Friend of government or damned Tory: The creation of the loyalist identity in revolutionary New Hampshire, 1774-1784

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FRIEND OF GOVERNMENT OR DAMNED TORY: 
THE CREATION OF THE LOYALIST IDENTITY 
IN REVOLUTIONARY NEW HAMPSHIRE, 1774-1784.

BY

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This dissertation has been examined and approved.

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This dissertation is in part the labor of love of all of my family whose contributions made it possible.
For my mother, and the memory of my father,
for James and Brendan,
and most especially
For Mary, my Wife,
without whom this would not be done,
and without whom it would all be for naught.
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ABSTRACT

FRIEND OF GOVERNMENT OR DAMNED TORY:
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BY

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SEPTEMBER 1996

The dissertation examines the creation of loyalist identity during the American Revolution. Two distinct identities were fashioned, one by the loyalists themselves and a second competing identity which was created for them by their opponents, the radical faction of the revolutionary movement. Both identities were created consciously and for political or economic motives.

The identity created by the loyalists through their actions and words is to be found in a close reading of the claims filed with the Claims Commission created by Parliament in 1783. The dissertation argues that loyalists self-fashioned an individual political identity, as part of the creation of a self-conscious minority seeking redress from the British government for the losses they suffered during the war, and as individual participants in an ideational community formed by the trauma of a generation at war. The self-fashioned identity found its expression in the memorials presented to the Claims Commission and in the public and private writings of various participants.

Simultaneously, the rebel leaders, writers, and ideologues created another identity for their enemies. Through legal fictions such as bills of attainder and confiscation, through pamphlets, and through...
newspapers, rebel leaders and writers created an identity for the loyalists as traitors, bloodthirsty acolytes of a demonized British King, and enemies of the country of their nativity. The content of the claims are supported and supplemented by petitions, trial transcripts, newspaper accounts, and pertinent official documents of the "rebel" government.

The dissertation enters into the ongoing discussion concerning the communal history of self-conscious minorities, as well as an exploration of political identity. The work also analyzes the revolution in New Hampshire in terms of a culture war, a discursive battle between two ideologically opposed groups, each striving to convince the populace in general of the desirability of embracing its vision of the way society ought to be. This study also adds to the growing number of works which concentrate on the loyalist experience at the provincial level.
Introduction

Because human beings are bound together by sympathy, the reflection in the glass is necessarily not of one person only. The common, the shared and the general is to be found in the particular, if that particular is truthfully described, and with imagination. To discover such a common truth is an intrinsic good.¹

A considerable number of the inhabitants of British North America at the outset of the rebellion in 1774-75 made a conscious choice to remain loyal to the constitution and crown of Great Britain. Those residents of New Hampshire and the other rebellious colonies faced hardship, harassment, and community sanctions for as long as they remained in their homes. Their choice, to remain loyal, was an act of identification. Not only did they proclaim by their actions and words their loyalty to Britain, they also opened the door to a new identity imposed upon them from without by their rebel opponents. This study, though it began as a straightforward narrative of loyalist activity and attributes with a concentration on the province of New Hampshire, has been transformed by the use of the concept of identity. The loyalists of New Hampshire and those of the other provinces became, by the end of the rebellion, a scattering of self-

conscious minority communities, each bound together not by proximity but by a shared experience, a generational trauma.

As I read deeper and deeper into the largest concentrated body of loyalist writings, the records of the commission which examined the claims and losses of the American Loyalists, it became apparent that something more had transpired than could be described in a simple narrative history. As linguistic usages were replicated again and again (such as in the claim of Robert Fowle when he, as others had also, referred to "American sufferers" and identified himself as a "distressed loyalist"), not only in the writings of men from the same town or even the same province, I began to see a pattern emerging, a pattern that I have interpreted here to demonstrate the transformation of the identities of men from that of British Americans to that of American Loyalists; from contented provincials to "zealous sufferers." That is, they identified themselves differently than they had before the rebellion as individuals and as a group.2

An individual identity consists of four personae: the "who" we think we are, the "who" we project ourselves to be, the "who" we are perceived to be by others, and the "who" others project us to be.3

These four personae are in a constant state of flux. Changes in one area may precipitate changes in another. One loyalist, Stephen

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2 Anselm Strauss in *Mirrors and Masks The Search for Identity*. Glencoe, IL: 1959. p. 21 "any group of people that has any permanence develops a 'special language,' a lingo or jargon, which represents its way of identifying those objects important for group action." Strauss goes on to add that it is a "necessity for any group to develop a common or shared terminology."

3 This is my own theory, based upon observation and my reading in the literature on identity and imagination.
Holland, began the year 1774 as Stephen Holland the respected, prominent, gentleman landowner residing in Londonderry, New Hampshire. He was a magistrate and militia officer, a veteran of the previous war, and an Irish emigré. All of these factors and many more combined to create in his mind a picture of who he was. Holland's identity was apolitical until he assisted in the apprehension and return of some deserters from the British garrison in Boston. By engaging in that public act, Holland sent a message to those who observed his actions. He was projecting a part, at least, of his identity as a loyal citizen of New Hampshire (the "who" we project ourselves to be), at this point still a royal province, one of many in British North America. Simultaneous to Holland's projection of his identity through actions, observers in the community interpreted what he had done as the act of someone else, someone who held the "identity" of an enemy to the community. This is the third persona, the "who" perceived by others. Some members of Holland's community perceived him to be, by his actions, inimical to his country, to be other than what he perceived himself to be. Holland attempted to moderate the effect of his projected identity by another public action, the signing of the Association Test in 1776.4 One such action

4The Association Test was a printed oath sent out by the rebel government in Exeter in June and July of 1776 to every town in the province. Most if not all the other provinces circulated a similar oath, the idea for the oath having come from the Continental Congress. The purposes of the oath and the public signing "ceremony" are discussed at length in Chapter 2. The vast majority of the residents of New Hampshire signed the oath, the returns from which can be found in Nathaniel Bouton and Albert S. Batchelor, eds., New Hampshire Provincial and State Papers, 40 vols. Concord NH: 1874-1910. This study utilizes volumes VII, VIII, and XXX, which contain the Journals and Papers of the New Hampshire Assembly, 1774-1784, among other things, and hereinafter referred to as NHPP.
was insufficient to change the perception of his neighbors, however, and the persona as perceived soon became the reinvented persona as projected from the observers among the community. In other words, Holland was perceived to be an enemy, a tory, by some members of his community in response to the identity he projected through his words and actions. Once the observers had perceived Holland to be an enemy, they reinterpreted his actions as those of someone else, as the actions of someone they began to create from their perceptions of who Holland was. By 1777 the community had created another identity for Stephen Holland, one it publicly proclaimed as "who" Holland was, though he never embraced or accepted that identity as his own. The community needed a "new" Stephen Holland, one it could revile and charge with treason for its own political purposes. The rebels needed to create the new identity for Holland and all of the loyalists in order to discredit them in the eyes of the general public and secure the support of the populace for the rebel agenda.

The who we think we are is not necessarily the person we see in the mirror. Our self-image is not pegged to external appearance, nor is it necessarily tied to reality at all. Our concept of self is a product of imagination. We see ourselves as who we want to be. We may define ourselves in many ways: by personal physical characteristics, by intellectual or spiritual characteristics, by profession, as in the case of the two physician loyalists, Stephen Little and Josiah Pomeroy, by material attainments5 or by a combination of all of

these attributes. We may even define ourselves based on relationships with others. But we all have a self-concept, a mind's eye view of who we are and a surety of our own uniqueness.⁶

At the same time we each project a public image, an identity of who and what we want others to believe us to be. This is a mask⁷ we wear in public, a persona we put on when interacting with others. It may or may not correspond to our own self-image. We may have an image we wish to hide from others or one we believe is unworthy of public scrutiny. Or we may be so secure in our own self image, our identity, that we proclaim it publicly. In such a case the mask corresponds with our self perception.⁸ In the case of the loyalists, such public proclamation had enormous consequences.

A third edition of who we are is the person perceived by those around us. In one sense, that perceived persona may correspond faithfully to the mask we wear. We may successfully project an identity which others can perceive and accept. But observers are

⁶Hogg, *The Social Psychology of Group Cohesiveness* p. 90. "one's conception of self as unique and distinct from all other humans, and /or in terms of unique interpersonal relationships."

⁷I borrowed the idea of a mask first from Joseph Campbell who discussed masks in a social role in a multi-part interview with Bill Moyers. The mask was then reiterated by Strauss in *Mirrors and Masks*. Strauss's was the oldest book on identity consulted for this study, and one of the best written of the lot. The bastard children of Clio have of late revelled in their obtuseness, seeming to wish to conceal their work in verbal shrubbery so dense a Cooper's Pathfinder would be daunted.

⁸Strauss, *Mirrors and Masks*, p. 9. "identity is connected with the fateful appraisals of oneself - by oneself and by others. Everyone presents himself to the others and to himself, and sees himself in the mirrors of their judgements. The masks he then and thereafter presents to the world and its citizens are fashioned upon his anticipations of their judgements. The others present themselves too; they wear their own brands of mask and they get appraised in turn."
weighted with their own baggage, their perceptions filtered through their own Kantian matrices, and what we project may not always be what they perceive.

A fourth identity, implicitly connected to the previous type, is that which is created by outsiders and imposed upon individuals or groups. Observers may take their cues from the mask we wear, but their own perceptions and prejudices can produce a completely different result. And that phenomenon may be exacerbated by some political or social agenda. That was certainly the case in 1774, and remained so for the duration of the rebellion. Whether identified by their own volition or singled out and painted with the broad epithet of traitor by enemies within the pre-war community, those who were labelled as loyalists suffered social and civil debilities as the result. The loyalist identity became the vehicle for exclusion from the home community and the bond that caused new communities to coalesce around the shared experience of the war.

Identity was also central to the culture war that coincided with the military struggle for or against independence. Both sides in the civil/culture war, the rebels and the loyalists, possessed a vision of what they thought the proper course was for the America of their future. The loyalists thought that adherence to a reformed social contract with the mother country was the safest and most beneficial course the colonies could take. The rebels on the other hand saw no hope in the eventual conciliation of what they perceived to be real

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9 The technical term is "status forcing," the imposition of identity on individuals or groups from outside. Strauss, *Mirrors and Masks*, p. 80.
grievances. In the course of their ideological struggle for the allegiance and faith of the mass of the population, the rebel writers who controlled the majority of the media of the time, the presses, constructed a new identity for their ideological opponents.\(^\text{10}\) That identity, based on the rebel perceptions of the role the loyalists played in the conflict and their own political agendas, formed the basis for one portion of the new national myth created by rebel writers as the basis for the new country which emerged from the war.\(^\text{11}\)

Three somewhat different perspectives on identity have contributed to the development of this study: the philosophical view, the sociological, and the social-psychological. Recently historians have also begun to develop arguments based on identity, and this study seeks to engage in that discourse among the works of Pagden, Canny, Greene, Elliott, and Zuckerman. Some debt is especially owed to Greene's essay "Changing Identity in the British Caribbean: Barbados

\(^{10}\) Strauss, *Mirrors and Masks*, p. 21. There is a tendency for groups to develop derogatory terms for other groups or members of groups. "Groups are inevitably in conflict over issues - otherwise they would not be different groups - and since events inevitably come to be viewed differently by those who are looking up or down the barrel of the gun, it is useless to talk of trying to eradicate from the human mind the tendency to stereotype, to designate nastily, and to oversimplify." See also James Davison Hunter, *Culture Wars The Struggle to Define America*. New York: 1991. and Bruce Lincoln, *Discourse and the Construction of Society, Comparative Studies of Myth, Ritual, and Classification*. New York: 1989.


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as a Case Study," and John Elliott's introduction to a volume of essays edited by Anthony Pagden and Nicholas Canny.\textsuperscript{12}

The use of identity as a tool as discussed in this study, indeed the whole concept of analyzing a person's identity, is certainly culture specific and may be historically specific as well. By that I mean that the concept of identity raised here may be peculiar to Western culture and be rendered meaningless in the traditions and cosmologies of peoples not descended or educated in the ideas and history of European civilization. This modern analysis of identity may be equally foreign to the actors we seek to understand through the study of identity. Since the loyalists acted and wrote as they did, two centuries of philosophers have added to the codification of identity. Since the 1770s, new scholarly disciplines have arisen to explain and categorize the whole range of the human experience into a series of generalizations. The complex questions of social relationships begin with the philosophical pursuit of who we are.

The philosophical construct of identity is concerned with differentiating between entities, with being able to assign a label to a particular thing or person and "identify" it. David Oderberg contended that "identity is a matter of 'succession of parts, connected together by resemblance, contiguity, or causation.'"13 One philosopher, Roderick M. Chisholm, suggested that "most physical things are similarly reducible to evolving systems of composita."14 That is, Chisholm and others would argue that physical objects, ships, chairs, human beings, etc., consist of physical systems, atomic structure and larger, which themselves change over time. But the object itself remains the same. Chisholm used the example of a ship. If the ship, the SS Columbia, let us call it, loses a plank on a voyage and the plank is replaced with an aluminum one, the ship retains its identity as unique and distinct. Over the years it loses more and more planks, and those planks are replaced with aluminum planks, until finally the whole hull of the ship is made up of aluminum planks. Is it still the same ship, bearing the same name to be sure, but is it the same? And then he adds the question: what if the planks that were removed from the original ship, one by one, were re-used to build another ship, in the same fashion as the original, and it too was named the SS Columbia? Are they both the "same"? If you took passage on the first ship before the loss of the first plank, and then


thirty years later took passage again in the all-aluminum version, would you be correct in calling it the same ship?

Chisholm answers that "when we say of a physical thing existing at one time that it is identical with, or the same as, a physical thing existing at some other time ('this is the same ship we traveled on before') we are using the expression 'the same as' or 'identical with' in a 'loose and popular sense.' But when we say of a person existing at one time that he is identical with, or the same person as a person existing at some other time ('the ship still has the same captain it had before'), we are using 'the same as' or 'identical with' in a 'strict and philosophical sense.' So Chisholm is arguing that human identity is not transitive. "Continued uninterrupted existence is therefore implied in identity," or more simply, a named identity presupposes persistence over time, and a human identity is different from and more formal than the identification of other sorts of physical objects.

Once we have determined that we are real and identifiable, we turn to uniqueness. Mary Warnock made the individual identity accessible to the non-philosopher in *Imagination & Time*. She demonstrated there the distinctive nature of the human species and related that distinctiveness to identity. "It is not to be wondered at, therefore, that each one of us thinks of himself as a unique individual: for so we all are. Not only are our bodies distinct from each other's as spatio-temporal objects, but our way of perceiving,

15Chisholm, "Senses of Identity," p. 82.

16Quoted from Thomas Reid in Chisholm, "Senses of Identity," p. 94, note 22.
thinking and remembering, the actual pathways through which this is achieved are not, microscopically, identical with one another. Our consciousness has developed, in detail, as our own.\textsuperscript{17}

Warnock further supplied the bridge between philosophy and social psychology. Warnock suggested that "the idea of a person who has a discernible identity through time is an idea that is, in an important sense, social. To think of myself as a continuous individual human is necessarily to acknowledge that there are other human persons in the same boat."\textsuperscript{18} Social psychologists, like sociologists, study identity as a means of understanding the interplay between humans, individuals and groups. Historians too may use that paradigm,\textsuperscript{19} and that is the thrust of this study. Once again Warnock suggested a bridge between us all: memory. "We can not only be identified by someone else as persisting through time; we can so identify ourselves by the operation of conscious memory, and the consequent ability to project ourselves forward into the future, as well as backwards into the past, to tell stories about how we came to be where we are."\textsuperscript{20} Those stories are both the grist of the historian's mill and subsequently the flour he or she produces.

\textsuperscript{17}Warnock, \textit{Imagination & Time}. p. 124.

\textsuperscript{18}Warnock, \textit{Imagination & Time}. p. 125.

\textsuperscript{19} In referring to Erik Erikson, "the notion of identity has served me, as it so brilliantly served him, as an agent for organizing materials and thoughts about certain aspects of problems traditionally intriguing to social psychologists." Identity can serve historians as well, as Erikson himself proved. Strauss, \textit{Masks and Mirrors}, p. 9.

\textsuperscript{20}Warnock, \textit{Imagination & Time}. p. 125.
Social psychology is deeply concerned not only with personal identity but even more with social interaction. To understand how interaction takes place and why, the social psychologist must understand identity. As Strauss suggested, "the act of identifying objects, human or physical, allows a person to organize his action with reference to those objects."\(^2\) Or, when we know who or what something is, we know what to do. Such basic human interaction is at the core of all social interaction, from face to face confrontations between a pair of individuals to the organization of societies; "the longstanding debate about the nature of the individual and collective actors has been in an important sense one concerning identity and processes of identification."\(^2\)

We want to know about identity because identity is at the core of all social relationships. The breakdown of the existing society at the outset of the revolution precipitated the transformation of individual and communal identities. The rebel faction became the normative mode for the identities of its members and eventual adherents, while some individuals who could not accept the structure of the new social contract became outsiders, remaining loyal to the status quo ante bellum. Our analysis of the loyalist identity helps to explain the reluctance of the other colonies of the first British Empire toward joining the revolutionary movement. To be sure, geographic

\(^2\) Strauss, *Mirrors and Masks*, p. 45.

distinction played a role in the loyalty of the island colonies, as did fear of slave rebellion, but Canada and the Floridas were contiguous with the rebel provinces and remained deeply loyal. Indeed they all became refuges for the disappointed loyalists whose expectation of eventual victory was dashed.

It could be argued that the truly important transformation of identity took place in the years before 1774 and involved the colonial elites who made up the Faction\(^{23}\) that would lead the rebellion in America. Certainly a change took place which allowed or perhaps forced a change in perspective, a change which predicated the move toward independence. The radical rebel leadership no longer saw themselves as British Americans but as simply Americans.\(^{24}\)

The identity transformation this study is concerned with did not take place prior to the rebellion. The change which overcame the loyalists was caused by the traumatic events of the period from 1774 to 1784. Their identities changed from British Americans to "American sufferers," from contented and prosperous provincials to

\(^{23}\) The term "faction" is used repeatedly in letters and in memorials to refer to the rebel leadership while it remained a dissenting political element. Once the situation had exploded into rebellion, the "faction" was transformed into the enemy by terms like "usurpers," and "rebels." See Earl of Dartmouth to Lieut.-General Thomas Gage, April 9, 1774 in K.G. Davies, ed. *Documents of the American Revolution 1770-1783. Colonial Office Series* XX Volumes, Dublin: 1974. Vol. VII, p. 85. See also the repeated use of the term in Ann Hulton's letters cited below.

victims both of their rebellious neighbors and of a government which could not or would not supply the means to preserve their world.

For some, the loyalist identity was ephemeral. A number of loyalists were subsumed back into English society somewhere in the British Isles. Stephen Holland retired to Ireland. Others became a part of one or another new community of loyalists in the Caribbean where their contributions have been appreciated and celebrated since. One of those was Josiah Pomeroy who waived his claim for compensation in return for an immediate grant to set sail for Jamaica.25 The majority of loyalists who left their homes ended up in Canada, particularly Nova Scotia and New Brunswick. Even before the end of the war John Wentworth had assumed a new role in the colonial government, that of Surveyor of the King's Woods in Nova Scotia. Soon after the Peace of Paris he was made governor of that colony. Thousands of loyalists flowed into the new lands set aside by government in the two Canadian provinces where they built new communities and new lives based upon their shared identity as Loyalists.26


Philosophers have studied the concept of identity in its most abstract form. They are concerned with the most pure form of identity, the archetype. Social scientists (psychologists, sociologists, and some historians) have delved into the subject of identity for the purpose of understanding group dynamics. The interaction of classes, communities, and other groups has been investigated from the perspective of identity. But the uses of identity up until now have been for the most part confined to studies of identity based on race, religion, ethnicity, class, or gender.

The loyalist identity transcended those categories. There were black and white and Native American loyalists. There were male and female loyalists. There were Irish and Scotch-Irish; there were American born and English born; Presbyterians, Anglicans, probably Catholics and Jews, and Quakers; and loyalists came from all economic classes as well. This study departs from previous work to explore the creation of a political identity. Indeed it does not begin with the development of corporate identity, but rather seeks to explore the emergence of the personal loyalist identity on the individual level and then to show that the combination of the proclaimed identifiable loyalists took on the attributes of a loyalist community. The loyalists as community can be seen both as the actual geographic communities formed after the war in Canada and elsewhere, and as the ideational community of common experience, common trauma, which transcended geography and bound all loyalists regardless of their residence with the identity as members of a community born in a shared experience, a shared suffering, a shared betrayal, a shared exile.
Imagination created the loyalist identity. On one level, individuals imagined themselves bound by ties to the government, the crown, the homeland, which their rebellious neighbors sought to break. At the same time individuals on the other side imagined them to be enemies and traitors to the cause of independence.

On another level the loyalists as a group imagined themselves as a force which fought to preserve a life they had already lost. While controversy raged in the years leading up to 1774, those who would be loyalists could not imagine the lengths to which their neighbors would go, and did not discern the steps that were taken. The loyalists did not see the slow and subtle takeover of local governments and presses by the Faction until the hold of the rebel leadership was complete. Even after the outbreak of hostilities, the loyalists as a group were blind to the inevitability of their loss so clear in hindsight. Only after the war amid regrets and recriminations were they forced to accept the loss of property and social identity they had striven to preserve. The new identity they then embraced was a bitter one, the "suffering loyalist," the "zealous sufferer."

The rebels, with the hubris of victors, began the process of mythologizing a new identity for their loyalist opponents early in the war, branding them with the mark of traitor, and eventually weaving a new identity for old neighbors characterized by duplicity, cupidity, and savage brutality. Even in New Hampshire, where the absence of military action provided no experience of the sort common to the other provinces, the retold stories of atrocities and betrayal served as the basis for the fabrication of a dark loyalist identity.
The quotation which begins this introduction describes the process the study has taken. By examining the words and actions of the individual loyalist, I have sought to find the "common, the shared and the general." With those, we may perceive the loyalist identity, and understand the role of political identities as they compete to define communities.
Chapter One.

The New Hampshire Loyalists: Questions and Sources

I. The Loyalists

Stephen Holland was a gentleman of Irish birth, a former British officer who retired to the New Hampshire town of Londonderry following the Seven Years War. Through personality and wit, and not a little landed wealth, Holland waxed in prominence throughout the 1760s and early 1770s, achieving considerable influence at the town and province levels. He was, as were most men of his station, active in the magistracy and as a militia officer, and was not unknown to the governor and his circle of friends. Holland's wealth, his interest, was closely bound to the fate of his adopted home. When rebellion came to New Hampshire in December of 1774, Holland remained aloof (though he had already signalled his position by apprehending deserters from the British army and returning them to Boston earlier in the year). He resigned his offices at the town and provincial levels as soon as the reins of government were seized by the rebels, and apparently subsided into retirement. He even signed the Test Oath in 1776. By 1777, however, Holland's real identity became known as his actions on behalf of the British were revealed to his friends, neighbors, and opponents alike. Stephen
Holland was a loyalist. At least that is how historians of the modern era would identify him. His contemporaries differed along political and cultural lines, some calling him a traitor, others calling him a friend of government. Whichever he was, his personal identity was transformed between 1774 and 1784. The wealthy gentleman from Londonderry became the "zealous sufferer" of London, and eventually the pensioned invalid living out his days in his native Ireland.

This study will explore that transformation of identity, a transformation that was not confined to Stephen Holland, but which applied to all of the loyalists of New Hampshire, and possibly to the vast majority of the loyalists of British North America. The transformation Holland and his fellow loyalists underwent took two forms. First, an internal change occurred, prompted by the decision to remain loyal. Whatever their personally held identities (the "who" they conceived themselves to be) each loyalist confronted a need to make a decision regarding the future of his political identity. Loyalists, as demonstrated in the shared language of those who left a written legacy, sacrificed property and security, position, and in some cases family,\(^1\) in order to support their shared conception of law and government. The events of the years from 1774 to 1784

produced a change in personal identity for most, if not all, of New Hampshire's loyalists. This change occurred at the level of personal identity and subsequently on the level of community identity.

Once the loyalist had broken with the faction by publicly affirming or projecting his new identity through words or actions, he was no longer a functioning member of his former community. The members of the local and provincial communities perceived the words and actions of loyalists in a new and different way. While to the average loyalist, his actions might seem consistent with all past actions, in light of circumstances those actions had new meaning to those members of the community who observed them. The observing members of the community perceived another "who", another persona for their loyalist neighbors.

Subsequently the rebel faction created another identity for their domestic opponents. Utilizing a near monopoly of the press, rebel writers authored a new corporate identity for the "damned tories." While struggling with a personal and communal identity crisis, the loyalists were also engaged in a culture war, a discursive battle which would determine the future course of American society. Part of the rebel strategy in that war was the alteration of the loyalist identity. The rebel writers created a new persona for their former neighbors, turning them into traitors who would betray their country, their families and their God on behalf of the demonized king of England.

Historians have argued that it was not the loyalists who changed. As Mary Beth Norton suggested: "...Americans did not "become" loyal to the empire: they remained loyal to the empire. ...
some loyalists adhered to their original allegiance through what might be termed political inertia... The burden of making a break with the past rested with the revolutionaries, not the loyalists - despite radical rhetoric to the contrary.\(^2\) While it may well be true that the initial decision to rebel or not was in reality a more difficult and pronounced change for the rebels, such a conclusion does not obviate the central issue here. The individuals who remained loyal to King and country underwent a profound alteration of their personal identities, as well as a major shift in their perceptions of themselves as part of a community. For a considerable number of loyalists, their membership in a community was terminated, and it became necessary for them to find a place in a new one. For others, especially those who chose to keep a very low profile, geographic shifts were unnecessary or undesirable, and a new role was slowly created within the old social framework. As Norton suggested, "There must have been thousands of other Americans who retained their fidelity to the crown but who were neither willing nor able to abandon their homes, speak out against their rebel neighbors, or take up arms to defend their point of view."\(^3\)

This work began with a simple question, well framed by Bernard Bailyn in the introduction to his biography of Massachusetts governor Thomas Hutchinson: "why any sensible, well informed, right-minded American with a modicum of imagination and common


\(^3\)Norton, *The British Americans*, p. 7.
sense could possibly have opposed the Revolution." It took little
effort to find at least some answers in the wealth of recent
scholarship on the subject of loyalists. In the preface of what remains
the most comprehensive study of loyalists to date, Robert M.
Calhoon's *The Loyalists in Revolutionary America, 1760-1781*, the
author described his study as an attempt to understand the
motivations and perceptions of the loyalists. Calhoon stated that "the
coor-dinated study of motivation and perception is less superficial
than the cataloguing of attitudes and more manageable than the
search for the deeper roots of behavior." The recitation of the
"attitudes" of the loyalists had been done earliest by Van Tyne and
then with success by Nelson. Indeed a superficial treatment of
loyalist attitudes appears in most studies of the Revolution in general
and certainly all of those concerned with the origins of the split with
Britain. Calhoon did not avoid the exploration of publicly
demonstrated attitudes, but sought deeper for the real motivation.

Calhoon suggested a definition for "motivation - the compelling
reasons, influences, predispositions, and dictates of self-interest,
temperament, conscience, intellect, fear, and plain confusion - that
impelled the loyalists to act as they did." Calhoon also stated that the
examination of motivation was "supplemented by an examination of
the loyalists' perception of their roles in society." He supplied another

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5Robert M. Calhoon, *The Loyalists in Revolutionary America, 1760-1781*. New

useful definition: "the process of giving structure to thoughts and sensations, perception encompasses man's self-image, emotional and intellectual dexterity, and stamina, the imperatives that govern him in moments of conscious choice, as well as the predispositions that operate in periods of routine."

Calhoon and many others have suggested a number of "motives" - reasons why many chose loyalty as opposed to rebellion. By examining the traits of loyalists one can indeed define a number of common characteristics. Many loyalists were wealthy and a break with Britain might have had serious consequences on their fortunes. Many also held lucrative posts in the structure of the royal government at the provincial level. The end of royal government meant the end of such sources of income. Others were apparently motivated by family considerations; ties to staunch loyalists by blood or marriage often prompted a similar political stance. According to some, religion too played a role. Rhys Isaac and Catherine Albanese, among others, have demonstrated some causal relationship between religion and the formation of opposing ideologies in the coming of the Revolution. They have clearly demonstrated the uses of religion and religious imagery in the pursuit of a cultural victory, as well as the importance of ritual in revolutionary society.7 One scholar, J.C.D. Clark, has gone so far as to suggest that religious differences were a contributive cause of the Revolution, as well as of movements in

Atlantic society as a whole. This is not to claim that religion had no place in the Revolution. Clearly pastors played an important role in disseminating Whig ideology to the populace and had a part in convincing the average provincial to embrace the revolutionary cause. But as Bernard Bailyn has suggested, we know far more about the ideological origins of the rebellion from the side of the rebels than we do from the perspective of the loyalists: "recent historical writings have allowed us to see with some clarity the pattern of fears, beliefs, attitudes, and perceptions that became the ideology of the revolution - which alone in my judgment, explains why certain actions of the British government touched off a transforming revolution in America - ...until we look deliberately at the

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8J.C.D. Clark, *The Language of Liberty 1660-1832 Political Discourse and Social Dynamics in the Anglo American World*. Cambridge: 1994. Clark's theory suggests that the clash between the Anglican Church and the varied dissenters was the primary division between loyalists and rebels. While religion played a part in the controversy in a variety of ways, that sort of dichotomy is far too simplistic and is completely without support in any of the sources I have found. Surely many loyalists were High Church Anglicans and would have welcomed the establishment of an episcopal seat in America. The Society for the Propagation of the Gospel had considerable influence as well. Part of the controversy between the colonial leadership and the government did revolve around the episcopacy fight, but the granting of political rights to Catholics in Canada was a source of irritation too. Fingers were pointed at Quakers because their religion forbade any participation in the war, yet few if any identifiable Quakers joined the loyalist exodus in New Hampshire. Of far more importance is the use of religious imagery by rebel writers. Supporters of the rebellion characterized it in colorful biblical imagery, while employing equally colorful descriptions of the loyalists as demons and savages. On religious divisions as part of the revolutionary controversy see also Patricia U. Bonomi, *Under the Cope of Heaven: Religion, Society, and Politics in Colonial America*. New York: 1986; Jon Butler, *Awash in a Sea of Faith: Christianizing the American People*. Cambridge, MA: 1990; and Carl Bridenbaugh, *Mitre and Sceptre, Transatlantic Faiths, Ideas, Personalities and Politics, 1689-1775*. New York: 1962.

development from the other side around, we have not understood what the issues really were, what the struggle was all about."\textsuperscript{10} This study attempts in a small way to begin to answer that challenge.

