt, Samuel Pleasants, "The Remonstrance of Israel Pemberton, John Hunt and Samuel Pleasants," (Philadelphia, Robert Bell, 1777).
40 Van Tyne, 238-240, Brown, 126-127
41 Leamon, "Religion in Politics."
Nova Scotia in the summer of 1779. According to Sabine he arrived there destitute, his face "meagre with famine and wrinkled with solicitude." His property in Pownalborough was confiscated and sold for profit; he was stripped of the right to vote or hold office and consequently he never returned. These individuals found guilty of seditious acts, experienced disenfranchisement and disempowerment. Obviously, subscription to the oath was open to abuse and there is evidence that many loyalists who stayed in the colonies survived by taking the oath of allegiance hypocritically. While this might seem to challenge consideration of them as loyalists, the way in which their contemporaries in the new republic continued to treat them as Tories justifies attention to their experience.

The process of monitoring loyalty and classifying "inimical behaviour" that culminated in the Test Acts of 1777 actually began more formally three years earlier when the First Continental Congress was established in 1774. The subsequent Articles of Association, which included a colony wide boycott movement on British imports, provided the first opportunity for tangible evidence of disloyalty. The colonists viewed refusal to adhere to the non-importation of British goods as a visible sign of dissent against the colonial cause. Patriots considered non-adherence as a breach of the "sacred ties of virtue, honour and love of country."

43 Leamon, "Religion and Politics."
44 Wallace, 126, Hyman, 113-114.
45 See discussion below.
made dissent incredibly visible as thousands of copies of the Articles of Association were printed and published up and down the colonies; refusal to sign or outright flouting of the agreement was deemed the act of a Tory and identified as "inimical" or "equivocal" or "unfriendly" behaviour.\(^{47}\)

Importantly, it was not yet an act of treachery as the "country" referred to in the Articles was actually Britain and the signers still considered themselves, "his majesty's most royal British subjects."
Consequently, punishments for the inimical acts against the Associations' Resolves were administered on a social rather than legal level.
Committeemen were instructed to publicize the traitor, "that all such foes to the rights of British-America may be publicly known and universally condemned."\(^{48}\) Newspaper editors played an important role in this humiliation process as they published the names of merchants who were caught flouting the Associations agreement. Such merchants then endured not only the poisonous reputation of disloyalty but faced the wrath of the Sons of Liberty.\(^{49}\) This wrath expressed itself most often and most venomously through the practice of American charivari; tar and feathering, the most common form of public retaliation and humiliation in which supporters of the Crown were literally covered in boiling hot tar and smothered in feathers. In Boston, one of the most severe colonies towards disloyalty, the mob set one victim Owen Richards alight after applying the

\(^{48}\) Hyman, *To Try Men's Souls*, 65.
tar and feathers.\textsuperscript{50} Indeed, Boston was the hub of tarring and feathering with a self-proclaimed committee for the purpose advertising its services through the city.\textsuperscript{51} In New York, another colony considered “harshest” in treatment of loyalists, Edward Short was tarred and feathered for refusing to sign the Articles of Association. In the same state, Samuel Seabury’s published tract against the Continental Congress’ resolves was publicly tarred, feathered and burned.\textsuperscript{52} Property as well as people was a target of punishment for equivocal acts.

The attacks generally took place in public and as historian Benjamin Irvin suggests, “were designed to shame the victim by holding him up to the derision of the crowd.”\textsuperscript{53} Initially tar and feathering was committed against highly visible forms of imperial power such as Stamp Act Officers, imperial Governors or anyone who represented British power in the colonies.\textsuperscript{54} Nevertheless, as the revolution progressed the practice was adapted and implemented against any individual who seemed to favor parliamentary sovereignty. Indeed, as Irvin’s study shows by 1775 it was no longer a punishment “reserved for imperial custom officials or colonial informants [but was] meted out to loud mouth lads trumpeting un-patriotic

\textsuperscript{50} Wallace Brown identified and classified the colonies in \textit{The Good Americans} as “Harshest” “harsh” “light” and “lightest” in terms of how they treated loyalists, Brown,, 129.

\textsuperscript{51} Van Tyne, 1-2.


\textsuperscript{53} Irvin, “Tar, Feathers,” 206.

\textsuperscript{54} Irvin, “Tar, Feathers,” 197.
beliefs. The number of victims of the custom increased as the Continental Congress increased monitoring individual loyalty.

In this somewhat arbitrary system of identifying and punishing loyalists, the severity of retribution by public humiliation obviously depended on the demographics of each colony. This involved the number of loyalists in a region, how active or vocal they were in their support of the Crown and also the character of the committeemen themselves. New York and South Carolina were the “harshest” in their treatment of loyalists, due probably to the high proportion of loyalists to the patriot population. Massachusetts, New Jersey and Pennsylvania also fall under the “harsh” category, with the rest of the thirteen states making up the “light” and “lightest” treatment of those loyal to the King. As the war intensified it became important to adopt a more universal and standardized system of recognizing and disciplining internal enemies.

The transition from an act characterized as unfavourable and disloyal to the Articles of Association to one condemned as an illegal act of treachery against the United Colonies paved the way for formalization of this law and enactment of the Test Acts. The legal and conceptual shift became possible after the execution of a man named Thomas Hickey and the subsequent publication of the Declaration of Independence. In May of 1776, Continental soldier Thomas Hickey became the first individual executed for treason against America when his role in a plot to aid the

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55 Irvin, “Tar, Feathers,” 198.
56 Brown, Good Americans, 129.
British army stationed on Long Island was uncovered. The plan was to burn the Kings Bridge, the main attack route for the Americans to Long Island and destroy American ships along that section of the east coast. A counterfeit ring was also at the heart of the conspiracy, Hickey and several other men were in league with the British Governor, William Tryon, to diminish the value of continental currency. Indeed, financial gain rather than any sincere ideological allegiance to the British seemed to be Hickey’s motivation. In fact, his final testimony reads like a young, naive immigrant who was susceptible to bad influence and made poor decisions; “Upon my arrival in this city I was led into bad company by William Green... I was not acquainted with those that laid the plan, but was promised reward of money. I received two shillings from Green and three from Forbes and they promised that I should be supplied from others...” Hickey then was not an ardent supporter of the King, nor a real political threat but his case set a significant precedent for those who did align themselves with the British.

Hickey’s indictment transformed the meaning of treachery in America from a crime against the King to a crime against Congress and each individual colony. To return to an earlier example, trading or

\[\text{\footnotesize 57 Bradley Chaplin, An American Law of Treason, (Seattle, University of Washington, 1964) 35} \]
\[\text{\footnotesize 58 Chapin, An American Law of Treason, 35.} \]
\[\text{\footnotesize 60 Both Harold Hyman and Bradley Chapin credit Hickey’s execution as the turning point in the colonies definition of treason, see Harold M. Hyman, To Try Men’s Souls: Loyalty Tests in American History, (Berkeley & Los Angeles, University of California Press, 1959) 77 and Bradley Chapin, An American Law} \]
consuming British goods was now an act of treason against the United Colonies rather than an unsatisfactory subversion of colonial agreement.

This was a crucial development, as it presaged the publication of the Declaration of Independence just one month later in July 1776. Hickey's case helps to explain the context of the Declaration's specific and virulent remonstrance against the king.\textsuperscript{61} The exposure of an internal plot of sedition helped colonists distance themselves even further from the mother country and strengthened a sense of colonial solidarity that ultimately enabled them to renounce allegiance to the King.\textsuperscript{62} The formalization of treachery as a crime against the United Colonies further compromised a Tory's standing in America and makes the high number of Loyalists who stayed even more surprising and in need of explanation. Treachery was a concept the Loyalist presence helped define, yet also one that further contested their legal and social standing in their communities during the war and also in the future.

In addition, Hickey's case formalized how patriots defined and punished loyalty across all 13 colonies. In response to Hickey's crime, George Washington called for a universal application of the loyalty oath to be required of all civilians, "every state must fix upon some oath or affirmation of allegiance, to be tendered to all inhabitants without


\textsuperscript{62} Thomas Paine's \textit{Common Sense} was obviously also incredibly influential on the format and acceptance of the Declaration of Independence as persuasively asserted by. Winthrop D. Jordan in "Familial Politics: Thomas Paine and the Killing of the King," \textit{Journal of American History}, (September 1973) 294-308.
exception and to outlaw those that refuse it." The cases of Jacob Bailey and the Philadelphia Quakers discussed above illustrate the impact of Washington's vision. The loyalty oath itself was not new as it was always a feature of colonial life and was also administered in the army and required of individuals holding civic office during the revolution. However its transition to ordinary civilians in 1774 signalled the intensity of the conflict and reflected the impact of loyalist dissent on the American imagination.

It is clear the legal and social identity of loyalists during the Revolution was defined but still vulnerable to interpretation by colonial governments. The definitional question of "inimical" behaviour ensured each colony could treat its seditious inhabitants as they wished albeit within the boundaries of the national framework of the Test Act. In addition, the Treaty of Paris of 1783 largely determined the issue of Loyalist's legal and social identity after the Revolution.

Although the Treaty declared peace official between Britain and America its impact on and for loyalists was more complicated and far reaching than its legal stipulations might suggest. In theory, peace brought with it an end to dual allegiances. An individual could no longer stay neutral nor switch allegiance as the situation allowed but had to choose to which side to 'belong.' As Alexander Hamilton observed at the time, "All inhabitants who were subjects under the former government and who did

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63 Hyman, *To Try Mens Souls*, 85.
64 Hyman, *To Try Mens Souls*, 103.
not withdraw themselves upon the change which took place, were to be considered citizens, owing allegiance to the new government. As detailed in the introduction, many loyalists already expressed their identity at the start or near the beginning of the Revolution by moving to a different part of the British Empire. However, for those that chose to stay their national identity was decided on September 3rd when the treaty was signed. James Kettner whose work on American citizenship remains the most thorough and persuasive described this process as “volitional allegiance;” an individual chose their identity by deciding on a location to inhabit at the time the treaty was signed. Interestingly, this process actually required less volition than the traditional practice of loyalty oaths. In contrast to taking part in mass ceremonies or swearing allegiance in writing in front of a committee of ones peers, simply being in the place in which you wanted to be a citizen seems remarkably straightforward. Careful analysis of articles V and VI of the treaty and attention to the debates over the issue in New York paint a more complex picture as it highlights the disparity between the legal document and its practical application to internal exiles in a social setting.

Article V represented the interests of loyalists who proscribed by the Committees under the Test Act and were banished and/or their property was confiscated. It required the united colonies to allow loyalists

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to return "unmolested" within twelve months to try and regain any
property that was confiscated. In theory this sounded attainable, yet in
practice the wording was too vague and the sentiment against loyalists too
strong to enable the legal stipulations to be honored in practice. The states
were not required to return confiscated property but "earnestly
recommended" to, therefore most states were not especially responsive to
such recommendations. British Consul Phineas Bond's persistent
petitions to Congress demonstrate the frustration and ineffectiveness of the
law. Moreover, Bond's correspondence with Thomas Jefferson
highlighted the weakness of Article V as Jefferson condescendingly asked
Bond if he "must explain the semantic difference between
"recommending" and "enacting?" The definitional problem clearly
persisted through the Revolution into the new republic. Article V was
designed to govern loyalists who left the United States but did so largely
unsuccessfully. North Carolina for example continued to sell confiscated
loyalist estates until 1790 and New York passed several discriminatory
laws after the signing of the Treaty. In New Jersey the property of
proscribed Tories such as Benjamin Thompson, Oliver DeLancey and
Phillip Kearney was auctioned to the highest bidder after the treaty was

67 Esmond Wright, "The British Objectives, 1780-1783: "If not Dominion then Trade" in eds., Ronald
Hoffman and Peter J. Albert, Peace and the Peacemakers, the treaty of 1783, (Charlottesville, University
Historical Association, (1896), 625.
70 Joane Loewe Neel, Phineas Bond: A Study in Anglo-American Relations, (Philadelphia, University of
71 Kettner, American Citizenship, 185.
endorsed. Georgia also chose to make a profit from the lands of listed loyalists such as Sir James Wright and John Graham rather than uphold the treaty. Andrew Allen of Pennsylvania was also unable to find restitution for his property sold by Pennsylvania despite treaty stipulations.⁷²

In contrast, Article VI protected against future confiscations or punishment of an individual for their actions during the war, “no person shall suffer any future loss...either in person, liberty or property for their actions during the present war.” By definition then it covered loyalists whose behaviour during the revolution had not been ‘conspicuous’ or threatening enough to banish or proscribe them. But it did govern individuals whose allegiance to America was in question and who were therefore vulnerable to retroactive retribution: the internal exiles of this chapter. The American interpretation of Articles V and VI is particularly instructive for determining whether loyalists who chose to stay in the United States were understood to be protected by their status in the treaty. Alexander Hamilton’s debate over the issue of loyalist identity and allegiance in A Letter from Phocion serves as microcosm of the debate and helps to to clarify the opinion in New York. Benjamin Rush’s treatise on the situation in Philadelphia will illuminate similar tensions between the legal status of loyalists and their treatment in the community.


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⁷² Callahan, Flight from the Republic, 121.
⁷³ Alexander Hamilton, A Letter from Phocion, (Boston, 1784) Early American Imprints Online.
adopted the persona of Phocion, "The Good" Greek statesmen who advocated honesty and fairness as the lynchpins of civic virtue.\textsuperscript{74} The persona was relevant for this address to the citizens of New York, the "harshest" state for loyalist punishment. In the letter, Hamilton encouraged his fellow citizens to adopt a conciliatory and forgiving attitude to remaining and returning loyalists. Indeed, the fact Hamilton wrote the letter at all suggests that New Yorkers were not honoring Article V and VI of the Treaty of Paris, which again highlights the disparity between the loyalists' legal status and their social acceptance. Hamilton based his argument on three main points: the importance of adhering to international law, of honoring the ideology of the revolution and maintaining a healthy domestic economy. This last point is particularly interesting as the case studies discussed in the next section suggest that those Loyalists who were permitted to stay or return were able to based on their economic viability.

Hamilton counselled New Yorkers to remember independence was fought for "legal liberty" against tyranny and thus, illegal acts of retribution against loyalists were inherently anti-revolutionary.\textsuperscript{75} By confiscating property or refusing to return previously confiscated land, Americans were tyrannizing individuals and subverting the loyalists' liberty that was conferred to them in law. Hamilton clearly regarded the Treaty of Paris as the definitive legal document defining and protecting loyalist identity and rights. This fed neatly in to Hamilton's strongest

\textsuperscript{74} Encyclopaedia Britannica, (Chicago, Britannica online, 1994) Accessed via Academic Search Premier.
\textsuperscript{75} Hamilton, "Letter from Phocion," 4.
argument for loyalists reintegration based on international law. In Hamilton's view the law worked on two levels: the first was dictated by natural law and the second by the Law of Nations and the Treaty of Paris in particular. Accordingly, property confiscations were totally illegal in Hamilton's understanding and failure to uphold the treaty specifications damaged America's international reputation. For Hamilton, the treaty defined the legal status of the loyalists. Honoring the treaty was essential in gaining respect as an independent nation and in retaining moral superiority over Britain. It is a brilliantly composed piece, designed to provoke a sense of guilt but also the desire to redeem; "it remains for us to justify the revolution by its fruits...Let those in whose hands it is placed pause for a moment and contemplate with an eye for reverence, the vast trust committed to them."

Hamilton obviously regarded the Treaty of Paris as the definitive answer to loyalist legal identity, yet Isaac Ledyard a physician and health officer for the Port of New York disputed Hamilton's position. Their public discourse printed in the press at the time highlights the tension over the legal status of the loyalists in the aftermath of independence.

This debate fore grounded the question of how the new republic would classify loyalists. Crucially, the crux of the debate was not whether the treaty governed the loyalists but if they were in fact American citizens. Hamilton and Isaac Ledyard using the pseudonym "Mentor," engaged in a

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heated debate over whether loyalists were considered “aliens,” or “disloyal citizens” in American law. The ‘war of words’ illustrates the divided opinion in New York and the intensity of feeling over the question of loyalist citizenship. Hamilton favored the latter interpretation, arguing that individuals covered by both Article V and VI were American citizens, “All inhabitants who were subjects under the former government, and who did not withdraw themselves upon the change which took place [July 4 1776] were to be considered citizens, owing allegiance to the new government.” In Hamilton’s understanding, article V referred to American citizens because anyone whose property was confiscated was guilty of treason of one level or another. Hamilton asserted this meant by definition they were “disloyal citizens” not “aliens” because one cannot, he suggested be guilty of treason against a government you don’t owe allegiance to. Indeed, in Hamilton’s view the fact that loyalists were charged with treason for supporting the British attests to their status as citizens of America rather than illegal aliens.