All the myriad collection of motives ascribed to those who remained loyal fail to tell the whole story. For every wealthy loyalist there was a wealthy rebel. For every family relationship honored by a decision to retain the same political stance, there was a family torn apart by differences of political opinion. Men and women on both sides of the religious divide made their decisions concerning the American rebellion without considering its impact on their church membership or their immortal souls. Some were moved by one or more of the factors mentioned, while others might have been driven by wholly different reasons. Must there have been some all-encompassing reason which convinced loyalists to remain loyal at the outset of the rebellion?

This study argues that while interest, family, and religion played some part in the decision to remain loyal, the language in which the loyalists describe their memories demonstrates a deep distrust and antipathy for the forms of government by which the rebels took and maintained control. There was a perception on the part of nearly all of the loyalists studied that the rebels were engaged in a coup based upon illegal and unnatural acts, that the government imposed by the radical rebel "faction" was contrary to the liberties of Englishmen and a hypocritical farce compared to the rhetoric of liberty and justice constantly bombarding the senses of

\textsuperscript{10}Bailyn, \textit{The Ordeal of Thomas Hutchinson}. p. ix
every literate resident of the province. The language of loyalists who voiced their beliefs during and after the rebellion indicates their utter loathing of the rebel government and echoes a visceral sense of wrongness felt by the loyalist observers. They saw an assembly which met in defiance of law and which itself created the system of committees which usurped the executive and judicial powers as understood by most Englishmen.

For some of the most prominent men of the province no real decision was needed. The majority of the provincial elite had the decision made for them by the actions of the crowds who mobbed and harassed them in the streets. The governor, John Wentworth, and many of his closest associates were compelled to flee before the end of 1775 for fear of continued mob violence. The precipitous nature of this flight allowed for no reflection until safety was assured. Upon consideration, a few returned to the province at the earliest opportunity. Daniel Rindge, a councillor, returned in 1778 to Portsmouth. George Meserve, former stamp distributor and confidant of Governor Wentworth, tried to return after the peace. Meserve attempted a suit to recover his property on the grounds that he had fled New Hampshire "while she acknowledged her dependence on Great Britain and consequently prior to the political existence of the United States."\(^\text{11}\) The suit was unsuccessful and Meserve died in England without ever receiving compensation for his losses. On the other hand, Robert Fowle, who departed the province in 1778 under

\(^{11}\) The core of this study is based upon the five manuscript volumes at the New Hampshire State Library, Concord, NH. Hereinafter cited as \textit{NH Claims}. \textit{NH Claims}, George Meserve, vol. II, p. 1365-66.
indictment for counterfeiting, successfully returned to the province after the war and lived out his life near Rochester.

The majority of New Hampshire loyalists stood their ground for as long as possible. One member of the Governor's Council even preferred to remain. George Jaffrey of Portsmouth quietly weathered the rebel takeover until his arrest in November 1775. He was ordered to remove himself ten miles from Portsmouth or the coast where the rebels felt he was less of a danger, but the intervention of General Sullivan alleviated even that mild sentence. Jaffrey died in Portsmouth in 1802. Theodore Atkinson, a relative and friend of John Wentworth and chief justice of the province, remained as well. The respect accorded him by virtue of his reputation for fairness and honesty protected Atkinson from official sanctions and mob harassment until his death in 1779. But Jaffrey and Atkinson were old and well connected. They also remained quietly aloof from the politics of the province. For the average loyalist who resisted the

12 It is likely that respect for their age and connections preserved the two in tranquility. The connotations of that respect have been best and most recently been described by Gordon S. Wood, The Radicalism of the American Revolution. More needs to be done to study the correlation between age and the decision to remain loyal. It would be extremely interesting to assemble a statistical analysis of the loyalist claimants, not only of New Hampshire but throughout the rebellious colonies. To do so with the 49 New Hampshire claimants would be fruitless, the sample too small. It would be far more valuable to include all the 5000 or so loyalist claimants. To incorporate such an effort within the confines of this study would be impossible. It is possible to make some generalizations, based upon the extensive information found in the claims, as will be seen below in Chapter Six. In general, however, I do not think that age was a factor in the decision to remain loyal.

13 Though we might speculate that they, like Mark Hunking Wentworth, may have argued quietly and with dignity among their circle of acquaintances. The newspapers are full of complaints by radical rebel writers concerning an anonymous Portsmouth elite which remained throughout the war conspicuously loyal or at the least neutral. Those men were accused of
rebel takeover and its continued governing, life was neither quiet nor secure.

Some loyalists proclaimed their identity early by their words and deeds. Outstanding among them was Simon Baxter of Alstead who began to resist the rebel takeover by protecting the court of quarter session in Grafton county in 1774. As a militia commander he refused to march his troops to Boston in 1775. By these acts he proclaimed his political and ideological affiliation, he proclaimed his personal identity as a loyalist. He then became a target for the rebel government. Baxter's experience also illustrates one of the strategies employed by the rebel government to intimidate and control its perceived domestic enemies. Baxter was arrested and taken before the local committee of safety at least thirteen times in 1776 and 1777. While to the rebels such a record would seem reasonable as a means to promote internal security, to the loyalists this was an insufferable breach of the rights of an Englishman. Baxter was not alone in this sort of treatment. Many loyalist writers complained of similar occurrences.

The closing of the law courts from 1775 until sometime in 1777 was a major part of the rebel strategy. By depriving the populace of the normal means of social control, the acts of the committees, both local and at the provincial level, were beyond judicial scrutiny. The providing intelligence to the enemy, of plotting a takeover of the assembly, and of generally obstructing the rebel cause. Wentworth, the Governor's father, remained in the province until his death also, refusing to abandon his home to the rebels. Although there is no evidence that these elders actually acted from a loyalist perspective, their mere presence and the prominence they represented must have had some quiet influence in the town. If it had not, the rebel writers might not have complained so vociferously.
only appeal was to the rebel dominated assembly, not an arena in which a loyalist could expect a fair hearing. In January of 1776 the rebels created a plan of government which they thought would serve during the period of hostilities. This "constitution of 1776" called for legislation which would re-establish law courts. Courts subsequently established remained closed pending the appointment of judges (an act the loyalists found to be particularly offensive since justices of the peace could only be commissioned under a royal writ). The new plan of government called for the formalization of the already sitting committees of safety in each town, and gave them discretionary powers to arrest, try and punish anyone suspected of political crimes as well as some police powers to protect the citizenry during times of uncertainty. The plan also vested executive power at the provincial level in the hands of a state Committee of Safety which would hold all of the reigns of government when the legislature was not in session.

Loyalists viewed this rebel government as illegitimate. In the shared language of a self-conscious minority they referred to the rebels as usurpers. The rebellion and the government it produced were termed "un-natural."\(^4\) The frequent use of such a term seems, in the intellectual and spiritual climate of the time, significant. The late eighteenth century was a pivotal period during which the rise of

\(^{14}\)Though this study is particularly concerned with New Hampshire as a "case study" of the development of the loyalist identity, an examination of the claims from other provinces has shown that the language ascribed to the loyalists of New Hampshire was used by the loyalists of the other provinces as well. See for example, *Loyalist Claims*, Weart Banta, vol. XV, p. 295-302; Reverend George Panton, vol. XV, p. 15-28; Reuben Tucker, vol. XIV, p. 103-116. etc.
scientific rationalism was superseding superstition. The ideas of "natural" and "unnatural" held meaning in both a scientific sense and in a religious-spiritual sense. By attributing characteristics of the "unnatural" to the rebel movement, the loyalists were denying the rebellion any basis either in the law of God as handed down through religion, the Common Law of England which all held in deepest reverence, or in the laws of nature.

The loyalists made a conscious choice to remain loyal.¹⁵ That choice carried with it a transformation of identity which was in many cases publicly proclaimed through acts and words. The proclamation of a loyalist identity by either words or actions carried consequences. Like their rebel counterparts, the self-proclaimed loyalists were a minority at the start of hostilities. The vast majority of Americans were convinced of the righteousness of neither party, and merely wished to continue their lives along the path of security and prosperity. This study investigates the development of the loyalist identity on the personal and communal levels as it emerged in the context of the Revolution in New Hampshire. It examines the acts that loyalists used to identify themselves as loyalists publicly and privately. Once identified as such, loyalists were subject to physical, economic, and legal consequences. The rebel government found a number of coercive means useful. Mob action was employed early in the conflict as a method for sweeping loyalists out of the province.

¹⁵Norton may be correct in her argument that loyalists remained loyal and that the rebel choice to seek independence was the greater break with the past, but that hardly obviates the enormity of the decision to follow such an unpopular and dangerous course. Norton, *The British Americans*, p. 7.
and of intimidating those who remained. After the plan of government of January 1776 "legitimized" the committees of safety, those committees and their armed bands constituted a dense local network of surveillance and repression. Suspected loyalists could be and were arrested at any hour of the day or night and put on trial by the committees themselves. In the course of these arrests, loyalists were physically manhandled and their property abused or destroyed. Intimidation and harassment drove most outspoken loyalists from the province by 1778.

Loyalists began to proclaim their position and thereby their identity in 1774. Several men, including Baxter and Holland, were active in returning British deserters to Boston which angered the rebel activists. Baxter also organized a group of like-minded men who kept the court open in Grafton County, angering the rebels there even further. John Fenton of Plymouth publicly proclaimed his position early in 1775 when he assumed his seat in the assembly amid a storm of criticism concerning the legality of the governor's extension of the vote in that and two other towns. But by then, in the spring of 1775, the rebellion had already begun in New Hampshire.

For our purposes, the rebellion began with the capture of Fort William and Mary by a rebel mob in December 1774. It became clear at that point that Governor Wentworth had lost control of the province. When word reached the governor that a mob planned to seize the stores of gunpowder and weapons at the fort, Wentworth called upon the militia to stop the mob. But that mob was no random
mob at all. It was led by many of the most prominent men of the province and numbered in its ranks the very militia Wentworth sought as enforcers of the law. Without control of the militia, Wentworth was left with no coercive power whatsoever. His request for British troops was denied due to the equally tenuous situation in Boston. That denial probably saved lives on both sides in the province, and left New Hampshire in the unique position of having no British military presence on its soil throughout the war.

Wentworth was caught off guard by the loss of his coercive powers, and equally surprised by the loss of both the assembly and the media as means of expressing loyalist positions to the public. The assembly, which had once gladly supported the popular governor and his predecessor, Benning Wentworth, was by 1774 firmly under rebel control. The legislature refused to cooperate with the governor's attempts at conciliation, and in the summer of 1775 refused to seat the elected delegates Wentworth hoped would provide him a voice in that house. The assembly ignored the governor when he dissolved them by meeting on their own authority and illegally in a tavern in Exeter. The rebel leaders of the mob were

also the rebel leaders of the assembly and many would hold responsible positions in the new government and the military.  

Before Wentworth and his circle were aware of the critical nature of the situation in New Hampshire, they had lost the means to respond. With the militia and the government under rebel control, the loyalist response could only have been to the court of public opinion. But that too was to be denied. Mobs patrolled the streets obviating the possibility that individuals could convince their fellow citizens to support the governor or the crown. At the same time the rebels controlled the only newspaper in the province, the New Hampshire Gazette of Portsmouth. The rebel leadership was cognizant of the power that a free press might hold, and acted to ensure their control of content to the extent they could. Daniel Fowle, the printer, was at one point called before the assembly and admonished for printing the continuing series of articles written by Daniel Leonard under the pen name of Massachusettensis in his pages. But Fowle's imagined objectivity was hardly an issue. The New Hampshire Gazette carried very few pieces even remotely

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17The use of the term "mob" and the nature of the Portsmouth mob are discussed in Chapter Four. Unlike the mobs of Boston and the other major port cities, the Portsmouth mob does not seem to have had a long and illustrious history of engaging in "politics out of doors." The Portsmouth variation coalesced as a means of policing loyalist activity in the seaport town, and had a constant presence. See Chapter Six.

18Fowle also printed John Adams' Novanglus letters written in reply to Massachusettensis, though they began to run several weeks after Massachusettensis appeared, they occupied space just next to Leonard in all subsequent issues. Daniel Leonard, of Taunton, Massachusetts was a prominent loyalist, and became Chief Justice of the Bermudas after the rebellion. See Lorenzo Sabine, Biographical Sketches of Loyalists of the American Revolution, with an Historical Essay. 2 vol., Boston: 1864. vol. I, p. 546. Hereinafter cited as Sabine, Sketches, p. 10-12.
favorable to the loyalist cause. The rebel writers on the other hand flooded the paper with letters expressing the "whig" position, and Fowle reprinted dozens of articles from Boston, Philadelphia, and elsewhere, including occasional pieces from England by writers expressing their support for the American position.

The war of words carried on in the pages of the Gazette and its short-lived cousin in Exeter replaced the military struggle which encompassed the other provinces of British North America. The battle for the support of the majority of the population of the province of New Hampshire was fought in print. That battle has in modern times been termed a "culture war." Both sides of the ideological struggle sought to convince the populace that its vision of the controversy with Great Britain was righteous. Unprepared for the fight, loyalist writers were nearly silenced, and the rebel writers were left relatively free to sway public opinion with countless articles.

As part of their strategy, the rebel writers created their own version of the loyalist identity. By 1778 the loyalists were portrayed by rebel writers as savages capable of terrible atrocities like the deliberate introduction of smallpox into rebel-controlled cities such as Philadelphia. The loyalists were represented as the evil minions of a newly demonized King George III, to be feared even more than

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19Robert Fowle, alleged counterfeiter and loyalist memorialist, printed the New Hampshire Gazette or, Exeter Morning Chronicle from July 1776 until his arrest and imprisonment in 1777. Fowle was the nephew of Daniel Fowle of Portsmouth and learned his trade at the newspaper there. Though counted a loyalist, Robert Fowle printed no articles favorable to the loyalist position while his paper was in publication.
British regulars. The imagery called upon by rebel writers evoked long standing fears of Indian raids and compared loyalists to the uncivilized savages who had long ravaged rural settlements. Toward the end of the war a new and more sophisticated enemy was revealed, loyalists who pretended to be of the rebel party but who sought to subvert the new government by seeking election to town and provincial offices. After the defeat of British arms was in sight, the fear of the savage depredations of loyalist traitors was replaced by the new fear of loyalist subversion.

The culture war began with the emergence of the power of the rebel faction in 1774. Men who proclaimed their loyalist sympathies, and by extension, their loyalist identity, did so by their actions. Those actions were met with coercive force. Between December of 1774 and January of 1776 most of that force was carried out by mobs. Loyalists who identified themselves publicly were set upon, often beaten, and frequently imprisoned. It was common for those arrested on suspicion of loyalism to be restricted to their homes or farms, or to be removed from the vicinity of the coast for fear that they would aid an anticipated invasion by British troops. Others fared far worse. Benjamin Hough, a magistrate in the New Hampshire Grants territory, was seized by a mob, beaten, and had all of his property taken. He was then tied to a tree, given 200 lashes, and banished.20

The rebels were aware even in the early stages of the rebellion of the power of words. Dissident preachers had to be silenced as well.

The Presbyterian minister in Bedford, John Houston, found his church closed against him in 1775. Refusing to retire without a fight, Houston was seized by a mob and forced to ride a wooden rail for six miles with kitchen tongs tied around his neck. He fled to the New Hampshire Grants, but never found another parish.\footnote{Sabine, \textit{Sketches}, vol. I, p. 546. The significance of the kitchen tongs is another mystery. I would speculate that the tongs may have been symbolic of the passage in Isaiah which refers to the cleansing of the tongue with burning coals. Perhaps the mob was warning Houston of the fate which awaited him if he were to return to his church and attempt to preach an unpopular message.}

After January of 1776 mob action was replaced with the quasi-legal operations of the local committees of safety. Their watchfulness and coercive powers of arrest and imprisonment were deemed adequate by the rebel government. This became especially true after the Test Oath was circulated. Also referred to as the Association Test, the oath was recommended by the Continental Congress to all the provinces as a way of identifying dissidents and of binding the signers to the cause. Those who refused to sign the Oath were selected for special attention, watched and harassed by the committee men. The loyalists still residing in New Hampshire at that point tried to maintain a low profile whether from a desire to merely continue with their daily lives or to engage in quietly subversive activities. Stephen Holland, among others, worked to gather information and recruit loyalists for the British. He sent men to join the army in Boston and then in New York, and carried on secret communications with British prisoners being held in Reading, Massachusetts. When he was finally arrested in 1777, Holland was...
accused of being a leader in a major counterfeiting operation, the same group of which Robert Fowle was a part. Other loyalists chose to quietly accept what would come. Unlike Stephen Holland who signed the Test Oath, Reuben Kidder refused. Kidder, the richest man in New Ipswich, a magistrate and militia colonel, had been a land agent for John Wentworth prior to the rebellion. But Kidder took no active part in resisting the rebel government and was left alone, his property intact. He died in New Ipswich in 1793.22

The victory over Burgoyne at Saratoga prompted a shift in the rebel strategy toward the loyalists still in their midst. With the spectre of invasion removed the rebel government in New Hampshire felt free to all but abandon its physical harassment of its domestic opponents and concentrate instead on more subtle and more profitable ways of dealing with dissenters. The obvious advantage of this shift toward a legal strategy was that it could be applied to those who had fled already as well as those who remained. The rebel government first enacted a series of laws concerning the definition of treason. Once they had defined their targets they passed two more laws in 1778 which provided for the banishment of any persons who "have left or shall leave this State...and have joined or shall join the Enemies thereof,...thereby not only basely deserting the Cause of Liberty,...but abetting the Cause of Tyranny."23 The Act of Proscription and Banishment was quickly followed by an Act of Confiscation, a law which allowed the state to seize the property of


specifically named loyalists. The property so acquired by the government was to be sold at auction with the proceeds to be paid into the state treasury. It was however contended by the loyalist victims of these laws that a considerable amount of this confiscated property or the proceeds was diverted into the hands and pockets of certain individuals highly placed in the rebel faction. Among those mentioned by loyalist claimants were Matthew Thornton and John Langdon, two men remembered in modern times as patriots of standing.

The majority of active loyalists had departed the province by the time the new laws affecting their status and property were enacted. The peculiar circumstances prevailing in New Hampshire produced unusual results. New Hampshire loyalists did not carry on any guerilla resistance to the rebel government. Those who served in a military fashion did so in other provinces either as members of loyalist units (such as Wentworth's Volunteers) or in units of the regular British army or navy. Because their activities were thus so diffused, scholars have questioned the number of loyalists from New Hampshire and even more the depth of their commitment to the British cause.\(^\text{24}\) While this study does not purport to argue the quality or quantity of New Hampshire loyalism, it does contend that the loyalists of that province shared identifying characteristics with the loyalists of other provinces. Those shared characteristics were

borne out in the actions by which the loyalists proclaimed their individual identity as loyalists, and in the shared language which they used to express themselves publicly and privately during and after the war. That the New Hampshire loyalists did not foment an uprising can be explained by the absence of any serious British threat aimed at the province throughout the war. As other studies have shown, particularly Paul Smith in his *Loyalists and Redcoats*, most loyalists remained quiescent until a British military presence drew them out. The rebel governments with their networks of committees and their control of the militia in every province, were capable of swift and sure retaliation should loyalists have attempted any actions without the support of nearby British troops. As Smith points out, loyalist military activity was nearly always in concert with and predicated by British military activity or plans for such intervention. Poor timing on the part of British commanders, among other factors, conspired to slowly erode the confidence of activist loyalists in the efficacy of British strategy and the potential for a British victory. In the absence of any British support whatsoever, the loyalists of New Hampshire chose to go elsewhere as far as their military participation went. On the one occasion when a British operation brought troops into some proximity with the province, the loyalists responded by flocking to join Burgoyne on his trek toward New York. Among those was Simon Baxter who had the distinction of being the only provincial officer in Burgoyne's command who refused to sign an oath of allegiance to his captors after the Battle of Saratoga. Baxter alone was imprisoned with the British officers and after a while made his escape. Baxter had chosen not to identify
himself any longer as a provincial, or as a New Hampshire man; he identified himself as a loyal British-American. There was, to him, no question of accepting the offered parole and returning to his old life.

This study demonstrates the emergence of a loyalist identity, separate from the identity the loyalists once shared with their neighbors. The loyalists retained their allegiance to the British Empire and thereby remained British Americans. The rebels chose to alter their own personal and communal identities as well, though the analysis of that identity transformation remains for another project. The loyalist identity was transformed on the personal level and was demonstrated through words and actions. It was also transformed on the community level. Two types of loyalist community emerged from the trauma of the revolutionary generation. One sort was the geographic community formed by aggregate settlements of loyalists in Nova Scotia, New Brunswick, the Floridas, and the West Indies; other exile communities formed in London and Bristol, though these were temporary. The other was a community of the mind and spirit which encompassed all loyalists regardless of their physical location. All of the loyalist generation suffered similarly. Those who chose to remain quietly safe at home shared to a degree the experience of their more venturesome brethren. But the loyalists who left their communities either to flee or to take up arms shared an enormous sense of loss and dislocation.

25A surprising number of loyalists referred to their former neighbors as "the Americans." By doing so, they were separating themselves from those of their neighbors who had rebelled. This distinction was true for native born loyalists more often than those who had emigrated to America. See for example Loyalist Claims, Elisha Laurence, vol. XV, p. 29-36.
which altered their perception of who they were singly and in relation to each other. They could not as a group go back to the way things were as those who stayed behind eventually did. Though individuals sought repatriation after the war, far more chose to establish themselves in new places, where they could remember their past and build a new future conscious of who they were and the changes which had brought them this new identity.

II. Sources

This study relies first of all on an analytic reading of the Loyalist Claims as a central source for inquiry. The claims provide the largest extant body of loyalist writing collected into one archive and authored by over 5000 individuals. The claims are an important source and support the existence of a loyalist community, a self-conscious minority whose goals were articulated in a shared vocabulary. The shared language of the claims also supports the existence of a distinct loyalist identity.

The documents we now call the Loyalist Claims came into being as a result of an act of Parliament in 1783. That the claims even exist is evidence of the existence of a vocal minority community which formed in London during the war, and which agitated incessantly during and after the war for governmental assistance to those who had lost their living and property as a result of their loyalty. The majority of the claims were filed in London during the
original term of the commission which ran for two years. Due to the overall quantity of claims, over five thousand all told, the term of the commission was extended by Parliament, and the work was not completed until 1790. In 1786 hearings were held in Nova Scotia and New Brunswick to assist those who were unable to make the passage to England, but who yet had claims pending. An agent, British lawyer John Anstey, was sent to the United States to gather evidence.

The original documents are now in the Public Record Office, Audit Office, in London, and consist of 146 bound volumes and 139 bundles of loose papers. During the nineteenth century the papers were stored in a sort of basement in Somerset House where they suffered from dampness, and some time during their stay there, fourteen volumes went missing, and are presumed destroyed.

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26Norton, The British-Americans. For an examination of the exile community in England, this book has no rival.


28Palmer, Revised Sketches, p. xi.

29In his Introduction to the New Hampshire Claims, Stevens suggests that at the time the loss was discovered, Americans were suspected of stealing and destroying the missing papers, though he offers no reason why that might have happened. B.F. Stevens, ed., New Hampshire Loyalist Claims. Stevens transcribed all of the claims and correlated the papers in the bound volumes with those found in loose bundles. He then arranged the claims alphabetically by individual last name and by province of origin. If a claimant had property loss claimed in one province but was a resident of another, Stevens arranged the claimant by residence. Thus if a Massachusetts resident lost property in New Hampshire, his or her claim would probably be placed in the Massachusetts volumes. If the claimant was a resident of New Hampshire, and lost property in another province, his claim would be found in the New Hampshire claims. If the claimant had residence
about 1904 B.F. Stevens undertook the transcription of the Claims, and it is those transcripts which we have the good fortune to use in this country.

Most claim "files" contain other documents such as wills, deeds, maps, depositions, letters, etc. in support of the individual's claim. Many "files" also contain petitions submitted earlier in the war to the treasury for temporary support. The centerpiece of each claim was the "memorial" which consisted of one or more pages in which the claimant set forth the circumstances under which he was asking the British government for compensation of his (or her) losses. Length varied depending on the experiences of the writer as well as the complexity and amount of property claimed as lost.

The memorials themselves followed a pattern. Each began with a brief salutation to the Claims Commission which varied only slightly from one to the next. The second part identified the writer, sometimes including his profession and place of residence. It was at that point that prominent men listed the offices they held under the crown or provincial governments, and their annual value in salary or fees. Then came a recitation of the acts each memorialist performed which had identified him as a loyalist. The most commonly used phrase was "rendered him obnoxious to his neighbors" or some in two states and lost property in both, it appears Stevens may have included him in both. One New Hampshire claimant listed considerable land in Massachusetts, and may indeed have lived there, but had also claimed losses in New Hampshire, so Stevens inserted a note that the extensive Massachusetts losses could be found in that claimant's papers relevant to that province.

30 For the sake of simplicity, I refer to the bundles of documents which comprise each claim as "files."

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variation of those words. Once the memorialist had established his identity as a loyalist, he recounted the consequences of his actions. This usually encompassed a recitation of the "sufferings" he underwent on behalf of government including being harassed by mobs, arrested, imprisoned, shot at, insulted, robbed, and so on. The stage thus set, the final portion of the memorial consisted of a list of property lost. Those lists ranged from a single paragraph to hundreds of pages supplemented by maps and deeds. Stephen Holland was able to acquire a copy of the inventory taken by rebel leaders when the contents of his house were sold. Robert Fowle appended a copy of his bill of sale dating to the time of acquisition of his printing equipment which provided a detailed list of the contents of his shop.

On the surface, the similarity from one memorial to another can be explained by the appearance of a manual written anonymously and published in 1783 which explained the law that established the Claims Commission and the claims process to those who might want to participate. But beyond a self-help manual, the consistency of the memorials is itself testimony to the existence of a self-conscious group, a community whose members cooperated with each other in the writing of their memorials and supported each other's stories with affidavits. Indeed Stephen Holland wrote several memorials on behalf of friends who were unable to do so themselves by virtue of distance or frailty.31

31 The Nova Scotia claimants were often assisted in the preparation of their memorials by agents. The papers were conveyed to London and then a personal interview was conducted in St. John.
Of the more than 5000 loyalists who attempted to receive compensation for their losses, New Hampshire loyalists filed forty-nine claims with the Claims Commissioners.32 One of the claims was filed on behalf of three brothers, James, John, and Patrick McMaster, though James was the only one of the three resident in the province of New Hampshire. Three claims were filed by women, Mary Achincloss, Joanna Dix, and Elizabeth Wentworth, though others were pursued by widows after the death of their claimant husbands.33

I have focused primarily on New Hampshire and thus the forty-nine claims of the New Hampshire loyalists form the core of the evidence for my interpretations. However, I have also read and taken into consideration the claims of those from other provinces and have found nothing to contradict the conclusions of this study. To put that number into some perspective, the New Hampshire Claims constitute less than one percent of the claims filed by loyalists from all provinces. But the number of New Hampshire loyalists was small as well. Sabine could identify only another hundred or so who did not file claims. At the time of the signing of the Test Oath, in New Hampshire there were 8,972 adult males eligible to sign. Of those, 773 or 8.6% refused (NHPP vol. VIII, pp. 204-296). Refusal did not necessarily indicate that the individual was a loyalist, nor did signing preclude an eventual turn to the loyalist camp. All that these numbers can tell us for sure is that only 49 New Hampshire loyalists filed claims. Based on the number of adults in the province in 1776, we can speculate that: only a very small number remained committed loyalists throughout the conflict and survived it; or that not very many had lost enough property to make it worth the time, effort, and expense to file a claim; or that perhaps only a few New Hampshire loyalists heard about the opportunity afforded by the compensation process. However, if we look at the total number of claims filed, over 5000, and compare that to the number of loyalists estimated to have departed the provinces by the end of the war, between 80,000 and 100,000, we see that only 5% of those who left their homes behind filed claims. Why that was so is a mystery yet to be solved.

32 NH Claims, Thomas Cumings, vol. I, p. 361; John Fenton, vol. II, p. 533-4; Donald McAlpine, vol. III, p. 1140; George Meserve, vol. III, p. 1288; Bartholomew Stavers' claim was continued by his son, Vol. II, p. 1704; The petitions and claim of James Nevin was filed by his wife, Isabella, though in his name. He had been Collector of Customs in the Port of Piscataqua, and a member of the council. But he died in 1769. More on Nevin's claim below. The petition in the name of Benjamin Whiting was actually written by Stephen Holland on behalf of Whiting's son, Leonard, who lived in Merrimack, NH. His father's estate had been confiscated and sold, but Whiting provided no proofs.
The New Hampshire claims, taken as a group, provide an important source for examining the Revolution from the perspective of those who felt compelled to adhere to the crown and thereby suffered either personally or in terms of lost property. More often than not, most claimants had suffered in both respects. They also provide a window on the soul of a community, a group of individuals drawn together in a common effort to find redress for their losses, despite the fact that some of them never met. This community was drawn from all of the rebellious provinces, and though we will concentrate almost exclusively on the story of the New Hampshire loyalists, we can extend their views and their experiences to their brethren of whatever province.

The Claims are the largest single collection devoted to the writings of loyalists, and perhaps more important, the writings of ordinary loyalists. As such, they provide a unique perspective on the thoughts and ideas of ordinary men and women, a glimpse of their identity as individuals, the sum of which becomes the loyalist community.

The Claims represent the articulation of a self-conscious minority group attempting to establish an identity, a community seeking a place, seeking to establish its own worth within a new society because its old society had been ripped apart by war and because its members have suffered displacement and loss. Second, the claims provide an analytic framework within which we can reconstruct the story of the rebellion as experienced by the losers.

A second considerable body of evidence for the conclusions adduced herein lies in the records of the rebel government: Journals
of the House and Council; correspondence among rebel leaders, and correspondence between the committees of the various towns and the government at Exeter. These can all be found in the published *Provincial and State Papers*. Volumes 7 and 8 cover the years under consideration. In addition the memoirs, letters, and other papers of various loyalists have also been consulted and are cited as necessary in the text. Among the most useful of printed collections was the series of *Documents of the American Revolution, 1770-1783*. The twenty-one volumes in that series contain useful letters and official communications to and from the Colonial Office throughout the war, as well as numbers of documents acquired by correspondents and enclosed from one to another.

Newspapers of the time provided a wealth of information especially during the discussion of the culture war which fills Chapter Six. For our purposes I have analyzed the full run of the "loyalist" paper in Exeter, the *New Hampshire Gazette or Exeter Morning Chronicle*, as well as ten years of the *New Hampshire Gazette* of Portsmouth, the only paper which spanned the years from 1774 to 1784.

This study is informed by a number of works on the American Revolution. The general state of affairs on the eve of the Revolution can be found in Jackson T. Main's *The Social Structure of Revolutionary America*. More timely and useful is Robert A. Gross's *The Minutemen and Their World*.34 Among the studies concerning

the causes of the Revolution were John C. Miller's *The Origins of the American Revolution*, Edmund S. Morgan's *The Stamp Act Crisis* and *Inventing the People*, Gordon S. Wood's *Creation of the American Republic* and *The Radicalism of the American Revolution*, (which also contains a brilliant description of colonial society) and Bernard Bailyn's *Ideological Origins of the American Revolution.* Older, yet still of value, was Lawrence Henry Gipson's *The Coming of the Revolution.* Several scholars have suggested economics played an important role in the causes of the Revolution. Among those are Marc Egnal's *A Mighty Empire*, Thomas Doerflinger's *A Vigorous Spirit of Enterprise*, and Gary Nash's *The Urban Crucible.* T.H. Breen argues persuasively that economics, particularly planter debt, did not weigh heavily in the decision of the planter aristocracy to rebel. Oliver Dickerson suggested that it was not the Navigation Acts themselves

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which drove a wedge between Britain and her colonies as much as it was the conduct of the customs officers.  

Some works describe the social and cultural effects of the Revolution. One of the finest is Charles Royster's *A Revolutionary People at War*, but John Shy's *A People Numerous and Armed* is equally helpful. Don Higginbotham discussed the war in a larger context in his *War and Society in Revolutionary America*. Another look at the Revolution and its impact on America over time is Michael Kammen's *A Season of Youth*.  

The war itself is well described in Robert Middlekauff's *The Glorious Cause*. From the British perspective, a fine account of the war in its political and military aspects can be found, first among others, in Piers Mackesy's *The War for America, 1775-1783*. Another admirable study from that side of the Atlantic is Jeremy

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Black's *War for America*.45 Barbara Tuchman investigated the naval side of the Revolution as well as the Dutch connection in *The First Salute*.46 Many more works too numerous to list consider the Revolution in general and from particular perspectives. Most were not consulted for this study, but are certainly worthy of consideration for the general study of the Revolution. Two newer works require mention here. Robert Leckie has penned an enormously detailed narrative of the Revolution centering around the undeniable importance of George Washington to its success as well as the reciprocal effect of the success of the war on the career of the commander-in-chief.47 We, however, are far more concerned with a more limited view of the war, that of the loyalists.

As mentioned previously, the definitive narrative of the loyalist in the American revolution is Robert M. Calhoon's *The Loyalists in Revolutionary America*. Before Calhoon only Claude H. Van Tyne48 had explored the loyalists in such depth, and no one has since. We have seen the emergence of loyalist studies of two kinds: the ideological exploration and the local study. First among the ideological studies was Nelson's *The American Tory*.49

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the earliest and most respected of works concerned with the loyalist ideological position, Nelson errs in this slender volume by continuing to perpetuate the stereotypes concerning loyalists without fully understanding the motivations behind the ideology he so faithfully documents. His use of the pejorative term "tory" is a prime example. As will be explored below, the loyalists eschewed the use of the term referring to themselves. A fine recent example of an ideological examination of the loyalists is Janice Potter's *The Liberty We Seek*, while Calhoon's collection of essays, *The Loyalist Perception and Other Essays*, is also extremely useful.50

Many valuable studies of loyalism at the provincial level have been published. Early works include Harold Hancock's pair of books on Delaware loyalists: *The Loyalists of Revolutionary Delaware* and *The Delaware Loyalists*,51 Robert DeMond's study of North Carolina Loyalists,52 Siebert's work on the Floridas and the Indies, and Pennsylvania.53 Recently, new monographs have appeared dealing with the role of the loyalists in the war at the provincial level. These


include *Loyalism in Revolutionary Virginia*, by Adele Hast, and Philip Ranlet's *The New York Loyalists*. Hast demonstrates the connection between the presence of British military activity and the level of loyalist commitment in the two proximal areas of Virginia. Ranlet's study seemed unusually concerned with denying the assumed intensity of loyalist commitment in the province of New York. Previous studies have asserted that the number of loyalists was extremely high in New York, as it may have been in the Carolinas and Georgia. Ranlet argued that the numbers of loyalists were artificially high due to the British occupation of New York for most of the war, and that the majority of New Yorkers were indeed rebels or at the least neutral. Robert Lambert has ably described the role of the loyalists in the province of South Carolina in his *South Carolina Loyalists in the American Revolution*. Those works and a collection of article-length community studies of loyalist activity collected by Robert Calhoon and others have demonstrated the

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need for further inquiry on the local and provincial level into the loyalist experience, while at the same time setting the standard for innovative scholarship such inquiries demand. These studies raise as many questions as they answer. Jean Hankins, in an examination of Sandemanian pacifists in Connecticut reminds us of the work yet to be done on the relationship of religious principle to loyalism in other areas, particularly the relationship between rebel activity and the Quakers who were singled out for persecution by the Continental Congress.57 Rebecca Starr pointed out the ephemeral nature of the loyalist persuasion in a study of loyalists on Daufuskie Island, South Carolina. Though adamant during the war, the population of that tiny island reverted to their provincial American allegiance at the Revolution's conclusion.58 In the same collection David Maas and Joseph Tiedemann examine the conflict and problems incumbent upon communities as they strive to reconcile themselves to the presence of neighbors who were once characterized as bitter enemies. Maas studied the problem of amnesty for returning loyalists in Massachusetts, while Tiedemann considered the means of conflict resolution in post-war New York.59


58Rebecca Starr, "'Little Bermuda': Loyalism on Daufuskie Island, South Carolina, 1775-1783" in Calhoon, et al, eds., Loyalists and Community. pp. 55-64.

There remains a great deal to be done. Provincial studies of Georgia and New Jersey are lacking, as are modern monographs on Pennsylvania, Delaware, and Massachusetts. More could be done with North Carolina, and none of the provinces has been exhausted. There is no modern treatment of loyalism in New Hampshire. Otis G. Hammond published a brief treatment of the loyalists of New Hampshire in 1917, and nothing more was done on the provincial level until Robert Brown's dissertation in 1983. Brown's thorough and informative study concentrated on a narrative of the loyalist experience in New Hampshire, and related that experience to the political context of the province. The only other work remotely relevant is Paul Wilderson's excellent biography of John Wentworth.

The dissertation does not follow a narrative form. Instead, each chapter explores certain themes which thread their way through the history of loyalism in New Hampshire. Chapter Two discusses the proclamation of individual loyalist identities through words and, more demonstratively, by actions. The shared language of the Claims as well as other written sources supply much of the evidence. The


61 Robert M. Brown, "Revolutionary New Hampshire and the Loyalist Experience: 'Surely We Have Deserved a Better Fate.'" Dissertation, University of New Hampshire, 1983. While Brown provides a valuable introduction to the loyalist experience, this study diverges from his excellent narrative to concentrate on the process of identity transformation and the formation of the new ideational loyalist community.

actions of various loyalists are of special interest as expressions of deeply held beliefs which translate into the physical expression of personal identity. Beginning with a brief treatment of what might be described as the "original identity," the chapter explores the evidence of the expression of the loyalist identity. This expression corresponds to the second form of identity described previously, that which is publicly proclaimed by words and actions.

Chapter Three describes the experiences or "sufferings" recounted by the loyalists as a result of the rebel response to their proclamation of identity. The rebel government at all levels spent a great deal of effort in trying to identify those they feared to be potential or real enemies and even more effort in the attempt to either drive those so identified from the community or maintain strict control over their persons. Once observers perceived the new identity proclaimed by some of their neighbors, sanctions were imposed including community pressures and the official responses of the rebel government. The public proclamation of the loyalist identity produced an "other" against which the norms of community behavior might be set. Though not deliberately chronological, Chapters Two and Three concentrate on the early stages of the rebellion. Most loyalists proclaimed their choice in the period between the taking of Fort William and Mary in December of 1775 and the summer of 1777 when a number of New Hampshire loyalists joined Burgoyne as he marched southward. The response of the rebel authorities during that period was repressive, relying on a strategy of physical coercion by means of mobs and later by the committees and their bands of militiamen. While Chapter Two considers the
"who" the loyalists projected themselves to be through their words and actions, Chapter Three analyzes the responses of the observers of those projected identities and attempts to construct the perception of the loyalist identity upon which the rebels based their responses.

Chapter Four considers the shift in rebel strategy away from physical reprisals on the absent or remaining loyalists. The rebel government constructed a legal identity for the loyalist enemies and used that device to augment the dwindling state treasury. Based on their perceptions of the loyalist identity, the rebel government projected their own definition of those individuals whose actions failed to conform with community standards. The assembly created a new definition of treason based on the actions which the loyalists had already taken including leaving the province and taking up arms with the British army. By identifying individual loyalists as traitors, the rebel government was then able to condemn large numbers of suspected loyalists without due process and subsequently confiscate large amounts of personal and real property. The chapter combines the uses of the "who" the loyalists were perceived to be by their opponents and the "who" the rebel government constructed the loyalists to be for the purposes of its own political agenda.

Chapter Five explores yet another way in which the rebels created and imposed an identity on their opponents. This chapter argues that the rebellion was in fact a culture war in addition to the political and military struggles. In the course of that cultural battle, the rebels engaged in a form of discourse in which they created a new and highly negative identity for their ideological opponents, an act of political myth-making so powerful that it has withstood the
passage of years and been accepted as fact by generations that followed.

Chapter Six details the emergence of the loyalist identity on the community level. Through an analytic reading of the Loyalist Claims, I argue that a loyalist community existed, though not necessarily corresponding to geographic boundaries. This ideational community is demonstrated through shared language, experiences, and goals. The memorials and their supporting documents are the last expressions uttered by large numbers of the losing side in both the rebellion and the culture war. Loyalist historians would attempt to reconstruct the events of 1774 to 1783 for the reading public, but their efforts were lost to the vast majority of the populace in the new republic in America. Only a disinterested British audience would see the fruits of their labor. The claimants did not write for the public. Their stories were told in the hope that the government which had failed so miserably to protect their homes and fortunes by force might compensate them for their losses in some fashion. They wrote also to counter the myth created by the rebel writers and promulgated in print to the world. They wrote to dispel the stories of cowardice and savagery which tainted their self image and to set right the tale of the loss of America which had taken place one farm, one shop, one home at a time.
Chapter Two

Demonstrating Loyalty:
Loyalist Acts as Profession of Personal Identity.

Though I have no mistrust but that all and much more than I have wrote is strictly true, yet if your Excellency should happen to mention anything above related among your friends, be pleased to conceal my name, who have no inclination to expose my person to the resentment of these Sons of Violence.¹

This chapter is concerned with the actions of New Hampshire loyalists, primarily those who petitioned for redress of their losses to the British government during and after the war. The memorialists provide a cross-section of the loyalist generation. All levels of society were represented among the claimants, from the governor of the province, John Wentworth, to the post rider, Bartholomew Stavers, who had served the Boston to Portsmouth route. Those who had once achieved wealth were represented among the claimants. Benning Wentworth, the governor's nephew, owned many thousands of acres of land in the interior of the province despite the fact that he had not yet come of age at the outset of the rebellion.² On the other hand,

Levi Warner of Claremont asked compensation for losses amounting to £70 sterling. He had lost everything, house, livestock, and the loom on which he had earned his living as a weaver. A common thread binds them all, their desire to be regarded as loyalists, to embrace that identity not only as a means to an end, the reimbursement of their losses, but as a way of putting a label to the experience they had undergone, a way of again becoming a part of a group expressed as "we" or "us" denied them by the fact that they had been shunned by their neighbors, excluded from their communities, and exiled from their homes.

Asked to identify himself in 1773, the average resident of New Hampshire would probably have given his name and then defined himself in terms of the town in which he lived and by his occupation. Josiah Pomeroy, "of Keene," and "Physician," would be the public identity of one man who very shortly would redefine himself in a very different way. The lives of individuals were closely circumscribed by life at the local level. Few members of interior communities had any ties with provincial society or politics, and fewer still had any contact at all with the trans-atlantic network of imperial politics and trade. Provincials thought locally just as they lived locally, and their self-defining characteristics were primarily local. There is little evidence to suggest that any change came about due to the outbreak of rebellion in 1774, at least for the vast majority of the residents of the province. Only a small percentage of

\[2NH\ Claims.\ Benning\ Wentworth,\ vol.\ IV,\ p.\ 1878-1881.\]

\[3NH\ Claims,\ Levi\ Warner,\ vol.\ IV,\ p.\ 1868.\]
the people of New Hampshire made a difficult choice in the months following the sacking of Fort William and Mary, a choice between the easy path of acquiescence to rebellion, or the far more difficult one of loyalty to the constitution and crown of Great Britain.

The acts committed by the loyalists varied widely in kind and took place over a period of years. Whatever their nature, the acts of loyalists had effects on two levels. The first level was that of immediate consequences. When an individual acted in such a way as to be identified as a loyalist, he usually suffered some consequence. The immediate consequences of loyalist actions can be divided into physical consequences and legal consequences, each of which will be treated fully in the next two chapters. We are concerned for now with the second level of consequence derived from loyalist acts, the definition of self as loyalist on the one hand and the identification by others, the rebel faction, of loyalists as enemies. With the commission of a loyalist act, the loyalist affirmed his own identity to himself and to the community at large. In so doing, he allowed others to form judgments of their own as to who he was. When a loyalist committed a loyalist act, he was defining self in a certain way, defining self as equivalent to loyalist at the very time the act occurred. On the other hand those outside the act might not identify the actor as a loyalist immediately depending on the length of time it took to perceive that the act had occurred or indeed that it had occurred at all. Any number of loyalist acts probably occurred and yet remained undetected, lost to the knowledge of both sides forever. We however
are concerned with acts known at least to the actors, and in most cases to the community as a whole.⁴

New Hampshire in the period from around 1773 until 1779 was a community in a state of flux. Like a region about to be struck by an earthquake, tremors forewarned of the troubles to come. The minor disturbances occasioned by the Stamp Act crisis of 1765-6 went for the most part unheeded. By the early 1770s the economy of New Hampshire was strong and growing,⁵ and but for the disagreement with the mother country over taxation, things could not have looked brighter. The royal governor, John Wentworth, was well liked and diligent, and understood well the concerns of the inhabitants of his native province. He had a long range plan to enhance the productivity, prosperity, and growth of his province.⁶ But two factors conspired to change all of that. First, Wentworth’s connections in London, especially his distant kinsman Rockingham, were no longer right in the center of power. The absence of powerful friends at court deprived Wentworth of influence on the one hand and defenders on the other. Instead of being able to have his

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⁴These acts committed by loyalists fall into the type III category of the self-definition process as postulated in Roy F. Baumeister, *Identity, Cultural Change and the Struggle for Self*. New York: 1986. Throughout our lives we make choices in what we will or will not do, choices which are informed by who we are, or at least who we perceive ourselves to be, and the results of those choices, actions, are thus guided by our self concept or identity, and subsequently reinforce that identity in our own minds and in the eyes of observers. See also David J. De Levita, M.D., *The Concept of Identity*. Paris: 1965.

⁵Speech of Governor John Wentworth to the New Hampshire Assembly, April 8, 1774. *NHPP*, vol VII, p. 361

⁶Wilderson, *Governor John Wentworth*, infra.
concerns and those of his citizens heard, his close ties to government were nearly severed. On the other hand he was forced to adhere much more strictly to his instructions, thus alienating himself from those at home who disagreed most with government's policies.

And those who disagreed most were not a minority in the province. Because of long and deep connections between many in New Hampshire and many more in the neighboring province of Massachusetts, the radicalism of the patriot faction in Boston was quickly and easily transmitted to the less urbane but equally excitable faction in New Hampshire. Thus an explosive tremor such as the Boston Tea Party on December 16, 1773, was felt with only a little less force in the streets of Portsmouth six months later. The arrival of a consignment of East India Company tea to the hands and warehouse of Edward Parry did not go unmarked, and the brewing crowd forced the luckless agent to forward the odious tea on to Halifax. In September as well, Parry was forced to send on the tea destined for New Hampshire's cups at the behest of Portsmouth's vigilant crowd. The further narrative of the events of 1774 and 1775 are fairly well known and far better told elsewhere. Yet some background will help to fully understand the situation.

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8For an in depth account of the days leading up to war in New Hampshire see Jere R. Daniell, Experiment in Republicanism, New Hampshire Politics and the American Revolution, 1741-1794. Cambridge, MA: 1970 and Wilderson, Governor John Wentworth. For a complete examination of American culture
The action by Parliament in passing the Boston Port Act in response to the destruction of the tea in Boston was an incendiary event. Because of the close ties alluded to previously, the radical leaders of New Hampshire's Assembly warmed to the cause of their southern neighbors and formed an ad hoc committee of correspondence in January 1774. That action came about as a direct result of a letter from the Speaker of the House in Massachusetts addressed to the Speaker in New Hampshire. Within a few weeks Governor Wentworth dissolved the Assembly. When the new Assembly met in May another committee was appointed, this one to stand ready to "correspond as the occasion may require." That occurrence on Saturday May 28, prompted Wentworth to begin a series of adjournments calculated to remind the House that the Governor still had the right to control their deliberations. Failing to obtain the acquiescence of the Assembly, Wentworth dissolved the legislature on June 8th, calling its activities "inconsistent with his Majesty's service and the good of this government." 

Wentworth had some idea what was going on, though he did not fully comprehend the extent of his predicament. His agents had informed him of the presence of letters in town suggesting the summoning of a "Congress of the Colonies," and the governor thought that by first annoying the members with the short adjournments and

prior to and during the Revolution see Gordon S. Wood, *The Radicalism of the American Revolution*.

9*NHPP*, vol VII, p. 352

10*NHPP*, vol VII, p. 366.

11*NHPP*, vol VII, p. 369.
then dissolving the Assembly altogether, he could persuade them to ignore the attempts by other colonies to draw New Hampshire into some sort of alliance.\(^{12}\) But Wentworth had underestimated the strength of the radical faction he had himself helped to create. By extending the reach of government in the creation of counties, Wentworth had fostered the emergence of more local leadership than had previously been possible and diluted the control of the Portsmouth elite on the hinterlands. By creating a prosperous new underclass of minor officeholders desiring to replace their entrenched predecessors in the political arena, Wentworth had created fertile ground for the insemination and incubation of radical notions. The insurgent faction at home, combined with the intransigence and blundering policy of Parliament, created a difficult situation for Wentworth. Within a few days of the dissolution of the Assembly in Portsmouth, a provincial convention was called in Exeter. The participants had first attempted to meet in the house meeting room in Portsmouth, but the governor entered the room with the Sheriff and proclaimed their meeting illegal.\(^{13}\) The purpose of the convention was the choice of delegates to the "American Congress" called for September in Philadelphia, and the procuring of funds to underwrite the expenses of those chosen.

In October Governor Wentworth committed an act which in retrospect destroyed what little influence he yet retained and


\(^{13}\) John Wentworth to Lord Dartmouth, July 6, 1774, in \textit{NHPP}, vol VII, p. 410.
forever marked him as an opponent to the rebellious faction. The situation in Boston had deteriorated to the point that General Gage, the military governor of Massachusetts, could not find carpenters to build barracks for his men. Gage then requested aid from his fellow royal governor and John Wentworth complied, sending a party of artisans from the Wolfeborough area to Boston. When the radicals discovered what Wentworth had done, they published the story in the newspaper, stirring a mob against the home and person of Nicholas Austin of Middletown who had had the misfortune of being Wentworth's agent in the recruiting of the carpenters. More about Austin's fate later. The modern reader can scarce credit the violent outrage occasioned by the mere act of supplying workmen to the government in Boston. Obviously Wentworth erred in misjudging the depth of feeling in New Hampshire, the strength of the connection, the sympathy felt between the radical faction in the northern colony and their southern neighbors. If he had not, and if he had rashly relied on the act remaining a secret, he would be remembered as a man of extreme stupidity. He was instead pilloried in print as an enemy to liberty.

With the colony in an ever-increasing state of agitation, an urgent dispatch arrived from Boston. Carried by Paul Revere, the letter from the Boston Sons of Liberty arrived in Portsmouth on December 13, 1774. It contained a warning that as a result of an order by the King in Council bearing the date of October 19, 1774, all arms and armaments were prohibited from being exported to America. An arms embargo would quickly put the patriotic faction at a severe disadvantage, increasing the coercive power of the troops
now in Boston but perhaps soon to walk the streets of Portsmouth. Moreover, it was feared that all powder and other munitions now in America might be subject to confiscation.

The next day the sound of a drum summoned a mob at noon. At Wentworth's request, Chief Justice Theodore Atkinson went out to the mob and reproved them. However the mob was unimpressed and at around three in the afternoon, their numbers swollen by the arrival of a contingent from New Castle and Rye, the mob surged into position outside Fort William and Mary. The Fort's commander, John Cochran, faced the mob with only five men. Despite firing off four cannon and all their small arms, the tiny garrison was overwhelmed from all sides, restrained, and the powder magazine stripped of 100 barrels of powder. No one was killed in the fracas. The following night the fort was overwhelmed again by a party from Durham and surrounding towns led by Major John Sullivan. The marauders carried off several cannon and sixty muskets, leaving only a number of heavy guns behind.\(^{14}\) Royal authority was effectively non-existent from that point. The militia refused to heed Wentworth's summons, and the leaders of the popular faction defied all demands for the surrender of the stolen munitions or the ringleaders of the mob. On December 26, 1774, Wentworth issued what amounted to a proclamation of rebellion.

The new year brought no good for Wentworth and the other loyalists. Warships had arrived in Portsmouth harbor, \textit{H.M.S. Canceaux} on December 17th and \textit{H.M.S. Scarborough} on the 19th.

\(^{14}\textit{NHPP,} \ vol VII, \ p. 423.$
Their presence did nothing to lessen the tension, nor did the departure of the Canceaux. Scarborough remained and her commander, Captain Barclay, would further exacerbate the situation.

Wentworth, however, would not surrender to despairing of a peaceful solution to the crisis. Despite the sitting of a second provincial convention at Exeter on January 25, 1775, Wentworth issued writs on the 28th, calling for the election of a new Assembly. Wentworth hoped that a new Assembly could be controlled well enough to undo some of the actions already undertaken by the radicals. In order to control the house, however, Wentworth needed more votes than he could expect as things stood at the end of the session of the previous year. So the governor sent election writs to three towns in Grafton county, an area not represented in the house previously, but sure, he thought, to return representatives friendly to the governor's interests. Once the election results were known, the governor was disappointed. He decided to postpone the sitting of the assembly until May.

In the meantime tensions waxed and waned between the radicals and the governor, generally predicated by the actions of Captain Barclay and the Scarborough. Barclay occasionally seized a ship or prevented fishermen from earning a living, and each occasion prompted retaliation from the townspeople.\(^{15}\) By the time the

\(^{15}\)The details of these few months' occurrences may be had from the excellent works in note 4. It is interesting to note how the actions of minor actors could so impact the course of nations. Had Barclay been a bit more diplomatic, would tensions have escalated to the point that Wentworth was driven from town? Or is it possible that the continued presence of the royal governor might have exercised some restraint on the radicals preventing the full participation of New Hampshire in the revolution?
Assembly sat in May and requested an adjournment until June, it would seem that no hope for peaceful settlement remained. The main shock had occurred with its epicenter in the Massachusetts towns of Lexington and Concord. When the House gathered on May 5th a thousand New Hampshire men were under arms and surrounding Boston. When they reconvened on June 12, a mob had ransacked the town of Portsmouth on May 31 because of yet another provocation by Captain Barclay. On the 13th the New Hampshire House refused again to seat the members from the three new towns and refused to further consider Lord North's conciliatory proposal.

Wentworth adjourned the House until July 11 and asked them again to consider the proposal. Unfortunately Wentworth chose his friend John Fenton to be the agent of that proposal. Fenton was damned on two counts with the radicals. First, he was a British officer living in retirement and a close friend of the governor. A beneficiary of Wentworth's land distribution policy, Fenton was quite wealthy. He was also outspoken in his support of royal authority, having gone so far as to write an open letter to the people of Grafton County and the province in general immediately after the skirmish at Lexington. In the letter Fenton had cautioned his readers to stay on their land and work their crops, as he feared a certain lack of provisions soon if the situation did not improve. He further argued that to leave the northern reaches under-populated would increase the threat of Indian and Canadian invasion.16 This act of Fenton's

16NHPP, vol VII, p. 480. The letter is, on its surface, hardly inflammatory. It is, however, a thinly disguised threat and an obvious attempt to intimidate those
destroyed what little credibility he might have carried when he subsequently acted on Wentworth's request and repeated the resolution in the Assembly, to consider the conciliatory proposal. Fenton had so aroused the ill feelings of the radicals that no sooner had he departed the House meeting room and gone to visit Wentworth, that a mob gathered outside the governor's house, calling for his surrender. The Wentworths and their guest ignored the mob until shortly a cannon was brought up and aimed at the front door. Fenton surrendered himself and was hustled away to Exeter under guard. The Governor, probably fearing for the safety of his wife and infant son more than his own, retired to Fort William and Mary where he remained.17 More or less trapped in the fort, Wentworth realized he had lost all control. At best he was able to exert some influence and moderate the tensions between the radicals and the warship in the harbor, but even that little ended on August 13.

It was no tragic incident which caused the end of tacit cooperation between the people of Portsmouth and the enemy ship in their harbor. Instead, it was the letter of someone styling himself "A. Traveller." Dated from Watertown on August 7th, the letter expresses outrage at the arrangement by which the townspeople of Portsmouth had agreed to supply fresh beef to the Scarborough while the ship promised to leave fishermen unmolested. A. Traveller must have been a true radical to find it so unimaginable that civilized communication could still be carried on between the

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17Wentworth to Gage, June 15, 1775, in NHPP, vol VII, p. 381.
inhabitants of a town in British North America and a ship of war belonging to the Royal Navy. A. Traveller must have been under the impression that a state of war existed, or that little or no chance remained for the continuation of the political connection between Great Britain and her colonies.

That assumption had not yet been reached by the majority of the people of New Hampshire. The journals of the Provincial Congress contain numerous petitions and other official documents expressing the cautious feeling of many towns concerning the ultimate act, the seeking after independence, most of which do not favor severing ties even after the Declaration of Independence in Philadelphia. That moment was yet nearly a year away as A. Traveller penned his vicious attack on mutual coexistence.18

Because of the public outcry following the letter, supplies were cut off to the Scarborough on August 13. Barclay was faced quickly with the choice of staying on station and watching his crew starve, or retiring to Boston.19 Once the Scarborough was gone, Wentworth would have been left nearly alone in a hostile country. Few remained in Portsmouth by this time who would or could venture to physically stand with the governor in his need, and of course he had his family

18The letter from A. Traveller is printed in NHPP, vol VII, p. 388. The journals of the Provincial Congress can be found as an extension of the journals of the House of Representatives beginning in NHPP volume VII and continuing into volume VIII.

19Of course someone might well ask why the Scarborough could not have been resupplied by other ships from Boston or other friendly ports. One can only suppose that the cost of keeping Barclay's men provisioned would have been prohibitively expensive and may have required the services of a vessel that Gage could ill afford to give up the use of, as he himself was at the time fairly besieged in Boston and needed supplies of his own.
to consider. Thus on August 23rd 1775 John Wentworth boarded *H.M.S. Scarborough* and left Portsmouth for the last time.\(^{20}\) Though he would not miss the quarters of Fort William and Mary, the accommodations he would soon find in Boston were not much better.

It was after the taking of Fort William and Mary in December of 1774 that loyalists began to reveal themselves. It was not an overt act of "here I am, come and get me" at all. The actions which resulted in the label of loyalist being applied to an individual were probably not consciously conceived in that way at first if at all. Each loyalist acted in a situation as he or she felt the circumstances warranted at the time. Few if any consciously thought about how to act in a way that would proclaim their loyalty to the world. Instead, the loyalists acted in such a way as to express their beliefs indirectly.

Wentworth was not alone in his attempt to stem the tide of popular frenzy, though at least one memorialist left before the real trouble began. Bartholomew Stavers of Portsmouth, the postrider between Portsmouth and Boston, went to England in 1774 because "for his loyalty and expressing his zeal and attachment to his Majesty's person and government he gave so much offence to the Rebels in New Hampshire that he became thereby extremely

\(^{20}\text{Just under a month later on September 21, 1775 John Wentworth entered New Hampshire one last time. Wentworth landed at Gosport, Star Island in the Isles of Shoals in order to officially prorogue the Assembly, a last futile act by a man who was and is regarded as one of the most capable and effective royal governors of the colonial period. Wentworth did not at the time despair of returning to his province in happier times, and did not leave America for England for two more years. Wentworth was back in America in 1783 as Surveyor General of His Majesty's Woods in North America, and soon was appointed governor of Nova Scotia. cf. Daniell, *Experiment*, pp. 89-92.}\)
obnoxious."\(^{21}\) Stavers' main crime in the eyes of his neighbors was the maintaining of a public room in his house where the King's health was drank on occasion. At the time, Stavers thought little of what was said and done in his house, though years later after experiencing the results he related those circumstances as though they were a defining moment in his life.

Benjamin Whiting revealed himself to his neighbors when he "exerted his utmost influence to prevent the people joining in the violences then pervading the continent."\(^{22}\) John Holland, of Amherst, was arrested carrying dispatches for Governor Wentworth from General Gage. His act of identification was more overt and specific. Holland was in consequence confined until 1778 when he escaped and joined Sir Robert Pigott in Rhode Island.\(^{23}\) John Cochran, the former commander of Fort William & Mary, identified himself when he left with Wentworth in 1775 and served on active duty through October 1784.\(^{24}\)

Thomas MacDonogh of Portsmouth came from the position of Deputy Collector of Customs in Charlestowne, South Carolina in late 1771 and became private secretary to Governor John Wentworth.\(^{25}\)

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\(^{24}\) *N. H. Claims*, John Cochran, vol. I p. 319. Cochran was quite vague about where he served, but he did not appear on McDonogh's muster roll from Wentworth's Volunteers. See Appendix 1.