In contrast, Ledyard asserted the Treaty of Paris applied only to those Loyalists who left during the war and did neither govern nor protect loyalists who remained, “But I can find nowhere...that any of the three classes may dwell among us, and enjoy the immunities and privileges of

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80 Hamilton, A Letter from Phocion, 4-8.
citizens.” For Ledyard “real British subjects” as article V addressed, were those whose allegiance to the King was so strong they left or were forced to leave America. Ledyard focused most of his energy on refuting Hamilton’s suggestion that Loyalists would be instrumental in developing American trade and commerce. He rejected the notion that “by removing these people we remove a great part of the gold and silver from this state,” as he argued “money is a conveniency, not an article of trade, wherever trade centers, money will.” Ledyard’s emphasis on the commercial argument suggests one of two things. Either New Yorkers were more concerned about the presence of Loyalists in trade networks than their legal status or it simply reflects his own area of expertise as an officer at the Port of New York.

The question of why the qualification for American citizenship was so crucial, is easier to understand given the observations of Morris Birkbeck, who recorded his travels through North America in 1818. Birkbeck noted that the highest compliment a man could be paid was to be called a “good citizen.” It was a phrase that carried with it connotations of virtue and morality, and seems, at least in Birkbeck’s observations to have been widely known and used. Moreover, it was not simply a curious traveller’s exaggeration, nor was it confined to the early nineteenth century. The question of what it meant to be a citizen in the Early Republic was on many American minds in the inchoate decades immediately following.

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following the Peace of Paris. George Washington’s personal sacrifices for
the sake of the public good were promoted as the epitome of civic virtue.\textsuperscript{83}
Benjamin Rush counselled fellow Philadelphians to aspire to the virtuous
qualities of hard work, frugality and dependability.\textsuperscript{84} In fact, the concept of
American citizenship quickly became synonymous with the personal
qualities of honor and courage; a man earned his citizenship by living up
to these ideals.\textsuperscript{85}

In this context, the status of citizenship for those individuals who
had sided with the Crown was thus an ambiguous and vulnerable playing
field. The debate over the proposed repeal of the Test Act in Pennsylvania
further illuminates the complexity of Loyalists legal and social identity in
the new republic. In 1784, the Pennsylvania legislature reasserted its
loyalty oath from 1777, which specified that no one who had shown
allegiance to the King in the “late war” was qualified to vote or hold
office.\textsuperscript{86} Moreover, the act proposed that all male inhabitants who had
failed or ‘not had the opportunity’ to assert their loyalty since 1777 were
now required to do so through the authority of a Justice of the Peace. The
language of the oath reflects the intensity of the fear and resentment
Pennsylvanians still felt for those who had been loyal to the crown; Oath

\textsuperscript{83} Simon P. Newman, \textit{Parades and Politics of the Street; festive culture in the early American republic},
(Boston, Northeastern University Press, 1990) 5-6.
\textsuperscript{84} Benjamin Rush, “Considerations Upon the Present Test Law Of Pennsylvania: Addressed to the
Legislature and freemen of the state, (Philadelphia, Hall and Sellers, 1785) 17 \textit{Early American Imprints
Online}.
\textsuperscript{85} Joanne B. Freeman, \textit{Affairs of Honor; National Politics in the New Republic}, (New Haven, Yale
\textsuperscript{86} Pennsylvania General Assembly, “A Further Supplement to the Test Laws,” (Philadelphia, September,
1784) \textit{Early American Imprints Online}. 
takers first had to “renounce and refuse all allegiance to King George the Third” before stating (on oath) they had never assisted the British cause against American independence after the Declaration in 1776. The debates in the chamber over the wording of this section, illustrates the divided opinion about reconciliation with loyalists. Newspapers reported that the issue was of such importance to the people that, “vast numbers filled the gallery…and many were obliged to return home, disappointed of places.”

Benjamin Rush addressed the assembly at length on the issue, counselling the legislature to repeal the act entirely in order to be a true, liberty-loving republic. His eloquence was to no avail however as fear and resentment won out over reconciliation; the proposal to erase the explicit renunciation of allegiance to the King was rejected and the reinforcement of the Test Act was supported two to one. Maryland also passed a similar reinforcement of the Test Act in the format of an oath of allegiance. Significantly, the act reinforced the notion of treason and declared that any individual convicted of treason, or who had “joined, aided, abetted…or in any way countenanced the Savages in their depredations against the United States,” was not eligible to undertake the

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89 Rush, “Considerations Upon the Present Test Law Of Pennsylvania.”
90 Rush, “Considerations.” However, for the section in which the individual asserted they had never assisted the British after the Declaration was erased, see The Pennsylvania Packet and Daily Advertiser, March 21, 1786.
91 The Independent Gazeteer, January 29, 1787.
oath of allegiance and gain citizenship. In theory, the new republic allowed only Tories whose role in the war had been minimal to redeem themselves by taking the oath and gaining citizenship.

In addition to the debates at the legislative level, local studies reveal that a disparity existed between the legal qualifications for citizenship proscribed at the state and national level compared to the regulation of naturalization by individual towns and communities. In Connecticut for example, towns like Fairfield and Norwalk adopted strict regulations against allowing loyalists to return which was at odds with both the state policy of forgiveness and the stipulations of the Treaty of Paris. John Adam’s, Benjamin Franklin and John Jay even wrote a public letter to the town criticizing their harsh treatment of remaining and returning loyalists. The letter was a direct response to the Committee established in New Haven a month earlier, which ‘tried’ each loyalist application for repatriation. The Committees actions echoed the days of loyalty oath and test acts. Further north in Massachusetts in 1784, former loyalists Samuel Stearns and Archibald McNeill were arrested and imprisoned for three years when they tried to return to their home state despite state legislation advocating reintegration. In addition, the more

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94 Zeichner, 328.
informal regulation by communities, still worked to exclude or force out their undesirables through persistent discrimination.\textsuperscript{96}

The transition from the Test Laws to the first Naturalization Act in 1787 made such disparities less prevalent. Just as the Test Act standardized identification and punishment for treason the Naturalization Act re-made the Test Act to suit the needs of the new republic.\textsuperscript{97} The protracted Congressional debates over requirements for naturalization throughout the 1780s, helps explain the support in Maryland and Pennsylvania for continuance of the Test Act. As suggested at the outset of the chapter the principle of an oath of allegiance and requirements to explicitly renounce allegiance to the British King that developed during the Revolution found new life in the Naturalization Laws of 1787 and 1790.\textsuperscript{98} The concerns raised in Congress during the debates that lasted over four years reflected the anxieties learned because of the civil war dimension of the Revolution. For example, the question of 'interstate-citizenship' worried many representatives; would individuals be permitted to apply for citizenship in different states at the same time? Might individuals be allowed to apply to a different state for citizenship if denied it in others? The presence and actions of Loyalists in the war instigated these questions and made universal requirements for citizenship


\textsuperscript{98} Franklin, \textit{The Legislative History of Naturalization in}, 14-18.
necessary. For example, Richard Smith, a proscribed loyalist in Massachusetts who failed the Test Act applied for and was awarded citizenship in Connecticut in January 1783.

In addition, these examples illustrate in microcosm the larger issue of state versus national supremacy; as James Madison mused in *The Federalist* interstate citizenship meant, "very improper power would still be retained by each State, of naturalizing aliens in every other state." Issues such as property ownership, office holding and demands for a 'good moral character' weighed heavy in the deliberations and again reflected the unease caused by the internal enemies. Property was used against the loyalists as a method of punishment and dissuasion in the war, which explains its focus of power and status in the Naturalization debates; could 'aliens' become citizens without owning property? Interestingly, Congress voted in the negative but still required a two-year residency before applying for citizenship as well as a formal oath of allegiance to "satisfy the court of their good character."

In fact, as the Loyalists who stayed in America were in fact citizens rather than aliens before the law they did not have to go through the process of formal naturalization. However, the ambiguity of the stipulations, compounded by the length of time it took to become law meant those loyalists who chose to stay in the United States were susceptible to informal regulation of citizenship by their local

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99 Cases in which loyalists were denied citizenship in one state but accredited with it in another made universal naturalization laws a priority. For examples see Franklin, *Legislative History*, 26-30.
100 Zeichner, 312.
101 Franklin, 14.
communities. In this transition period from colony to republic, Americans developed a cultural meaning of citizenship based on virtue and usefulness.

Moreover, attention to the transition from the Test Acts to Naturalization illuminates what legal citizenship meant in the political culture of the early republic. American citizens disagreed about the value in reasserting the Test Act. Some regarded it as a valid and necessary regulation, whereas others advocated its immediate repeal in the interests of honoring republican principles. Regardless, communities acknowledged that denial of the right to vote or hold office was effectively the denial of citizenship. Indeed, as Rogers Smith has shown "citizenship was something more than mere inhabitancy," it required a sense of belonging to a "common sovereignty" and exercising one's membership through voting and office holding. 103 Loyalists who remained in the United States then occupied the ambiguous ground of legal citizens without voting rights or office holding privileges. As a result, they found alternate ways to demonstrate their civic virtue.

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Tench Coxe exemplifies the conundrum that former loyalists faced. On paper, Coxe exuded all the qualities of the ideal American citizen; he was a man blessed with business acumen, working his way from the counting house floor to Alexander Hamilton’s Treasury department within

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half a decade. He also found time to exercise a social conscience, sitting simultaneously on the boards of the Philadelphia Abolition Society and the "Philadelphia Society for alleviating the miseries of public prisons." The eminent historian of American economic thought, Joseph Dorfman has gone so far to describe Coxe as the "Defoe of America." More recently, scholars have portrayed Coxe as the "Judas" of the "Financial Founding Fathers."

Regardless, there is more at work here than simply contested historiography. The experience of Tench Coxe and other loyalists who chose potential exile within the United States, rather than become refugees outside it, shed new light on the meaning of American citizenship in the new republic. Coxe's fellow Philadelphians welcomed his self-conscious effort to become (in his own words) a "good American" through hard work and innovation. However, their acceptance of his role in the economic sphere did not translate into the realm of politics. Contemporary responses to his foray into the political world illustrate the limit of his colleagues' toleration. Coxe could be a useful citizen in the economic

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104 In *Machine in the Garden*, Leo Marx credits Tench Coxe with one of the few who could foresee and bring about the technical age in America, Leo Marx, *Machine in the Garden: Technology and the Pastoral Ideal in America*, (Oxford: New York, Oxford University Press, 200) 150-152.


world but could not presume to proscribe for the nation in the political realm.  

Coxe’s Tory bent was well known; during the war, he spent time in Loyalist safe havens in New York and New Jersey only to return to his native Philadelphia with British troops in 1777 perceiving his return as a “vindication of his loyalty to the English.” As the law dictated, the local Committee on Safety accused Coxe of treason for his actions. However, through family connections to the Chief Justice of Pennsylvania and personal friendships with notable citizens such as Benjamin Rush and Thomas McKean Coxe managed to convince the legislature of his commitment to the American cause by taking the oath of allegiance. In doing so, he avoided property confiscation and banishment. Coxe’s experience supports Hyman’s conclusion that the oath was merely an official token of recognition rather than the definitive measure of reliability. However, Coxe held onto the oaths until his death, which suggests the oaths’ legal and perhaps symbolic importance. It was not simply a verbal ceremony but a legal document binding Coxe’s loyalty to the independent states. This, together with his admission to family friend and fellow loyalist William Tilghman that he was, “if permitted...likely to become a good American” indicates Coxe’s willingness to adapt to the new regime. His actions suggest that his commitment although self

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110 Cooke, *Tench Coxe*, 41.
111 Cooke, *Tench Coxe*, 43.
interested, was very real which foregrounds the question of motive and
incentive. The idea of exile did not occur to Coxe because his business
networks and family connections tied him to North America. Exile simply
did not make good business sense. Moreover, his business connections and
commercial skills were also the reasons his contemporaries wanted him to
remain.

Reading the classified section of a Philadelphia newspaper in the
mid 1780s, the monopoly that Tench Coxe and his partner, Nalbro Frazier
enjoyed on the luxury and unusual goods market is marked. From their
storefront on Chestnut Street, Coxe and Frazier provided merchandise
ranging from whale oil to furniture cottons, Dutch laces to Satin wood,
Madeira Wine to selections of millenary items.\footnote{112} Coxe’s business helped
fuel the new activity of shopping for luxury goods, which became a
popular and legitimate pastime in the new republic. In fact, many
historians classify this period as the “refining of American society”, and
Coxe contributed to this shift.”\footnote{113} In addition to the sale of such a variety
of goods, Coxe and Frazier negotiated charter contracts for vessels, and
acted as agents for house lets and ship sales.\footnote{114} They were incredibly
successful intermediaries in a depressed economy and in Jacob Cooke’s

\footnote{112} See for example advertisements in Pennsylvania Packet, October 21, 1785, January 26, 1786, March 2,
1786, Independent Gazeteer, Nov 22, 1786, May 2, 1787.
Knopf, 1992), Simon P. Newman, Parades and the Politics of the Street; festive culture in the Early
American Republic, (Philadelphia, University of Pennsylvania Press, 1997) I acknowledge that the
refinement had been taking place gradually over the course of the eighteenth century, delineated brilliantly
by Stephanie Graumann Wolf in As Various as Their Land, (Fayetteville, University of Akansas Press,
2000) but I subscribe to Simon Newman’s argument that such civility really exploded in the early national
period.
\footnote{114} Pennsylvania Packet, April 26, 1787.
estimation Coxe was the “ideal business ally in America.” It seems Coxe’s economic usefulness allowed him to stay in America after 1783 despite his chequered past.

Coxe also played a pivotal role in the development of American manufacturing. While on the board of the “Pennsylvania Society for the Encouragement of Arts and Domestic Manufacturers,” Coxe worked hard to establish similar societies in other states and directed attempts to steal English designs for textile machinery. Despite Coxe’s positive role in the Philadelphian and American economy, there remained lingering distrust of his political ideology. In the fall of 1799 his Tory past came back to haunt him when his fellow townsmen voted against his nomination to the House of Representatives. Coxe’s public support for Thomas McKean’s campaign for Governor of Philadelphia in 1799 compromised McKean’s position, as Coxe’s traitorous past was unearthed and used to undermine the cause. Yet, at the same time as Coxe received such slander in the newspapers he was also nominated chairman of a Committee that raised funds to improve the road system between Philadelphia’s outlying counties to increase their population and prosperity. For Coxe, his Tory past was forgotten on the commercial floor but reared its very ugly head when he dared to cross the threshold into politics.

115 Cooke, Tench Coxe, 33. For their role as middlemen see for example advertisements in Pennsylvania Packet, April 23, 1785, August 23, 1785, May 11, 1786, July 29, 1786, August 1, 1786.
116 Cooke, Tench Coxe, 106.
117 Cooke, Tench Coxe, 125.
119 Claparoles’s American Daily Advertiser, [“Northumberland; Lycoming; Allegany, Mifflin; Huntingdon; Somerset; Westmoreland; M. Shane’s] May 18, 1799.
In many respects, Coxe is an extreme example, and as he took the oath of allegiance before the Treaty of Paris, he qualified for the full rights of citizenship, which meant he could own land and exercised his voting rights. The experience of Peter Van Schaaek offers a very different, though no less illuminating perspective on the reasons certain loyalists were allowed to return and their function in the new republic. Born in New York, Van Schaaek adopted a policy of neutrality during the Revolution and therefore refused to take the oath of allegiance to New York.\footnote{Van Schaaek, \textit{Life of Peter Van Schaaek}, 129-164.} In accordance with the law he was then exiled to Boston and ultimately banished to England under the Banishment Act of 1777.\footnote{Van Schaaek, \textit{Life of Peter Van Schaaek}, 393.} Despite his traitorous record and exile in England for three years of the war, Van Schaaek was welcomed back to New York in August of 1785 with seemingly no objections from his fellow natives.\footnote{Van Schaaek, \textit{Life of Peter Van Schaaek}, 403.} Crucially, however Van Schaaek and the three other loyalists whose citizenship was restored by the state of New York in a ceremony in May 1784 still had to take an oath of allegiance to the state.\footnote{Van Schaaek, \textit{Life of Peter Van Schaaek}, 403.} In addition, although New York reinstated Van Schaaek to the bar he had to start from a much lower position than he had left, illustrating the need for him to earn or prove his worthiness of citizenship. As a lawyer, an intellectual and a family man New Yorkers forgave Van Schaaek, but the principle of formal allegiance

\footnote{Henry Van Schaaek, \textit{The Life of Peter Van Schaaek; embracing selections from his other correspondence and writing}. (New York, D. Appleton & Co, 1842) 69-70.}
remained.\textsuperscript{124} The American loyalists who stayed in the United States and those that returned from exile reminded Americans of treason’s potential primacy as a function of change in the new republic.

Attention to less conspicuous Tories also reinforces the observation that loyalists who stayed in North America did so the basis of their economic viability. In his study of loyalists in post-Independence Connecticut, Oscar Zeichner found that the patriots’ motivation for allowing their internal enemies back into the community lay in the opportunities they provided for wealth and trade for the town.\textsuperscript{125} Rebecca Starr uncovered similar financial reasons for loyalist rehabilitation on Danfuskie Island.\textsuperscript{126} Significantly, Zeichner identified disparities between the state legislation on “disloyal citizens” and the way individual towns treated them. Fairfield, Connecticut for example prohibited its ‘internal enemies’ from voting or holding office for seven years, but embraced the contributions those same individuals made to improving Connecticut’s trade links and economic standing.\textsuperscript{127} David E. Maas uncovered similar patterns in Massachusetts where Marblehead residents conveniently forgave Thomas Robie’s Tory past, welcoming the return of his family in exchange for a competitive dry goods store.\textsuperscript{128} I argue that this trend was

\textsuperscript{124} It is clear from Henry Van Schaack’s biography that his father was incredibly well respected by both Gouverneur Morris and John Jay who enthusiastically supported Van Schaack’s reinstatement based on the latter’s good character.

\textsuperscript{125} Zeichner, “The Rehabilitation of Loyalists in Connecticut.”


\textsuperscript{127} Zeichner, 310.

\textsuperscript{128} David E. Maas, “Massachusetts Loyalists 1775-1790,” in Calhoon et al, Loyalists and Community, 69.
in fact widespread, and that former Tories like Tench Coxe were welcomed back into the community based on their financial viability. In addition, I suggest that former loyalists exercised their “volitional allegiance,” not through voting or office holding but through active innovation in the economy.

Ex-loyalists played a pivotal role in generating debate about how the economy would work in the new republic. The concept of the bank in the early 1800s was problematic. In theory they were public enterprises, yet they were privately funded and exclusively directed. The move towards explicit private ownership of banks in 1780s created an environment in which ex-loyalist merchants Archibald McCall, Benjamin Chew, Edward Shippen and Samuel Pleasants challenged the monopoly of the Bank of North America. These men proposed a Bank of Pennsylvania to create a healthy competitive environment and thus a better service to Philadelphians. They argued a second bank would solve the problem of inflation caused by valueless paper money and negate the need to return to the land bank system. One supporter of the scheme likened the benefit of a second bank to a topic many of its readers could relate to; he asked plainly “whether a traveller was best served in a town that had two taverns

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or one,” a rhetorical question he did not insult the reader by answering.\textsuperscript{132}

Although the plan failed, it did force the Bank of America to amend its structure slightly and limit its corporate existence to 14 years and its capital to $2,000,000.\textsuperscript{133} While unsuccessful in their plan, these former loyalists helped shape the economic structure of post-revolution Pennsylvania, a positive influence that may explain why they were permitted to stay despite their Tory past.

New Hampshire was equally perceptive in its choice of loyalists allowed to stay. The mob in Portsmouth hounded John Stavers outside his house in 1776 for his allegiance to the King. His monarchic affiliations were “conspicuous” because his tavern was named the Earl of Halifax, his brother Bartholomew voluntarily left for England during the war and he was suspected of breaking the non-importation and consumption agreement. As a result, the local mob enacted charivari on Stavers by pelting his house with rocks and severely injuring his black slave.

However, Stavers was able to convince the town of his ability to adapt to the new republic and crucially his usefulness in the economy of Portsmouth. The visual change of his tavern from the Earl of Halifax to the William Pitt Tavern in favour of a pro-American member of Parliament went some way to satisfying the first requirement. In addition, he agreed to sign an oath of allegiance to New Hampshire and thus the local Committee decided he was innocent. Moreover, as Pitt Tavern continued to provide a

\textsuperscript{132} In the \textit{Freemans Journal} of March 10 1784, “Mr Bailey” entreated the reader to reflect on “whether a traveller was best served in a town that had two taverns or one.”

\textsuperscript{133} Cooke, \textit{Tench Coxe}, 92.
social hub and economic center for the town, housing visiting dignitaries such as George Washington and Alexander Hamilton, the Portsmouth community permitted Stavers to stay to help keep the Portsmouth economy buoyant.\(^{134}\)

New Hampshire residents of Ipswich allowed loyalist Reuben Kidder to remain after independence for similar reasons. According to Lorenzo Sabine, Kidder was the “richest man in that town” and contributed to the prosperity of the small town. Kidder’s reintegration by fellow residents was even more surprising because Kidder refused to recognize the new government and did not take the oath of allegiance. Crucially, although he did not exercise his political rights as a citizen to vote or hold office, he did pay his taxes.\(^{135}\) Indeed his financial usefulness was evident in 1791 when the New Hampshire General Court declared that in contrast to the tax of 2 pence for acre for most Washington county citizens, Kidder’s land would be taxed “the sum of 15 pounds for the purpose of repairing the public highways.”\(^{136}\) Ipswich decided to overlook Kidder’s political obstinacy in exchange for the economic public good.

Given the uncertainty surrounding their status, the question of the motives of those loyalists who stayed or very quickly returned to America becomes a critical one. If they were neither fully enfranchised American citizens, nor British subjects with protection by the Empire why did loyalists wish to stay in North America amidst potential hostility and

\(^{134}\) Strawberry Bank Guidebook.

\(^{135}\) Lorenzo Sabine, *Biographical Sketches*, II, 602.

persistent confusion over their legal and national identity? Alan Taylor’s recent study of Upper Canada in this period further highlights the importance of this question.\textsuperscript{137} Taylor demonstrated that Britain carved out certain regions of Canada as an antidote to the perceived radical politics of the former North American colonies.\textsuperscript{138} The agreement was based on the availability of cheap land and agreement of low taxes in exchange for passive political subjects. If this was indeed the case, does this suggest that those 413,000 loyalists who chose to stay in the United States embraced the principle of popular participation? Moreover, if the tax burden was so much lighter in Upper Canada than in the post war United States, what were the incentives to stay in the independent republic? The selections of case studies above suggest that the economic opportunities in the new republic were more important than the political system or allegiance. Additionally, their practice of "volitional allegiance" belies the accepted belief that the Loyalists were invalid both in and after the Revolution.

To explore this question further we look forward in the next chapter to the merchant culture of the Early Republic and the role former loyalists played in establishing American trade and commercial networks on a competitive international footing.

\textsuperscript{137} Alan Taylor, "The Late Loyalists," \textit{Journal of Early Republic}, (Spring 2007) 1-34.
\textsuperscript{138} Taylor, "The Late Loyalists," 10.
Chapter 2

Things Left Unsaid and Undone: Loyalists and the Quest for a Commercial Treaty, 1783-1796

During the inchoate early days of the newly independent United States, few issues plagued politicians, merchants, sailors and planters alike more than America’s commercial policy. South Carolinian, St. George Tucker reflected the attitude of his generation best when he explained that commerce was the “barometer of power,” the real test of America’s political revolution. Economic historians John J. McCusker and Russell Menard, shared a similar interpretation when they characterized commerce as the “elixir” for any successful democracy.\(^{139}\) Whichever instrument they chose, in the two decades after independence American politicians were understandably keen to shift their focus from political negotiations to economic considerations and in particular to expand the nation’s commercial interests.\(^{140}\)

The question of trading policy with the British West Indies was a crucial piece of the commercial puzzle. Analysis of this slice of policy and activity can shed light on the larger issues of the period: Did America qualify for British trade privileges after Independence? If not, how would they re-establish trade with overseas markets? In this sense, the many


facets of Anglo-American relations in the 1780s and 1790s involved not only a battle for commercial dominance, but also the struggle for a sense of national pride and identity. It replayed and reworked the ideological battleground of the American Revolution, allowing Britain and America to explore the dynamics of their new relationship. It was a dispute played in the legislative assemblies of the West Indies, the British Isles and the United States and by planters and merchants on the ground.

I suggest that the experience and actions of the loyalists in the elusive search for a commercial agreement with Great Britain needs further attention. As refugees in the West Indies and as merchants in America the loyalists contributed to this effort by lobbying the British Parliament and subverting British imperial trade restrictions. In so doing, they played a significant role in trying to alleviate the prohibitions stipulated in the Treaty of Paris (1783) and in Jays Treaty (1796). By refocusing attention onto a select group of historical actors within a particular aspect of the larger picture of commercial relations, historians can gain a better understanding of the influence loyalists had on British policy after independence.\footnote{Charles R. Ritcheson makes this argument in, “Loyalist Influence” on British Policy Towards the United States After the American Revolution,” in \textit{Eighteenth Century Studies}, Vol 7, (Autumn, 1973) 1-17 I discuss this argument in more depth below.} They were not simply passive subjects nor disinterested refugees but proactive members of a changing commercial community. In addition, this chapter demonstrates how two Loyalist exiles living in London also helped shape British commercial policy. By ‘adding’ loyalists to the narrative in this way, this study helps to reveal the links...
between the Early Republic and those sections of the British Atlantic like the West Indies that remained in the colonial period. Tracing merchant loyalists from the Revolution into the national period provides anchors to illuminate these links and continuities. In addition, it illustrates Jack P. Greene's argument that the peripheries of an empire have as great an influence on the dynamics of that empire as its' center.  

Attention to the West Indies as a critical component to understanding the British Empire and the American Revolution has become rather de rigueur of late. Andrew Jackson O'Shaughnessy's book, *An Empire Divided* has paved the way for acknowledging that Britain possessed 26 colonies in North America, rather than the traditional conception of 13. By placing the West Indies in a more central position in analysis of the Revolution, it becomes apparent that any study of the American political economy after independence must also include those islands. This study will use O'Shaughnessy's classification of the 'West Indies' or the British Caribbean encompassing Jamaica, Barbados, Antigua, Dominica, Grenada, Montserrat, Nevis, St. Kitts, St. Vincent, Tortola and Tobago. The largest concentrations of loyalist refugees were in Jamaica, Barbados, Dominica and St. Kitts and that is where the merchants predominantly directed their trade.

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144 O'Shaughnessy, *An Empire Divided*, xi.
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At the Treaty of Paris (1783) the American delegates foregrounded the question of American trade with the West Indies. John Adams best represented the American position when he argued that the “commerce of the West Indian Islands is part of our American system of commerce. They can neither do without us nor we without them.”146 In fact, Charles W. Toth ably demonstrates that the American representatives believed the United States had a natural right to trade with the West Indies. Writing almost forty years after the deliberations Henry Bliss remarked that, “the Americans seem always to have considered the West Indian trade as theirs of right…which they apparently interpret as the law of nature and of nations.”147 The negotiations for the Treaty of Amity, Navigation and Commerce (Jays Treaty) thirteen years later raised similar issues. In 1783, the American delegates broached the subject of West Indian trade as early as day two of the negotiations. In 1796, the opening of the West Indian ports to American vessels was one of only two ‘non-negotiable’ clauses for the American delegation. Direct comparison between the two treaties makes the American quest for international trade privileges throughout the 1780s and the early 1790s manifest. Because the same issues persisted over the thirteen-year period it is evident the Americans were ultimately disappointed.

147 Quoted in Toth, “Anglo-American Diplomacy” 435.
This chapter will focus on the vocal objections to these restrictions from the West Indies and the North American mainland. It will trace the American pursuit of better privileges from the Treaty of Paris (1783) to Jays Treaty (1796) and conclude that although they were unsuccessful in each regard the efforts to secure more trading rights supports characterization of the period as a replay of the Revolution. In the light of this, it is important to stress that most scholars agree that the British embargo on American shipping did not cause a significant downturn in either the American or the West Indian economy. Andrew Jackson O'Shaughnessy suggests the annual average profit of 8.5% was in keeping with the 10% average for the century. Michael Craton goes further to propose 1786 and 1787 were the most prosperous years in the eighteenth century for the British Caribbean. In the history of the British-American economy, John J. McCusker and Russell Menard confirm that the economic impact of the American Revolution on America was ‘not half so radical as the political changes’ and characterize the period for both America and the West Indies as one of ‘economic pause’ rather than a significant downturn. If the real economic effects of the restrictions were not quite as drastic as contemporary responses suggest, attention to the ideological impact of the prohibitions becomes increasingly important and suggests the subversions of the regulations by West Indian and

148 O'Shaughnessy, An Empire Divided, 239.
American merchants alike was prompted as much by national pride as national survival.

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In order to appreciate fully the importance of the West Indies in the economic and ideological replay of the American Revolution it is imperative to recognize the significance of the Navigation Acts of 1651-1673. In this period, the Acts worked as the lynchpin of Britain's commercial Empire, privileging British goods and British ships over foreign trade. They served the dual purpose of achieving commercial monopoly while fostering a sense of belonging and community to the empire. As John Morgan suggested in 1766, the Acts created such wealth for the Empire that they encouraged a "spirit of industry among her inhabitants." McCusker and Menard illustrated the Acts achieved this sense of community because they benefited, "Philadelphia merchants as well as the merchants of Plymouth, sailors from New York as well as sailors from Old York." The real strength of the Acts however, lay in their emphasis on the carrying trade. It was not simply privileging British goods over foreign ones that was valuable, but favoring British ships over

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153 McCusker and Menard, 47. This idea is also supported by the evidence in Eliga Gould's *The Persistence of Empire* which shows the colonists understood that their compliance with the Navigation Acts helped Britain become the "pre-eminent maritime power in Europe,，“and regarded America as a fundamental part of it. 126 It is interesting to note however the absence of attention to the Navigation Acts and mercantilist policy in Brendan McConville's *The King Three Faces; The rise and Fall of Royal America 1688-1776* (Chapel Hill, University of North Carolina Press, 2006) which emphasizes cultural and emotional ties to the Empire over commercial ones. It seems to me however, that the two are inextricable linked.
foreign vessels. This, according to Benjamin Franklin meant Britain owned the seas and could therefore, “maintain...the safety of navigation in it, [and] keep it clear of pirates,” which as a result allowed Britain to enforce some, “toll or duty on merchandizes carried through that part of [her] dominion.”

Ownership of the sea secured greater international power and generated more income from the duties collected from the goods carried. As a result, McCusker and Menard argue, “the inflow of gold and silver increased.” Indeed, the American pursuit of trade rights to the West Indies was due in large part to the profitability established in that trade before the Revolution.

The economic benefits of mercantilism explain the American delegates’ commitment to a commercial trade clause at the treaty negotiations in Paris. Before the Revolution the West Indies absorbed the export trade from North America’s four key ports: Boston, Philadelphia, New York and Newport. The trade was extremely lucrative because each shipment carried a variety of goods. For example, a cargo could carry oysters and bricks, horses and stones all in one consignment. In addition, business was fraternal and solidly established, as firms in each location would often work in partnership by sharing vessels and business. These relationships exemplified the empire’s mercantilist policy. The British prohibition of American trade with the West Indies during the Revolution

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154 Quoted in Gould, The Persistence of Empire, 124.
155 McCusker and Menard, 48.
was therefore a method of punishment for rebellion and an act of coercion
to return to imperial control. The refusal of the Fox and North
administration in Britain to back down at the Treaty of Paris meant that the
British continued to treat American ships as foreign vessels in the West
Indian trade.\footnote{Toth, "Anglo-American Diplomacy," 422-425.}
From the British perspective, extending trading privileges
to America was out of the question. It flouted the concept of mercantilism
and therefore undermined Britain’s naval and commercial ascendancy. As
a result, the Treaty of Paris only stipulated American’s right to fish in
Newfoundland and the Gulf of St Lawrence. It did not mention any trading
privileges with any part of the British Empire.\footnote{Esmond Wright, "The British Objectives, 1780-1783: “If not Dominion then Trade” in eds., Ronald Hoffman and Peter J. Albert, \textit{Peace and the Peacemakers, the treaty of 1783}, (Charlottesville, University Press of Virginia, 1986) 23.}
In practice, this meant
American ships were prohibited from trading with the West Indies and
could only exchange goods with the islands via British owned vessels.  

Wallace Brown’s thorough study of the American loyalists sheds
light on their potential importance in the colonial trade between North
America and the West Indies. Brown asserts that most loyalists had a
commercial element – merchants, shopkeepers, artisans…contributed a
greater percentage to the ranks of loyalists.”\footnote{Brown, \textit{The Good Americans}, 241.}
More specifically, in
Virginia, 64% of Loyalists were merchants by trade. This majority
becomes even clearer in the reports of the Virginia Merchants Association.