MacDonogh's acts of identification were more extensive. He claimed to have "exerted himself to prevent such acts of violence" referring to the incident of the tea shipment, mentioned above, consigned to Edward Parry in Portsmouth destined to be exchanged for a shipload of masts. The mob found out about it and sought to destroy it. He further claimed to have "safeguarded the Rev. Mr Peters" and shepherded a "load of blankets destined for troops in Boston with the most imminent danger to his personal safety." MacDonogh held several rather lucrative offices, Deputy Surveyor of the Woods at £200 per year, Deputy Auditor at £50 per year, Receiver General of the Quitrents at £100 per year, and Deputy Secretary of the Province for which he listed no income amount. While his interest certainly lay with the preservation of royal authority, it is unlikely that he could have anticipated any real success in stemming the flow toward rebellion by the actions he took. MacDonogh accompanied the governor to Boston aboard the Scarborough and became a member of Wentworth's Volunteers, in proof of which he provided a muster roll dated October 16, 1777.

But the isolated acts of the few were not enough to stem the tide of a radical takeover in the capital. The small circle centered

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26 N. H. Claims, Thomas MacDonogh, vol. III p. 1161. Wentworth, through McDonogh, was able to prevent any violence resulting from the tea shipments. See Daniell, Experiment, p. 80 and Wilderson, Governor John Wentworth, pp. 230-239.


around Wentworth had lost all influence with the active majority of the town's citizens, and had no effective means of either defending themselves or of coercing the compliance of the populace. Futile as they were in the long run, their acts served as a means of self-assertion and self-affirmation. Neither Wentworth or his supporters consciously sought to set themselves apart, only to offer their example as a definition of proper conduct. They did not yet embrace the title loyalist, but merely sought to remain constant to their offices or deeply held belief that the proper and reasonable course of action was to remain steadfast in support of royal authority.

Thus during these critical months, William Torrey of Portsmouth "undertook to execute the office of Justice of the Peace" and "in consequence....he became obnoxious to his countrymen"30 In his attempt to comply with the proclamation of rebellion issued by the governor, Torrey acquired the hatred of the radicals. He was especially detested because he also owned a "valuable sugar house & stores" with his partner George Meserve.

Meserve was a prominent member of the Portsmouth elite. He had obtained a grant of 5000 acres for his father's service as an officer in the late war. The elder Meserve was killed in action at Louisbourg in 1758.31 George Meserve had also been distributor of stamps in 1765 and he was roundly despised for his acceptance of the appointment as stamp distributor even though he never carried out any duty of that office. He was forced to resign the position

under pressure almost instantly. George Meserve became collector of customs around 1770 and held that post "until the late Rebellion took place."33

The sugar house was, according to Torrey, the only sugar works in New Hampshire at the time. It cost £1500 to build and yielded an annual profit of £400.34 But the works were "plundered and destroyed by the populace in their rage. At the time your memorialist was carried from Portsmouth to Exeter under guard to be tried for treason against the state."35 Of course he was not arrested and tried merely for owning the sugar house, nor even for being in partnership with Meserve. Late in 1774 Torrey and Meserve cooked up a deal with Thomas McDonogh to lease the sugar works and store houses as barracks for the troops that were then expected from Boston. When the radicals discovered this the mob destroyed the buildings "and rendered it entirely useless,"36 thus preventing its use as a billeting space for troops that would never come.

Not all loyalists opposed the radicals or faced their wrath in Portsmouth. Zaccheus Cutler of Amherst was a prominent merchant.37 In March of 1775 a number of soldiers deserted from

"His Majesty's troops stationed in Boston" and General Gage asked Governor Wentworth for his aid in returning those suspected of having fled to New Hampshire. Wentworth directed Cutler, and all justices of the peace and other magistrates to assist in the apprehension of such. "Actuated by his own zeal for Government [Cutler] exerted himself for that purpose and actually carried one of the said deserters to headquarters at Boston by which means he rendered himself so obnoxious to his countrymen that it was utterly unsafe for him to return home or even go out of the town of Boston."38 Benjamin Whiting of Hollis, Sheriff of Hillsborough County, was "firmly attached"39 to the interest of government. He spent the months before independence "exerting his utmost influence to prevent the people joining in the violences then pervading the continent"40

But Portsmouth was the center of radical activity during 1774 and 1775, primarily because of the rapidity of communications between that town and Boston. It was there that John Fenton, "having exerted himself to the utmost of his power to support government in opposition to a Faction as a magistrate,"41 found himself trapped in a most uncomfortable role.

Fenton became commander of Fort William & Mary in June of 1775. He was elected to the Assembly in 1775 from Plymouth as one of Wentworth's new delegates, one assured of supporting government. But he "was, on moving in the House Lord North's Conciliatory Bill, expelled" and then, as stated above, carted off to jail in Exeter. Eventually Fenton acquired a position in the Customs House in Dublin, though when he went to England to pursue his claim he contracted a palsy and died.

Another official, John Fisher, resided in Salem, but as a multiple office-holder had interests in New Hampshire, as well as having married a woman well connected in the province. He was "collector of the customs for the port of Salem & Marblehead, "as well as "Naval Officer for the Province of New Hampshire" and "Deputy Naval Officer for the Ports of Newbury and York." He "left Salem unable to continue there to exert on behalf of government," but found himself in a like situation in New Hampshire. In October of 1775 he was warned that all remaining officers of government were to be seized and he fled to New York and then proceeded to England, arriving in January of 1776. For Fisher, as for Fenton, merely continuing to function in the appointments previously held was


45N. H. Claims, John Fisher, vol. II p. 549-56. Fisher was given a stipend of £160 per year soon after his arrival and was appointed Under-Secretary of State in October, 1781. Fisher's career was government. By 1788 he held the post of Secretary of the Excise which paid £603.11.06 and Distributor of Stamps which added £284.13.04.
enough to be defined as an enemy. But could they have done otherwise? Part of a person's identity is shaped by the work he does. Offices were a means of identification, just as the other variables of life serve to differentiate one from another.46

As occupation provides one indicator of personal identity, so too do values. The loyalists acted to affirm traditional values, to support duly constituted government, to preserve the system as it was, though they recognized the same flaws as the radicals. Simon Baxter of Alsted fought to preserve traditional authority. In Cheshire County Baxter "opposed the measures of the Rebels, raised men to go and protect the Courts in 1774."47 Already in 1774 the radicals were attempting to undermine the traditional forms of authority, forms they would soon abandon for a time.48

Many provincials were shocked and dismayed by the news of the "battle" at Lexington. William Vance of Londonderry was vocal in his beliefs and found himself confined to his farm after April 19, 1775.49 Vance was arrested again in May 1777 and held in Exeter jail until January 1778. He was then confined to his farm yet again until he escaped in May 1779. Vance joined the British army in Rhode Island and "was employed on Secret Services for government" until the end of the war.50

46Baumeister, Identity, pp. 18-25.


48 As will be seen in Chapter Four, the rebels closed all of the courts for an extended period in order to consolidate their hold on the populace.

Not all of the acts attributed to the loyalists were acts of commission. In some cases the failure to meet community expectations was an equally powerful means for the identification of a loyalist. Edward Goldstone Lutwyche of Merrimack, commander of a regiment of militia, refused the summons to march his regiment "to the assistance of the Rebels on the evening of the 19th [of] April, 1775, the day on which the affair at Lexington took place." Lutwyche was "obliged immediately after his refusal to escape by night & took refuge in the Town of Portsmouth where at that time the disaffection was not so general as in the country." Robert Lewis Fowle, the maligned printer of the New Hampshire Gazette and Exeter Morning Chronicle, was persecuted for "refusing a company in the Rebel service." Simon Baxter was guilty of yet another act of omission "because he would not join in their Measures against the King and Parliament of Great Britain. Fowle and Baxter withstood the persecution in their respective communities until they joined Burgoyne.

John, James, and Patrick McMaster were merchant brothers from Scotland who came out in the mid to late 1760's, first to Boston but then opened an office in Portsmouth where one of the brothers, James, resided. "Bound by their allegiance they constantly rejected

and opposed by every means and arguments in their power the
insidious attempts of the disaffected."\textsuperscript{55} Their refusal to sign the
nonimportation agreement or "the Test" "drew upon them the
indignation of the adverse party."\textsuperscript{56}

Refusing to participate in a community ritual was an act of
omission which carried enormous social consequences. When the Test
Oath was administered, even the Quakers were pressed to sign, and
questioned rigorously when they explained their reasons for
refusing. George Glen was no Quaker, however, and "he having
refused to take a Test Oath"\textsuperscript{57} found himself the victim of "the
animosity of the inhabitants."\textsuperscript{58} His neighbors refused to work for
him or with him. Glen describes himself as having acted with "zeal
and attachment"\textsuperscript{59} to government. Early in 1777 Glen refused a
commission as major in the continental army and "became more and
more suspicious in consequence thereof."\textsuperscript{60} He felt forced to flee as it
had become "unsafe and impracticable for him to stay in that
country."

Much has been made in previous studies of the Test Oath or
Association Test circulated among the towns in April of 1776. It


\textsuperscript{60}\textit{N. H. Claims}, George Glen, vol. II p. 706.
would seem that when historians are confronted with something as interesting as a list of names, we immediately set about to draw a number of inferences from those names. We further complicate things by going back and attaching as much information to each of the names that we can, things like occupation and religion, in hopes of better understanding why the names are there or why other names are not. Such has been the case with the Association Test lists. We may have, in our attempts to make order from chaos and read information from lists, forgotten the ritual significance of the oath, the importance of the act of belonging, and the cold reality of the consequences to those who boldly refused to sign and stood their ground for honor's sake. The proponents of the Association Test recognized the fact that they must identify those who would not stand with them. There was of course the New Testament passage wherein Christ is quoted as saying that he who is not with us is against us, and only through a public test could the radicals whose grasp was still unsure on the reigns of power be assured of who was who.

Yet the analysis of a list, like the Test Oath, contains its own pitfalls. We might, like the rebel leaders, assume that anyone who refused to sign the oath was at least someone worthy of suspicion, if not an openly proclaimed enemy. Yet in New Hampshire, the non-signers numbered many who were easily identifiable as Quakers. The act of omitting to sign the oath did not label these men as loyalist,

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61 Robert Munro Brown, "Revolutionary New Hampshire and the Loyalist Experience," p. 77-84.
though the Continental Congress and several other states would make such a presumption and order careful attention paid to the Quakers. New Hampshire's Quakers had been prominent and important in the community since the 1660s, and no rebel leader suggested that they be persecuted for their religion. In the case of Quakers, one determinant of identity, Quakerism, superseded the possibility of another imputation based on the refusal to sign.

On the other hand, it was presumed by the rebel authorities that anyone who did sign the oath was a friend, a potential fellow rebel. Non-signers were considered potential enemies but signers could be trusted. But not in every case, it would seem, since one of the most ardent loyalists of New Hampshire signed the Association Test in Londonderry where his position may indeed have preserved his influence regardless. Stephen Holland, whom John Langdon would one day curse, signed the oath. Yet Stephen Holland was the quintessential loyalist.

Holland was not related, or particularly beholden, to John Wentworth. Though Irish by birth, he had resided in the province for a long time. Holland served seven years in the "war that ended in 1762" before settling himself and his family in the young but fast

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62 On the other hand a number of Quakers in New Jersey refused to sign the Test Oath there and soon after joined the British army, some in non-combatant roles, and at least one who "carried arms in a company...of the New Jersey Volunteers." Loyalist Claims, Joseph Williams, vol. XVI., p. 497-504. See also Loyalist Claims, Samuel Smith, vol. XVI, p. 31-42. Smith was also a Quaker and served in the British army as a spy and guide. Loyalist Claims, Samuel Moore, vol. XVI, p. 125-130; and Robert Fitzrandolph, vol. XVI, p. 113-124.

63 NHPP, Vol. VIII, p. 250. The Association return was dated June 24, 1776.
growing community of Londonderry. Holland "held several lucrative and important offices" including "Colonel of a regiment of Militia" "Clerk of the Court of Common Pleas" "Clerk of the Peace for the County of Hillsborough" and "for many years a Member of the General Assembly, and also a Justice of the Peace of the quorum throughout the province."

He took his responsibilities seriously. When the call went out in 1774 Holland "apprehended several deserters from Boston, these he secured and sent to their regiments." Like his fellow magistrate Zaccheus Cutler, "in consequence thereof [Holland] became very obnoxious to what was at the time called the Whig Party, who threatened to set fire to his house and burn him and his family to death." But Stephen Holland was neither intimidated nor persuaded to renounce his affiliation. As the crisis progressed he used his enormous popularity and influence

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67The word obnoxious appears three times in this narration of Holland's alone. It also occurs in nearly every narration of a moderately prominent loyalist. It must have been an enormously popular word at the time and was a peculiarly apt choice of words. The Oxford English Dictionary supplies at least two distinctive and appropriate meanings, both of which were in use at the time. First, one who became obnoxious was "an object of aversion or dislike; offensive, objectionable, odious, highly disagreeable" This would also be the primary modern meaning of the word. In addition "obnoxious" meant "exposed to (actual or possible) harm; subject or liable to injury or evil of any kind." The loyalist who used this word was clear enough. Not only was he odious in the eyes of his opponents and or neighbors, but he was also definitely in harm's way.

to "actually prevent the raising of minute men or the choosing of a delegate in the said Township of Londonderry to attend the Provincial Congress at Exeter, threatening to commit the people who were assembled for that purpose if they did not disperse which they did." Even after Wentworth's departure in the summer of 1775, Holland "supported the interest of his Sovereign upon all occasions to the utmost of his power" and "exerted himself in uniform opposition to the measures of their [the radical government in Exeter] usurped authority."

Colonel Holland probably felt that his prominence accorded him some degree of immunity, especially from the attentions of his social inferiors. Certainly he considered the Exeter government to be unlawful. According to the deposition of William Vance Esq. of Londonderry, Holland held his offices until April 19, 1775 when he resigned them all. He was asked to resume them by the "Provincial Congress" and "declined." He was also asked to command a battalion with the rank of Brigadier General but refused that as well: "to which offers he turned up his nose in contempt to them and went off without so much as returning them thanks." Nevertheless Holland remained in New Hampshire, active and free to do much as he pleased.


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One thing it pleased him to do brought him further under the suspicion of the rebel authorities. Colonel Archibald Campbell\(^{72}\) was taken prisoner early on and held in Reading, Massachusetts. According to Campbell, Holland visited him frequently while he was a prisoner in Reading though it was dangerous for Holland to even be seen with a British prisoner, especially for someone who was already suspected of loyalist leanings. Holland offered Campbell monetary assistance and proposed to find a trustworthy courier to take letters or intelligence to New York. Holland visited Campbell for the last time in February 1777, saying that his life was in danger and that he would soon "join the King's Standard and take with him a considerable number of men who had agreed to accompany him in the enterprise."\(^{73}\) It is fairly certain that he "engaged a party of men to join the King's army, but could not accomplish it."\(^{74}\) Apparently when last he saw Campbell, Holland was aware that his days of freedom were numbered. He had been harassed before, as were most of the remaining loyalists who made no secret of their beliefs. "By being thus zealous and active in the cause of His Majesty's government and for offering assistance to Colonel Campbell, now Governor of Jamaica, when he was a prisoner in New England, he not

\(^{72}\)Campbell was captured very early in the war and held for a year at Reading. He would eventually achieve the rank of Major General and become governor of the colony of Jamaica.


only became obnoxious in the country but was repeatedly seized upon....”75

When he was arrested the last time, it was obvious that Holland had "rendered himself obnoxious to the Usurped government...by his exertions to support the interest of his sovereign...[and the] constant refusal to take the Oaths of Allegiance and Abjuration"76 Of Holland's treatment by the rebel government, we will hear much more in the next chapter. However, William Vance saw Holland brought into the Exeter jail loaded with chains and asked what horrible thing Holland had done and the jailer told Vance that Holland had recruited 100 men the day after Bunker Hill and had them take an oath of allegiance and an oath to General Gage.77 Of course many more charges were laid against him, not least of which was that he was the head of a sprawling counterfeiting network.78


76N. H. Claims,, Stephen Holland, vol. II p. 940. Apparently Holland could stretch the truth on both sides. As mentioned above, Holland did sign the Association Test. See note 58.

77N. H. Claims, Deposition of William Vance, Esq., Stephen Holland, vol. II p. 948. That charge alone would have seen Holland executed elsewhere. In New Jersey Andrew Pickens, among others, reported two of his associates who had been engaged in recruiting "hanged for it." Pickens himself would also have been executed if he had not escaped. Loyalist Claims, vol. XVI, p. 339-344.

78Robert Munro Brown, "Revolutionary New Hampshire and the Loyalist Experience" p. 174-178. Brown's assumption that Holland was a counterfeiter based on charges levied against him by the rebel government seems a bit too credulous. Robert Fowle was also charged with counterfeiting as were a number of others who later filed memorials for assistance from the British government, yet none admit in their testimony to having dared so great a crime to aid the British cause. Fowle went so far as to offer to testify against other counterfeiters to protect himself but he never admitted the act itself,
Colonel Langdon was overheard by Vance to say of Holland, "Damn him, let him lay there, I hope to see him hanged he has done us more damage than ten thousand men could have done." What did Langdon mean? He was not referring to any of Holland's future war activities but rather to his acts of omission: his refusal to support the rebel cause was a strong example to the people of Londonderry, the county and the province as a whole. Holland's very existence threatened the continued success of a government the prisoner considered unlawful. Holland's prestige was such that after the point in time in which Langdon said these things, 133 inhabitants of Londonderry petitioned the General Court on Holland's behalf asking for his relief and pledging their full estates as his security. The petition was rejected and the names of the petitioners were published in the newspaper "as enemies to their country." Holland was tried for treason and convicted, and awaited execution. Somehow he escaped in April of 1778 and made his way to the British army. Holland became a "town major at Rhode Island," and while there

and it does not appear that he was instrumental in the arrest of any other loyalists.


80 *N. H. Claims*, Deposition of William Vance, Esq., Stephen Holland, vol. II p. 949-50. It is difficult to imagine accepting the Test Oath as a determining factor in identifying rebels from loyalists. In the case of Londonderry, 375 men signed the oath and 15 refused. Yet within a year, 133 were willing to pledge their estates to protect Holland. It might be that the third of the population that Adams suggested remained loyal also signed the oath only to preserve their personal peace, or that the third which remained unconvinced believed that Holland was truly innocent of the charges brought against him. However the question worked out, at least a third of the men of Londonderry, signers or not, sought to protect Stephen Holland from the rebel government bent on his destruction.
was "frequently employed in obtaining intelligence of the enemy and in secret services that required the most unlimited confidence."\textsuperscript{82}

Holland was the archetypal loyalist. From what we know of New Hampshire loyalists, most were landed and many were, like Holland, prominent in their communities. While the Portsmouth elite departed with or soon after Wentworth, minor office holders or professionals remained for some months or years, using their influence to stem the tide of revolution where they could and passing on what information they obtained in whatever manner was practicable. Stephen Little, Portsmouth physician and surgeon,\textsuperscript{83} "kept up a constant correspondence with the King's friends within the British lines and furnished them with every possible proceedings without."\textsuperscript{84}

Doctor Josiah Pomeroy of Keene was "in the business of surgeon, physician, and apothecary" as well as a judge in the county court, "and did employ his best endeavours to keep the county in due obedience to the King and constitution till 1777 when his loyalty rendered him obnoxious to the Rebels whose severity compelled him to secrete himself in Connecticut from whence he was obliged to flee to New York."\textsuperscript{85}


Elijah Williams, also of Keene, and a prominent attorney, "always took an open and active part in opposition to the measures which brought on the late unhappy American War, and thereby rendered himself so obnoxious to the enemies of the British Government" that he was forced to flee to New York in June 1777. There, like many other New Hampshire men he joined Wentworth's Volunteers.

Printer Robert Fowle was accused of "assisting the British government in the exercise of his profession as a printer," by "among other things his printing and dispensing the proclamations of General Howe and General Burgoyne." Fowle was eager "to promote the cause of his Majesty's government until at length he became so obnoxious to the Usurpers that he was obliged to fly for his life after being some time confined in prison."

George Glen of Wolfeborough was a relatively recent Scottish immigrant, and farmer; he was "offered a commission as major in the continental army, which he however obnoxious he might become

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88N. H. Claims, Fowle to Lord North, Robert Lewis Fowle, vol. II p. 677-78. Fowle does not mention that much of what caused his imprisonment was the suspicion of counterfeiting. It would seem that if indeed he was asking for assistance from the British government he would couch his request in the best possible light. Therefore if he had materially aided the cause of the British by damaging the rebel economy through counterfeiting, it seems only logical that he would mention the fact. He was not shy of mentioning that he had printed Gage's and Burgoyne's proclamations, a useful service but not quite as damaging to the enemy as flooding their economy with bogus bills.

thereby, absolutely refused to accept, he became more and more suspicious in consequence thereof. This event took place early in the year 1777."

Holland and the others like him demonstrated that there was at least one further level of loyalist after the royal officeholders and Wentworth relatives who left in 1775. Their stories counter dramatically the experience of a man like Daniel Rindge of Portsmouth. Rindge was a member of the Council and "not only a near relation of the Governor's, but his peculiar and confidential friend." Rindge managed to avoid incarceration, though not insult, until January of 1776, when he fled the province. Unlike Rindge, the majority of known loyalists who remained into the perilous years of 1776 and 1777 actually acted in response to their beliefs.

The most common act of loyalty was joining a military unit and serving the King in some capacity. John Wentworth, by his "active adherence to his duty to his King [found himself] rendered ... obnoxious." Upon departing the province Wentworth began the recruiting of an unpaid corps of loyalist soldiers which served under the name of Wentworth's Volunteers. Benning Wentworth, the


91 *N. H. Claims*, Daniel Rindge, vol. IV p. 1570. Despite his close affiliation with John Wentworth, he claimed no overt acts of loyalty in his memorial nor could he produce any others to support his claim. Rather he assumed that his pronouncement of loyalty would be enough to earn him his claim. But the Claims Commission was unimpressed with his record. After fleeing to England in January 1776 he returned to New York in June of 1777 and then returned to Portsmouth in April of 1778. There he lived out his life amid his ideological enemies. His claim was summarily dismissed.

governor's nephew and former Secretary of the Province, found that "his attachment and duty to the King's service and government subjected him to the violence of the people." He went with the governor to Boston and he too served in Wentworth's Volunteers until November 1777. He was in England by April 1778, and subsequently took a commission in a regular regiment. After his escape from the clutches of the rebel government, Robert Fowle "took refuge with General Burgoyne's army, with which he was captured ..." Dissembling, Fowle gave a parole to earn his freedom and fled immediately to New York. There, Fowle "served in a corps of Gentlemen known by the appellation of Governor Wentworth's Volunteers until the 14th of December 1781." Breed Batcheller of Packersfield joined Burgoyne in 1777 and "immediately recruited a company of Loyal Americans."

Many others were able to resist the persecution of their neighbors until 1777. Then they too saw the opportunity to serve as Burgoyne prepared to move south from Canada. Levi Warner of Claremont, a weaver, joined Burgoyne in 1777, and served until the end of the war. Simon Baxter of Alsted "joined Burgoyne at Skeensborough in July 1777."

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A significant number of New Hampshire loyalists, in addition to those already mentioned, had served prior to the outbreak of hostilities, or were at the time on active duty in the British military. George Sproule was a soldier, "surveyor general of lands for the province of New Hampshire." He had intended to retire just prior to the beginning of hostilities and rejoined the army in Boston leaving all of his newly acquired property behind. Henry Mowat of the Royal Navy was in Portsmouth in 1773 commanding *HMS Canceaux* and "employed in the General Survey of Lands for the Northern District of North America." Mowat petitioned Governor Wentworth for a grant of land under the proclamation of 1763, apparently desiring to retire to New Hampshire. Mowat was granted 4470 acres, but was never able to take possession due to the outbreak of the war.

Like Mowat, who was still on active duty, many New Hampshire men found themselves serving in the regular service or in units primarily recruited from different provinces. Michael Jose of Portsmouth was master of a merchant ship and joined the Navy at the outset of what he called both an "un-natural rebellion" and the "unhappy Rebellion." He served on six different ships rising from Mate to Master in the course of the war. Donald McAlpine, a resident of Exeter, was another demobilized veteran of the Seven

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Years War. After serving under Colonel Symon Fraser in the 78th Highlanders, he had settled in New Hampshire and married Elizabeth Beard the only child of John Beard. McAlpine served as a Captain in the South Carolina Rangers.\footnote{\textit{N. H. Claims}, Donald McAlpine, vol. III p. 1140-50.} Eleazer Sanger of Keene left his property in April of 1777 and joined under Colonel Ludlow in DeLancy's 2nd Battalion.\footnote{\textit{N. H. Claims}, Eleazer Sanger, vol. IV p. 1582.} Peter Young, of Bennington, a small farmer, joined Burgoyne and was captured. Young escaped and subsequently served in "Sir John's 2nd Battalion"\footnote{\textit{N. H. Claims}, Peter Young, vol. V p. 2614. The area Young resided in before the outbreak of hostilities was in dispute between New Hampshire and New York, and even during the Revolution remained a sore spot between the two as well as the emerging "state" of Vermont. Stevens chose to include Young in the NH claims as do I.}

more than eight years." Thomas Crane simply "joined His Majesty's troops." Simple words written by a simple farmer from Richmond.

Not all of New Hampshire's men found such glorious service. Many as we have already seen served primarily as spies. A John Stinson of Dunbarton, the nephew of the Rebel General Stark, became a spy in Rhode Island and accomplished twenty-eight such missions. Perhaps spying was a better occupation than the service Samuel Mallows found. Mallows of Portsmouth was apparently involved in the teamster trade. Having fled to New York in 1776, he became a waggoner in General Howe's baggage train. He must not have been a very good teamster, as he was dismissed. He then served with Major Ward in New Jersey, though in what capacity is unknown. At least one New Hampshire loyalist served as a horse thief. George Glen fled the province in 1778 with his wife and three children and joined the British in Rhode Island. There he became a forager, "bringing off a number of the continental horse."

Most of the loyalists who served and survived received grants of land in Nova Scotia at the close of the war, regardless of whether


113 N. H. Claims, George Glen, vol. II p. 706. Forager was the polite term for those colonial units used to pillage the produce of local farms and storekeepers. The British disdained to dirty their hands with the task of victualling an army of occupation and often left that to their loyalist troops, thereby increasing the degree of hatred between loyal and rebel countrymen.
or not they filed claims under the Parliamentary Act of 1783. But some despite their attachment to the King, finally despaired at leaving their homes forever. The other John Stinson of Dunbarton joined the King's army in New York, raised troops for several commanders, was captured and imprisoned, released, and served until the end of the war. Like all who took up arms in support of royal authority, Stinson was banished from New Hampshire, his property confiscated. After the war ended, Stinson returned in defiance of his proscription, in an attempt to regain his property. He was captured and imprisoned. Stinson's memorial was written on his behalf by Stephen Holland, as he was at the time of its writing in prison in New Hampshire under a sentence of death.\textsuperscript{114}

As mentioned previously, Stephen Holland, even more than John Wentworth, typifies the loyalist of New Hampshire. His career provides us with a useful synopsis of the acts which together or separately categorize or define a loyalist. Holland used his personal influence to persuade others. Certainly all the influential loyalists did the same on one level, as other men might have done on a personal one. Beyond the passive acts of example and persuasion, Holland acted overtly by aiding an enemy prisoner, passing information to the British, and perhaps counterfeiting. Besides acts of commission, he steadfastly refused to serve the usurping powers or to swear

\textsuperscript{114}N. H. \textit{Claims}, John Stinson (#2160), vol. IV p. 1752-53. I call him the "other" John Stinson because there were two men of the same name asking for compensation. Both had come from Dunbarton, and they may have been related, though neither mentions the other in his claim. In the transcriptions there is confusion and ambiguity over which is which, though finally one discovers that they have separate claim numbers assigned by the Claims Commission.
allegiance to those he considered to be rebels. By these acts of omission he clearly denied the lawful and natural authority of the new provincial government and refused to share in their initiation ritual. Finally, when driven to an extreme position of danger, Holland departed the province and like so many of his loyalist countrymen, served in a military fashion.

Holland and his fellow loyalists acted in these ways with the full knowledge that there must be consequences for their actions. The physical penalties as well as the legal problems encountered by the loyalists of New Hampshire are the subjects of subsequent chapters. It is with another kind of consequence which we must now be concerned. Each and every act perpetrated by a loyalist was at once an act of self-definition and an act of identification with others of like persuasion. Each time Stephen Holland visited Archibald Campbell in his prison in Reading, Holland was identifying himself as what he conceived of as a Loyalist. Each act of commission or omission further identified each participant as a loyalist in their own minds. Further, each public act of either kind performed two functions in the home community. First the act publicly proclaimed the identity of the performer. Second, the act formed and reformed a definition in the minds of those witnesses for the community of what a loyalist was. The community at that point of course was still the rebel dominated province of New Hampshire, where to be defined as Loyalist was to be "obnoxious" in both senses. Eventually, as the new loyalist community formed over a vast geographic area during and after the war, public acts viewed cumulatively provided a basis by which each loyalist could judge him or herself as a loyalist. Acts
could also identify the others of like inclination as members of the new group. The definition of the loyalists as a group set them apart from the communities to which they once belonged. Previously they had been members of local communities, and whether they ever acknowledged the fact or not, they had also been members of a larger community at the provincial level. That membership in turn had made them a part of the Atlantic community and one that encompassed the entire British Empire. On the levels most important on a daily basis, their relationships with the local community and provincial one, had been reshaped. The definition of a personal loyalist identity had forced each loyalist to become "other" than what he was before. Taken as a whole, the loyalists became the "other" against which the rebel community was measured.