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In 1763, the Association had 72 members of which only 4 ultimately supported the rebellion against Britain.\textsuperscript{161} Figures from the New York Chamber of Commerce reinforce Brown's idea of a "commercial tendency." The New York Chamber of Commerce 104-member body included 57 loyalists. Isaac Low, for example, a prominent loyalist, was President of the board in 1782 before he failed the Test Act and was proscribed and banished to England.\textsuperscript{162} David E. Maas' book \textit{The Return of the Massachusetts Loyalists} also finds merchants as the dominant occupation within the loyalist classification. While the majority (71\%) left after the evacuation of Boston, 24\% remained behind.\textsuperscript{163} Indeed, Arthur M. Schlesinger's study, \textit{The Colonial Merchants and the American Revolution}, argues that British trade restrictions implemented after 1763 did not adversely affect the merchant community, which meant few merchants actively supported independence. This did not mean all merchants were overwhelmingly loyal to the crown, but it does mean that they were, "dragged along [to independence] unwillingly by the planter aristocracy."\textsuperscript{164}

Robert A. East's study of business relations through the revolutionary period also suggests, "most merchants were loyalists, but

\textsuperscript{162} Brown, Good Americans, 231, Sabine, \textit{Biographical Sketches}, II, 32-33.
\textsuperscript{163} Maas argues the totals don't add up to 100 "since there are some unknown factors." However, the general sense that a significant proportion of merchant loyalists stayed in Boston is still useful. Mass, \textit{Return of the Massachusetts Loyalists}, 179.
most were not exiled, and the majority even escaped confiscation.” The experience of Isaac and Carpenter Wharton, merchants in Philadelphia help illuminate East’s observation. They were first attainted with treason for illicit trade with the British but the charges were ultimately dropped and they were released. Wallace Brown also cites several of Pennsylvania’s leading merchant families as examples of East’s assertion. According to Brown, the Morries, Willings, Pembertons and Whartons’ all remained in the United States. Lorenzo Sabine reinforces the Pemberton’s experiences insofar as a James Pemberton of Philadelphia was “universally respected” and died in Philadelphia in 1809. Unfortunately, Sabine does not explicitly describe him as a merchant and none of the other family names are listed. In fact, although the secondary literature suggests many loyalist merchants continued to work and trade in the early national period there are no significant leads in the primary material. The secondary material does suggest that because the majority of loyalists were merchants those that stayed in America had a vested interest in securing the best possible trade privileges.

166 Sabine, Biographical Sketches, II, 594.
167 Brown, The King’s Friends, 147.
168 Sabine, Biographical Sketches II, 158-159.
169 I searched for names identified in East and Brown’s work in Arthur Schlesinger’s The Colonial Merchant and the American Revolution, Stuart Bruchey’s The Colonial Merchant, (New York, Harcourt, Brace & World, Inc, 1966), both volumes of Sabine’s Biographical Sketches but to no avail. Brown cites East and no one else for this particular point and East’s book is currently on order. I intend to readdress this investigation for the doctoral dissertation which will allow me to visit the necessary archives in London and Philadelphia to (hopefully) elicit some firmer answers. My sense is that the Tench Coxe papers at the Library Company of Philadelphia will prove fruitful in this regard.
Interestingly, two very different types of loyalists, probably classified as "real British subjects" according to the criteria in chapter one, worked against extending those much sought after concessions.

Traditionally Britain's decision to pursue the principle of mercantilism after 1783 is attributed to Lord Sheffield. Sheffield's *Observations on the Commerce of the American States* was published in 1784 and advocated enforcement of the navigation acts to weaken the newly independent states. More recently, John Crowley places William Knox in a more influential role. A loyalist from Georgia, Knox was one of the few refugees to receive a government post in England. Born in Ireland, he worked as an official in Georgia for five years and remained a landholder throughout the revolutionary period. His failure of the Test Act determined his status as a Loyalist as well as his presence in Lorenzo Sabine's *Biographical Sketches*. Knox earned his influential role under Lord North in the American Department of the Colonial Secretary's cabinet. The Department was responsible for strengthening London's control of colonial policy which, before the Revolution they did through such measures as the Sugar Act 1764, Currency Act 1764 and the infamous Stamp Act in 1765. In an open letter dated 1765 Knox articulated the Department's justification for the Stamp Act by

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highlighting Parliamentary sovereignty in all matters. First, he noted the absence in colonial charters for explicit exemption from taxation.

Secondly, he contended that Parliament’s right to tax was the same as its right to confiscate property (which was accepted as legitimate), and he argued finally that economic regulations by Parliament were the reason for the colonies’ prosperity and therefore ought to continue. Given Knox’s emphasis on Parliament’s sovereignty, it is unsurprising that he continued to assert Britain’s dominance through commercial legislation after the peace treaty of 1783. To achieve this, Knox recommended that American vessels be prohibited from direct trade with the British West Indies, and as a result, American goods to the Islands had to be transported in British vessels.

In some respects, Britain’s persistence with mercantilist principles was a reflection of the value of West Indian trade. Indeed, the importance of the West Indies for the prosperity of the British Empire and the success of the carrying trade in particular, was evident long before the American Revolution. Because of their climate, the fertility of the soil, and the wealth of slave labor, the West Indies provided the Empire with sugar, one of its most lucrative commodities. Herbert Bell asserts that Britain had sixty million pounds invested in the Islands and three quarters of its

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177 Crowley, Privileges of Independence, 73.
revenue derived from those sugar rich colonies.\textsuperscript{178} Indeed, the British ministry believed, "His Majesty's Dominions in the West Indies" were "the principle source of the national opulence."\textsuperscript{179} In return, the metropole treated the West Indies with a degree of bias, offering exemptions from several imperial taxes.\textsuperscript{180} Naturally, any post-war commercial policy needed to favor Britain in the carrying of trade to and from the West Indies in order to ensure that Britain would continue to benefit from the islands' profitability.

Enforcement of the Navigation Acts after the Treaty of Paris was also a way of exerting ideological control over the independent states.\textsuperscript{181} Because the Acts emphasized the carrying trade over the commercial, it was not American goods that were discriminated against but American vessels. The only restricted American products were beef, pork and fish. The real intention of the policy to monopolize the carrying trade ensured British ships continued to dominate the sea. This enabled a replay of the struggle for ascendancy acted out in the Revolution to take place in the commercial arena throughout the 1780s and 1790s.

British ministers praised William Knox for the policy he created. The response in Britain to the policy was characterized by Edward Gibbon who praised its author as the 'defender if not the savior of the navigation

\textsuperscript{178} Herbert C. Bell, \textit{"British Commercial Policy in the West Indies, 1783-1793,"} \textit{English Historical Review.}, XXXI (1916) 430.
\textsuperscript{179} Quoted in, Cooke, \textit{Tench Coxe and the Early Republic}, 58.
\textsuperscript{180} O'Shaughnessy, \textit{An Empire Divided}, chapters 2 & 3, Calhoon, \textit{The Loyalists in Revolutionary America}, 17-18.
\textsuperscript{181} McCusker and Menard, \textit{Economy of British America}, 370.
acts."\textsuperscript{182} George Chalmers hoped the retention of the Navigation Acts would succeed in ‘inconveniencing,’ the independent states and Edward Ball believed it was a just punishment to treat the rebels as disobedient children.\textsuperscript{183} As British Consul in America for the Middle States, Phineas Bond echoed the British response in America. He emphasized the importance of British commercial control, making it synonymous with imperial power and believed a reduction in the former as a sign of weakness of the Empire.\textsuperscript{184} The integration of the carrying trade with notions of national and ideological power exacerbated the commercial conflict between Britain and the newly independent United States.

This is not to suggest that the policy arrived at was reached smoothly. American trade rights divided parties on both sides of the Atlantic and laid bare the ideological differences caused by the Revolution. There were several factions within the British ministry, some of whom advocated no restrictions on American trade, and often more conservative sections, which Knox’s proposals represented. Lord Shelburne suggested treating American vessels like British ones, but Charles Fox and many others rejected such a proposal as nonsense; in order to recognize American independence Britain must treat her like a foreign nation.\textsuperscript{185} They did all agree, however, on the crucial distinction between the commercial and the carrying trade. The key point of

\textsuperscript{182} Bell, “British Commercial Policy in the West Indies,” 429-441.
\textsuperscript{183} Norton, \textit{British-Americans}, 252.
\textsuperscript{185} Bell, “British Commercial Policy in the West Indies,” 436.
contention between British ministers was not in allowing the trade of American goods, but what vessels were used. By monopolizing the carrying trade in this way, Britain maintained its naval strength and also limited defection of sailors to the US navy. The persistence of this policy justifies classification of the 1780s as an ideological battleground of lingering revolutionary disputes.

In America, the question of West Indian trade exacerbated the divisions between the Federalists and the Democratic-Republicans. Just as the issue of the legal identity of loyalists aggravated political disputes in the new republic, so too the West Indian trade caused a rift between the political parties. In general, Federalists such as Alexander Hamilton advocated a conciliatory approach to commercial affairs. Hamilton and his supporters did not want to alienate or aggravate Britain as they feared America was too dependant on her trade links. Instead, they sought to enact “favourable terms of trade with Britain [in order to] cultivate the trade of Anglo-American agents.”

In contrast, soon to be Democratic-Republicans Madison and Jefferson advocated a more aggressive policy in which the U.S. coerced foreign nations into commercial treaties. Jefferson shared Madison’s fiscal

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186 Bell, “British Commercial Policy in the West Indies,” 439.
188 Buel, Securing the Revolution, 34.
189 Cathy Matson and Peter Onuf, A Union of Interests: Political and Economic Thoughts in Revolutionary America, (Kansas, University Press of Kansas, 1997) 164.
approach and emphasized the importance of navigation. In fact, Jefferson demonstrated acute understanding of the purpose of the Navigation Acts as he "measured the success of American policy by the extent that American shipping displaced British." Jefferson knew America’s commercial policy must emphasize using American ships for the carrying trade rather than promoting American produce in order to compete with Britain.

Another Loyalist in London, George Chalmers ensured that commercial terms between Britain and America would not be equal. The Committee on Trade, established in March 1784 worked hard to put Knox’s recommendations into practice and Chalmers in particular reinforced the basic principles on which the regulations were founded. George Chalmers was born in Scotland but immigrated to Maryland after graduating from Kings College in Aberdeen. During the revolution, his allegiance to the Crown forced his return to Britain where along with Knox, he was one of the more fortunate loyalists to receive a government post in London. He has left behind a rich array of writings that reveal how seriously he took his work and how reflective he was on matters of political concern. In his lengthy ‘Opinion’ on the impact of American independence on Britain’s commercial policy, Chalmers exemplifies the connection between commercial policy and national identity. In this two-hundred-page thought piece, Chalmers justified Britain’s restriction on America’s commercial privileges by utilizing the legal construct of

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American citizenship. He argued that because Americans were no longer British subjects and were foreign in fact, especially, "in some important points of our naval policy, the American Citizens are declared to be aliens," and thus denied commercial privileges. The weight placed on this argument is evident from its position at the commencement of the piece and the sheer length of the discussion. Moreover, Chalmers' classification of Americans as "aliens" to Britain reinforces the intensity and persistence of the debate over legal identities in the fall out of the war.

Interestingly, Chalmers believed that British subjects who retained commercial privileges and American citizens who were classified as aliens divided America. If this was indeed the case, loyalist merchants would have been a very useful asset to the newly independent United States, since they would qualify for the trade privileges to the British colonies. However, it does not seem possible, given the insistence on loyalty oaths and the practice of "volitional allegiance," that the new republic would allow loyalists to operate as British subjects in the new republic. Regardless, Chalmers' piece highlights the ideological dimensions to the dispute. This was not simply about economic ascendancy but national identity and imperial ascendancy. For instance, the Committee sought to maintain the mercantilist policy of Britain's Empire by substituting foodstuffs usually supplied to the West Indies from the United States with

goods from Canada and Nova Scotia. They sought to practice traditional mercantilist policy by substituting Canada for North America even though Canada simply did not have the internal resources nor established industries to supply the West Indies. 195

The examples of Knox and Chalmers suggest a significant, if modest, role was played in shaping British policy by those classified as loyalists. 196 This challenges Charles Ritcheson's assertion that the loyalists were neither numerous nor coherently organized enough to influence British policy towards America after independence. Ritcheson based his interpretation on the fact Knox and Chalmers were not 'loyal' enough to be classified as loyalist. Ritcheson asserted that Knox's status as an absentee landlord and Chalmers' stay in the US was too short and temporary to classify them as "loyalists." 197 In practice, such narrow definitions are not particularly helpful or necessary. Both Knox and Chalmers were legally banished from the United States for their loyalty and are listed in Lorenzo Sabine's *Biographical Sketches.* 198 If they were perceived as loyalists by contemporaries this seems evidence enough of their 'legitimate' loyalist identity. Indeed, their actions after independence attest to their commitment to one of the many principles of loyalism; working within and for the Empire to improve it for all members. In this

197 Ritcheson, "Loyalist Influence," 8-10.
sense they were perhaps “real British subjects” whereas the loyalists in chapter one were “disloyal citizens.” These comparisons elucidate the standard notion that loyalism was not a unified nor coherent movement in North America.\(^\text{199}\) Mary Beth Norton’s magnum opus, *The British-Americans* also challenges Ritcheson’s analysis. She maintains that the Associated Loyalists in London were proactive and a viable lobbying force. She especially notes their significant achievement by establishing the American Claims Commission and bringing about the downfall of the Shelburne administration.\(^\text{200}\)

Knox and Chalmers’ represent the experience of “real British subjects” whose support of the Crown was so conspicuous they were forced to leave America. As the above discussion illustrates this did not inhibit their continued relationship with America and perhaps even best equipped them for shaping British imperial policy. However, as chapter one demonstrated, the classification of the term ‘loyalist’ was contested both during and after the Revolution. The debate over “real British subjects” versus “disloyal citizens” also applied to those loyalists who were merchants before and throughout the Revolution.

The one individual who can clarify the transition between loyalist merchants before and after the Revolution is Tench Coxe. Born into a family of merchants in Philadelphia his father, William Coxe was a prominent businessman who cultivated personal and professional

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\(^\text{199}\) The nature of loyalism is discussed in the introduction. All the key monographs on the Loyalists agree that it was neither a unified nor cohesive ideology or movement.

relationships with other successful merchant families in the city. Most notable were the Tilghman’s, the Allen’s and Chew families who were prominent merchants in the city who also favored the Crown over Independence.\(^{201}\) In 1775, Tench Coxe joined his father’s firm, Coxe and Furman as a junior partner despite the economic impact of the British restrictions. In December of 1776, Coxe was forced to leave the city due to “violence and threats of a body of armed men.”\(^{202}\) He resumed business in New York though through his father’s connections and even established networks of his own with leading merchants in New York such as Isaac Low and Edward Goold. On his return to Philadelphia with the British troops in September 1777 Coxe quickly resumed trading and set up his own firm, Coxe and Frazier.\(^{203}\)

Coxe bears out Wallace Brown’s findings that most merchant loyalists who chose to stay in the United States after independence based themselves in Pennsylvania.\(^{204}\) This is significant in terms of the American-West Indian trade as Philadelphia was the key port of connection and departure. Indeed, Alice B. Keith’s study of British restrictions on American-West Indian trade confirms that the majority of trade to and from the West Indies from 1784-1800 came from the Middle Atlantic States.\(^{205}\) In 1794, the merchants of Philadelphia organized a formal

\(^{201}\) Cooke, 10-24. Wallace Brown also classifies the Allen’s and Chew’s as wealthy loyalist merchants, *Good Americans*, 231-232.


\(^{203}\) Cooke, *Tench Coxe* 25-27.

\(^{204}\) Brown, *Good Americans*, 234.

\(^{205}\) Keith, “Relaxations,” 4.
Committee to represent their interests to the Secretary of State.\textsuperscript{206} The Committee responded to British seizure of American ships in the West Indies, which compromised their trade links with both the French and British Islands.\textsuperscript{207} Committee members compiled the evidence from all cases of seizure of American ships in “the British Islands, the West Indies and [especially] Bermuda, [and] the Bahamas.” John Jay then used this information as advantage to force a favorable commercial treaty with Great Britain in 1796. Although Jay was largely unsuccessful, Brown and Keith’s findings illuminate the force of the merchant class in Philadelphia and touch on the importance of the West Indian trade for American merchants.

Most surprisingly, a loyalist named Joseph Shoemaker was one of the five members of this small select committee, which contributed to the American policy at the treaty in 1796. Shoemaker was a native of Pennsylvania who aligned himself with the rebels until the Declaration of Independence. After switching allegiance, he accepted the command of a privateer ship and “commenced depredations on his former political friends.”\textsuperscript{208} Governed by law of treason defined during the Revolution, Shoemaker was arrested for treason but because he surrendered he was released without charge. The fact that such a “conspicuous” Tory was

\textsuperscript{206} Thomas Fitzsimmons, “For the Information of Merchants” (Philadelphia, 1794) Early American Imprints.
\textsuperscript{207} During the Anglo-French war during 1793, the British Navy were ordered secretly to seize neutral vessels supplying the French Islands in the Caribbean. See Samuel Flagg Bemis, Jay’s Treaty; a study in commerce and diplomacy, (New Haven, Yale University Press, 1965).
\textsuperscript{208} Shoemaker’s short biography is listed in Sabine, Vol II, 301. The broadside which announced the formation of the Committee listed J. Shoemaker as a member alongside Thomas Fitzsimmon’s, James Yard, Stephen Girard, and James Olden.
allowed to sit on an important committee in 1794 illustrates the extent of
reintegration by that time and also strengthens the assertion that
individuals who were permitted to stay brought with them economic
viability.