To the casual observer the acts of one loyalist might be mistaken as aberrant behaviour. To the average member of a local community in the midst of a rebellion such acts became a means for determining who was a friend to the cause and who was an enemy. Thus an act that a loyalist might describe as supporting government would to a rebel be considered inimical to the country. An act which was for a loyalist a positive effort toward self-identification to a cause and a community, was to a rebel a negative action, a denial of community standards, and a rejection of the accepted norms of behaviour.

Must an act have been observed by the enemy to be an act of definition by a loyalist? The case of Robert Calder might serve as an example. According to his deposition sworn on June 18 1785, Calder was a former chief servant to Governor John Wentworth. Calder had
left Wentworth's service after the mansion in Wolfeborough was built. John Wentworth gave Calder a piece of land about two miles distant from the estate. Calder saw the governor at Fort William and Mary while Wentworth was living there in a modified exile and just before his departure for Boston. According to Calder, Wentworth asked him (Calder) to go to the Wolfeborough house, and there to find a certain trunk. Calder was to carry it off before the rebels could find it. Then he was to hide the trunk against Wentworth's need for it. Calder did as he was asked in secret, and buried the trunk beneath a huge oak tree on his land.

In 1777 or 1778, James Cochran came to Calder and told him that John Wentworth desired him to retrieve the trunk and destroy it and its contents. Acting immediately, in the dead of winter, Calder went out and dug the trunk up going to "much trouble and labour to thaw the ground." He pretended to be cutting the tree, "as it was a time of general suspicion of all persons who had been usually about the governor." The trunk was destroyed, and no witness beyond James Cochran knew of the incident until Calder's deposition was sworn to in 1785. Was Calder a loyalist? Which of his acts defined him as such? In all likelihood, Robert Calder grew old and died on his

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115 N. H. Claims, Deposition of Robert Calder, John Wentworth vol. V, p. 2160-63. James Cochran, mentioned by Calder as the messenger from John Wentworth was residing in St John, New Brunswick in 1785. Calder apparently was unclear 7-8 years later on the question of which year Cochran came to him with instructions to destroy the trunk. Wentworth went to England in 1777. It seems more likely that he would have ordered the trunk's destruction before he left the continent. Also unclear is the question of Cochran's identity. He may have been, or been related to, the John Cochran who had been commander of Fort William and Mary until August of 1775 when he departed the castle with Wentworth for Boston.
farm not far from his former employer's estate. Had he been apprehended in the act of taking the trunk, or burying it, or in digging up and destroying it, he would have been accused of an act inimical to the country. In such a time of division, even the simple act of obeying the request of an old employer was suspect. Calder knew what he was doing. By obeying Wentworth's instructions he might have become a loyalist or proven to be a loyal friend. Only Robert Calder knew the significance of the acts he performed. Only his intention defined his identity in the situation. Had he been observed, others might have imposed upon him an identity he did not seek, an identity he might not have recognized. Actions, as a criterion for the fashioning of identity, speak louder and clearer to observers than to the actor's themselves. Because of that, the actions of loyalists brought about far more dire consequences than mere words ever could.
Chapter Three
The Rebel Response:
Physical Repercussions to Self-proclaimed Loyalists

A spirit of violent resentment was excited against all who were suspected of a disposition inimical to the American cause. Some persons were taken up on suspicion and imprisoned; some fled to Nova-Scotia, or to England, or joined the British army in Boston. .... The passions of jealousy, hatred and revenge were freely indulged, and the tongue of slander was under no restraint. Wise and good men secretly lamented these excesses but no effectual remedy could be administered.¹

This chapter deals with the physical penalties exacted upon those who remained steadfast in support of British rule in America. The physical consequences of loyalism became a large part of the trauma experienced by the loyalists of New Hampshire, in effect helping to mold them into a conscious group, a new community apart from their former neighbors. Endurance and survival of the physical trauma, or even the threat of physical violence, reaffirmed the loyalist identity. Violence or the threat of violence became one of the marks of honor memorialists displayed before the Parliamentary commissioners as a means of identifying themselves as "loyalist sufferers." This was not only an important device of identification for the purpose of securing redress for lost property; it was a new way

of viewing their own identity as distinct from their former identification with a land and people now so terribly transfigured by rebellion.\(^2\)

The degree of harshness or the physical dangers experienced by loyalists in New Hampshire was directly related to the near total absence of military activity in the province. Had there been a British presence, had there been skirmishes or battles pitting once neighbors and friends against each other in direct combat in or near their homes as was the case in New York, New Jersey, and most of the southern provinces, the abuse of both sides might have been far worse. At times when the British threat seemed nearer to reality, the attempt to root out loyalists increased. After 1777, the rebel government of New Hampshire relaxed its pursuit of loyalists, secure in the success of Saratoga. However, as we shall see later, the focus of the rebel government shifted to a new arena, the construction of a new mythology. In Massachusetts where some fighting took place early in the rebellion, the toll on the bodies of loyalists was somewhat harsher, as the Boston mob practiced some tar and feathering in addition to simple mobbing.\(^3\)

An examination of the memorials of the New Hampshire loyalists, as well as other sources, reveals that those most likely to

\(^2\)This is the sort of experience Strauss referred to: "certain critical incidents that occur to force a person to recognize that 'I am not the same as I was, as I used to be.' These critical incidents constitute turning points in the onward movement of personal careers." Strauss, *Mirrors and Masks*, p. 95.

\(^3\)See for instance the case of Edward Stow of Boston who claimed to "have been mobbed and libeled ever since the stamp act." Stow claimed his house had been repeatedly "bedaubed with excrement and feathers." *Loyalist Claims*, Edward Stow, vol. XIV, p. 209-222.
encounter physical danger were those whose pre-war status made them community leaders. None of the claimants who might not be considered prominent were the victims of physical abuse. Indeed only men of wealth or men connected to the military found themselves or their families threatened.4 Most physical abuse took place in the east, nearer the coast, and early in the period of the rebellion. With the exception of the handling of Simon Baxter by his neighbors (see below) all of the abuse suffered by loyalists in New Hampshire took place in or near Exeter or Portsmouth, and all of it took place before the end of 1778.

The reasons why most violence against loyalists came before 1778 are fairly straightforward. The revolutionary government solidified its position between 1775 and 1778. By the end of 1778 it was clear there was no longer any realistic British military threat to northern New England, and too, many of the loyalists had left to join Burgoyne or fled to the British lines in New York or Rhode Island. As the revolutionary government became stronger and more deeply entrenched, more accepted by the general populace, it was no longer necessary to demonstrate its strength and righteousness with public displays such as the mob actions which had threatened prominent

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4This was not the case elsewhere. In other provinces covered in the Loyalists Claims, many men of modest circumstances were assailed and even more had had their families threatened. This was particularly true in New Jersey. There a considerable number of modest farmers and competent artisans left their farms and shops to join the British army in 1776. The army was moving through the province at the time and it attracted a crowd of adherents. Many reported harassment by their neighbors prior to joining and many more reported the eviction of their families under threat of force soon after their departure. See for instance, Loyalist Claims, Benjamin Millekin, vol. XIV, p. 377-388; Samuel Moore, vol. XV, p.125-130.
loyalists in 1775 and 1776. With their targets generally removed to safety, and a network of local committees of safety to ensure doctrinal orthodoxy, New Hampshire's rebels settled into a period of consolidation and the slow division of the spoils.

There were three levels of physical action perpetrated on the loyalists by their rebel neighbors: mob action, housebreaking, and physical assault and/or imprisonment. These levels often overlapped or became somewhat obscured by their very nature. Thus what might have begun as a mob action may eventually have led to official arrest and commitment to jail as in the case of James McMaster.\(^5\) Arrest and imprisonment was not by any means a safe or reasonable condition for the loyalist. As will be seen below in the case of Stephen Holland, imprisonment could be interpreted in more enlightened times as a form of torture. Though Holland did not report any overt physical abuse, such as beatings or inflicted torture at the hands of his captors, Simon Baxter told of being "very ill-used." Precisely what that might have meant is not clear though it may be fair to infer that he was beaten by the Boston authorities who arrested and jailed him in 1778. Housebreaking was essentially a form of mob action, though with a different meaning to its practitioners and victims than the usual mere mobbing.\(^6\)


\(^6\) For our purposes, the words "mob" and "crowd" are used interchangeably. The term crowd generally refers to any large public gathering, and might be also interchanged with audience. However it seems that a gathering which takes action, that is, becomes mobilized for some reason and by some means, then becomes a mob. The word mob is derived from the Latin, *mobile vulgus*, which appeared in England in 1600. The term was shortened to *mobile* in 1676, and simplified to mob in 1688. See Tim Harris, *London Crowds in the*. 

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At the outbreak of revolution, the rebels exhibited their might symbolically as well as physically through the use of the mob. Even before the withdrawal of Wentworth from Portsmouth, royal government had effectively collapsed as the militia refused its call and became instead the mob. Wielded with near surgical precision, the Portsmouth mob became the means by which the rebels toppled civil government, seized the military supplies at Fort William and Mary, and terrorized and drove out the prominent men and officials of the crown. For many New Hampshire notables, mobbing was a sufficient incentive to pack what they could and flee.

But the mob did not appear mysteriously, borne on angel’s wings to do the will of a few members of the rebel faction. The mob

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7 There is a considerable body of work in the area of mobs and crowds which informs the following discussion. The basic works of modern scholarship include George Rudé, *The Crowd in the French Revolution*. Oxford: 1959; E.J. Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries*. New York: 1965; and E.P. Thompson, *The Making of the English Working Class*. New York: 1963. The number of studies which rely on these groundbreaking works and apply the principles therein to 18th century crowd action and particularly to the American Revolutionary period is too large to list here, however a full and able discussion of them and indeed a pivotal study in itself is Dirk Hoerder, *Crowd Action in Revolutionary Massachusetts, 1765-1780*. New York: 1977.


9 The same was true for prominent men in other provinces. See for example *Loyalist Claims*, Thomas Gomersall, vol. XVI, p. 299-332; and Nicholas Bickle, vol. XVI. p. 332-338.
consisted of men and perhaps women who saw the faction as the leading edge of a movement to preserve their own rights and property. "Nothing so converts an improved condition into a 'traditional right' as continued access to it; few things outrage a people so much as a decline in what they can expect - particularly if those expectations attach to a cherished tradition."10 The mob and those who manipulated it saw those cherished traditions as a sort of home rule. The people of New Hampshire, indeed all of New England, had experienced a considerable measure of independence for the better part of their existence. This was particularly true in New Hampshire and especially so during the long and prosperous tenure of Governor Benning Wentworth. The previous governor had been a master of treading the precarious balance line between maintaining a contented majority at home while at the same time satisfying at least the perceptions of those in government in England that all was as they expected it should be. Local participation in the process of government, the formulation of policy and its execution, were the expected norm. The very forms of government in the province, the town government by meeting were expressions of perhaps the most liberally democratic and inclusive means of social interaction in the history of the western world.

But in 1765 and after, it seemed to some that the Ministry and Parliament were threatening the very existence of those cherished forms. It was clear to at least one loyalist where the problem lay: "the people of those provinces seeing and feeling their connection

with their own provincial legislatures must from their habits and prejudices be attached to them. They saw and felt the energy and spirit of the laws arising from their own consent, given in their own local Assemblies while the laws of Parliament acted partially, were feebly executed, and were not at all perceived and felt by the great body of the people."

Crowd action resulted from the inability of the royal government to acquiesce to the demands of the radical faction, to defy instructions from England and support the continual escalation of protests against British policy. Whether based on a popular majority or on the outspoken energy of the radicals, traditional means of expression and channels of political action were unavailable to the populace. Thus the mob formed and carried out the agenda of the rebel faction.

The idea of mob action was not unknown. "Past experiences and strategies - many dating from the Middle Ages - accumulated in the collective memory, were then transmitted via oral traditions and networks of sociability and thus served as a fund or 'mobilizing myth' from which the common people could draw and adapt to

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11 *NH Claims*, Samuel Hale, vol. II, p. 733. Hale, a Portsmouth lawyer, came across in his memorial as a self-serving weasel. But his judgment of the situation was probably as close to the minds of his neighbors as we can expect to get. Men like Hale certainly understood the goals of their contemporaries. After all, they had shared for the most part in the protest against British policy from 1765 to the point where they diverged over the question of the proper course of resistance in 1775. Of course the Parliamentary Commissioners might not have liked to hear this diagnosis of the failure of British policy from a provincial at that, but the measure of their feelings was unrevealed as Hale died in May 1787, before his claim was decided.
respond to present crises."\textsuperscript{12} The mob in Portsmouth and throughout the province had ample precedent upon which to draw. Within recent memory, crowd action had prevented the execution of the Stamp Act in 1765, and the experience of the Boston mob was familiar in the near northern port. Indeed the earliest expression of the New Hampshire mob took place in the infancy of the settlement as armed crowds clashed over the appointment of a minister in Dover, then Northam, in 1645.\textsuperscript{13}

In its earliest form, in terms of time, the New Hampshire mob was a protest group. It gathered in 1765 and forced George Meserve to relinquish the lucrative but extremely unpopular office of Stamp Collector even before he could begin his duties. By 1774 however, the crowd had become an arm of political action. A mob attempted to disrupt the county court in Grafton County as mentioned previously and was dispersed by Simon Baxter. The mob in Portsmouth in 1775 and 1776 was not so easily dispensed with. By that time the radicals had seized control of the Assembly, and their number must have included the leadership of the militia. In effect the mob had become the enforcement arm of the increasingly powerful Committee of Correspondence and Safety. The roles of both sides in the controversy were clearly defined either as constituents of the mob or its victims.


\textsuperscript{13}Walsh, "Law and Society on the Piscataqua."
What we know about the makeup of the mobs of New Hampshire is incomplete. We do not know what part was played by women, or the proportions of property owners as opposed to the numbers of laborers and sailors for example, who provided a significant part of the mobs in larger cities such as Boston, New York, and Philadelphia. Yet it is safe to generalize from the sources that a considerable number of the middling sort participated in crowd actions in Portsmouth and Exeter. "The changes underway in the late eighteenth century had strengthened some traditional groups, weakened others, and fertilized embryonic clusters whose primacy lay yet in the future." The Portsmouth mob in particular must have consisted of men who should have turned out when the governor called upon the militia in December of 1774 or mid-1775. The crowd consisted of large numbers (for the area) but numbers not so large that many faces would not go unrecognized. And that indeed may have contributed to its efficacy. It would be difficult if not impossible to stand firm in the face of crowd pressure, knowing the members of the crowd as neighbors, knowing that from that source one would face daily condemnation and opposition if one chose to remain steadfast to the unpopular stance of a loyalist. The choice mob rule offered was clear: convert or flee.

14For a discussion of the urban seaport crowds see Nash, The Urban Crucible. Nash argued that the growth of urban crowd action was in some ways a catalyst for the coming of the revolution, but that line of reasoning may not hold true for the less sophisticated port of Portsmouth. Mob action in New Hampshire was on a considerably smaller scale, and not nearly as anonymous as the acts of mobs in the larger seaports to southward.

15Bouton, Flour War, p. xxii.
The mob became an arm of political action in New Hampshire at the same time royal government effectively ceased to exist. With the rise of mob action in Portsmouth, the governor and his core of supporters had no means of carrying out the day to day tasks of government, let alone attempt to suppress the mob. Edward G. Lutwyche of Merrimack was obliged to flee to Portsmouth in April of 1775 when he refused to lead his regiment to Massachusetts after Lexington. Lutwyche chose Portsmouth as his destination because of his belief that "at that time the disaffection was not so general as in the country." Yet the mob had ended governmental control in Portsmouth in December of 1774 with the storming of Fort William and Mary. The failure of the militia to answer the Governor's summons at that time implies at the least that the leaders of the militia were the leaders of the mob. Lutwyche was probably correct that his safety was more assured in Portsmouth. The rebel leadership was efficient. The mob was controlled and for the most part quiescent until June and the taking of John Fenton. Indeed the only mindless act the mob seemed to have taken was the destruction of the sugar house, an installation that might have proven economically useful to the province.

The mob was controlled and moved through a variety of means. On one hand it was summoned simply by the sounding of the drum which would normally have called forth the militia. On the other we are left with the question of how people knew how to respond to that drum, what secret significance was attached to the

drumming and how the members of what at first glimpse may have resembled a spontaneous eruption of popular discontent knew that the summons was indeed for them. Tim Harris suggested "how people become informed about the political controversies of their age, whether through exposure to propaganda deliberately aimed at politicizing the masses, or through everyday religious, social, and economic experiences." The mobs of New Hampshire were certainly subject to considerable political propaganda in their own newspapers, as well as those of Boston, and they were not outside the circulation area of the vast numbers of political pamphlets then in circulation. Too, they would have been subjected to the frequent sermons of the clergy, the large part of which in New Hampshire supported the rebel faction. The fact that the militia and the mob were in all probability quite similar in identity, the likelihood is that training day meetings had provided a perfect opportunity for the rebel leadership to lay plans for the eventual use of popular protest as a political weapon. "The crowd was not the 'rabble' or society's dregs, but was comprised of respectable (if often lowly) types, who were informed, disciplined, and in possession of broad notions of the necessity and legitimacy of their actions." Yet we are reminded of the danger of using the mob as evidence of public

17Tim Harris, London Crowds. p. 6.

18Hoerder, Crowd Action, p. 43. Though he is here discussing Massachusetts, the concept of a self-organized militia either following the direction of its rebel officers or ignoring the commands of loyalist officers is certainly transferrable to the situation in Portsmouth.

19Harris, London Crowds, p. 7.
opinion in general. Thus the actions of the Portsmouth or Exeter mobs might not correspond to the will or beliefs of the populace in general.\textsuperscript{20} The loyalists identified those who mobbed them as tools of "the faction," as an "armed banditti," but never accorded them the distinction of being named. The crowds of revolutionary America were representative of a large popular movement, though not necessarily of the will and belief of the majority. As Samuel Hale pointed out in his memorial to the Commissioners, "nearly one third of the inhabitants for a long time retained their loyalty."\textsuperscript{21} Nevertheless, the mob represented what was the real political power in New Hampshire after December of 1774.

The exact activities of the mob from day to day can no longer be reconstructed with any degree of surety. But by extracting information from memorialist testimony we can suggest a few generalizations. The mob clearly acted as a sort of roving militia, or perhaps in modern terms, a police force.\textsuperscript{22} Men formed ad hoc groups analogous to a posse to perform specific tasks such as the arrest of specific loyalists, bringing the suspects before local committees of safety for trial and disposition. At least in Portsmouth, a group remained in some semblance of assembly almost constantly.\textsuperscript{23} Larger groups assembled quickly to terrorize known loyalists on the street, often resulting in the detention of the victim, and once again carrying

\textsuperscript{20}Harris, \textit{London Crowds}, p. 9


\textsuperscript{22}For more on goal-oriented crowds see Hoerder, \textit{Crowd Action}, p. 40-42.

\textsuperscript{23}\textit{New Hampshire Gazette}, December 30, 1774.
him before one of the committees. These actions were not carried out randomly, but were designed for a specific purpose, the intimidation of individuals known to be or suspected of being loyalists. The mob and those by whom they were controlled had two direct aims, either to force ideological conformity on their targets or to isolate them from the community as a whole, with the inevitable outcome of driving them from the community altogether. In essence the New Hampshire mob was performing the age-old task of warning-out the unwanted elements of society.24

Crowd action based upon the experience of festive gatherings provided a way in which the lower sorts were able to express themselves when the traditional channels of authority were blocked to them. Having experienced in a small way the power of their betters during such commemorative events as Pope's Day, the crowd found mob action an accessible and acceptable means toward an end. And many ends were found. Crowds took to the streets to protest food prices, to prevent engrossing during times of shortage and to express their fears during a variety of controversies from the small pox vaccination battle to the Land Bank dispute. Though these actions all took place in Boston, they could not help but be known and remembered in the streets of Portsmouth as well.

When simple mobbing failed to drive the unwanted members of the enemy away, housebreaking was the next level of terror

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24Mob action was consistent elsewhere. In May of 1775 at Savannah, GA, a "mob met and chose a committee who immediately resolved that a number of persons well known for their loyalty and attachment to government should leave the province in six days or abide the consequences." Loyalist Claims, Thomas Gumersall, vol. XVI, p. 299-332.
employed. As Dirk Hoerder pointed out, "If the person against whose property the riot was directed was so obnoxious to the rioters or to the whole community that they were unwilling to tolerate his presence in the town, his house would be pulled down. These methods were also adapted to partisan politics during the revolutionary period." It was bad enough to experience the rough hands and insults of the mob alone on the streets of town, or in the company of fellow victims, but to have one's house attacked and to have one's wife and children threatened was much worse. Daniel Rindge related a harrowing tale: Taken by a crowd with two other loyalists around September of 1775, Rindge had his arm broken as he blocked the stroke of a large stick. He was imprisoned and then examined by the town committee. After his release he was "from this time subjected to new and continual insults from my enemies and shunned and deserted by some of my former friends." Rindge's choice of words is interesting. The community often acted in concert to show its disapproval of a member's actions, and one of the oldest traditional forms of communal disapproval was shunning, the turning away of the communal face to the alleged malefactor.

But the community was not satisfied simply with shunning Daniel Rindge, and at least some of the community's members disposed to armed assembly carried the attack on Rindge a step

25Hoerder, Crowd Action, p. 69.


27Cases such as the following were not uncommon. Loyalist Claims, Amos Botsford, vol. XII, p. 77-90. Botsford, an attorney in Hartford, CT, refused to sign an oath and was "secluded from professional practice."
further. "Soon after this a large body of men from the country, searching for powder, with pieces loaded, surrounded my house. A loaded gun levelled at my wife was turned aside by a friend to humanity, and to me, pleading for the defenseless sex."28 Rindge elaborated further, saying that he had just returned from a friend and neighbor's house where he had helped to defend the "women and children" from a similar attack. Rindge discriminated in his account by calling the mob which assailed his house "men from the country." The first impression might be that these were neighbors from nearby, that "from the country" was not a distinction of country versus town in nature. But further on as he continues the story of the attack on his family and house, Rindge enlarges upon that distinction. The mob was apparently there to search Rindge's house for powder and weapons. He had already been ordered disarmed, so this instance may have been a direct consequence to that administrative action. But fearing for his family, Rindge attempted to obstruct the entry of the strangers, and then attempted to limit their access with conditions. A quarrel erupted between the parties and violence seemed unavoidable until the arrival of "some humane and moderate townsmen" who somehow exerted control over the situation and the search was completed without further violence. Rindge's choice of words and their meaning was significant. Rindge was a close associate of the governor and related to Wentworth by marriage. He was wealthy and influential, and his choice of words reveal that he resented the effrontery of the country rabble which attempted to

enter his domicile. He was unsure that his prominence would be any protection to him or his family, and that uncertainty probably produced stubborn anger which could have led to a more serious confrontation. Thanks to the arrival of the "townsmen" he suffered little more than a fright and an inconvenience at that point, though he would feel the need to flee the country altogether in November 1775.

Real differences may well have existed between the seacoast towns and those of the interior. Jack P. Greene contended that the development of provinces on the periphery of the empire was dramatically affected by the conscious emulation of the metropolis, London, or more generally, England. Greene's theory of the mimetic relationship between province and metropolis, if correct, could account for differences in the formulation of communal identity on the provincial level. It could be said that sub-communities formed their own identities as well, especially in areas isolated from the central core of the colony. Thus just as the provinces of the periphery formed identities distinct from but in emulation of the metropolis, so too would interior communities have evolved distinctly from the longer established seacoast towns. This would help to explain the political differences which often arose between western settlements and the seacoast.

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Bartholomew Stavers did not share the immunity of station with Daniel Rindge. Stavers was a stage driver and innkeeper who ran a public house "under the sign of the Earl of Halifax." His loyalism was so pronounced and so obnoxious to his neighbors that he felt himself threatened to the extent that he fled the province in November of 1774 carrying a case of dispatches from Governor Wentworth and the customs collectors to England. But leaving was not enough to preserve Stavers' property from the wrath of the mob. Shortly after his departure "a mob or body of licentious people went to his house and threatened destruction of the same if his wife allowed the friends of government to meet there as usual." Martha, his wife, apparently did just that, because a short while later Stavers received word "of a mob's assembling at Portsmouth who entered his house by force and destroyed his furniture and did him other damages to a considerable amount, giving for a reason that the owner of the goods was a tory, and his house was a tory house, because he kept a house of entertainment for the King's officers and the friends to government at which they used to meet." Once again the mob was not content that the primary object of their disapproval had already departed. John Cochran, commander of Fort William and Mary, had departed Portsmouth bound for Boston with John Wentworth. But two months later, his wife Sarah "was

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31NH Claims, Bartholomew Stavers, Certificate of Robert Traill. vol. IV, p. 1713.
ordered to quit the premises which she did and was moving her goods on which a mob rose and took away everything she had, calling them the goods of a tory."\textsuperscript{33}

In some cases, at least, the mind of the mob was bifurcated. It was at once a political creature, bent on persecuting its enemies, determined to root out those who by their allegiance had violated communal norms, and at the same time its greed drove it to take the spoils of a vanquished enemy, stooping to loot the possessions of an evicted woman whose husband was long out of their reach. The message was clear. Property was seen as a sign of wealth and status. The mob determined to reduce the hated "tory" to the lowest possible social level by taking or destroying his or her property, and driving them from the community by destroying the safety and sanctity of the home.\textsuperscript{34}

The victims of mobbing and housebreaking were generally prominent or at least connected to government. All legal authority had collapsed, the last session of the assembly was a sham as the rebels consolidated their control over the masses they pretended to answer the call of the governor. Thus by the summer of 1775 New Hampshire was as much in rebellion as Massachusetts. Traditional civil authority was replaced by the rebel leaders meeting in Exeter as a committee of safety, and soon augmented by an assembly elected illegally and without the king's writ. Following Wentworth's


\textsuperscript{34}The rebel tactics were consistent throughout the provinces. See Loyalist Claims, Northurp Marple, vol. XVI, p. 481-488; Elias Homes, vol. XVI, p. 547-550; Samuel Moore, vol. XVI, p. 125-130;
departure in August and that of most of his core of support, a struggle began for the hearts and minds of the majority of the people of the province.

The records of the assembly themselves demonstrate the precarious nature of the rebellion in 1775 and even into 1776. The rebel legislature and the Committee of Safety wherein lay the true power could not reach far into the interior until a network of local committees of safety was instituted. Thereafter it was possible to snatch potential loyalists from their homes and force them to recant their false faith. Even before the Committees of Safety began their work, the Committees of Correspondence had set the precedent for intimidation and public humiliation. In October of 1774 Governor Wentworth began the chain of events which would lead to the fall of his government. He hired Nicholas Austin as agent for the procurement of carpenters for General Gage's barracks in Boston. When the Committees got wind of his actions, the Rochester group swept down on the unfortunate Austin, and forced him to make a public confession of his guilt on his knees. Then they forced him to swear an oath stating that "I do affirm, that for the future, I never will be aiding or assisting in anywise whatever, in act or deed, contrary to the Constitution of the country..."35

The obviously religious nature of these forced confessions or professions of faith cannot be disguised or disregarded. Mere tacit acquiescence to the state of affairs was not enough. In a place and

time when a whispered charge to the right ear could have a man hauled in front of a tribunal of his neighbors in the middle of the night and accused of treason, suspicion and fear become the overshadowing emotions of the average citizen. The only way to prevent the wrath of the rebel inquisition from descending like an avenging angel, was to profess publicly one's faith in the rebellion.

In retrospect we might marvel at the stubbornness of those who refused to sign the test oath, at the arrogance or conservatism of those who remained loyal to king and country, but perhaps we should marvel equally at the temerity of those who threw away a lifetime of allegiance, who turned their backs on the country which spawned them or their ancestors, who rejected the people from whom they learned their language, their religion and their political thought. 36 Few probably considered the decision in those terms. A year after Lexington, and a month after the British evacuation of Boston, the position of the rebels in New Hampshire was fairly secure. Though there was a considerable threat looming across the wilderness in Canada, one which played a major part in the lives of many in New Hampshire, the feared invasion of Portsmouth seemed far less imminent. Certainly the idea of declaring independence from Great Britain was prevalent. But the support of all of the people of the province could not be assured. Indeed many towns sent petitions to the assembly complaining of the method by which it was elected, and repeatedly denying the need for a declaration of independence.

36 For a brief though effective discussion of this new way of perceiving the controversy see Norton, *The British-Americans.* p. 3-9.
Yet it might seem that a certain wave of excitement, a fever of change, had swept through the province. Perhaps the withdrawal of the enemy from Boston provided a boost of confidence in the cause, or perhaps it was merely the coming of spring which lifted spirits and prompted men to cleave to the new cause of supposed liberty.

Not everyone supported the rebellion with life and property and no care for the outcome. The assembly received numerous complaints from officers trying to enlist regiments, decrying the lack of funds and supplies without which men refused to enlist. Men from outside the province as highly placed as George Washington wondered in letters at the slowness of New Hampshire men to answer the call to arms, while the assembly hurried to appropriate money to pay the enlistees in advance. The rebel leaders may well have wondered just how many of their countrymen were willing to support an armed rebellion and how far they might be willing to go in their support. Some means of determining rebel strength and the identity of malcontents was needed, and the means was supplied by the resolution in the Continental Congress dated March 14, 1776 in which all provincial authorities were directed "immediately to cause all persons to be disarmed, within their respective colonies, who are notoriously disaffected to the cause of America, or who have not associated, and refuse to associate, to defend by arms, the United Colonies, against the hostile attempts of the British fleets and armies." The "notoriously disaffected" had to be identified and dealt with. At that point in time, however, it was difficult to tell a

37NHPP Vol. 8, p. 204.
staunch loyalist from a wavering citizen. Though royal government had been removed seven months previously, it was not yet clear what form the new government would or ought to take, nor was it entirely clear on what authority it could rest. Four months remained until Thomas Jefferson would rationalize the basis of a civil government based upon natural rights, not a concept unknown, but nevertheless not one which had been articulated as yet. Instead the rebels relied on the negative basis of resisting aggression and still cited the English constitution as the basis for the legality of their acts.38 Whatever the compulsion or inspiration, over 90% of New Hampshire's men signed the test oath between April and September of 1776. Of those who refused, a considerable number apparently did so because of religious objections, since many were Quakers.