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Loyalists also contributed to shaping Britain and America’s
commercial relationship from the vantage point of exile in the West Indies.
Estimates suggest that around 5,500 loyalists fled to the Islands between
1782-1785, most of whom came from the Carolinas and Georgia. Largely
attracted by the promise of free land, a fertile climate and military
protection the refugees flocked to the commercial centers of Jamaica and
the Bahamas.209 Indeed, in Nassau alone loyalist refugees increased the
merchant population from 3 to 26 and doubled the total white population
in the Bahamas.210 Printed first hand accounts and newspaper reports of
the demographics and trade movements disseminated knowledge of the
Islands’ fertility. Oswell Eve, a Captain and, in historian Catherine Crary’s
estimation, a “shipping merchant of importance,” wrote at length in 1784
to his loyalist friend Daniel Coxe of New Jersey on the suitability of Cat
Island as a loyalist haven. Eve sought to undue the traditional perception
of the island in the Bahamas as only a fit “Asylum for Pirates and
Wreckers and those fond of a marine way of living.” He acknowledged the
appearance of the landscape was not appealing but emphasized the

209 Wallace Brown, “The Loyalists in the West Indies, 1783-1834,” in ed., Esmond Wright, Red, White and
potential for growing cotton when cultivated properly. He also cited the wealth of a retired Pennsylvanian gentleman for proof of the islands’ prospects and envisaged the perfect spot for a town and Government “some future day.”\(^{211}\) In writing to Daniel Coxe who was working for his brother’s merchant trading firm in Philadelphia, Eve’s advertisement was probably passed on through informal networks of kin and trade. Indeed, the influx of New York loyalists to Great Abaco Island and Cat Island may be attributed in part to Eve’s reports.\(^{212}\)

The South Carolinian press also promoted relocation to the West Indies as an attractive option to proscribed loyalists. Newspapers published bulletins from Nassau announcing the arrival of provisions specifically for the American loyalists.\(^{213}\) A second ship of provisions under Captain Fandall carrying provisions explicitly for American loyalists was reported much further north in the *Connecticut Journal*.\(^{214}\) Such bulletins were factual rather than emotional but still added to the image of the West Indies as a safe asylum. In Jamaica, the prospects for loyalist exiles were good as they were exempt from taxation, were under no obligation to perform public service duties (aside from militia service) and were granted tracts of land free of charge.\(^{215}\) Many of the loyalist refugees were plantation owners or farmers and chose the West Indies as a


\(^{213}\) *South Carolina Gazette and General Advertiser*, “Nassau, July 16,” July 23, 1785.


suitable venue to continue their business. Loyalists owned the Panton, Leslie and Company, which was one of the most successful trading firms in the West Indies with business networks in Britain and America. 

Despite the appearance of a loyalist idyll, the reality of exile in the West Indies was unsatisfactory for many. British ministers could not guarantee the land was fertile, nor could many crops survive the brutal hurricanes that swept the Islands in 1784. For instance, the chosen area of location in Jamaica was reported as “nothing more than a large morass...swarming with scorpions, serpents, lizards...nothing but the most ridiculous infatuation could tempt any men to expose their own lives to such an unpromising situation.” In addition, although historians argue the loyalists “infused the inert colony with fresh blood and energy,” the native creole population were not quite as effusive about the new immigrants. Disagreements centred on issues of representation, with the native population perceiving loyalist involvement in government as a desire to “take over” and the refugees feeling original inhabitants’ rights were prioritized at their expense. Governor Maxwell characterized the “merchants and people who hope to return to the continent” as the most

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217 Brown, “The Loyalists in the West Indies, 1783-1834,” 92.
218 Seibert, The Legacy of the American Revolution, 42.
220 Craton, History of the Bahamas, 163.
221 Brown, “Loyalists in the West Indies,” 87.
troublesome, partly for their demands but mostly because they stayed in commercial centers rather than accept tracts of land in the outer islands.222

The Board of American Loyalists based in Nassau in the Bahamas was organized in response to these disagreements. Led predominantly by James Hepburn of North Carolina and John Wells of South Carolina, the exiles complained about the administration, highlighting improper representation, the lack of regulation of the law, and corruption of public money.223 They denounced Governor Maxwell’s address to the assembly as, “illiberal, untrue and malicious,” designed to undermine and demonize the loyalist refugees.224 James Hepburn, President of the Board of American Loyalists articulated their mission “to preserve and maintain these Rights and Liberties for which we have left our homes and possessions.”225 They achieved this through endless petitions to the Assembly, refusal to attend Assembly meetings until issues were resolved and declaring ultimatums; on May 9th 1785, the Board of Loyalists resolved that as they were not fairly represented in the House of Assembly, “we are of course not bound by any laws the Assembly might pass.”226 In consequence, the Assembly suspended six of the loyalists for their directly involvement in the petition and prohibited from holding office in the future. However, despite these setbacks the loyalists were essentially

222 Craton, History of the Bahamas, 166-1677
224 Salem Gazette, “Charleston (S.C) June 15, August 2, 1785.
226 Craton, History of Bahamas, 169.
successful in achieving their aims. By 1786, American loyalists dominated the Bahamanian House of Assembly.\textsuperscript{227} The struggles and achievements of the loyalists in the West Indies exemplify the notion of the powerful periphery in an empire. Additionally, the “problem” of loyalists’ dual allegiance is apparent in the West Indian exiles self-classification as “American Loyalists.”

Surprisingly, given the ideological divisions between loyalists and patriot Americans, the West Indian refugees’ most important achievement lay in subverting British trade regulations and as a result securing better trade laws between the West Indies and America in the Jay Treaty (1796).\textsuperscript{228} As the dominant political power and a significant proportion of the Islands merchant and planter population, loyalists played a significant role in pressuring the British Parliament to retract its restrictions on American trade. The very first day the Committee on Trade met in London, it received numerous petitions from West Indian merchants and planters.\textsuperscript{229} This group designed the petitions to generate sympathy, highlighting fear of starvation if Britain refused American vessels permission to trade in West Indian ports.\textsuperscript{230} In fact, the refugees put words into action during times of specific need. Under the jurisdiction of Loyalist Governors like James Powell, the West Indian ports were illegally opened

\textsuperscript{228} The article of the Jay Treaty referencing American trade was never ratified by the Americans but this does not undermine the effort and energy loyalist refugees in exile exerted on the matter.
\textsuperscript{230} \textit{Maryland Gazette}, December 18, 1783, \textit{Worcester Gazette}, November 24, 1784.
to American vessels. For example, during the violent hurricanes of July 1784, August 1785 and October 1786 Jamaican ports, which had been the worst affected, were open to free trade in order to assuage the devastation done to crops and foodstuffs.\footnote{Keith, 3, Carrington, 155, Siebert, 42.} The discretionary power afforded to the Governors of the Islands' by the metropole became, according to Alice Keith the norm rather than the exception.\footnote{Keith, 10.}

In addition, Bryan Edwards, a sugar planter in the British West Indies, feared the restrictions would cause "500,000 persons to be starved and a property of 60 million rendered unprofitable and precarious." He also complained that the broader commercial ramifications that restricting trade with America would only serve to benefit the commercial success of the French West Indian islands.\footnote{Bryan Edwards, Thoughts on the Late Proceedings of Government respecting the trade of the West Indian Islands, (Boston, 1784) 31, 24-25. Accessed via Early American Imprints, Series 1: Evans, 1639-1800, www.infoweb.newsbank.com.} Another West Indian planter Simon Taylor accused the British government of "entering into a combination to Ruin these islands" and likened the plight of the planters to that of the Gibionites from the bible.\footnote{Carrington, "The United States and the British West Indian Trade, 239-240.} The vocal actions of Edwards, Taylor, the Board of American Loyalists and the Loyalist Governors exemplify Jack Greene's assertion that the peripheries of an empire have as much influence on the cultural and commercial dynamics on the empire as its center.\footnote{Greene, Peripheries and Center, passim.}
Consequently, the efforts of the exiles in the West Indies worked in tandem with those of the merchants on mainland North America. Although the American states did not operate as a national unit, the action of individual states and merchants against the West Indian restrictions indicates the importance of the issue and demonstrates the relationship between commerce and national identity. Virginia set the precedent by lobbying the British parliament and generating a sense of unity of purpose in America. Virginians drafted a proposal to all thirteen states to give Congress the authority to enact nationwide prohibitions on the importation of British West Indian goods in British ships. Virginians argued that the British restrictions were in conflict with the principles of free commerce and they should resist by adopting similar prohibitory measures.\textsuperscript{236}

The Virginia Act insisted on unity of action across all states, demanding, "this act shall not be in force until all the states in the union shall have passed similar laws." The clarity of the language and meaning in the Act suggests Americans regarded the issue as one of national pride. St. George Tucker, a lively Virginian who supported his state's proposal, made this connection with national honor even clearer. In a short pamphlet reflecting on the matter, Tucker inserted extracts from parliamentary speeches to incense the reader and encourage support for the proposal. He portrays Britain as a power hungry bully, eager to strangle American trade by cleverly inserting quotes from British ministers such as, "we will

\textsuperscript{236} Virginia, "An Act to authorize the Congress of the United States to adopt certain regulations respecting the British trade," (Richmond, James Hayes, 1784) Early American Imprints online.
regulate her [America’s] markets as we please and give an effectual check
to any attempt on the part of America to advance in ship building or
navigation." Tucker’s choice of quote is especially pertinent as it
foregrounds the real locus of power; the carrying not the commercial trade.

Massachusetts adopted a similar emotive and proactive response.

Reminiscent of the revolutionary era Boston merchants boycotted British
ships in April 1784. The British regulations forbade American goods to be exported in British ships and tonnage duties were imposed on all foreign shipping. In so doing, the Boston merchants sought to appropriate Britain’s navigation strategy for their own ends, which reinforces the vision of the 1780s as a battleground for the revolution’s replay.

Newspaper reports reflected the anger and the sense of national offence Bostonians felt at the British restrictions. In the Continental Journal an address ‘To the People of America’ called for a unified response and asked readers to identify the British restrictions as an insult to “National Honor [which must] unite with our Interest to prevent injury to the one or insult to the other.” Another Boston newspaper used an Aesop fable in which a father taught his sons the importance of working together to convince them of the necessity of a unified response.

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238 Crowley, Privileges of Empire, 86-87.
239 Continental Journal, “To the People of America,” January 1, 1784.
This mass hysteria becomes puzzling and more enlightening when we remember that the economic impact of the embargo was not actually detrimental to America or the West Indies.\textsuperscript{241} Selwyn H. Carrington’s recent study of the trade between America and the West Indies, 1783-1807 explains this apparent anomaly. Carrington suggests that the merchants from the West Indies and America who subverted the regulations were the main reasons the economic impact of the Revolution was not too severe.\textsuperscript{242}

In fact, it was quite common for West Indian merchants to provide U.S. vessels with British documentation to undercut British restrictions.\textsuperscript{243} Phineas Bond’s correspondence with the foreign office in London also confirms such illegal activity, which he described as so common that, “the mischief [is becoming] more alarming as the fraud is become general.” In a letter dated December, 1787, Bond wrote with excitement that he had proof that American vessels were using illegal documentation (British papers) to trade illegally with the West Indies and Asia.\textsuperscript{244} Indeed, in 1785 Horatio Nelson wrote Lord Sydney that despite British restrictions, “nearly the whole Trade between the British Colonies and the United States of America was carried out in American bottoms.”\textsuperscript{245} In September of the same year, Bermuda was described to be in a state of “anarchy” as their merchants had furnished American vessels with false papers in order to

\textsuperscript{241} See notes 10-12.
\textsuperscript{242} Carrington, “The United States and the British West Indian Trade, 149-169.
\textsuperscript{243} Carrington, 151. Alice Keith also makes this argument in, “Relaxations in British Restrictions on the American Trade with the British West Indies, 1-18.
\textsuperscript{245} Quoted in Keith, “Relaxations in British Restrictions,” 6.
flout British prohibitions.  

246 James Edward Powell, Governor of the Bahamas was indignant that American products were smuggled into his jurisdiction.  

247 In 1789, two American vessels, the Patty from North Carolina and the Dunmore from South Carolina were seized by Custom Officials in the Bahamas for breaching the laws of trade.  

248 In September 1785 another American ship was seized in St Eustatius charged with trade in a “foreign bottom.”  

249 The press reported the seizures in such a way as to suggest that the illegal trade was widespread. Reports complained about the volume of customs officials and the vigor with which they seized American vessels in or even near British waters.  

250 The actions of Tench Coxe, also a merchant of Philadelphia helps peel back the layers of how merchants dealt with the British trade restrictions and sheds light on the loyalist merchant networks in North America. Frazier, Coxe and Company was a big concern, with five full time clerks in addition to Coxe and his business partner, Nalbro Frazier. They had a large warehouse for storage in addition to a spot on the wharf where cargo was unloaded and often sold directly.  

251 The five clerks employed were either friends or family members, a very traditional setup.

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246 *The Political Intelligencer and New Jersey Advertiser*, “Kingston (Jamaica) September 10, November 30, 1785.

247 Keith, “Relaxations,” 5.


251 Cooke, *Tench Coxe*, 64.
for merchant businesses in the eighteenth century. Daniel Coxe, Tench’s loyalist brother who had helped form the West Jersey Volunteers during the Revolution was on the books. Archibald McCall, who was not a proscribed loyalist, worked intimately with Coxe throughout the Revolution and into the national period, especially on the proposals for a Second Bank of America. According to Coxe, McCall was “bred” with the Coxe family and business, which suggests McCall identified socially, if not legally as a Loyalist. Key to Coxe’s success in the West Indian market was stable business relationships in the West Indies and London. In St Croix, Coxe re-established business links with Benjamin Yard and Nicholas Cruger who chose to overlook Coxe’s compromised political past in favour of a profitable trade. In terms of the trade itself, Coxe’s biographer Jacob Cooke asserts that the bulk of it was with the British Caribbean islands most of which took place legally in British vessels. However, Coxe and his partner Nalbro Frazier did own six of their own ships, three of which they constantly used as trading vessels to the islands throughout the 1780s. Coxe and Nalbro Frazier solicited ‘buyers’ for these ships in London and the Islands. No money changed hands in these transactions and the ships remained in Philadelphia but were registered

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252 Peter Dobkin Hall argues that it wasn’t until the mid 1800s that private institutions began to take over the family business as the foundation of America’s commercial economy, The Organization of American Culture, 1700-1900: Private Institutions and the Origins of American Nationality, (New York, New York University Press, 1982) 32-33.

253 For Daniel Coxe as New Jersey Volunteer see Brown, Good Americans, 233.

254 This was also characteristic of pre-war trade between America and the West Indies. See Richard Pares, Yankees and Creoles; the trade between North America and the West Indies before the American Revolution, (Archon Books, 1968) 8, 16.

255 Cooke, Tench Coxe, 65.
either to a Moses Franks of London or Bell and La Touche of Jamaica. This enabled the vessel to carry British registration papers and thus, in theory trade legally between the United States and the West Indies.

Another tactic merchants used to undermine British restrictions on American vessels was handling the exchange of trade too quickly to detect. They also eluded the prohibitions by navigating trade through the French West Indies. However, this was not always a safe measure as French officials attempted to prohibit the import of American goods, particularly flour. In 1785 for example numerous raids of stores took place in Martinque and Guadeloupe searching for American flour after thirty American vessels were seized in the French territory. The success of the combined force of each of these tactics may help explain the recording of 635 US ships and 439 French West Indian ships in British West Indian ports in 1785.

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The Treaty of Amity and Commerce or, as it is more commonly called the Jay Treaty (1796) occupies a contested place in American history. It represents the apogee of the lobbying and subversions of British navigation policy and exemplifies the important role merchants, some of whom were former loyalists, played in the shaping of an American commercial policy. In the spring of 1793 within the context of the Anglo-

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258 Keith, “Relaxations,” 2.
259 *The Pennsylvania Evening Herald and the American Monitor*, “Nassau, Bahama, June 11” June 20 1785
260 Carrington, 153.
French war, Britain decided certain raw food materials were contraband and prohibited any vessels from supplying French islands in the West Indies with corn, flour or meal.\textsuperscript{261} Such restrictions however, were secret; American politicians, merchants and sailors were not privy to these developments until March of the following year when the news became public by which time the Royal Navy had seized 300 American ships in the West Indies.\textsuperscript{262}

This behaviour, according to the Treaty’s most recent historian Todd Estes’ made a diplomatic mission to Great Britain inevitable. As the chosen American delegate, John Jay had the unenviable task of negotiating a treaty that would meet the demands of the American merchants. The tension building since the Treaty of Paris (1783) found diplomatic articulation in the guidelines given to John Jay. American shipping and trade rights to the Caribbean was one of only two non-negotiable clauses from the American perspective.\textsuperscript{263} The Americans requested open rights to trade with the West Indies using American vessels. Britain answered these demands in Article 12 of the treaty, which stipulated that American vessels were free to trade in any port. Critically, the article included a caveat which insisted only vessels under 70 tons would be permitted. Americans interpreted this caveat as a “severely limiting” qualification and an insult

\textsuperscript{262} Crowley, \textit{Privileges of Independence}, 165.  
\textsuperscript{263} Estes, \textit{The Jay Treaty Debate}, 24-25.
to an independent nation trading in the international market.\textsuperscript{264} After thirteen years of unsatisfactory navigation relations, the American politicians refused to accept half way measures and they never ratified article 12.

The contested twelfth article of the treaty opened the floodgates to a wave of Anglophobia fought out in the press and pamphlet literature of the period. Republicans such as Benjamin Franklin Bache a newspaper editor, and John Beckley, a political aid lambasted Jay and the so-called “British Treaty” for submitting to the ex-imperial power. In his newspaper the \textit{Aurora}, Bache declared, “It is time Americans had done with humbly petitioning the British court to do them justice.” Beckley interpreted the treaty’s terms as an attempt to undermine American independence and worked to shape public opinion to denounce George Washington for supporting the treaty as an “indelible character in charge of a British faction.”\textsuperscript{265} Despite widespread support for the anti-treaty movement, the Federalists ultimately overcame the vitriol and both nations ratified Jay’s Treaty in March 1796.\textsuperscript{266}

It was the merchants support for Jay’s Treaty in the big port cities of Boston, New York, and Philadelphia that cemented its success. James Watson, a merchant of New York counselled his fellow citizens to examine the treaty carefully and make a measured analysis based on

\textsuperscript{264} Jefferson and Madison objected to this clause in particular as they argued it allowed Britain continued monopoly over American trade. See Crowley, \textit{Privileges of Independence}, 168.

\textsuperscript{265} Quoted in Estes, \textit{Jay Treaty Debate}, 22-23.

\textsuperscript{266} Bemis, \textit{Jay’s Treaty}, 224.
evidence rather than hearsay. In July of 1795, merchants held a rally in support of the treaty at Tontine Coffee House and New York and Bostonian merchants followed suit in August. Philadelphia's merchant class even composed a public address to the President on the topic, urging him to ratify for the sake of American commercial prosperity.\footnote{Estes, 87-91}

Unfortunately, there are no firm links between these merchants and those of the pre-revolutionary era. However, Wallace Brown's identification of the loyalists as a commercial class and the findings in chapter one on the importance of economic viability for post war reintegration encourage speculation that the loyalists continued to act as merchants and traders. Despite the paucity of sources to provide concrete evidence, this chapter does demonstrate the continuities in ideology and hostilities between the colonial and national period. The question of navigation as a signifier of power and control persisted throughout the transition period from colony to nation. It provided the locus around which Americans, Britons and American Loyalists reconfigured their relationships and provided an opportunity for the latter to demonstrate their role as active citizens in a changing empire.
Chapter 3

A Literary Reincarnation: The First ‘Un-Americans’ in Popular Print Culture 1820-1850

Finding refuge from his loyalist-hating neighbours in Boston in 1774, Massachusetts-born Benjamin Thompson narrowly escaped punishment at the brush stroke of the tar and feather. North Carolinians were not too fond of him either; as the leader of a loyalist regiment, he was the “devil incarnate.” Yet, in 1833, Godey’s Lady’s Book celebrated him as an “eminent self-taught American” alongside Benjamin Franklin and Benjamin West. Daniel Leonard experienced a similar fate when punished for denouncing the Committee of Correspondence as the “foulest, subtlest, and most venomous thing.” Upon his death in Massachusetts in 1829 however, the Salem Gazette remembered him with respect and high praise as a “distinguished citizen of Bristol County,” a “Refugee for the loyalist cause” and a valuable progenitor of the iron industry.

In 1774, the New England Committeemen condemned Thompson and Leonard’s behavior as “inimical” to the American cause. Consequently, they were classified as “conspicuous” Tories and therefore,

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269 Brown, 147.
according to the terms defined in the Test Act (1777) banished into exile. Thompson and Leonards' subsequent reappraisal in popular print culture in the 1830s further complicates the classification of the American Loyalists delineated in the previous chapters. According to the categories outlined in Alexander Hamilton's *Phocions' Letter* for example, were Thompson and Leonard considered to be "aliens" or "disloyal citizens?"

Thompson and Leonards' metaphorical rebirth as worthy American citizens provides an access point to assess what happened to the internal exiles that remained in the United States and the loyalist refugees in the West Indies to enable this transformation to take place.

This chapter examines the perception and memory of loyalists in popular print culture at a time when America found itself in a new struggle with Great Britain. The way loyalists were remembered and rehabilitated reinforced the perception of the War of 1812 as the Second American Revolution. The memory of loyalists served a dual function: to provide a model for Americans to define their national identity against and in so doing demonstrated the process of earning American citizenship based on merit.

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The questions of navigation and naturalization that dominated the political commercial landscape in the 1780s and the 1790s collided in the middle of the Atlantic Ocean in June 1807. In search of three alleged deserters of the British navy, the frigate *Leander* fired on the American
vessel, the *Chesapeake*. Newspapers reported the American outrage at the incident because Britain and America were not at war and there was no legal justification for the attack. Untangling the two key issues at the heart of this incident exposes the continued hostility between Britain and America throughout the early nineteenth century. The *Leander-Chesapeake* conflict provides an opportunity to analyze the meaning of American citizenship and the development of national identity in the Early Republic.

The *Leander* attacked the *Chesapeake* in June 1807 to express British frustration with the proliferation of British deserters to the American navy. Specifically, the attack was a reaction against the leniency of American naturalization laws that enabled so many British sailors to defect and evade capture because they qualified for American protection. Yet the foundations of the “lenient” naturalization law of 1805 were grounded in the period of internal conflict throughout the 1770s. The civil war dimension of the Revolution laid the groundwork for the basic principles of naturalization law that lasted until the 1860s.

At the heart of naturalization was the notion of “volitional allegiance.” It resolved the problem of an individuals’ legal identity after the Revolution by fore-grounding residence as the determiner of loyalty.

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274 See chapter one of this thesis and also Kettner, *American Citizenship*, chapter 7. Essentially Kettner argues that the Treaty of Paris (1783) decided an individual was an American citizen if they resided in American controlled territory after the Declaration of Independence (1776). In subsequent court cases through 1802 legal precedent extended an individuals point and place of residence to the Treaty of Paris (1783) see Kettner, 199-201.
In 1795, the states continued this principle and agreed that an individual must live in the United States for a period of at least five years before becoming a naturalized citizen. Indeed, legal historian James Kettner observes that, "at the heart of the naturalization process remained the idea that a prolonged term of residence was the surest way of guaranteeing an alien's attachment to the country and adoption of its ways."\(^{275}\)

Additionally, the 1795 Naturalization Law retained the oath of allegiance and required applicants to renounce their commitment to any other nations or monarchs as well as relinquish any titles of nobility.\(^{276}\) At this time, it was clear that the same anxieties over the qualifications for citizenship expressed in 1783 fueled the debate over the same issues in 1795. The difference in 1795 was that the debates about qualifications were informed as much by practical necessities as by the fear of internal enemies. In fact, Kettner shows that the debates in the 1790s did not reflect either interest or concern for loyalist exiles.\(^{277}\) Time and location were thus persistent factors in measuring an individuals' loyalty but also in healing the wounds caused by internal dissent. The residency requirement reflected the belief that "time alone could insure that those imbued with "foreign principles" had the opportunity to assimilate the habits, values and modes of thought necessary for responsible participation in a virtuous, self-governing republican community."\(^{278}\) Kettner's observation demonstrates that after

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1795 the naturalization law did not apply to loyalists. As Americans, loyalists had never been "imbued with foreign principles" and were therefore already considered well qualified for citizenship. Peter van Schaack for example, returned from exile and regained his citizenship as early as 1784. Jacob Duche gained his Pennsylvania citizenship in 1790. Just one year prior Samuel Shoemaker also acquired his citizenship in the same state. In the final analysis, American law classified the Loyalists who stayed in the United States after independence as "disloyal citizens" rather than aliens. They were therefore already citizens of the United States; they did not need to become "naturalized."

The legal status of the loyalists was thus resolved by 1805. But the Leander affair represented the climax of the other tensions building between Britain and America since the Treaty of Paris (1783). After the failure to secure open trading rights to the West Indies in 1783 and again in 1796, Americans continued their quest for a beneficial commercial treaty with Great Britain. In the interim period, the 1794 ordinance governed the terms of American trade to the West Indies. The ordinance allowed American vessels to trade goods between the West Indies and Europe but only if the cargo was "reexported" via a U.S. port. In theory, this meant American ships loaded in the islands, unloaded and re-loaded in

279 Norton, British-Americans, 7, Kettner, American Citizenship, 213.
the U.S. and then continued onto Europe. In practice, American captains chose to dock in the U.S. and avoid import duties by getting new documents and keeping the goods on board ship. This practice was reminiscent of similar subversions against British restrictions in the 1790s and was worth $60 million by 1805. In a series of events, which mirror the run up to the Jay Treaty, the British navy seized American ships conducting this trade and formalized their prohibition of the reexport system in the Essex ruling of 1805. Once again, Americans felt slighted and undermined by the British restrictions. In his capacity as Ambassador to Britain, James Monroe observed, “in respect to the ministers of other powers we appear to hold the lowest grade.”

The carrying trade issue converged with the issue of naturalization in the dispute over British impressments of American sailors. Attracted by higher pay and better working conditions British sailors made up about a quarter of the crew on American merchant vessels. In a bid to reclaim their subjects, the Royal Navy employed press gangs to board American merchant vessels and “press” British men into leaving. Not only did Americans perceive this as an affront to their independence but also American citizens were often mistaken for British ones and taken. Diplomatic historian Donald Hickey estimates that about 6,000 American

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286 Quoted in Rossignol, *Nationalist Ferment*, 173.
citizens suffered this fate in the period 1803-1812.\textsuperscript{288} The seriousness of this issue is exemplified by the failure of the Monroe-Pickney Treaty in 1806. Designed to resolve the issue of navigation rights to the West Indies the treaty failed to pass the senate because it ignored the question of impressments of American sailors. In fact, Jefferson refused to forward the terms to the senate, as he knew Congress would not be ratify it.\textsuperscript{289} Just as the issue of navigation in the 1780s and 1790s reignited revolutionary rhetoric, so too the \textit{Leander} affair caused public outrage. The newspaper, the \textit{Aurora} reported the "young are animated by the highest sensations of military ardor, and the heroes of the war are shedding tears of joy at the revival of the spirit of the Revolution."\textsuperscript{290} The combination of navigation and naturalization infused Americans with a degree of patriotism unseen in the Early Republic.

Surprisingly, the Jefferson administration's reaction to the crisis contrasted with the public desire for war and alienated the merchants and planters in the West Indies. Until 1796, the West Indian and American merchants united in thought and effort to improve American shipping rights to the West Indies.\textsuperscript{291} However, Jefferson's decision to enact an embargo on trade to force the British to a mutually beneficially agreement alienated the West Indian merchants. They actually benefited from the reduced competition the embargo caused and therefore supported the

\textsuperscript{288} Hickey, \textit{War of 1812}, 11.

\textsuperscript{289} Hickey, \textit{War of 1812}, 16.

\textsuperscript{290} \textit{Aurora}, June 14, 1807, America's Historical Newspapers, Newsbank, http://infoweb.newsbank.com

\textsuperscript{291} See chapter 2 of this thesis.
metropoles' position. Indeed, according to historian Jeanne Rossignol although the embargo "meant the Republican leaders could implement the policy of commercial retaliation they had been dreaming of since 1789;" in 1805 it was outdated and misplaced. In the climate of fear and Anglophobia generated by these disputes, the memory of those who had been disloyal during the Revolution provided literary ammunition for patriotic fervor.

Emerging during a decade of Anglophobia and war fever, the debates over American citizenship transitioned from concerns about requirements and qualifications to the meaning of citizenship as both a legal and conceptual identity. Individual loyalists did not actively take part in this debate, but the process of remembering loyalists both individually and collectively did influence the nature of the conclusion. Popular culture achieved this in two ways: first, by re-ascription of the term Tory from application to the Revolutions' enemies to the Republican's weapon of political insult. Secondly, newspapers promoted successful individual loyalists in popular print as exemplars of citizenship earned through hard work and merit.

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To the Young Republic finding its feet on the world stage, the War of 1812 represented a re-enactment of their Revolution. Britain once again played the role of the oppressive tyrant, intent on stripping America of her

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292 Rossignol, Nationalist Fermetn, 184.
293 Kettner, 232.
liberty and freedom.\textsuperscript{294} Use of the label “Tory” proliferated vigorously within the context of internal crisis. From Rhode Island to Louisiana, newspapers began to trace its origin to mean “Irish robber” or “murderer,” and at the height of the War the \textit{Alexandria Herald} likened Tories to “Canker worms... incessantly gnawing at the tree of liberty.” The use of “Irish” associated the term “Tory” with the negative notion of the “other:” something different to be feared and reviled. The correlation of Tories with animals was a legacy from the Revolutionary period, when newspapers debased and defiled the British and loyalist enemy by presenting them as chickens, asses, vultures and geese.\textsuperscript{295} The \textit{Washingtonian} echoed the same sentiment in February of 1812 when the reporter advised holding Tories over fires to “smell them out.”\textsuperscript{296} Just as in the Revolutionary period, such articles implied that Tories were subhuman, and certainly not American. However, in 1812 the implication was metaphorical rather than real. It expressed not only a sense of frustration but also patriotism in response to the British attacks on American shipping rights.

There were similarities between the impact of the term “Tory” in 1812 and the effect of the loyalists’ presence in the 1780s. In 1784, the loyalists provoked partisan differences in New York and Philadelphia.


between those who favored a conciliatory approach, such as Alexander Hamilton and those who advocated retribution. In 1812, the Republicans recycled the term Tory and used it against the Federalists as a rhetorical insult. In doing so, the Republican party encouraged the voting public to perceive the Federalists’ as the “British Party” and thus as contemporary villains of American sovereignty. For example, even before War broke out, the American Mercury likened the Federalists’ opposition to the conflict to Benedict Arnold’s treachery in 1775. The article adopted a sarcastic tone to reinforce the link between the Federalists’ current support for high taxes with the dispute over enforced taxation that sparked the Revolution. Recalling the volatile taxation issues from the Revolution allowed the Democratic-Republicans to portray the Federalists as enemies to American liberty and sovereignty. The American Mercury warned its readers that “An enemy within is equally fatal now as in 1775...He who is not for us is against us.” In addition, The Investigator articulated the use of Tory towards Federalists most explicitly and simply,

*We understand that great exceptions are taken to the name Tory, by which we choose to designate the people who call themselves Federalists, Friends of Peace. If we knew any other name more appropriate, we would certainly gratify these gentleman. But as we do not...we must...use the word Tory until a better can be found.*

The reporter stated explicitly why the term Tory was so appropriate; it referred to enemies of their own country, someone who supported the

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297 *American Mercury*, No Headline, January 1, 1812.
British right to taxation, and submitted in the face of British tyranny. Federalists responded by attempting un成功fully to use the association to their advantage. In a satirical poem in the *Northern Whig* the poet affected a Democrat’s mocking tone and denounced the Federalist opposition as simply “stories/Forced by a gang of Tories.” The reporter concluded by warning of the desolation war would cause. He urged that the Federalists’ ‘stories’ ought to be taken seriously to avoid the potential crisis. Both of the above articles highlight how popular the term “Tory” was by 1812 and illustrate the real partisan divisions it caused.