The months between the flight of John Wentworth in August 1775 and the establishment of a temporary government in Exeter in January of 1776 saw the departure of most of New Hampshire's prominent loyalists. Older men like Mark Hunking Wentworth, the governor's father, and Theodore Atkinson, the former Chief Justice, remained, and were for the most part left unmolested. The pattern of deference died hard in Portsmouth, and men of such wealth and standing within the community were fairly immune to attack while they exhibited no threat. Farther inland men like Stephen Holland and Simon Baxter retained a considerable amount of authority and support in their communities. Thus they were able to work

38NHPP Vol. 8, p. 182.
continuously on behalf of British authority, quietly or not so quietly resisting the rebel government until 1777.

The most outspoken loyalists were harassed as long as they remained in the province. Simon Baxter, among others, told of being "frequently taken up and carried before their committees....thirteen different times, [and] finally put in jail in Charlestown No. 4."39 We can only imagine the feeling of insecurity experienced by those whose lives were constantly overthrown by such tactics. At any hour a man could be taken from his home, carried forcibly to an unforeseen location, and there be examined by a tribunal of men. These former neighbors, perhaps well-known to the accused, or perhaps formerly social inferiors, held the prisoner's fate in their hands. How long Baxter endured this is not certain, nor is the length of time he stayed in jail. Baxter escaped from his imprisonment in July of 1777 and joined Burgoyne's army at Skeensborough. But Baxter's physical peril was far from over.

The surrender at Saratoga left Baxter a prisoner of war. The American officers serving with Burgoyne were offered their freedom in return for their oath of allegiance to the new government, or at least their parole that they would not in the future take up arms against the American government. All but Baxter agreed and were released. Baxter was imprisoned at Rutland Barracks with the British officers of Burgoyne's command.40 After some time he was given a


40NH Claims, Simon Baxter, Letter of Francis Fraser, vol. I, p. 158. Fraser was a captain in the King's Rangers and a fellow prisoner of war with Baxter at Rutland. The letter was in support of Baxter's claim to loyalism.
pass to return home and visit his family. After only two days at home, Baxter's former neighbors got word of his presence and a mob formed. Taken forcibly from his house, "his old neighbors gathered round him tied him to a tree [and] gave him several prick[s] with bayonets in the breast and whipped him 'til they left his back worse than I ever saw a soldier's back."\textsuperscript{41}

The mob took Baxter's pass and threw him into the jail at Keene. He was released by the High Sheriff there and made his way to Vermont. According to his story he was there given protection by Governor Whittington, but nevertheless a party came from New Hampshire and took him by force back to Rutland Barracks. There a court of three officers ordered Baxter removed to Worcester Jail. Why precisely this was done is unclear. Baxter gave us no clue, but perhaps Francis Fraser did. Fraser was a British officer captured with Baxter at Saratoga. It may be that the sight of the mistreatment of their loyalist fellow had incensed the British prisoners still held at Rutland and caused some concern to the authorities there. They may have desired to remove the potential cause of unrest from the prison camp, precluding any further discontent or ill-feeling Baxter's treatment might have engendered. At any rate the move proved auspicious for Baxter. During the process of his transfer, Baxter was able to escape from his guards and journey to Penobscot. From there

\textsuperscript{41}\textit{NH Claims}, Simon Baxter, Letter of Francis Fraser, vol. I, p. 158. This must have been a severe whipping indeed. Fraser reports that he saw Baxter's back when he returned to Rutland Barracks after this incident. For an officer in the British army, Fraser must have seen some quite severe whippings administered, as that was the primary form of routine punishment for most offenses.
he made his way to England. Baxter endured the worst physical abuse of any New Hampshire loyalist we know of, though by no means the worst suffered by loyalists in general. As near as Boston the art of tarring and feathering was practiced, a form of punishment thought to have been brought back to Europe by the Crusaders and usually reserved for the most heinous of offenders against community norms. In America before and during the rebellion, that punishment was allotted to Crown officials and loyalists alike. Such an abuse could easily lead to the death of the victim from suffocation or burns.

Stephen Holland asserted his position from the beginning by apprehending British deserters in 1774 and sending them back to Boston to their regiment. On April 19, 1775 Holland resigned from all of his civil offices as well as from his militia post. He was offered a commission by the new rebel government as a Brigadier General but "turned up his nose in contempt to them and went off without so much as returning them thanks." According to Vance, Holland was


44 NH Claims, Stephen Holland, vol. II, Deposition of William Vance, Esq. p. 945. According to Sabine, Holland asserted his support for the cause of his country's liberty at a town meeting in Londonderry in 1775. See Sabine, Sketches, p. 536. Such an assertion is not unlikely as it might have allowed Holland another two years to act surreptitiously on behalf of the Crown in his home town. However Sabine devotes only a brief paragraph to Holland. Sabine's sources were obviously incomplete and based primarily on American documents. He ignored Holland's earlier military service in the Royal Army as a captain in the Prince of Wales' American Volunteers, and his subsequent career in New York. It might be fair to say that much of Sabine's information was based on sketchy public records such as lists of those proscribed and or banished, as well as the sort of antiquarian lore from which many fine stories might be made but which resist the scrupulous

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harassed continually during the latter half of 1775 and all of 1776. Holland and some friends were forced to mount a continual guard at his home, and had on occasion to fend off concerted attacks by bands of rebels. Nevertheless Holland had the freedom and prominence to carry on a relationship with Colonel Archibald Campbell who was a prisoner of the rebel authorities held at Reading, Massachusetts. Holland was able to visit Campbell frequently, arranged a courier to carry letters secretly to the British army in New York, and assisted Campbell monetarily.  

By February of 1777 Holland knew that his days of free action were numbered. Holland advised Campbell on the occasion of his last visit that he would be leaving the area and taking a contingent to join the army in New York.  Shortly after that visit Holland was arrested and taken to Exeter jail charged with treason. He was able to escape at that time and fled southward as far as Boston.

An eyewitness described Holland's treatment by rebel authorities in Boston. Between June 6th and June 10th Holland was brought into the jail as a prisoner. He was "put in irons and confined four nights and three days in a dark dungeon scarce six feet long and four wide, [and] he had neither straw, bread or water allowed him." 

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45Prisoners were required to support themselves while confined. This held true for loyalists as well as British POWs. See NHPP vol VII & VIII. See also NH Claims, Stephen Holland, vol. II, Certificate of Archibald Campbell, Maj. Gen., p. 968-970.


Other prisoners there gave Holland water through a pipe or "he must have perished." When Holland emerged "he was so weak and low that two men were required to support him." Holland was put in another room for a few more days and then taken out to be transported back to New Hampshire "under a strong guard with hand cuffs on, and a chain under the horse's belly from leg to leg to prevent him making his escape."

There is little doubt that Holland was considered a dangerous and important prisoner. No report remains to allege that he was beaten during this time, though Hill added that he overheard conversations between the jail officials and members of the Council to the effect that "it was their intention to starve the said Stephen Holland to death."48

William Vance was a prisoner in Exeter jail when Holland was brought in on June 20, 1777. Vance told of Holland's arrival "loaded with irons, that he appeared very unwell and the irons were so heavy that he [Holland] could not move forward without the assistance of two men to support him. Holland was placed in a room Vance described as a dungeon with a guard at the door. The jailer told Vance that he was going to the General Court for permission to chain Holland to the floor. The jailer further told Vance that there were many who would not be satisfied until Holland was hanged for treason. Around six days later Holland became ill and asked for a doctor. The jailers refused his request but prisoners who had the liberty of the jailyard approached a Colonel Ward who ordered

another prisoner, Doctor Gove, to be allowed in to see to Holland. Gove reported to Vance that after three days with Holland he "had never suffered so much before as he did while he was in the dungeon...on account of the stench" and that "Holland had begged him to go out of it as it could be of no service to him to stay and die with him." 49

Neither Holland nor any of his supporting deponents gave further details of his captivity except to say that when news reached Exeter that Burgoyne had captured Ticonderoga, the chains were removed from the prisoner. Holland was incarcerated for about nine months during which time he was tried and convicted of treason and sentenced to death. Before the sentence could be carried out he managed to escape to Rhode Island where he joined the British.

Stephen Holland was mistreated due to the magnitude of his crimes. Vance was told by a jailer that the primary offense Holland was accused of was the recruitment of a hundred men to join the British just after the battle of Bunker Hill. But if that were the case, why allow him so much freedom between May of 1775 and his arrest in early 1777? The rebel authority had not solidified in 1775 or indeed in 1776. Despite the pretensions of the Provincial Congress in Exeter, solid support did not obtain throughout the province either for their rule or for the cause of independence. As mentioned above, frequent petitions from numbers of towns testify to the fact that support for the rebel government was neither universal nor altogether firm. Many yet questioned the wisdom of armed rebellion

even though they agreed in principle to the idea of resisting British authority.

A minority were ideologically sanguine. The rebel leadership had close ties to the patriot faction of Massachusetts, as did many others in the province. Many of the events of 1775 could be attributed to a sort of mimicry of the events that took place in the neighboring province. The acts of the rebel government in 1776 were closely tied to the example and advice of their southern confederates, as well as to the directives of the Continental Congress. Yet some ambivalence remained in the towns. That ambivalence was reinforced by a sense of insecurity.

There existed throughout 1775 and 1776 an air of fear, a feeling of impending doom predicated on the supposition that an impending invasion of New England from Canada would most likely come through New Hampshire. Added to that was an equally pervasive concern that a seaborne invasion could materialize off the coast of Portsmouth at any time. That fear would fuel the suspicion aimed at Asa Porter, a case to be taken up in a subsequent chapter, as well as informing the general state of insecurity felt elsewhere, but especially by the leaders of the rebellion as they carried on activities in Exeter which would be adduced as treasonous should the rebellion fail.

Either because the feared invasion failed to materialize by early 1777, or because it was learned that it soon would, it was felt that it was time to pursue the notorious Londonderry leader, and thus came the arrest of Holland. That Holland still commanded a great deal of influence was attested to by the petition of 133
residents of Londonderry who pledged their estates as surety for Holland's release. Their offer was rejected and they were all held up to public scorn for their support of so odious a character. But despite a certain relaxation of the climate of fear, the rebel authorities were reluctant to carry out their eventual goal, the death of Stephen Holland.

The authorities in Exeter must have desired Holland's demise. They tried the prisoner for treason and sentenced him to be hanged, yet it was some months later that he escaped. The successes of Burgoyne's invasion spared Holland for a time. The rebel government feared to kill him outright, not only because of the consequences to them should the British prevail, but also because they feared to create a martyr as a rallying point for the loyalists who remained in the province and who they feared would rally to Burgoyne. As many memorials prove, a considerable number of quiet loyalists did join Burgoyne's advancing army, but what prevented the victorious and reassured rebels from executing Holland after the debacle of Saratoga in October of 1777?

Holland's survival can probably be attributed to the very nature of the rebellion in New Hampshire. As will be discussed below, the rebellion in New Hampshire never really reached the level of ferocity that was attained by New Yorkers or those combatants in many of the southern provinces. Aside from the aberrant atrocities surrounding the Battle of Bennington and a few isolated frontier episodes, the rebellion in New Hampshire was rather bloodless. Lacking any true desire to kill their neighbors, even the leaders of the rebel government lacked the ruthlessness to execute Stephen
Holland. Indeed it may be that Holland's life was preserved by the cupidity of his captors. It was only shortly after his escape that the rebel government found the courage to seize all loyalist property in the province. Though the suggestion had come from the Continental Congress as a means of raising revenue, it is likely that once again the capture of Burgoyne's army had catalyzed that action. Had Holland died, his considerable estate would have passed to his widow and children who could not be dispossessed of the estate based on the husband's crimes.

After the war Holland went to England where he became a leader in the New Hampshire loyalist community. More than any single expatriate from that province, Holland became the spokesman for his countrymen. While indeed John Wentworth wrote brief notes on behalf of a privileged few, Holland deposed on behalf of many ordinary men and wrote memorials for several absentees, including the heirs of others who perished during the conflict.\footnote{Among others, Holland authored a memorial on behalf of John Stinson of Dunbarton who was at the time of writing (March 1784) imprisoned in New Hampshire. Stinson had been apprehended while seeking to secure some of his property and was being tried for returning to the state despite his banishment. \textit{NH Claims}, John Stinson, Memorial of Stephen Holland on Behalf of John Stinson, vol. IV, p. 1752-1779.} As advisor, contributor, and author, Stephen Holland influenced the exposition of the loyalist perspective. It is in the memorials that we find the effects of Holland's cruel treatment reflected in the words of his countrymen.

Pervasive throughout is the notion of suffering loyalists. Holland described himself as "a lame invalid" as a result of his
sufferings. Robert Fowle, allegedly Holland's accomplice in a counterfeiting scheme, found himself and others in a "wretched situation."51 Other memorialists echoed similar sentiments. They saw themselves as victims of circumstance. The loss of the conflict had left the majority of them in difficult financial straits. Only a few had professions or prospects. Most relied on pensions for their survival. Significantly, most of the New Hampshire petitioners had gone to England. Of New Hampshire's loyalists, many those who petitioned for redress of their losses did not migrate to Canada and claim the awards of land given freely to the thousands who did. But both groups of loyalists suffered the losses of property and community equally. Both the thousands who eventually found a new land in Canada and became the self-styled United Empire Loyalists, and the significantly fewer who migrated to England and elsewhere, wore the sobriquet "loyalist" for the remainder of their lives. By doing so they identified themselves as distinct from their former countrymen and as members of a new community.52


52It is extremely significant that a considerable number of claimants from other provinces, though notably none from New Hampshire, referred to their former neighbors as "the Americans." That usage was especially noticeable in New Jersey and New York claimants' language. The cause of such a radical shift of identification is unclear, but may be attributed to the intensity of the struggle in those provinces. Those who wrote of their opponents as "Americans" were choosing to differentiate themselves from their former habitation. The first conclusion might be that those who used that term in that way were immigrants lately arrived just prior to the rebellion, yet an examination of the claims reveals that few if any of those referring to the rebels as "the Americans" were in fact recent immigrants to the colonies. Most were native born Americans themselves. See for example Loyalist Claims, Thomas Barclay, vol. XVII, p. 25-42; John Francis Ryerson, vol. XVI p. 131-146; Elisha Laurence, vol. XV, p. 29-36.
Physical trauma, mobbing, housebreaking, and imprisonment among them, had a significant role in shaping the loyalist community identity, and the personal identities of individual loyalists. The memorialists referred to themselves repeatedly as "loyalist sufferers" and all those who underwent physical trials felt that their duty to King and country had been fulfilled.

Equally important was the role of physical trauma in the formation of a loyalist identity in the minds of their enemies. The proponents of the rebel faction used physical sanctions against the loyalists as a means of warning out those whom they had identified as enemies of the country. Failing to warn out such violators of the community norm, some rebel crowds turned to housebreaking as a more final way of driving the loyalist outcasts from their midst. At the last, reluctant misfits such as Stephen Holland were confined, mistreated, and condemned to die. There are no records of loyalists executed in New Hampshire, though several were convicted of treason.53

Whether they actually suffered physically or not, the loyalist memorialists carried the identity of a suffering minority with them to their new places in exile. And those who went to England and

53Loyalists were, however, executed elsewhere. Loyalist Claims, Alpheus Palmer, vol. XVIII, p. 129-144. Writing on behalf of his father, Palmer stated that his eldest brother "was in the year 1777 executed by the King's enemies for his loyalty to his Sovereign." A New Jersey man from Middletown told of how his father had been at sea on behalf of the British and when he came home for a visit in September of 1779, "a scouting party laid in wait for him and shot him." George Mount, vol. XVI, p. 171-182. Emotions ran deeper in the other provinces where the war was a reality, not merely a newspaper account.
eventually hoped to find redress for their losses found themselves again suffering in other ways, especially from the neglect of the government they had sacrificed everything to support.

The loyalists created their own identities first by choosing to act as loyalists. As a result of those acts, the rebel faction at both the provincial and town community levels responded with sanctions. The primary response came in the form of physical harassment by mobs, housebreaking, and in some cases imprisonment. In addition, loyalists were shunned by their neighbors, confined to their homes or farms, or removed to other towns far removed from the coastal areas considered by the rebels to be in danger of invasion. Nearly all of these developments took place in the early part of the rebellion, from 1774 through 1777 after the defeat of the British at Saratoga, an event personally witnessed and endured by many New Hampshire loyalists who had left their homes to join the King's standard as it moved southward.

Following that debacle, the majority of overt loyalists departed the province and began the odyssey to some future home. The rebel faction, triumphantly ensconced as the de facto power in Exeter and unchallenged in the province, altered its strategy and began to employ legal weapons in earnest against present and absent loyalists alike. Legal weapons had been deployed to some extent from the beginning of 1776, but only after the assurance of Saratoga were those the primary weapons of choice in dealing with the remnants of those whose allegiance lay still with the crown and country of their fathers. The legal battles of the revolution depended heavily on identity, both self-conceptions of personal and communal identity,
and perhaps even more, the identity of individuals and community as created for them by others. To those legal battles we turn in the next chapter.
Chapter Four

Civiliter Mortuos: 
The Imposition of Identity Through Law.

...the Absentees were proceeded against as *civiliter mortuos*, without the form of a complaint or information by the attorney general.

Part of our inheritance from England has been and continues to be a reverence for "the Law," as well as a certain proclivity for using it, sometimes beyond the bounds of sense. We were, and remain a most litigious people. To a degree, law and the interpretation of the British constitution were at the center of the controversy which led to the American Rebellion. It should come as no surprise then that law and its use or misuse holds a central place in a discussion of loyalism during the period from 1774 through 1784. This chapter examines the effects of law on the loyalist community: how law was used by the rebels to impose an identity on the loyalists from the outside, and how law was used to deprive them of their rights and property. We have already seen how the loyalists created their own identity as demonstrated in the language shared among them in their memorials to the Parliamentary Commission. The loyalists created for themselves the identity of suffering friends of government, steadfast

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and active in the service of the mother country. They demonstrated this constructed identity with passive and active behaviors, the commission of which defined them publicly as well as personally as loyalists. They also saw themselves as victims of oppression and persecution, by mobs at first, and then by the armed might of the rebel faction. Once the tumultuous situation of 1774 and 1775 subsided and the rebels seemed securely entrenched, their technique in dealing with the loyalist remnant changed. They began to rely on law or the semblance of law to identify their enemies. Both sides in this conflict were deeply influenced by the Glorious Revolution of 1689. Few if any seriously retained the idea of the divine right of kings. The constitutional monarchy which replaced James II had altered the fundamental locus of authority, the fountainhead of sovereignty, from the concept of divinely decreed kingship to the "modern" idea of sovereignty derived from the consent of the governed, or at least from their representatives in parliament.\(^2\) For loyalists, the law emanated from the government appointed by the King and legislated by Parliament. For the rebel faction, it became necessary to obfuscate the source of legitimate law and create a new basis for sovereignty. The success of the leaders of the American rebellion lay in large part in their ability to shift the locus of sovereignty away from that of government based on the traditional sovereignty of the "King in Parliament" and transferring it wholesale

\(^2\)Morgan, *Inventing the People*.
into the idea of the "sovereignty of the people." That accomplishment was perhaps the greatest feat of political legerdemain of all time.  

Of course the theoretical underpinnings of government according to a contemporary source, were of little concern to the average resident of the province of New Hampshire before, during, or after the rebellion. The real concerns of most men and women revolved around their prosperity and security, not only their own, but that of the community in which they lived. Whatever government provided for their security from criminals and intruders was sufficient. Questions of sovereignty and the philosophical origins of law were as foreign to them at the time, as quantum physics is to most modern Americans. Thus our concern here lies not with the evolution of the theory of government and law, but with the utility of law in the struggle for the minds of the people.

The utility of law is based primarily upon its acceptance by the community which it purports to protect. The loyalists contended that the rebel government had no legitimate right to govern. The question of legitimacy was raised repeatedly by some of the loyalist memorialists, especially those who had held responsible positions in the royal government. One of the central arguments they employed in resisting the rebel takeover of the assembly in 1775 was the legitimacy of royal authority. Based soundly on constitutional and

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statute law, the governor's authority to prorogue the assembly, or call it using the King's Writ, was central to the stable nature of provincial government. Therefore, argued the loyalists such as Thomas McDonough, the acts of an assembly meeting without the aegis of the crown or the King's representative, the royal governor, could not have the legitimacy of real law. This was especially true of the so-called "committees of correspondence" or "committees of safety." Rebel government was usurped, un-natural, and, the loyalists hoped, temporary.5

The loyalists were not alone in their concerns about the legitimacy of the rebel government. Petitions from various towns to the assembly show a concern on the part of a considerable number of inhabitants. On January 5, 1776, the Assembly at Exeter voted to create a new civil government, and by January 10 a protest petition was entered and read to the assembly. The document, signed by residents of twelve towns, was written by men who had represented their towns in the congress sitting at Exeter the previous month. The nine reasons they set forth for their protest range from the sublime to the ludicrous. Point seven acknowledged the troubling idea that the Congress, meaning that which met in Exeter in December 1775, and which they had attended as delegates, was in itself adequate to act as a provisional government, and that it had no legitimate basis for acting to enlarge its own power.6 At the same time point five

5 NH Claims, Thomas McDonough, vol. III, pp. 1165-1166. McDonough was not the only loyalist to question the legitimacy of the rebel government. For more on this see Chapter One.

offered that New Hampshire was too small and insignificant to lead where other colonies had failed to set a like example as yet. Perhaps closer to the real problem were articles eight and nine, wherein the protestors complained that a new government would cost too much, and seemed frighteningly close to "setting up an Indepency on the Mother Country."7

Eleven additional petitions were received by the new government prior to the 18th of January. On that day the petitions were read before both houses, and "fully argued by Mr. John Pickering, counsel for the petitioners." The house then adjourned without comment. The following morning the house voted to create a committee to confer with a committee of the council about the idea of referring the question of what form the provincial government ought to take to the Continental Congress.

The January petitions had no effect on the course of the rebellion. The feeling both in Exeter and in Philadelphia was that the petitions were the feeble attempts of loyalists or fence-sitters to slow or stop the consolidation of the rebel government, and that anyone who questioned the propriety of the actions of the new governments must be an enemy of the country.

Of much greater concern to rebels and loyalists alike, as well as to those who had yet to adhere to one side or the other, was the fact that the civil courts had been closed. From the beginnings of the settlement of the province, the courts had provided social stability through the adjudication of offenses and the arbitration of disputes.

7NHPP Vol. 8, p. 15.
Without functioning courts a sense of insecurity and concern added to the tension of the times. As early as 1774, rebels had attempted to close the court in Grafton County, and only the intercession of Simon Baxter and some of his supporters had kept the session open. By May of 1775 the courts were no longer functioning. We know this from the records of the Assembly and more particularly from the memorial of John Durand.

Durand held a contract from the Royal Navy to provide timber and masts. He had engaged one Edward Parry as his agent to secure the quantities of timber called for in his contract. In a letter dated May 17, 1775, John Wentworth informed Durand of the seizure of his cargo and the imprisonment of Edward Parry. Wentworth’s letter reflected the situation in the province at that time. Wentworth assured Durand that he would do all he could to secure Parry’s release (and that of John Bernard, the eldest son of Sir Francis Bernard, former governor of Massachusetts) and the safety of the goods taken, but he was unsure of how long it would take, "all communication by land being entirely cut off or at least restrained to committees of the people."8 It was impossible for Wentworth to do anything himself "as the country is in the most deplorable state of disorder without law or government....at present you are sensible all power is wrested from magistrates, that little hope can be had from law until Great Britain restores its efficacy on this continent."9


Parry was held in Sturbridge until June of 1776 when he was paroled to Portsmouth in the care of the Committee of Safety there. He had yet to have any sort of trial other than an examination by a committee, probably in Kennebec where the timber was seized. In August of 1776, Parry filed suit in a Maritime Court in Portsmouth, perhaps the only one in operation, and that only to lend an air of legitimacy to the seizure of English ships by privateers commissioned by the Provincial Assembly. With Joshua Brackett presiding, the maritime court rendered judgement against the plaintiff and awarded the ship, the *Bochacheco*, and its cargo to the state to be sold at public auction.10

Durand later contended that according to the government contract he held "the value thereof is to be refunded when captured or destroyed by the enemy....this business was undertaken and carried on and finally would have been effected if government could have kept the said territories in subjugation."11

The civil courts meanwhile remained closed throughout 1775 and into 1776. The reasons, though nowhere boldly stated, seem obvious. First, justices of the peace could not function under the provisional government. The commission of a justice of the peace was a royal one, and magistrates whose right to hear cases rested on royal authority were of little use to a rebel government. But the rebels had a darker reason for closing and keeping the courts closed.


The success of the rebellion required the efficacy of the committees of safety and of correspondence, especially their powers of arrest, detention, and judgement without trial. When it was possible for committeemen or their friends to arrest a man or woman on the mere suspicion of uttering a phrase on behalf of the King, it was possible to subjugate the populace, or at least intimidate the majority into inaction. With the courts closed the only recourse the accused had was to petition the rebel-controlled assembly for a hearing. Through 1774, 1775, and well into 1776, the rebel faction was a minority in the province. Their hold on power remained precarious as long as the vast majority of the people had not chosen sides and the loyalists remained in the midst of the colony. The departure of Governor Wentworth in August 1775 removed one impediment to their success, but the resumption of normal legal procedures was unthinkable. To allow the courts to reopen, even with members of the rebel faction in the magistracy, was impossible without some credible basis for the power of the court to rest upon. That was clearly absent. The rebels recognized that for courts to operate they must be grounded in the legitimate government of the polity. No such government yet existed.

The government created by the "constitution" of January 1776, however, found its own claim to legitimacy based on the idea that it was a popular government existing only during the current crisis of war. Its language rife with references to impending invasion, the new rebel government, when not concerned with the nuts and bolts affairs of mounting a rebellion, took the time to install its own list of magistrates for all the levels of the ante bellum judiciary just days
after assuming control of the province. The list languished in limbo though until March when a committee was formed to recommend the actions the legislature ought to undertake as soon as possible. One of the committee's recommendations, reported on March 7, 1776, was the immediate restoration of the law courts. Complaints had been received, and the tenuous nature of the government with its narrow base of popular support required action of some sort. On the 11th of March the House voted to form yet another committee to find "some method respecting opening the civil courts and what restrictions they shall be laid under."

The committee's report, though missing from the journal of the House, apparently formed the basis for at least part of a proclamation issued on Tuesday, March 19. The pertinent passage read: "the council and assembly have chosen and appointed the proper officers for the administration of justice in the several counties, who are to be sworn to the faithful discharge of their several trusts." The proclamation then revealed the concern of the rebels, that their network of ultra-legal committees continue to have free rein: "this proclamation is intended not to interfere with the power of the necessary committees of safety chosen in the several towns through the colony." A brief note under March 23rd refers to

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12 *NHPP* Vol. 8, pp. 61-64.
13 *NHPP* Vol. 8, p. 81.
14 *NHPP* Vol. 8, p. 83.
15 *NHPP* Vol. 8, p. 103.
the opening of the courts "to try criminal cases and trespasses only."\textsuperscript{17} Thus the rebel government acted to assuage the fear of the general population that criminals and trespassers were going unpunished, while maintaining their system of political drumhead courts to insure the acquiescence of the populace. At the same time, the absence of civil courts precluded citizens from filing suits in cases of defamation or false arrest, harassment or property loss, when confronted by the sometimes armed operatives of the committees of safety.

On Friday the 22nd of March the rebel government took one final step to secure its newly won control of the province. On that day the house and council voted to form a Committee of Safety to exercise executive powers while the legislature was in adjournment. Men like Meshech Weare and Nathaniel Folsom, men of prominence and wealth, would act as an executive committee, as a governor might act had the new government possessed one.\textsuperscript{18}

The inhabitants of the entire colony were not yet pleased with the actions of the faction now in control of the assembly. As late as November of 1776 petitions continued to arrive in Exeter protesting the "unconstitutional formation and procedures of the present Assembly of this State."\textsuperscript{19}

\textsuperscript{16}\textit{NHPP} Vol. 8, p. 103.
\textsuperscript{17}\textit{NHPP} Vol. 8, p. 112.
\textsuperscript{18}\textit{NHPP} Vol. 8, pp. 111-112.
\textsuperscript{19}\textit{NHPP} Vol. 8, pp. 421-426.
The rebel government realized that the success of the rebellion rested on a firm control of the countryside. During the recess, the Committee of Safety devised a means of rooting out opposition and committing the mass of men to their cause. In April of 1776 the Association Test was sent out to each of the various towns. There the local committees of safety were to require every male over the age of 21 (except "lunatics, idiots, and Negroes") to sign the statement. The text read: "We the subscribers, do hereby solemnly engage, and promise, that we will, to the utmost of our power, at the risk of our lives and fortunes, with arms, oppose the hostile proceedings of the British fleets and armies against the United American Colonies."20 While the association test (administered in all the rebellious colonies) was designed to expose those who opposed the revolution and make them known to the committees of safety, thereby making it easier to keep an eye on their activities, the test also served what was an even more important function; it bound the populace to the rebellious government in an oath of solemn importance. The effect was to put all those who signed such a declaration clearly in rebellion against British authority. There could be no mistake. The Association Test demanded of every adult male his complete obedience and complicity in an armed rebellion against duly constituted authority, it was in essence a declaration not only of independence but one of treason as well. Should the rebellion fail, each and every signer would be as guilty of treason as the leaders in Exeter. Rituals, such as the Association Test oath signings, were the means for the rebel

20NHPP Vol. 8, p. 205.
communities to identify themselves. The public signing and making of oaths not only identified for persecution the luke-warm and the potential subversive, they identified those whose own identity had evolved away from that of British-American, and become simply American, at least in the political sense. The identifying nature of the ritual thus had a dual sense, forcing members on both sides of those bi-polar communities around the province to view themselves and each other in an "us and them" manner, as insiders and outsiders, as good and evil.

By the beginning of June, 1776 the returns of the Association Test began to arrive in Exeter, while at the same time the assembly reconvened for a new session. Those results were heartening to the rebels. Only seven hundred seventy-three refused to sign, while 8,199 men signed the oath. Of the former number, a portion were Quakers. Those men generally refused to sign out of pacifist sympathies and not because they did not support the aims of the rebellion, only the means.