The Federalist defense reflects how powerful “Tory” was as an insult to the party. In a serious article published in the *Baltimore Federal Republican* and reprinted in at least one other newspaper in Virginia the reporter went to great lengths to refute the charge of British influence on the Federalist Party. The article listed evidence meticulously and endlessly to contest the charge. It especially highlighted the Federalists’ opposition to the Jay Treaty (1796). This was a particularly powerful example because most Americans perceived Jay’s Treaty as a symbol of continued American weakness in international trade and navigation. The Federalists’ opposition to the so-called “British Treaty” was upheld as evidence of the party’s American patriotism. Unfortunately, for the Federalists’ the attempt to resist the British Tory label was unsuccessful. Towards the

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299 *Northern Whig*, No Headline, January 1, 1812.
war's end the Delaware Gazette, Washingtonian, Baltimore Patriot, and countless other Republican papers still used the term Tory as synonymous with being a 'British supporting Federalist.'\textsuperscript{301} Perhaps the clearest example of its persistence was the Independent Chronicle's observation in April 1815 that the "American Federalists" needed to disassociate themselves from the "British Federalists" if they wanted to survive.\textsuperscript{302} By referring to the Federalists as Tories, the Republican-Democrats successfully linked the Federalist opposition to the War of 1812 with the British hostility to American Independence. They created the idea that the Federalists were essentially un-American, thereby signaling the death knell of that party.\textsuperscript{303}

Despite the demise of the Federalists as a viable political opposition, the use of "Tory" continued in the 1830s. Newspaper manipulated the memory of punishment for loyalism during the Revolution to demonstrate 'Un-American' behavior. Antebellum Americans rarely participated in the practice of charivari or tarring and feathering in the same way Americans had in the 1770s. Nevertheless, when incidents occurred newspapers used it as an educational tool to denote the meaning of American citizenship. During the Revolution, patriotic Americans celebrated tar and feathering as an "American"

\textsuperscript{301} Delaware Gazette and Peninsula Advertiser, September 1, 1814, Washingtonian, "Tory-British Agent British Gold," February 8, 1813, Baltimore Patriot, August 31, 1815, 2.

\textsuperscript{302} Independent Chronicle, "American; British; Tories; Federalists, April 3, 1815.

invention. By 1825, the Middlesex Gazette saw fit to prove the act was of
British rather than American origin, citing an extract from an English
seaman’s chronicles to prove it.\(^{304}\) Two years later the Portsmouth Journal
of Literature and Politics claimed it was “as old as the Crusades.”\(^{305}\) In
1845, the Barre Patriot described the tar and feathering of a citizen to
reclaim debts as “a real piece of Indian business.” This was a deliberate
effort to minimize its association with the Revolution and present the
tradition as an ‘Indian’ rather than American tradition.\(^{306}\) The correlation
between tarring and feathering as punishment by and for the ‘other’ was
reinforced by an article in the Southern Patriot, which described the victims
of the act as looking like “two African monsters.”\(^{307}\)

The selectivity of this memory in the popular press also seems to
serve an educational purpose for its readers; in 1835, the Natches
community of Maine took justice into their own hands by whipping and
then tar and feathering a man they accused of murdering his wife.\(^{308}\)

Readers were encouraged to support such actions; they were reassured it
was a “great day” because the punishment was dealt out by “the most
respectable citizens of Natches.” In contrast, a month later five New

\(^{304}\) Irvin, “Tar, Feathers,” 228.
\(^{305}\) Middlesex Gazette, “Tarring and Feathering,” July 6, 1825, 2. The same story featured in the Boston
Commercial Gazette, July 7, 1825, the Vermont Gazette, “Tarring and Feathering”, July 12, 1825. It
featured again six years later in the Connecticut Mirror, April 23, 1831.
\(^{306}\) Portsmouth Journal of Literature and Politics, “Tarring and Feathering as old as the Crusades,” April 7,
1827, 1. The Salem Gazette covered the same story, but five years later, Salem Gazette, November 29,
1832, 2.
\(^{307}\) Barre Patriot, “Tarring and Feathering,” May 9, 1845, 2.

Whilst the exact origin of tarring and feathering is unknown, this paper subscribes to Benjamin Irvin’s
definition of it as a n obscure folk treatment that Americans in the Revolution transformed into a “popular


England publications expressed disgust when a woman from Onodaga County was tarred and feathered as rebuke because her “fame was considered doubtful in the village.” By 1839, newspapers had successfully separated tarring and feathering from its Revolutionary connotations. They marginalized it as a British or medieval invention and distanced it from ‘American’ behavior by characterizing it as a ritual inflicted only by savages. In this way, newspapers offered its readers examples of ‘Un-American’ behavior: a good citizen was not violent towards their wives, nor did he partake in primitive rituals of public shaming. Finally, only well-respected members of a community had the moral authority to inflict such a barbaric punishment and only for an especially callous crime. Such reports worked as moral lessons and reflected the meaning of American citizenship as one earned on merit rather than inherited status.

In the 1820s, the Jacksonian Democrats reinforced the use of ‘Tory’ with negative aristocratic connotations. Jackson created his egalitarian image through his presentation as the ‘self-made’ man. He made direct appeals to the electorate and characterized his political opponents as selfish aristocrats. Joel Selby demonstrates in wonderful detail how as the largest and most popular party the Democrats set the terms of the political debate. Self-styled as the party of the ‘self-made man’ they attacked any opposition (Federalists, National Republicans, Whigs) with the charge of favouring the elite, adopting aristocratic policies and thus represented an enemy to the common man. Joel Selby, The American Party Battle; Election Campaign Pamphlets 1818-1854 Vol. 1, (Cambridge, Harvard University Press, 1999) 1-30.
opponents as men who attended “Pit Club dinners” instead of representing constituents. If Jackson was the “People’s President” his opponents had to be men “who regard high rent to be peace and high prices to be plenty.”

In popular newspapers, the Democrats ridiculed the National Republicans for their placement of hereditary titles over individual merit. As the *Times and Hartford Advertiser* suggested, a Tory is “distinguished for no personal quality, he prides himself upon once having a grandfather.” However, a Tory was not simply someone to ridicule, but a threat to the interests of the American public, “He thinks that poor people ought neither to write, read, marry...They ought always to work.”

An illustrative anecdote that appeared in the same year in at least six newspapers further demonstrated Tory as a term of ridicule and inadequacy. In reply to the accusation that her husband was a Tory, a woman replied, “her husband was one of the greatest libertines in all that part of the country.” The misuse of ‘libertine’ for ‘liberty’ reinforced both the dim-witted nature of Tories, as well as their inability to comprehend the meaning of ‘liberty,’ and thus their fundamental ineptitude to represent the interests of most Americans. In addition, a ‘libertine’ encouraged readers to link the image of a Tory with that of a dissolute, a man without social or sexual morals. At least five

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312 Ibid.
313 Ibid.
314 *Haverhill Gazette*, “Not a Tory but a Libertine,” February 1, 1823, 5.
newspapers in New York and Massachusetts reprinted the article, indicating the circulation and popularity it enjoyed.\footnote{\textit{American Journal}, May 7, 1823, Vol. VI, 4. \textit{Watch-Tower}, February 3, 1823, 4. \textit{Farmer’s Cabinet}, January 18, 1823, 4. \textit{Essex Register}, January 22, 1823, 4.} The connection between Tory as a byword for negative aristocratic characteristics and unintelligent animals foregrounds the role it played in educating Americans about the expectations and responsibilities of citizenship. The presentation of ‘Tories’ was illustrative of the American concept of citizenship as a role that had to be earned and deserved rather than a status decreed by a privilege of birth.\footnote{This understanding is based on James Kettner’s definition of American citizenship as “contractual and volitional” rather than “natural and perpetual.” The prologue to James Kettner, \textit{The Development of American Citizenship, 1608-1870}, (Chapel Hill, University of North Carolina Press, 1978) gives an excellent concise description of this transition, particularly page 10. See also chapter 8. The theory on the transition between being a subject and being a citizen is discussed in this context (the right to be governed to the right to be represented) by Etienne Balibar, “Citizen Subject” in \textit{Who Comes After the Subject?}, ed., Eduardo Cadava, Peter Connor, Jean-Luc Nancy, (New York, Routledge, 1991).47.}

The Bank Crisis of 1832-33 provided an opportunity for the term “Tory” to re-explode onto the scene.\footnote{The bank crisis itself will not be discussed in detail. I mention it to illustrate Jackson’s opposition to it based on its perceived threat to regional and class divisions in society. See especially Edwin J. Perkins, “Lost Opportunity for Compromise in the Bank War: A Re-Assessment of Jackson’s veto message,” in \textit{The Business History Review}, Vol. 61 (No. 4) (Winter, 1987) 531-550 and Benson, 51-53. For a very specific discussion of the difference between the Democrats organization based on appeal to the electorate and the emergence of the Whigs in 1832 and their failed focus on party leadership see Lynn L. Marshall, “The Strange Still-Birth of the Whig Party,” in \textit{The American Historical Review}, Vol. 72, No. 2 (January, 1967) 445-468.} Both the Democrats and the Whigs fought in the popular press for the right to denounce the other as Tories.\footnote{Whilst at this stage the Whigs were technically the National Republicans, for simplicity I am using Lynn L. Marshall’s concept of ‘proto-Whigs’ here as an appropriate term for the transition between the National Republicans and Whig Party 1832-1834, Lynn L. Marshall, “The Strange Still-Birth of the Whig Party,” in, \textit{The American Historical Review}, Vol. 72, No. 2 (January, 1967) 445-468.}

For the Whigs, Andrew Jackson’s veto was an abuse of his rights stipulated in the Constitution and echoed the actions of a tyrannical King. The use of “King Andrew” cartoons was common and encouraged readers
to equate Jackson’s veto as akin to Charles I’s tyranny in England. This was a particularly loaded association as Charles I’s tyranny ended with execution. However, the Democrats alone successfully linked ‘Tory’ specifically and directly to negative images of aristocracy and traitors from the Revolution. For example, during the State elections of New York in 1834 the Salem Gazette sarcastically likened the Whig victory to that of the British “and Tories” at Bunker Hill; the implication being a practical triumph but neither a moral or a permanent one. Six years later, the Hudson River Chronicle denounced the Whig leadership as “quite as insolent as their red coat predecessors.” Such direct references to the Tories of the revolution encouraged readers to associate the treacherous characteristics of the first ‘Un-Americans’ with the modern day Whig Party. Jackson’s re-election after the bank crisis indicates the success of the Democrats campaign.

In this way, loyalists from the American Revolution, the ‘original Tories’ indirectly retained their place in the national consciousness through continued negative use of the term ‘Tory.’ This demonstrates that the Revolution did not define American identity absolutely or statically. The memory of the British and loyalist enemy continued to evolve and adapt to the changing nature of American society. Popular print culture

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321 Salem Gazette, “Tories; New York; British; Tories; Bunker Hill”, April 15, 1834, 2.
found a way of reconfiguring the Revolutionary enemy in a contemporary context. The revival of the term as a political weapon in the Early Republic demonstrated the legitimate acceptance of political disagreement. Internal disloyalty in the Revolution was not a crime but a sign of a healthy republic. Newspapers reinforced this idea by recognition of individual loyalist accomplishments in popular culture in the 1830s. The rehabilitation of previously disloyal citizens contributed to the meaning of American citizenship as a role that was not just pre-ordained in law but an individual earned status.

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The metaphorical transformation of Benjamin Thompson, or Count Rumford as he was later knighted is the most extreme, and therefore an illuminating case for analysis. Thompson was born in America but decided to support the Crown during the Revolution. Historian Robert Munro Brown argues that Thompson's loyalism was motivated as much by self-interest as genuine political affiliation. Brown asserts Thompson "swore allegiance to whichever side was most profitable to him."324 In contrast, his biographers adopt a more positive characterization that illustrates the complexity of Thompson's character.325 Regardless, the vilification of Thompson by his contemporaries in 1774 testifies to his unpopularity. Hiding first in Woburn, Charleston, and finally, Boston, the

325 George Ellis, *Memoir of Sir Benjamin Thompson, Count Rumford*, (Boston, Gregg Press, 1972) see especially 62-70 for examples of Ellis' generous interpretations of Rumford's motives.
Committeemen arrested Thompson in May of 1775, "upon suspicion of being inimical to the liberties of this country."\(^{326}\) Although the local Committee of Safety acquitted him, Thompson left America for England, never to return as a permanent citizen.\(^{327}\)

New Hampshire's Alienation Act of 1778 listed Thompson as one of many American loyalists ordered to leave the State, relinquish his property, and return only upon pain of death.\(^{328}\) New Hampshire newspapers printed the Act in full to ensure that all residents knew the local law would enforce a $500 fine to anyone found assisting any of the proscribed men. In fact, the state legislature contravened Article V of the Treaty of Paris by selling Thompson's property. Newspapers advertised the sale alongside many others and were neither reactionary nor emotive in style. This indicates how common such advertisements were and suggests many loyalists lost their property in this way.\(^{329}\) Indeed, in Massachusetts, returning loyalist Samuel Goldbury tried to reclaim £1000 in lost property but local residents forced him to retract the claim through "threats on his life [that] forced him to hide." Even Frederick William Geyer, a former loyalist but awarded citizenship with voting rights in Massachusetts could not gain restoration of his property.\(^{330}\) In fact, the Board of American

\(^{326}\) Ellis, 73.  
\(^{327}\) Brown, *Benjamin Thompson*, 2.  
\(^{329}\) *The Independent Chronicle and the Universal Advertiser*, February 15, 1781, 2.  
Loyalists in London formed because they knew property restitution from the states themselves would not be successful.\footnote{Norton, \textit{British-Americans}, 185.}

According to the criteria discussed in chapter one Thompson was a "real British subject." He left American soil in 1774 before the Declaration of Independence and never returned. His location coupled with his "inimical" behavior determined his national identity. Despite this, by 1832 the process of his reassessment in popular print culture was well underway. Just a year later his crimes had not only been forgiven, but forgotten. For example, in March of 1832 \textit{Godey's Lady's Book} published a very intriguing short story about aristocracy. In the story, Count Rumford explored his own role in the revolution, and sought to redeem his crimes of "living a trifler [in order to] die a man."\footnote{\textit{Godey's Lady's Book}, "The Gatherer" Vol. IV, Philadelpia, March 1832, 167.} Just as the political newspapers castigated aristocracy, \textit{Godey's} portrayed aristocracy negatively, although it couched its criticisms in more poetic language. For example, it likened aristocrats to polished brass as both "appear more valuable than gold." The image illustrates the magazines, (and by extension its reader's) criticism of empty aristocratic values. It implied that external appearances of wealth and greatness were not accurate reflections of a genuine moral character. The use of "valuable" was significant because it introduced the idea that states awarded citizenship to individuals who demonstrated skill and/or commitment to the prosperity of the nation. Rumford was a particularly useful vehicle for this message because he was
not born into aristocracy but married into it. This message found full articulation in the innocent and lyrical poem at the end of the article. Rumford allegedly wrote the poem himself and it conveyed his desire to throw off his aristocratic yoke, and aspire to the author’s definition of “the most agreeable of all companions….a simple, frank man, without any high pretensions to oppressive greatness.” Rumford’s fictional rejection of his adopted aristocracy illuminates the understanding of what it meant to be American in 1830s: one had to be of simple means and pure ways to qualify as a valuable citizen of the American Republic.

_Godey’s_ recognition of Rumford’s loyalist and aristocratic past paved the way for his forgiveness, and the collective amnesia about his past a year later. By 1833, _Godey’s_ celebrated the Count as an “eminent self-taught American.” The inclusion of Benjamin Franklin in the same article reinforced the notion that _Godey’s_ rehabilitated Rumford not as a loyalist or a Tory, but as an American. Significantly, whereas historian Eileen Cheng found nineteenth century historians allowed individuals a simultaneous loyalist and American identity, popular print culture emphasized the latter at the expense of the former. For example, the _New Hampshire Gazette_ remembered Rumford’s “honorable fame and exalted greatness” rather than his role as a spy and leader of a loyalist

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333 Ibid.
militia.\textsuperscript{336} It also forgave his support of the Crown by explaining it was a practical decision. They suggested the patriot army denied Thompson the opportunity to utilize his mathematical skills.\textsuperscript{337} Moreover, the article interpreted Thompson's choice of "Rumford" as a sign of his affinity for, and sense of belonging to the Rumford community in Massachusetts. For \textit{Godey's} this was further proof of Thompson's identity as an American. In 1841, inhabitants of South Woburn named a town in Rumford's honor. This testifies to the powerful nature of popular cultures portrayal of Rumford as an eminent American.\textsuperscript{338}

Southern newspapers identified Rumford's fame six years later, but were no less keen to rehabilitate his American identity over his loyalist persuasions. They also emphasized his roots as a farmer's boy in rural Massachusetts rather than the aristocrat he became through marriage.\textsuperscript{339} The \textit{Southern Patriot} of Charleston and \textit{Houston Telegraph} of Texas regarded it as their civic duty to inform citizens "it is not generally known, as it should be," that the successful, "celebrated" famous Count Rumford, "was an American."\textsuperscript{340} The only qualification he required was his birth in America, (though they get the town wrong, Waldo instead of Woburn). By 1850, the \textit{New Hampshire Sentinel} had done away with any reference to his Tory past, informing its readers that Rumford retired to England before


\textsuperscript{337} \textit{New Hampshire Gazette}, "Count Rumford," March 7, 1837, 1.