At that point, the loyalists of New Hampshire ceased to be a real threat to the rebel government. Their numbers were never large, and the traditional leaders, the governor and his coterie of

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23NHPP vol. 8, pp. 204-296. See also Brown, "Revolutionary New Hampshire and the Loyalist Experience." pp. 77-84 for an interesting analysis of the returns.
associates, had departed some time ago. Isolated resisters remained, but the loyalist threat was really an imaginary one from June of 1776. Yet the idea of a loyalist threat performed a function still. By continuing to ferret out so-called loyalists, the rebel government kept the attention of the average citizen focused on the business at hand. The rebels, through the constant vigilance of the local committees of safety, maintained an iron grip on the speech and assemblies of men in the countryside. The committees watched and listened and acted on the whispered innuendos of anyone whose grievance might or might not have been personally motivated.

Endemic from colony to colony and throughout the years of the revolution, shortages of money affected all the rebel governments. The rebels in New Hampshire spent an enormous amount of time in their assembly deciding how much money to spend, how to spend it, and who would keep track of the spending. Somewhat less time was spent trying to figure out how to raise the money. The usual means was an emission of paper bills based on the credit of the government. But a government could only emit so much money before public confidence would be shaken.

Added to the difficulties implicit in the issuance of a paper currency at a time when there was little public faith in the very idea of paper money, was the problem of counterfeiting. Before the era of engraved printing plates with detailed etchings difficult to reproduce, nearly any printer could replicate the currency of the

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24 Open volume eight of the NHPP series at almost any page concerned with the Journal of the House and one or more examples will be immediately apparent.
time with relative ease. Added to that was the fact that much of what appeared on the face of printed currency was hand written. Well-worn bills could be altered by hand and passed, sometimes more than once. With hard money in short supply and expenses running very high for the recruitment and equipage of several regiments requested by the Continental Congress, the rebel government had every reason to fear and loathe counterfeiters. Counterfeiting accusations were at the center of the trials of Robert Fowle and Stephen Holland as well. Counterfeiting was an attack on the entire society, was construed as treasonous, and was roundly and publicly condemned as an act inimical to the people of a free colony. By definition, most crimes became crimes not against particular people, but against society.\textsuperscript{25} They were acts of an implacable enemy; they were acts of loyalists.

But counterfeiting, like most other crimes against property, could be quite lucrative, even on a small scale. It is more than likely that most crimes attributed to loyalists, especially in the case of counterfeiting, were actually the crimes of venal men attempting to profit from the upheaval of the times. That was certainly true, as the committee of safety of Hanover discovered, in the convoluted case of Bezaleel Phelps. In March of 1776, Phelps was arrested on a warrant issued by the committee on a charge of holding a bill altered from 3

\textsuperscript{25}NHPP, vol. 8, p. 117. "persons not disposed to good order taking advantage of our broken State, have already begun to commit outrages on the property of others" Letter of the Committee of Safety of Hanover to the Assembly in Exeter, asking for guidance as to their powers and bounds in the treatment of criminal matters.
shillings to 40 shillings. Someone must have reported that he had such a note in his possession, and when asked for it, Phelps refused to produce it. When brought in to trial before the committee, Phelps pleaded not guilty.

After "a full hearing of evidences in said case, said Phelps confessed." But Phelps confessed only to burning the note, not to altering it or even attempting to pass it himself. Phelps threw himself on the mercy of the "court," and offered to name the author of the altered note and tell where more could be found. Smelling a conspiracy, the committee agreed to excuse Phelps from any penalty except the payment of costs incurred to that point which came to 40 shillings.

Phelps asked that Lemuel Paine of Hanover, who was apparently present at the hearing, produce a note which Paine had obtained from Andrew Wheatley of Lebanon, another 40 shilling note, which after examination turned out to have been altered also. Paine swore he had received the note in good faith from Wheatley the week before. On that note, the committee adjourned for the night.

Before the committee could resume its examination of the affair of the previous day, Charles Hill, an innkeeper from Lebanon, was brought in, charged with passing an altered note in the amount of 40 shillings. His accuser, Solomon Cushman of Norwich, alleged that Hill had given him the note in payment for a silk handkerchief. The committee determined that the bill had indeed been altered, but Hill swore he knew nothing of the alteration and could not remember from whom he had acquired the note himself. The committee decided
that he was telling the truth, but ordered him to pay Cushman the value of the bill, 40 shillings, and his costs.

Hill was then sworn as a witness in the previous day's investigation, and under oath testified that he had seen Andrew Wheatley receive a bill from one Joseph Skinner, a soldier in Colonel Bedel's regiment. Both had been at Hill's inn on the night of the 15th, and Skinner had asked Wheatley for change in return for the 40 shilling note.

Bezaleel Phelps then resumed his story under oath and offered that he had seen Andrew Wheatley give a 40 shilling bill to Lemuel Paine, again to be changed. Phelps must have been acquainted with Skinner, as he then added that he and Skinner then proceeded that night to Dr Eager's, and that on the way Skinner told him (Phelps) that the note which Wheatley had paid to Paine was his (Skinner's) and that he "made it myself, and I have altered a good many bills from three shillings to forty shillings.......and a person may make his fortune by it in a little time."

Phelps added details such as the fact that Skinner used a certain book to cut pieces from to make the alterations and used paste to secure them. He also testified that both he and Dr. Eager had seen Skinner perform an alteration just that past Sunday.26

At that point the document ends, but we may surmise at least part of the denouement. Phelps, and probably Dr. Eager, were accomplices to some extent with Skinner. If Skinner was apprehended, he would most likely have been sent to the assembly

for further trial, but no record of that seems available. Skinner probably escaped, without his book which had been presented as evidence, and perhaps Eager did as well. Phelps, by virtue of his public confession, a most satisfying ritual, was probably reinstated into the good graces of the community upon payment of some surety for his continued good behavior, and the whole was reported dutifully to the government in Exeter as another example of loyalist attempts to subvert the liberties of a free people.

All of which points up the glaring deficit suffered by the colony in the middle months of 1776. The dilemma is reported succinctly by the Hanover committee: "we have seen no resolves of the Congress relative to such cases, but imagined the necessity that immediate measures should be taken to suppress such a disorder...."\textsuperscript{27} Caught as they had been in the logistics of rebellion, the assembly had failed to provide anything like laws for their new colony. Though early on the assembly had passed a resolve to the effect that the existing laws of the province should continue as before the rebellion had begun, such a resolution was vague and fairly useless with the usual mechanics of enforcement, the local magistracy, absent. The letter of the committee of Hanover provokes an interesting question. As the titular government of the town, should not its members have known what to do and what was expected of them in such a situation? Unless the committee was made up of men who, prior to the rebellion, had not achieved the status and power in the community

\textsuperscript{27}NHPP, vol. 8, p. 117.
of those who had been serving in the magistracy. That is, the committee must have been made up of new men, men who had not previously served in office. The others, the office-holders of pre-rebellion days, must not have supported the committee system, and therefore retired to the anonymity of their homes, or perhaps departed for the British lines once the rebel faction had seized control through the new apparatus of the committees of safety.

As it was, the assembly must have seen the Hanover situation as one requiring some response. On June 12, only a week after the new session began, the assembly assigned a committee to draft a set of laws for the colony. The second of the fourteen suggested laws was to be an act for the opening of the courts, while the fourth was to be an act concerning counterfeiting. Adding to the need at hand, a resolve of the Continental Congress arrived shortly thereafter, strongly suggesting that each colony should pass a law providing for the punishment of treason, and describing treason as the taking up of arms against any colony, adhering to the King, or giving any sort of aid and comfort to any such enemy. Counterfeiting was also to be considered treason.

The New Hampshire legislature spent the next twelve months struggling to keep its soldiers paid and dealing with the problem of internal dissent. The various town committees of safety continued to arrest and examine a variety of suspects, many to be passed on to

28 *NHPP*, vol. 8, pp. 142-43.

29 *NHPP*, vol. 8, pp. 165-166.
the assembly or the provincial committee of safety. The primary motive for this continued vigilance was the suspicion of an imminent invasion. Since the departure of Wentworth in August of 1775, the rebels had expected an assault from the sea. But late in 1776 and early in 1777 their concerned gaze shifted to the north. The first inkling that anything was amiss from that quarter was the Asa Porter affair.

In June of 1776 the rebel army was in retreat from Canada, and as the authorities awaited some word from General Sullivan, anxiety rose. The expectation was that an army of ravenous savages would come pouring down out of Canada in hot pursuit of Sullivan. Even Ira Allen's letter of July 10, assuring the government at Exeter that Sullivan was well and that his troops were still an effective defense of the northern frontier, did little to assuage the fears of those in Exeter. Then came the news of the alleged duplicity of Colonel Asa Porter. Porter, prominent in the Coos district, was accused of passing intelligence to the enemy in Canada. Further it was alleged that he and some few accomplices planned to turn the district over to the control of the British. A plan was laid to send a party to Canada, and to request protection for the area from General

30. Many more were dealt with at the local level. The usual procedure called for the arrest and examination of the suspect, followed by the determination of whether or not the accused was "unfriendly to the liberties of this country." Upon being so pronounced the accused was generally made to pay a surety or bond, often as high as £500, and usually confined to a specific locale, such as his place of residence. See, for example, NHPP, vol. 8, p. 308, also p. 195.

31. NHPP, vol 8, pp. 298-299. Letter from John Hurd, Esq. 7 July, 1776. & Petition from Conway, for assistance.

32. NHPP, vol 8, p 300.
Burgoyne. This seems to have been a direct result of a plan proposed publicly by Jonathan Hale as reported by Colonel John Hurd. The district was at the time full of rumors concerning a potential Indian attack. There were no troops in the area, the only defenses being hastily erected breastworks manned by the armed citizenry. Some inhabitants, such as Hale, suggested that if the assembly in Exeter, or the Massachusetts government, refused to send troops to defend the sparsely settled frontier, perhaps a plea could be made to Burgoyne to protect the district from marauding Indians. Hurd denied that Indians had even been sighted in the region, but strongly urged the assembly to send what troops it could and those with alacrity.\textsuperscript{33}

Porter and his fellow conspirators were betrayed by Daniel Hall, a husbandman from Newbury. Hall testified that he was approached to join the conspiracy by David Weeks early in July. Hall claimed that Weeks had taken him aside and said that he wished he knew how Hall felt about the situation, and that he, Hall, had assured Weeks of his sentiments toward Government. Hall then explained the plan of sending a party to Burgoyne, and said that Hall would be a member of the group. But over the course of the next few weeks, the departure time was delayed repeatedly, waiting for news either from Canada or New York. Hall further named Colonel Porter as a primary mover of the plan, as well as Colonel Taplin. He also named others involved.\textsuperscript{34} As a result of Hall's testimony, the whole band of plotters was arrested by the committees of safety in Newbury and Haverhill, \textsuperscript{33}\textit{NHPP}, vol. 8, pp. 306-307. Letter from Col. John Hurd.\textsuperscript{34}\textit{NHPP}, vol. 8, pp. 329-330.
and adjudged inimical to the country. The committees felt that Porter and his associates were too dangerous to remain in the Coos district, and since the committees also felt they had no power to punish men they considered to be traitors, had sentenced them all to be conveyed to Exeter for further trial at the hands of the Provincial Committee of Safety.  

Porter vehemently resisted being sent to Exeter. He filed a nine-point objection to the legality of such a course. Porter argued that it was inconsistent with the rights of a free people for the body which makes the laws to "have the power of executing the laws, or determining the cases of individuals. In the second point he stated that "jurisdiction implies superiority of power" but that it was "absurd" to construe that a legislative body could set itself up to try the case or determine the punishment of "the persons of their constituents whose servants they are, and to whom they are accountable for their conduct." Porter also allowed that since courts were at that point open for civil and criminal cases, he should be tried in a normal court and with a jury, but that this change of venue was being proposed in his case out of "personal prejudice." Porter continued to argue that the legislature had not been delegated either judicial or executive powers by the people, that the Coos was not represented in Exeter, and that it would be a terrible hardship on witnesses to journey to Exeter in such uncertain times, making his defense impossible and the whole proceeding "equally oppressive and burdensome with that adopted by the British Parliament so  

\[35\] NHPP, vol. 8, pp. 325-327.
much complained of in the late admiralty courts." Porter wrapped up his argument by reminding the Assembly that there was at the time no provincial law concerning the crime or punishment of treason. He further argued that the committee's insistence that he could not be tried in a criminal court before a jury because of that defect in the law was ludicrous since the committee's prescription to right that wrong was to have him tried by the legislature which itself ought to have made such a law. If it had, there would need be no attempt to deprive him of his right to a jury trial. As a final statement, Porter offered to be "tried by the country, and if found by the judgement of my peers to have done any act against this state, which having been done against the former government would have been determined treason by the municipal laws thereof, I am content to incur the like penalty."36

The assembly chose to ignore Porter's objections and finally heard his case themselves in early December. On the afternoon of Tuesday December 10, the house voted that "the said Asa Porter appears to be an enemy to the liberties of the United States of America, and that as such, he ought to be confined."37 Two days later, on December 12th a committee reported back to the full house the design of Porter's confinement: Porter was to "be immediately taken into custody & confined in the jail in Exeter, with liberty of the yard of said jail, he giving bonds with two sufficient sureties to the

36NHPP, vol. 8, pp. 327-328. Objections to the Jurisdiction of the Assembly of New Hampshire in his case. Porter was wagering his life on the wisdom of a jury. The penalty for treason was a rather horrible death under English law.

37NHPP, vol. 8, pp. 413-414.
Speaker of the House of Representatives in the sum of five hundred pounds lawful money for the use of this state, that he abide and remain a true prisoner, within the limits of said yard until further order of the General Court or Committee of Safety of this state.\textsuperscript{38} By December 23 Porter had escaped, if he had ever actually been incarcerated.\textsuperscript{39} The House responded by offering a considerable reward for his capture. That he was captured is certain, though when is unsure. But at some point prior to June of 1777, Porter was imprisoned for his alleged disaffection. On June 14, 1777 the house considered a petition from Porter, requesting his freedom to depart the state, and to reside with his father on his farm in Boxford, Massachusetts. The House agreed, provided that Porter pay yet another £500 bond and an additional sum for the expenses of "apprehending and securing him the said Porter from the first to this time."\textsuperscript{40} Porter was back in Haverhill by 1780, and at some point returned to the good graces of his neighbors, enough so that he served as one of the Justices for the Court of Common Pleas. He died there in 1818 at the age of seventy-six.\textsuperscript{41}

About the time Porter was finally disposed of, a letter was intercepted, sent from Canada to Captain Benjamin Brooks of

\textsuperscript{38}\textit{NHPP}, vol. 8, p. 416.

\textsuperscript{39}\textit{NHPP}, vol. 8, p. 436.

\textsuperscript{40}\textit{NHPP}, vol. 8, p. 585.

\textsuperscript{41}Sabine, \textit{Sketches}, vol. 2, p. 198. See also \textit{NH Claims}, John Fisher, vol II, p. 593. Porter deposed on behalf of the claim of John Fisher. By the time of the claim, the war was over, and Porter deposed in such a way as to sound as if he were a citizen of another country deposing for the benefit of a former enemy.
Claremont. The gist of the letter was that preparations were underway for the long awaited invasion, and that the friends of government (as the loyalists styled themselves) in New Hampshire should be ready very soon since "I hope in six weeks we shall be able to clear all our friends from bonds and imprisonment: for God's sake let everything be carried on with secrecy and I doubt not through the justness of our cause we shall overcome the damned rebels." 42

While its origin was in doubt, the import of the letter was not lost on the rebel government. An invasion was imminent, and then, more so than ever, the disaffected must be identified and dealt with quickly. The process of identifying the enemy within had begun the previous year with the Association Test. But simply signing the paper would not command the allegiance of so devious and disingenuous an enemy as a tory. The government was sure that many persons remained uncommitted to the cause, so many that the house passed a resolve in January of 1777 concerning "some inhabitants of this state disaffected to the government thereof," and giving them leave "to depart out of this state with their families and effects." The resolve went a step further, allowing those who were leaving to sell off their property, an action which was, by a previous act of the house, forbidden to suspected loyalists. The only requirement imposed on those desiring to leave was that they inform the selectmen of their town at least thirty days prior to their departure,

42 NHPP, vol. 8, p. 589.
and that the information of their intent "be published three weeks successively in the public newspapers of this state."\(^{43}\)

To deal with those who chose not to depart and yet remained unconverted, the house passed a law empowering any and all local committees of safety to issue warrants for the arrest and detention with or without trial, anyone suspected of loyalist sympathies.\(^{44}\) At that point, a misspoken word could find an individual arrested, detained, examined and sentenced by a local committee. Mere suspicion of an act was enough to accomplish this, as in the case of Robert Fowle. In April of 1777, Fowle was detained on suspicion of counterfeiting. He agreed to testify not only in New Hampshire but in neighboring states against everyone he knew of engaged in that activity, in return for his own immunity from prosecution.\(^{45}\) Dozens of others were rounded up on the flimsiest of evidence, and nearly always found guilty of some degree of disaffection. Most of these dissenters were confined to their farms or to their towns of residence, and ordered to provide considerable sums for surety of their good behavior. Some were sentenced to close imprisonment at the various jails.\(^{46}\) The local committees were not infallible and on occasion it appeared as though they may have erred. One such occasion was the subject of a petition to the general court by one

\(^{43}\)NHPP, vol. 8, p. 468. The last measure was designed to prevent departing loyalists from absconding on their creditors.

\(^{44}\)NHPP, vol. 8, pp. 592-593.

\(^{45}\)NHPP, vol. 8, p. 545.

\(^{46}\)NHPP, vol. 8, pp. 593-598.
Hugh Tallant who was imprisoned by an order of the Committee of Inspection of Nottingham West and Pelham. Believing him innocent of the charges, the legislature ordered Tallant's release after reviewing the evidence in the case, adding that "it appears to this house that although the said committees in some measure exceeded their power, yet what they did was with a good intent to preserve the peace and good order of the state."\(^{47}\) Tallant was however ordered to pay a bond of £200.

The policy of deputing enormous judicial and executive powers to the local committees of safety had a dual motive. First, as mentioned above, the level of invasion hysteria in the province was rising steadily. There seemed little time remaining before Burgoyne would descend upon the painfully unprotected northern frontier and bring with him the iron hand of British despotism.

At the same time the rebel government was struggling with an ever increasing demand for funds. Aside from the constant expenditures on the salaries and expenses of government (the members of the revolutionary government did not work for free but were compensated six shillings per day each and reimbursed for travel and lodging expenses), an army had to be raised and paid, the recruits demanding an ever-increasing inducement to enlist and go off to fight.\(^{48}\) On October 16, 1776, the House received a resolution

\(^{47}\)NHPP, vol. 8, p. 332.

\(^{48}\)NHPP, vol. 8, infra, and esp. p. 550. New Hampshire paid its troops on a monthly basis ranging from £2 per month to privates up to £6 per month for a captain, and travel money at 2 pence per mile from their homes to the headquarters of their unit. The members of the legislature received £9 per month while in session plus expenses. The Committee of Safety, consisting of
from the Continental Congress requiring the recruitment of another three battalions for the continental service. Include in the resolve was the promise of a twenty dollar enlistment bonus for each non-commissioned officer and enlisted man, as well as the offer of land for each man who served until the end of the war or until discharged by the Congress. The land would be provided by the United States, but the expenses involved borne by the states.\textsuperscript{49}

To meet the expenses of the war it was difficult if not impossible to rely on taxes. Of the less than 9000\textsuperscript{50} men in New Hampshire between the ages of 16 and 60, a considerable number were involved in the military on one level or another, and on one side or the other. Farms were not as productive, business such as importation and sale of goods was nearly non-existent,\textsuperscript{51} and most of

\begin{verbatim}
49 NHPP, vol. 8, pp. 349-350. The land grants offered were as follows:
colonel.................500 acres
lt. colonel..............450 acres
major....................400 acres
captain..................300 acres
lieutenant...............200 acres
ensign...................160 acres
non-commissioned officers & soldiers............100 acres
\end{verbatim}

\begin{verbatim}
50 Based on the number of signers and non-signers of the Association Test in June 1776. NHPP, vol. 8, p. 204.
\end{verbatim}

\begin{verbatim}
51 NHPP, vol. 8, p. 420. Letter of Meshech Weare to New Hampshire delegates in Congress. The exception to the dearth of trade and trade goods was, according to Weare, carried on by men who bought up "prize cargoes and monopolizing them at any price seems to be the attention of the mercantile part who have the money in their hands." The implications in Weare's letter were ominous. The treasury of New Hampshire was quite empty and he was reminding the delegates that the Congress owed money back to the state. But he was also alluding to a class of men who were profiting handsomely from the war and the conditions created by it, yet who seemed little concerned by
\end{verbatim}
the newly growing manufacturing capacity of the state was devoted to war materials. The rebel government had to turn to alternative means to finance its continued existence and ultimate success. Toward that end the house repeatedly commissioned privateers to search the waters round about for stray vessels belonging to the enemy. But privateering was at best perilous and an unsure source of income.52

Better, and by the first half of 1777, steadier, was the influx of money derived from the arrest and judgement of suspected loyalists. The sureties demanded by both local and state Committees of Safety provided a considerable amount of money to the government's coffers. These sureties were required "for the use of the state" and no appeal was available. But in the early spring another source of income first entered the thoughts of the rebel government, and before too long they would begin to exploit it with a vengeance.

Since the latter part of 1775 when the lumber ship Bochacheco was condemned and sold with its cargo (see above), the rebels had resisted the temptation of seizing the property of suspected loyalists. On March 27, 1777 the legislature ordered an investigation into the presence of goods in Dover belonging to James McMaster & Company. McMaster, one of four brothers from Scotland engaged in the merchant business in New Hampshire and Boston since the 1760s, was chased out of the province by a mob back in 1775. Nearly two

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52NHPP, vol. 8, p. 346. To expedite the process of confiscation and division of the spoils, the House created a Maritime Court in a resolution passed on September 5, 1776.
years later, the rebel government felt it was safe to move against the goods left behind and ordered them sold off, the proceeds to be paid into the state treasury. Because the problem of counterfeiting showed no likelihood of abating, the House passed another law in June of 1777 to prevent the conveyance of the property of anyone so much as accused of the crime. The intent was that anyone whose actions may have led to the harm of the economy or the credit of the country should not be able to sell or otherwise convey their property to avoid its loss should they be attainted.

At the same time the mood of the state was one of grave concern. By early July reports of Burgoyne's advance from Canada began to trouble the councils of the Exeter government, soon to be followed by news of the fall of Ticonderoga. That and the reports of the frantic retreat of the army from that neighborhood produced a crisis of faith: could the rebels hold the northern frontier with only militia? Letters poured from Exeter to the militia commanders of the province, ordering the mustering of the militia and searches for provisions, blankets, weapons, and especially kettles, as all cookware had been abandoned to the enemy at Ticonderoga. By all appearances, the British were moving southward and headed for the Connecticut River. The supposition was that they would cross the river near Hanover and then proceed down through New Hampshire toward Boston. It was indeed Burgoyne's intention that the New Hampshire men believe that such was the case. In his instructions to Colonel Baum, Burgoyne outlined his plan of sending the diversionary

53NHPP, vol. 8, p. 524.
column under that Hessian officer toward New Hampshire for two purposes. First, Baum was to make it appear that the entire British army was headed in that direction, causing the commanders of the rebel forces in New York to relax their vigilance and to draw off potential reinforcements from New England. His second objective was the accumulation of horses, cattle and wagons, with as much of a food supply as could be had. Baum's orders were quite explicit, however, that looting was to be avoided, and that receipts be issued for any and all goods or livestock requisitioned.\textsuperscript{54} Baum's force consisted of a regiment of Hessian dragoons, several detachments of provincials, some force of regulars, and a body of Indians. On August 16, 1777 General John Stark with his regiment and a number of militia companies from New Hampshire and New York found Baum and his men encamped at Bennington well to the west of the Connecticut. After a day long battle, those British not killed or fled were captured as many as seven hundred prisoners were taken. The fighting was especially fierce as the British breastworks were taken, since they were manned in part by loyalist troops who expected that death on the field might be a better fate than that which they could expect from their former neighbors.\textsuperscript{55}

\textsuperscript{54}NHPP, vol. 8, pp. 664-666. The copy of Baum's instructions was captured at the battle of Bennington 8/16/77.

\textsuperscript{55}NHPP, vol. 8, pp. 670-671. Stark's victory at Bennington was significant. The capture of Baum's instructions relieved the pressure on the rebels at Exeter, armed with the knowledge that Burgoyne and the main British army were pushing more directly south toward New York. The rebel victory was disheartening for loyalists or others who might have been near to casting their lots with the British, while it boosted morale considerably in the rebel ranks following as it did the disastrous retreat from Ticonderoga. The Battle of Bennington was also the only action fought during the war on what could
Once the immediate concern of outright invasion was abated, and reinforcements dispatched, the rebel government turned its attention back to finances. One particularly distressing development in the state was the tendency for certain men to purchase large quantities of cattle and sheep and then drive them out of the state. The government was unsure where the livestock were going, but they suspected strongly that much of the trade was being carried on outside the state and with the enemy, who were paying hard currency for cattle. To prevent the practice from continuing, the legislature passed an act on September 26th forbidding the export of cattle or sheep without written proof that the livestock in question were destined either for the Continental forces or for a proper consignee in some other neighboring state. The local committees and magistrates were empowered by this act to stop and question anyone observed driving a quantity of livestock into or through any town, and if satisfactory proof was unavailable in a reasonable period of time, the questionable animals were to be forfeited and sold. The profits of the sale of such seized animals were to be paid in to the state, less expenses of the locals involved. The house also acted to end another disturbing practice. Public confidence was shaken in the value of paper money. Inflation was becoming a severe problem due as much to a crisis in public confidence as to the enormous quantities

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56 NHPP, vol. 8, p. 696.
of state and continental paper in circulation. Added to that of course was the concern that some bills at least were surely counterfeit, and it was no wonder that many merchants refused to accept payment in paper, but rather demanded hard money. The act of September 26, 1777, forbade that practice and also forbade "exchanging a larger sum of paper money for a lesser sum in gold or silver." \(^5^7\)

Just under three weeks later, on October 16, 1777, Burgoyne surrendered to General Gates at Saratoga, New York. Taken prisoner with Burgoyne were a number of loyalists, among them Simon Baxter of Alstead. Though the rebels at Exeter had no way of knowing it then, the war in the north was effectively over, and the repercussions of the British loss that fateful day would reverberate until the final loss of Cornwallis' command at Yorktown.

The rebel government was encouraged by the defeat of Burgoyne. The legislature proclaimed a day of thanksgiving, just as they had proclaimed a day of fasting, prayer, and humiliation prior to the fateful battle when it seemed the survival of the state was doubtful. The ritual observance of such days was a survival of earlier times, a way of involving the entire community in the effort and a way of asking the intercession of the Supreme Being, in whom most of the population believed and trusted. A new confidence infused the rebel leadership as the threat of invasion receded and the possibility of success in the endeavor of independence seemed real. \(^5^8\) The

\(^5^7\) *NHPP*, vol. 8, p. 696.

\(^5^8\) One sign of this new confidence came in March 1778 when the House voted to dismiss the cadre of guards it had assigned to the jail at Exeter. The summer before, the government had appointed an officer, Colonel David Gilman, and
confidence they felt was translated into action by the passage of a new act to punish those who had broken faith with the new order. On November 28, 1777, the House passed an act which prevented the "transfer or conveyance of the estates and property of all such persons who have been apprehended upon suspicion of being guilty of treason, misprision of treason, or other inimical practices, .....and also for securing all lands within this state as well as of such persons as have traitorously deserted or may have gone over to or in any way or manner joined our enemies, as of those who belong to or reside in Great Britain."59 The intent of the act was to freeze the assets of any and all loyalists, whether still residing within the state or not. Such an act prevented the absent loyalists from selling their own property in absentia, or conveying it to relatives who might still remain in residence. The majority of the prominent loyalists having left the province by this point in the war, could no longer predict a British victory with anything resembling confidence. As Saratoga had breathed new life into the rebel cause, it had dashed the hopes of the loyalists of New England that they might again enjoy their homes and property in peace again. Consequently, they might have moved to reap what little they could of the profits from their lands and goods still in the state or at least transfer the property to relatives who remained there. Even at that date the leaders of the triumphant

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sixteen men to guard the jail around the clock. The jail at that time was full of suspected loyalists and other miscreants, and the government feared their escape to do mischief in the town or to join the forces of the invading enemy.

59 NHPP, vol. 8, p. 721.
faction had already conceived of the next major step they would take, the wholesale confiscation of loyalist land and property.

Despite the resounding success of Saratoga, the fact remained that the rebels of the American continent still faced the might of what many have called the most powerful nation in the world of that time. The losses of Burgoyne at Saratoga amounted to very little compared to the numbers Great Britain could field. The expense of running a war continued unabated after October 1777 while the difficulties of raising sufficient funds remained equally consistent. Nevertheless it was considered possible for the rebel leaders to vote for a significant increase in their pay, doubling their per diem from 6 to 12 shillings, and their travel expenses from 2 to 4 pence per mile. The members of the Committee of Safety gained 2 more shillings per day, rising to 14 shillings.

At the same time the legislature received a resolution from the Continental Congress informing them of the need for a new tax, the raising of five million dollars in the coming year of 1778. New Hampshire's portion was to be $200,000, to be raise by taxing the inhabitants who had until then not been asked to contribute in that way to the continental effort. To ameliorate the effects of this tax, the Congress recommended a number of measures designed to improve the economy of the country and the prosperity of its people. Congress suggested the implementation of laws regulating the costs of goods and wages, as well as laws to prevent usury, forestalling, engrossing, and other activities pernicious to the welfare of the

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60 NHPP, vol 8, pp. 728-734.
people. Finally at the end of the document Congress "earnestly recommended to the several states as soon as may be to confiscate and make sale of all the real and personal estate therein, of such of their inhabitants and other persons who have forfeited the same, and the right to the protection of their respective states."