\textsuperscript{338} \textit{Haverill Gazette}, "South Woburn; Legislature; Rumford; Count Rumford," June 19, 1841, 3.

\textsuperscript{339} Ellis, \textit{Benjamin Thompson}, 45.

\textsuperscript{340} \textit{Southern Patriot}, "Count Rumford," November 22, 1847, 2 and \textit{Houston Telegraph}, "Count Rumford," December 9, 1847, 1. The same article was replicated word for word in the \textit{Weekly Eagle}, March 10, 1848, 1.
the Revolution. In contrast to the rehabilitation of loyalists by
nineteenth-century historians and novelists, popular print culture
encouraged not simply rehabilitation, but also a collective forgetting of
Count Rumford’s dishonor during the Revolution.

In many ways, Rumford is a unique example. His contribution to
theories of modern science, generous donations to the American Academy
of Arts and Science and his founding of the Royal Institution of London
make him an unsurprising figure for rehabilitation. Indeed, his
reassessment began when he died in 1814 when newspapers remembered
his scientific and political achievements with high praise and admiration. It
is significant to note that while eulogies on his death reported he was
“born in Massachusetts,” popular culture did not embrace him as an
“American” until 1833. This seems to reflect the process of becoming
American; newspapers presented it not as a status or identity instantly
achieved, but a gradual progression of self-reflection and improvement.

Coverage of Daniel Leonard’s death varied according to region. As
a native of Massachusetts, the Salem Gazette remembered him warmly and
positively as a “distinguished citizen of Bristol County.” The Haverhill
Gazette’s report was more factual as they described him as “a native of

342 Ellis, Benjamin Thompson, 22.
343 See for example, Weekly Messenger, “The Late Count Rumford,” December 23, 1814, 4, “This
distinguished personage…was born in Woburn, Massachusetts”, National Aegis, “Death of Count
Rumford” November 15, 1814, 4, “a native of America”, Salem Gazette, “The Late Count Rumford”,
January 10, 1817, 1, “son of Massachusetts…he was not unmindful of the country of his birth.” Also
replications of his Eulogy reprinted in at least nine American newspapers, e.g. Boston Daily Advertiser,
“Eulogy on Count Rumford”, October 19, 1815, 1, Dedham Gazette, “Eulogy on Count Rumford, October
27, 1815, 1.
Massachusetts and a classmate at Harvard College of the late Ex President
John Adam’s.\textsuperscript{345} However, unlike the \textit{Rhode Island American}, and
Maryland’s \textit{Republican Star}, the Massachusetts paper totally omitted the
information that Leonard “was almost the last survivor of the loyalists who
were expatriated from the United States for their adherence to the British
Government.” The newspapers’ exclusion of Leonard’s loyalist past hints
at Massachusetts collective forgetting of his loyalist identity. Just as Count
Rumford had earned his right to citizenship by his valuable contribution to
the world of science, so too Leonard’s position as Chief Justice of
Bermuda and progenitor of the valuable iron industry saved him from
vilification.\textsuperscript{346}

Thomas Hutchinson’s unpopularity in the colonies in the build up to
the Revolution is well known.\textsuperscript{347} Yet the man who was burned in effigy on
the streets of Boston, Philadelphia and Princeton in 1773, that “vile
serpent” whose treachery was portrayed as akin to Caligula or Nero’s, was
remembered much less severely in the late 1820s.\textsuperscript{348} Upon publication of
Hutchinson’s \textit{History of Massachusetts} in 1827, the \textit{Salem Gazette}
described it as “valuable,” and Hutchinson as a “faithful historian,” its
readers were encouraged to anticipate it with excitement.\textsuperscript{349} A year later
the \textit{Essex Gazette} confirmed that positive response, echoing the “valuable”

\textsuperscript{345} Haverhill Gazette, “Death Notice,” October 24, 1829, 3.
\textsuperscript{346} Rhode Island American, “Dearth Notices,” October 13, 1829, 2.
\textsuperscript{347} For a full assessment of the treatment of Thomas Hutchinson in the print culture of the period see
Bernard Bailyn, \textit{The Ordeal of Thomas Hutchinson}, (Cambridge, Belknap Press of Harvard University,
1974). For his vilification in newspapers specifically see Bernard Bailyn, ed., \textit{The Press and the American
\textsuperscript{348} Bailyn, \textit{Hutchinson}, 243.
\textsuperscript{349} Salem Gazette, “New Volume of Hutchinson’s History,” March 27, 1827, 1.
description and proving that the publishers had generated a lot of interest and money for “beautiful” volumes imported from London. Another year later the Baltimore Patriot proved that Hutchinson’s History was read outside Massachusetts. In fact, the newspaper looked to Hutchinson as an authority on the overestimated value of the Spanish currency.

While these examples do not suggest that Americans as a whole embraced Hutchinson as a ‘true American,’ or accepted his rehabilitated, it does illustrate the ‘selective memory’ of individual loyalists’ past. In contrast to the generic use of Tory as a byword for enemy, popular culture redeemed individual loyalists based on their actions after the Revolution. The rehabilitation of loyalists in memory mirrors the reintegration of actual loyalists in the 1780s. In the 1780s, loyalists could earn their citizenship by providing useful skills to the new republic. In the 1830s, newspaper redeemed them if their post-war actions benefited the image of American identity.

James Rivington was the ‘King’s Printer’ in New York throughout the Revolutionary period. Born in England, Rivington was criticized in the 1770s for his “haughty domineering spirit,” his “wicked imagination” and attempts to foster discord and disunion through publication of ‘lies’ in his newspaper. Rivington feared for his life and was unable to return to his home or family after a mob acted out their verbal threats and destroyed his

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351 Baltimore Patriot, “Boston Centinel; Pistareens; Gov. Hutchinson, America, United States, Spanish Govt,” July 17, 1829, 2.
printing press. Yet by 1827, a Hartford publication not only ignored his loyalist past, but trusted one of his articles on the freemasons from 1770. They used it to ridicule the *New Haven Journal's* claims to a “discovery” of the secrets of freemasonry. The *Salem Gazette* drew on his work for similar purposes in 1836. The *Gazette* undermined the *Boston Journal’s* claim that they were the first to print “the traitor” Major Andre’s infamous poem. Moreover, in 1839 the *Houston Telegraph* delighted in printing an anecdote from the Revolution that encouraged forgiveness of Rivington’s past. The story traces the character of Ethan Allen, a staunch patriot who described Rivington as an honest and honorable man. Allan enjoyed an evening of drinks with the Tory and fostered a memory of Rivington as a good sport rather than a publisher of royalist propaganda.

Again, treatment of Rivington was by no means effusive by 1839, nor was he regarded as American. However, his role as the King’s Printer, which the revolutionaries once considered a great threat to American liberty and freedom, was minimized and largely forgotten in favor of using him as figure of knowledge and an example of a “good sport.”

In contrast, newspapers emphasized and demonized the loyalist past of Donald McDonald. McDonald’s infamy was well known. During the Revolution, he fought for the Crown, not in the traditional “redcoat”

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355 *Salem Gazette*, March 22, 1836, 2.
356 *Houston Telegraph*, “James Rivington; Ethan Allen; Vermont; New York; Express; Governor; Clinton,” July 10, 1839, 2.
sense but rather as the leader of a band of bloodthirsty Indians. Seventy-two years after the actual event the Maryland *Sun* remembered McDonald’s most famous and gruesome attack. The event centered around McDonald’s failed attack on the house of a patriot family. The *Sun* described McDonald as a “white scoundrel” who used tomahawks as weapons and “held rebels on pitchforks over fires.” The reader was encouraged to regard McDonald as of the “animal order,” emphasized by the barbaric weapons he carried and the Indian company he kept. In addition, the article portrayed McDonald as rather dim-witted. In the conclusion of the story, Shell the patriot captured McDonald as one would a defenseless animal; “He at once seized the astonished and all but exultant Tory and drew him into the house, and before any of the gentry outside knew the transaction, *McDonald was a prisoner!*” Indeed, the adjacent but apparently unrelated article, “A Dumb Man’s Wit” seems strategically placed. For this generation of Americans more removed from the Revolution than those of earlier decades, likening Tories to contemporary understandings of ‘otherness’ (Indians) helped to exemplify the meaning of Un-American behavior. It provided a stark contrast to the valuable and virtuous citizens like Rumford and Leonard and therefore

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357 Sabine, II, 543.
359 *Sun*, "A Dumb Man’s Wit", December 16th, 1847, 1.
helped clarify the meaning of American citizenship by providing someone to define it against.\footnote{The idea of an American creation of Indians as the racial and cultural ‘other’ is taken from Robert Berkhofer, Jr’s. He explores the impact the development of Scientific Racism in the nineteenth century, combined with cultural reinforcements through visual images of the Indian as ‘other’ such as those by George Catlin and the noble savage created through fiction had on the white mans definition of American Indian as ‘other,’ Robert Berkhofer, Jr. The White Man’s Indian, (New York; Vintage, 1979), 55-62, 86-96.}

In contrast to the restoration of loyalists like Rumford, Leonard, Hutchinson, and Rivington, McDonald’s vilification suggests that ideological opposition was valid but violent disagreement was unacceptable. In addition, McDonald’s actions and values counseled readers on the role of the American citizen as one they had to earn or achieve, rather than a natural right by birth. While both Rumford and McDonald were born on American soil, newspapers forgot and forgave Rumford’s loyalist past because he redeemed himself by rejecting his noble title (however fictional) and contributed knowledge and value to the world of science. McDonald on the other hand displayed savage, ill thought out and irreverent characteristics and Shell killed him before he had opportunity to reform his ways.

Despite his demise both literally and figuratively, Donald McDonald lived on in print in an equally derogatory and ‘Un-American’ context. Four years after the publication of McDonald’s eventful death, 

\textit{Godey’s Lady’s Book} featured a short story entitled “The Cave of Eigg” which featured a Donald McDonald as a “hard and stern” Scottish chieftain, humanized only by the love for his daughter.\footnote{\textit{Godey’s Lady’s Book}, “The Cave of Eigg,” XLII (April, 1851) 229.} Other parallels
exist between the McDonald of Revolutionary fame and that of *Godey’s* fiction; both were leaders of a small and unruly band of “savages” and better men knocked from their self-appointed presumptions.\(^{362}\) James Beattie and D’Assigny’s theories on the formation of memory in the human mind provide an eighteenth-century context to explain the effect the conflation of images had on the reader.\(^{363}\) D’Assigny’s memory theory is instructive; he contended that memory was enhanced by definition against opposites, “when we represent to ourselves Sobriety and Temperance, we cannot but have a notion of Debauchery and Intemperance.”\(^{364}\) Indeed, using D’Assigny’s theory, the authors’ emphasis on savage characteristics and cruel behavior with associations of McDonald as an enemy to liberty in the Revolution would inspire readers to position their own identity in absolute opposition; not savage but civilized, not merciless but kind and forgiving, not a Tory or a Brit but an American citizen.

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Popular print culture mirrored the sympathetic reassessment of loyalists in nineteenth century historiography.\(^{365}\) In these widely read publications loyalists earned their status as American citizens through a

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\(^{362}\) The story is essentially one of fated love between Ulla, the daughter of McDonald and her lover Malcolm, her father’s enemy. McDonald kills all the residents of his island including Malcolm and his daughter in order that his daughter doesn’t marry his foe.


\(^{364}\) D’Assigny, 69.

gradual process of redemption. Americans embraced Benjamin Thompson, later Count Rumford as a fellow citizen after Thompson’s rejection of his aristocratic title and recognition of the superiority of his humble heritage. In addition, newspapers emphasized his success and valuable contribution to the Republic to provide a model of the virtuous American citizen. Daniel Leonard’s ‘Americanization’ by his native town was only possible because of Leonard’s intellectual, financial and political success. For Hutchinson the press’ depiction was more ambiguous. Newspapers did not challenge his value as an historian but they did not explicitly redeem his personal character. Nevertheless, the American press eventually forgot his loyalist past to emphasize the gradual process of becoming a useful American citizen. James Rivington had always been a colorful personality, and the newspapers of the Early Republic enjoyed his entertaining character more than they cared for his allegiance during the Revolution. As Rivington had been born in England the goal was not to create an American but rather humanize one of the original enemies, thereby minimizing their current threat to American liberty and freedom. McDonald provided an example of the ‘other,’ an anomaly from which American readers were conditioned to define themselves against, through the different established representations of “Tory.”

Analysis of newspapers from the Early Republic indicates the significance of popular print culture’s presentation of loyalists. They provided a model to help demonstrate what it meant to be American and
how an individual earned meritorious citizenship. By 1805, American law
defined the terms for becoming an American citizen. After 1805, the
rehabilitation of loyalists in print mirrored the ongoing debate about the
cultural and social meaning of an American identity. The first “Un-
Americans” were not redundant in the formation of an American identity,
nor was their role a purely negative one. Rather, the memory of those
original Tories acted as a vibrant image to help Americans make sense of
the social and political roots of the New Republic. In contrast to the
traitors and aristocratic imbeciles from the Revolution, Americans were
encouraged to aspire to become self-made men, who sought reward and
respect based on merit and hard-earned labor rather than pre-determined
status. Americans valued loyalty, honesty and communal prosperity over
self-interest. Of course, the idea that American citizenship demanded such
values and virtues is not surprising. But the original and re-incarnated
Tories played a crucial role in shaping and disseminating the meaning of
American citizenship offers an additional perspective. The contrasting
images of Count Rumford as the redeemed traitor with McDonald, the
epitome of everything “Un-American,” perhaps serve the most powerful
representation of the dual function loyalists played in the creation of a
unique American national identity.
Conclusion

The Treaty of Paris (1783) ended the problem of dual allegiance. The Treaty defined loyalists as either "real British subjects" or disloyal American citizens based on the individuals' active choice. In practice, local communities still distrusted former loyalists and discriminated against them throughout the 1780s. Citizens in the new republic identified economic viability as a solution to the problem of dual allegiance. Individuals like Tench Coxe and Peter Van Schaack earned their right to American citizenship by offering economic prosperity and useful skills to their community. Naturalization Laws in 1790, 1795 and 1805 formalized again the legal definition of American loyalists by including them as full American citizens.

Interestingly, newspapers mirrored the informal qualifiers for citizenship in the 1830s. Print culture rehabilitated individual loyalists as Americans to demonstrate the meaning of American citizenship. Readers learned that citizenship was not just a de facto right of birth but a status deserved through hard work and individual merit. The problem of dual allegiance translated into a "dual function" in popular print culture in which loyalists acted as role models of civic virtue and supplied negative images to define an opposite to American identity.

Loyalist merchants in America and in the West Indies remain elusive. Future studies can develop knowledge of these key players through archival work in the port records of strategic import/export towns. Philadelphia seems like a fruitful place to start. Increased information about these men will further
illuminate the problem of dual allegiance in the Early Republic. A study of this nature can also strengthen the links historians are making between America in the early national period and those parts of the Atlantic world still within the British Empire.

Recently, historians have avoided “classifying” the loyalists. Instead, they focus on a specific individual or region to examine the meaning of the civil dimensions of the Revolution. Political parties in the 1820s and the 1830s nullified the classification question by re-ascribing the term “Tory” as a rhetorical weapon against political opponents. Examination of the “internal exiles” that stayed in the United States after 1783 must first return to Lorenzo Sabine’s classification method. Compilation of biographic and geographic data of all loyalists who stayed will supply a foundation to build analysis that is more nuanced and sophisticated. Historians can then mine voting records and property documents to ascertain exactly who and how many former loyalists regained property and voting rights in the Early Republic. Case studies will be a logical and manageable approach. Scholars could select three states that Wallace Brown classified as “harsh” and three he deemed “light” in terms of their treatment of loyalists in the Revolution. This method would ensure a representative analysis and provide an access point to explore the political, legal and cultural dimensions of the Early Republic.

Historians have combated the “scattered” problem of the Loyalists effectively. Classification techniques tried to identify patterns in the ideological dimensions of loyalty but satisfactorily concluded it was indefinable. Studies of
loyalists in exile are numerous and extensive. They successfully use the scattered geographic nature of loyalism to examine the impact of the Revolution on the larger British Empire. Sections of this thesis suggest that because the loyalists spread out geographically after the Revolution this aspect of the "loyalist problem" actually economically benefited both the United States and other parts of the Atlantic world in the early nineteenth century.

The problem of the loyalists continues to animate current historiography. Historians are armed with the knowledge that the loyalists were as "American" as their rebel peers, and have subsequently broadened their historical focus and approach. Interest in the "losers" from the Revolution no longer recovers the loyalists to satisfy antiquarian interests but to generate new perspectives on the legal, political and cultural history of the Early Republic.
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