The Exeter government spent much of 1778 on internal matters of extreme political significance. Their first priority was the calling of a convention of representatives from any and every town and village which desired to participate. The purpose of the convention was the creation of a new and permanent form for the government of the state. The immediate cause for such a move was not necessarily the sudden belief that independence was at hand, but rather the fact that a considerable segment in the state was refusing to participate within the existing framework of government. Beginning in November of 1776, a number of towns in the northern region centered around Hanover protested the form of the government, calling it unconstitutional because it did not afford every incorporated town representation and that it required a considerable property qualification for election. Twenty-two towns in the northern district bound together and refused to reply to the assembly by sending representatives or even holding the elections under the current laws.\(^6\) In January of 1777 the legislature authorized the printing of a description of the form of government as it existed, and its dissemination around the state, but especially to

\(^6\)NHPP, vol 8, pp. 421-426. The majority of those towns continued to refuse their participation by sending no representative to Exeter at least until the fourth session of 1778.
the people of Grafton County where the majority of the disaffection resided. Additionally, a committee was appointed to deliver the printed documents to assemblies in the recalcitrant towns and to explain the governmental plan as well as the fact that the structure was temporary, to last only until the war cooled down and more time could be spared to create a better plan. In February of 1778, it seemed that the time was at hand and the legislature voted to call a convention for June toward the creation of a new and permanent plan of government.\textsuperscript{62} At the same time the existing government chose to vote its ratification of the Articles of Confederation submitted by the Continental Congress for ratification some weeks earlier. With such weighty matters to consume its time it should be no wonder that it took until November for the assembly to conceive of and pass the laws recommended by the Continental Congress the year before.

The Act of Proscription and Banishment came first. Passed on November 19, 1778, that act listed seventy-six specific men by name "and all other persons who have left or shall leave this state or any other of the United States of America as aforesaid, and have joined or shall join the enemies thereof." Those named and those left purposely anonymous\textsuperscript{63} were forbidden to return to the state for any reason without the express permission of the government. Were they to do so, the entire apparatus of government was deputed to arrest

\textsuperscript{62}The convention was apparently not held since in 1781 another vote authorized the calling of another convention for June of that year.

\textsuperscript{63}The act also attainted anyone who took up arms against the country, or in any way aided the enemy, without naming individuals.
and confine them, and to see that they were immediately removed from the territory of the state. Anyone who persisted and returned again, was liable to be executed. Anyone who conveyed such a person to the state or who harbored one of the proscribed individuals was liable to be fined £500, half to the state and half to the diligent individual who discovered the crime and sued to bring it to light. The act further decreed that the list for the state of New Hampshire was to be circulated among the other states, and that lists of a similar nature were to be solicited from the other states as well. On November 28 another act was passed confiscating the real and personal property of twenty-eight men by name. Committees were established in each of the counties whose role it was to secure and amass an inventory of all of that property, and then to sell the personal property at public auction and account for the money to the state.64

In April 1781 another act was passed for the confiscation and sale of all property belonging to any absentee from the state. By that time too, the estates of John Wentworth and Stephen Holland, at least, were sold.65 The material ties which bound the loyalists to their homes were severed by these acts. None of the men of substance was able to return to New Hampshire and few of the


65The sale of Wentworth's personal property began on March 18, 1779. It would seem that the real estate and the remainder of his personal goods were still being sold as of June 1780. NHPP, vol. 8, p. 861. Stephen Holland's entire estate including land was sold as of April 1781. ibid. p. 899. The journals of the General Assembly and Council as printed in the state papers series begin to be a bit sketchy after 1778. The amount of detail found after that year is considerably less.
loyalists listed in the Act of Proscription tried. Of those, only Robert Fowle, listed as Fowler in the act, returned to live out his life in America. Few of the men listed were able to regain anything like their previous level of wealth and influence. John Wentworth eventually became governor of Nova Scotia, but lost hundreds of thousands of acres of property in New Hampshire, the value of which he could not recover, even considering the claims process. Under the terms of the claims commission, unimproved land was not eligible for compensation. John Fisher, Wentworth's brother-in-law, became under Secretary of State in 1781. Few others fared anywhere near as well.

The acts of the rebel government banishing the loyalists and then confiscating all that they had worked for prior to the war, acted also to dissolve the bonds between the exiles and their homeland. Gone were the fields they had walked and worked. Gone were the homes where they had raised their children or planned to do so. Their businesses, livestock, furniture, household goods, every personal item left behind was now sold to strangers for the aggrandizement of a government the absentees held in contempt as base usurpers of rightful power and legitimate government.66

Nearly as hurtful as the loss of their property was the feeling endemic among the loyalist claimants that the property was sold not only to their detriment but also to the good of a few among the

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66 In an act of kindness the House voted in April 1780 to allow Captain Samuel Gilman, the trustee appointed to dispose of Wentworth's estate, to deliver John Wentworth's furniture from his Portsmouth residence and the family pictures from the Wolfeborough estate to the former governor's father, Mark Hunking Wentworth. *NHPP*, vol. 8, p. 857.
rebels who were in a position to profit greatly from acquisition of condemned estates. Stephen Holland, for example, contended in his memorial that "the sale of part of the memorialists' estates made in pursuance of the act of confiscation was only by way of form for the purpose of conveying them as a reward to persons who were active in the American cause, as nobody would bid upon them when they offered to become purchasers."67 Holland's wife had been evicted from his home by a party of armed men in May of 1779. He further argued that Robert Smith who was the trustee for the most part of his confiscated estate had sold a great deal of property to Smith's relations for far less than the market value of the property in question, and then absconded without making a proper return to the state.68

Edward Goldstone Lutwyche added that the trustees charged with selling his confiscated property in 1778 "appear to act like a parcel of robbers dividing their booty, in which each endeavors to keep the appearance of fairness and get as large a share as possible." Much of Lutwyche's property was distributed prior to sale to an enormous number of claimants who claimed that he owed them debts prior. Lutwyche argued that those debts had already been

67NH Claims, Stephen Holland, vol. II, p. 782. Holland's contention may well be true. According to a letter to the Assembly dated April 16, 1781, the entire estate of land in Londonderry was sold to Colonel George Reed for $46,500.00. While the value of the land was estimated at $35,933.00, and it would seem Reed overpaid for the price, he also held notes from the state which more than equalled the consideration he was giving for the property. In effect he was offering to pay the state for the land with its own more or less worthless paper. NHPP, vol. 8, p. 899.

handled, that the claims were spurious, and added, "this kind of conduct in taking advantage of the absent loyalist is he presumes nothing new to the Commissioners, as in the course of their investigation many instances must have occurred."69

Certainly the commissioners suspected that some fraud was attendant upon the sales of confiscated property. After the peace was signed in 1783 one of the commissioners, John Anstey, toured the former colonies in an effort to assess the actual losses of the memorialists. One of his goals was to procure a copy of the laws of the state for the use of the commission in determining the impact on the loyalist claims. This he could not accomplish, much to his surprise, "although there are not less than four several printing offices in the state of New Hampshire." The only complete set of laws was in the office of the clerk of the Superior Court, and that Anstey was allowed to read. Based on his investigations, Anstey concluded that "the laws such as they may be, are reported to have been most shamefully executed, and to have served the purposes of fraud and peculation."70

Firmly in control of the province after 1778, the rebel government created the identity of "tory" and imposed it on the absent loyalists as well as those who remained behind striving to live out the storm quietly. In response to circumstances, particularly a

69NH Claims, Edward Lutwyche, vol. III, pp. 1066-1068. A considerable number of other loyalists contended in similar terms that their property had been conveyed in such a way as to benefit a only few members of the rebel elite.

shortage of funds, the government determined that all absentees were traitors and no longer entitled to the protection of the law. By extension, anyone who refused to join the rebellion was suspect, and the Continental Congress extended the reach of that suspicion to the pacifist minority, particularly Quakers.\textsuperscript{71} Once absentees had been labelled traitors, it took no great leap of imagination or logic to arrive at the conclusion that they never again ought to enjoy the property they had abandoned, and that the monies derived from the confiscation and sale of the property of traitors could be used to further insure that the liberties of the people would be protected. The confiscation and sale of loyalist property became, in the minds of the rebel faction and the population in general, the just reward for traitors. In the minds of the exiles, the loss of their property acted to exacerbate the sense of loss they already experienced, by being forced to leave their homes and sometimes families by their support of what they viewed as the legitimate government of the province. Thus law in New Hampshire transformed those who viewed themselves as "loyalist sufferers" into "enemies of the liberties of the people" in the eyes of their former neighbors.

A few loyalists attempted to reclaim their property through legal channels after the war ended. In October 1785 George Meserve filed a petition which argued that he had been banished and his property confiscated "without trial," and that he had been "condemned unheard." Meserve had left in 1775, and so he alleged

\textsuperscript{71}NHPP, vol. 8, p. 673. There is little evidence of persecution of Quakers in New Hampshire itself, beyond the intrusion of committee members into the archives of the society.
that he had departed while New Hampshire was still a province, "while she acknowledged her dependence on Great Britain and consequently prior to the existence of the United States....He conceives his departure at that period could be no offence to the United States, and that he could not justly incur any forfeiture of his estate on that account." Despite the ingenuity of his petition, Meserve's action was read and summarily dismissed.\(^7\)\(^2\) John Stinson of Dunbarton was not as creative. After the war he returned to New Hampshire to personally recover his property if he could. But pursuant to the Act of 1778 he found himself arrested and held for trial as a traitor. His memorial, written in his absence by Stephen Holland leaves no clue as to his fate, though he was awarded £190 in compensation, the exact amount he had requested.\(^7\)\(^3\)

The laws enacted by the rebel government were designed to ostracize the loyalists, to put them outside the law, to exclude them from the community to which they had belonged. The loyalists themselves rarely expressed similar sentiments. The absentees retained for a long time as many ties with their former communities as distance and the situation allowed. They responded to their exile by holding to a belief that their former estate might be restored almost to the bitter end when they began to feel to some degree betrayed even by the government of Great Britain, for which they had sacrificed their all. By the end of the war, the rebels had characterized the loyalists as traitors, put them outside the law, and

\(^7\)\(^2\)NH Claims, George Meserve, Vol. III, pp. 1365-1366.

\(^7\)\(^3\)NH Claims, John Stinson, Vol. IV, pp. 1753-1778.
wiped away the physical and material traces of their very existence by seizing and selling their real and personal property. Those who had remained in the province quiet and unobtrusive were allowed to do so only on their good behavior, and often with heavy bonds paid to the committees or the legislature. In a sense those loyalists paid heavily for the privilege of watching their former situation die and change from within.

A community torn asunder by civil war experiences many difficulties. Once the loyalists had proclaimed their identities publicly, their participation in the normal routine of provincial life became impossible. This was especially true for men of prominence, and even more so for those who chose to depart the community early in the war. To compound the problem of a self-proclaimed loyalist, the rebel faction acted to create its own definition of the loyalist and promulgate that identity to the populace as a whole. The result was a period in which conflicting identities, conflicting realities, vied for popular acceptance. Eventually the rebel conception of the loyalist identity won out and became the truth accepted by most Americans to the present time. With the Act of Proscription, the rebel government attempted to identify specific individuals named in the act as loyalist traitors. They further tried to encompass any number of others within that definition by association, if those unnamed individuals could be shown to have somehow aided or abetted the enemy. The Act of Confiscation deprived the specifically identified loyalists of their property for the use of the state. It seemed to the government, and to the people, that such an act was justified. Traitors had no right to expect the state which they had betrayed.
owed them the protection of their rights to property, and besides the need was great. But during the war, even after the threat of military action was lifted from the minds of the people of New Hampshire, they were forced to grapple with the question of the loyalist identity.

There could be no question: John Wentworth was a loyalist by any definition imaginable; Wentworth had adhered to the government of which he was a representative as the royal governor of a crown province. Upon leaving his post he had immediately taken up arms against the land of his nativity and before the end of the conflict he had assumed a new position in Nova Scotia. Wentworth had the distinction of the preeminent place in both of the Acts of 1778, and his enormous estate was indeed confiscated and sold. It would seem from that there could be no mystery, no doubt regarding the disposition of such loyalist property. But in 1780 the court and to some extent the people were forced to confront again the idea of the loyalist as a member of their community and to grapple with questions concerning evidence, justice, and the rights of testators dead long before politics could interfere with the devising of their wills. The following story illustrates such questions well, and asks the reader to consider questions of evidence, both in the juridical sense and in the historical sense. I have provided as much detail as possible to allow readers to reach their own conclusions.

In 1771 Thomas Packer, Sr. died leaving a widow and a son and a will. The widow was the aunt of the then governor, John Wentworth, and Packer provided for her quite adequately. The son, Thomas Packer, Jr., was by all accounts (save his own) somewhat estranged from his father. The senior Packer was a man of the most
strict moral character and integrity, while Thomas Jr. was known for his reckless, if not licentious, behavior. The senior Packer left his son life estate in a farm of sufficient income to support himself and a family in reasonable comfort, though the property was to revert to the estate at the younger Packer's death. The bulk of Packer's considerable fortune was left to his nephew on his wife's side, John Wentworth. The will was probated, and proven in July of 1771. Wentworth, as executor, disposed of the estate in the manner of the will's instructions, and that was the end of the matter. At the time, no questions were raised by any party to the affair.

In 1775, John Wentworth departed from New Hampshire for the last time, though he probably did not think so when he left. But as the rebellion progressed and the tide began to turn badly for the British side, it certainly seemed as though Wentworth would not be back. In 1778 Wentworth's entire estate was confiscated and he was attainted a traitor, barred from ever returning to the state. Seven years had passed since Thomas Packer's will had been proven, and three had elapsed since the governor had left. Still, no question was raised concerning the legality of Packer's will. Late in 1779, a year after the property in question had been consigned to a trustee for the state, Samuel Gilman, Thomas Packer, Jr. decided to contest his father's will. But the law did not provide for the appeal of a dead probate judge's ruling eight years later. The appeal should have been made at the time the will was proven, or immediately thereafter, but as Packer suggested, such an appeal would have been to the then governor and his council, the executor of the will in question, and its major beneficiary.
To facilitate his appeal, Packer needed a resolution of the legislature allowing him to appeal the decision of the probate judge under these extraordinary circumstances and to determine a venue for that appeal. Packer approached John Langdon, then the speaker of the house, and sold Langdon a parcel of land. A short time later, the bill Packer needed was proposed and passed through both houses of the legislature. Packer would be allowed to appeal, and his venue would be the Superior Court of Judicature. That court’s decision would be final. Subsequently, on the first Tuesday of March, 1780, the trial began. Over the ensuing court sessions spanning the next thirteen months, an engrossing story emerges.

On a spring day in 1771, Jacob Sheafe stood in the doorway of his shop in Portsmouth. Perhaps he was sweeping his entryway, or perhaps it was one of those invigorating spring days when the wind still carries just a bit of the crispness of winter, but the sun promises the warmth of the coming summer and it is just so difficult to stay

74NH Claims, John Wentworth, vol. V, pp. 2199. John Wentworth, Jr. wrote a supplemental memorial while his uncle was serving in Nova Scotia. In it he claims specifically that John Langdon was acting in collusion with Packer, Jr. Wentworth has no real proof but he argues that a land transaction between Packer and Langdon took place prior to Packer’s bill being introduced, and that Langdon used his interest as a leading light of the rebel faction and as speaker of the assembly, to slide Packer’s bill through both houses. This whole question seems to have been raised because the Commission thought that Wentworth was not entitled to compensation for land that was not his. The Wentworths were arguing in this supplemental memorial that the land was indeed his, that it was confiscated like all the rest of his property, and that he was not the defendant in that trial which took place in 1780. By virtue of his attainder, Wentworth was precluded from defending himself, even by attorney. Indeed the only minimal defense which took place was mounted by the state’s trustee, Samuel Gilman, and his attorney John Pickering.

inside a stuffy, dark store. So Sheafe happened to be standing there in his doorway when along walked Doctor Hall Jackson. Hall Jackson was the son of the aging Doctor Clement Jackson, and with his father was in attendance on Thomas Packer, Sr. Sheafe did not mention how he knew Hall Jackson, or for that matter how he knew Thomas Packer, Sr., but Portsmouth was not a large city and it seems likely that many inhabitants traded at Mr Sheafe's store and thereby he would become familiar with them and their doings. Some nine years later, Jacob Sheafe remembered that it was just a day or two before the senior Packer's death that Hall Jackson had walked up to him on that fine spring day and told him that "Packer was almost gone and had almost lost his reason, that he had made no will, neither was capable of it."76 Those were interesting comments coming from a man who would swear as a witness to the legality of a will in just a few weeks.

A day or so later, a group of friends were gathered at the home of the dying Thomas Packer, Sr. Packer's friend and physician, Dr. Clement Jackson was there, as was Jackson's son, Hall, also acting as one of Packer's doctors. Packer's close old friend Clement March was also present. On hand too were William Parker, the sick man's attorney, and surprisingly, Thomas Packer, Jr. That the son should be in attendance at the deathbed of his father is surprising because they had not gotten along for some years past. Witnesses would recall that

76NH Claims, John Wentworth, vol. V, p. 2234. Deposition of Jacob Sheafe. Wentworth was able to acquire copies of the entire case, eleven documents in all. He also obtained a copy of the act of the legislature allowing the case to be brought.
Packer had not visited his father for nearly eight years, nor had the father visited him. As a deponent would state, the younger Packer was "a man of most dissolute life and morals, reputed always a drunken, worthless man, with three sometimes four women of bad fame living with him."77

According to witnesses, the dying Packer had asked William Parker to attend him that day in order that he might write a new will. Packer and his attorney were closeted for some hours, alone, and then Parker left for the evening, saying "that Mr. Packer had cut him out a large job, which would take him all night, and that he must write the will at home."78 Early the next morning Packer Sr. was agitated because his attorney had failed so far to return with his new will. Packer asked his friend and physician Clement Hall to go to Parker and ascertain the status of that document. Hall did so and found that Parker "had not wrote the will or any part of it." Parker had been told of the urgency the night before as he left the dying man's house, but apparently had disregarded the doctor's warning that "if he did not finish the will that night it was probable Mr Packer would be incapable of making one in the morning."79

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77NH Claims, John Wentworth, vol. V, p. 2202. Deposition of Stephen Little, May 28, 1789. Little was deposing on behalf of Wentworth's claim to the land as compensable. He was at Packer's house the day the old man died, probably in company of the governor who had gone to visit his uncle. Little was a close associate of Wentworth's, and a physician as well.


Parker arrived at his client's house in the middle of the morning and went straight in to see Packer. At around noon, Clement Jackson, Hall Jackson, and Clement March were asked into the room to witness the making of the will. It was on this crucial moment that the case brought by Thomas Packer to break his father's will turned. Thomas Packer, Sr. was hours from death. All of the witnesses could agree that he seemed weak and out of breath. When asked, Clement Jackson recalled that in the middle of that afternoon, three hours or so after making his will, the old man died. The attorney for the appellant asked: "From the time Mr. Parker last came to the time of Mr. Packer's death, do you apprehend his strength of body and mind were such as would enable him to direct how to make a will?" Jackson answered: "His strength was exhausted and his breath so short that he certainly could not give directions how to make a long will." The attorney pressed his point and asked if Packer in his current state could have remembered all the details of his estate and Jackson replied that he was out of the room for some time but at the moment at which the will was executed, no, Packer did not have the faculties to do so. Then Jackson was asked if the will had been read to the deceased, and Jackson replied that he did not know. If it had been read to him, the attorney continued, could he have understood it? Jackson replied "No, not at the time it was executed."

John Pickering then took up the questioning on behalf of Samuel Gilman, trustee for the state. "When you saw Mr. Packer the day before he died, do you think he was then capable of making a will?" Jackson: "I think he was, I saw nothing to the contrary." Pickering: "Do you think at any time on the day of his death he was
capable of making such a will as Mr. Parker said he had directions to write the night before?" Jackson: "I do not think he had strength to do it, I did not see that his understanding was impaired." Pickering: "Had Mr. Parker wrote such a will as you understood he was directed, and read it to Mr. Packer the morning of his death when Mr. Parker came, was he capable of understanding it?" Jackson: "I believe he was, I saw nothing to the contrary."

The other attorney spoke up: "Had Mr. Packer strength to sign his name?" Jackson: "No, not so as for any person to read it." "How was his utterance?" Jackson: "A little stammering, owing to shortness of breath." "How did his name appear after he attempted to sign it?" "Not legible by any means." "Did Mr. Parker tell Mr. Packer to make his mark to the will instead of writing his name?" "Yes, Mr. Parker said Mr. Packer's mark would be sufficient." "What did you hear Mr. Packer then say? "Mr. Packer said 'I had begun and I will finish.'" "Did you hear Mr. Packer declare the writing he signed and you witnessed to be his last will and testament?" "Yes." "Did Mr. Packer appear to have his senses when he signed the will?" "He had not lost his senses but his strength was impaired and he was in great measure incapable of reasoning upon anything in my opinion." "Did Mr. Packer appear to know people when he signed the will?" "For anything I know he did." Jackson then admitted that after he swore the oath before the probate judge attesting to Packer's being of sound mind at the time the will was executed "but when I heard the form and afterwards reflected on it, it made me shudder, and had
any person interrogated me I should have explained myself as I now have done."80

The next witness was Hall Jackson, son of the previous witness, and a close personal friend of Thomas Packer, Jr. He too attended the dying Packer and his recollection of the events of those two days was similar to that of his father up to the point of the execution of the will. There the accounts diverged, Hall Jackson adding that "He found Mr. Packer's strength so far exhausted, and his speech had so much failed him that it was impossible for him to make such a will as he purposed the night before, that he therefore had advised him [Parker] to sum up all in one general head and leave it to his executor who he said no doubt knew his mind and would do the same things Mr. Packer would direct was he capable of doing it." Jackson gave the same account of the signing of the will as had his father, but continued his tale: "At this time Mr. Packer was perfectly sensible so far as it related to objects that immediately presented before him: he knew his friends, he knew he was dying, he knew he was signing and publishing a will, but that he was capable of dictating a sentence or of comprehending the sense or reason of a sentence if read to him, or of scrutinizing into the propriety of any matter that be done in a will he [Jackson] solemnly declares that it is his opinion that he [Packer] was not." Jackson here introduced the idea that perhaps the will was not written as Packer had intended it to be, and that the dying man could not have known it if it were not

as he wished. The younger Dr. Jackson also added that he had avoided attending the proving of the will for as long as possible, and that when the oath was administered, that he had taken down his hand and not sworn to the condition of the testator. Neither, did he think, had the other witnesses.

Jackson was asked about a Mr. Peirce who had come to him in Packer's garden after the execution of the will, and alleges that he related the entire story to Peirce. Peirce apparently testified that Jackson had told him that all of the witnesses were agreed that Packer was of sound mind when disposing his will, but Jackson did "not particularly recollect it." Jackson also related the arrival of John Wentworth at Packer's deathbed, and admitted that Packer was very happy to see his nephew. The two were left alone a short while and then Wentworth called the rest of the company into the room, where they waited, and shortly afterward Packer had died.

The two Doctors Jackson were the only witnesses remaining to the execution of Packer's will. William Parker had died in the meantime, as had Clement March. One of Packer Jr.'s witnesses, a Noah Emery of Exeter, claimed to have been at Mr. Parker's the morning of Packer's death, and testified to the comments of Dr. Clement Jackson as to the extremely poor state of Packer's health and faculties. But Emery was most damaging when he claimed to have been taken aside by Clement March just before he [March] died, and


82Peirce's testimony was not included in the papers that the clerk of the court supplied to Wentworth.
told that March too had doubted the capacity of his old friend Packer to make his will, and that he too had taken down his hand when the oath was sworn before the probate judge.\textsuperscript{83}

The appellant obtained another deposition from Josiah Gilman of Exeter, who claimed to have been at Clement March's house one day in 1774 and to have discussed the will with March at that time. Gilman deposed that March told him "that he was a witness to it, but said he thought him [Packer] in no capacity to make a will, for they could hardly keep him awake to sign it, and further said it was not Mr. Packer's will and he did not think Mr. Packer knew what was in it."\textsuperscript{84} Adding to that line of argument was Henry Dearborn. Dearborn deposed that he had been living with Hall Jackson at the time of Packer's death, and that he had heard Jackson say again and again that "he did not think Mr Packer knew what the will was that he signed a short time before he died, adding that he [Jackson] thought Mr. Packer was struck by death before he signed said will, and was too far gone to be in a proper capacity to execute a will. Said Jackson," concluded Dearborn, "often intimated that he thought said will was rather a will of some other person or persons than of Mr. Packer."\textsuperscript{85}

\textsuperscript{83}NH Claims, John Wentworth, vol. V, pp. 2227-2229. Deposition of Noah Emery, 5 April, 1781.

\textsuperscript{84}NH Claims, John Wentworth, vol. V, p. 2230. Deposition of Josiah Gilman, 5 April, 1781.

Dearborn, Gilman, and Emery were all close friends of the appellant, and all related having heard things from men who were no longer alive to testify themselves. For good measure Packer, Jr. called upon Elizabeth Salter, the daughter of Clement March, and Mary Jackson, the wife of Hall Jackson for further evidence. In her deposition Salter could only say that Thomas Packer, Jr. had visited her father shortly before her father's death, and that after Packer had left, her father had said that Packer could have his father's will broken before he [March] and Clement Jackson died. But then Salter added "or words to that effect." Perhaps Elizabeth Salter was mistaken, perhaps she could not remember her father's exact words, perhaps he said that Packer could not break the will until after March and Clement Jackson died.86 Mary Jackson corroborated her husband's story but embellished it just a bit saying "I heard my husband say unto his father the said Clement Jackson, do you think that if Mr. Parker had been bad enough to have made an instrument to have conveyed all Colonel Packer's estate to him the said Parker, whether the said Packer would not have as readily signed it as the other, he answered, Yes."87

Thomas Packer, Jr.'s strategy should be apparent. He first called as witnesses the two remaining eye-witnesses to the execution of the will. Hall Jackson was his intimate friend. according to Stephen Little who was also a physician in Portsmouth at the time of Packer's


death. Little was also Jackson's brother-in-law, and deposed that Jackson was a man of "very doubtful character" and that one should "have little dependance on his word at any time." Clement Jackson, also according to Little, was a good man but also "was a very infirm, old man, and not a little influenced by supporting the character of his son from any imputation on his son's veracity in this instance."88 The rest of Packer's witnesses, all by deposition, purported to have heard the words of a man who could no longer speak for himself. And their claims diverge wildly from the testimony of Clement Jackson. Each of the depositions was calculated to cast some doubt on the will of Thomas Packer, Sr. Either the man was too sick to understand or sign the will, or perhaps the will he signed was not what he had intended. The evidence presented nearly accused William Parker of concocting the will out of air, or worse yet, out of the mind of some other shadowy figure who stood to gain the most from such chicanery. No one came forward to claim that he had heard William Parker say anything questioning the will, though he, too, had been dead for some time. Indeed, of all of those who visited Packer on the day of his death, only Parker knew what was in the will that the old man signed just hours before his death. But Packer's aim was not to besmirch the reputation of his father's lawyer as much as it was to infer that John Wentworth had engineered the whole dastardly affair. Packer was relying on the prevailing attitude in the state, a feeling of strong dislike if not outright hatred for

loyalists in general and of the leading loyalist of the area, the former
governor, in particular.

The defense put on by Gilman and Pickering was perfunctory. They could not resurrect the other potential witnesses, both dead, nor could they call anyone else who was certainly present or material to the case, men like Wentworth or Little, since both were attainted traitors. They were able to obtain a deposition from the widow of the probate judge, John Wentworth, who was also, conveniently for Packer, deceased. Sarah Wentworth deposed that when the four witnesses entered the room with the judge, she had left, but remained in the open doorway, eavesdropping out of simple curiosity. Sarah Wentworth stated that she "heard the judge inquire not only of the witnesses together but each of them separately whether the said testator was of a sound disposing mind at the time the said will was executed. They answered separately that he was. The said Clement Jackson," she added, "was at that time as capable of making his will as he had been for some time before." Mrs. Wentworth also recalled a conversation between her late husband and the late Clement March at a dinner some time after the will was proven in which March said that Packer, at the time his will had been executed, "as capable of it as he had been for some time."89

The only other evidence presented by the "defense" was the deposition of Hunking Wentworth who offered that he had had many conversations with Thomas Packer, Sr. before his death, and that in

all cases the elder Packer had vehemently argued that he would give no part of his estate to his son, except perhaps one farm for the term of his life, and that he would leave nothing to his son's children either, all because he disapproved of his son's conduct. At that point the evidence was concluded, and some thirteen months after the trial had begun, the case went to the jury.

With the hindsight of better than two hundred years it might be possible to chuckle at the flimsy fabric of lies and innuendo which passed for evidence in the appeal of Packer's will. It might also be possible to bristle at the thought that a sinister figure, the loyalist governor, had conspired to rob a grieving son of his inheritance. Just as we cannot with certainty discern the absolute truth in this case, neither could the jury in 1781. Those men who heard the evidence might just as easily have seen the aged Clement Jackson equivocate slightly so as not to contradict his son's testimony and perhaps perjure him. They could not see the lesser witnesses squirm or shake

\[\text{\footnotesize 90NH Claims, John Wentworth, vol. V, p. 2240. Deposition of Hunking Wentworth, July 17, 1780. I cannot be sure if Hunking Wentworth was a relative of the governor or not. It seems likely he was in some way, and if so his testimony would be of little value given the feeling towards the loyalist branch of the family.}\]

\[\text{\footnotesize 91Or perhaps the jury had had the case since long before it had begun, even before the bill had been passed allowing Packer's appeal. A nearly full column advertisement was placed in the New Hampshire Gazette on April 13, 1779. Placed and paid for by the clerk of the assembly, the advertisement informed the public that a petition had been received by the house requesting an appeal to the will proved in 1771. The advertisement gave specific details of Packer, Jr.'s allegations, that the will was false, that the probate judge was uncle to Governor John Wentworth, and "that the said petitioner had always demeaned himself as a true friend to the states of America, their union and their cause; that he has paid taxes for the support of the war-assessed on those very lands which would otherwise have been sold."}\]
in the witness chair because the testimony of Dearborn, Emery, and Gilman was given by written deposition. The witnesses for the other side both bore the name Wentworth and thus could be discounted regardless of the degree of relationship to the former governor, if any. The jury in this case was left with two questions: was Thomas Packer, Sr. capable of making and attesting a will just a few hours before he died? and, whether or not he was, was the will he attempted to sign really his will, or was it the product of an evil plot masterminded by the thrice-damned loyalist who was the only one to gain from depriving Thomas Packer, Jr. of his father's legacy?

In late April of 1781, the jury arrived at a verdict: "The jury find[s] the paper in the case purporting to be the last will and testament of Thomas Packer, Esq., deceased, is not his last will and testament." John Wentworth, Jr. and Stephen Little both argued in papers submitted to the Claims Commission that the jury's decision was based solely on the loyalism of Governor Wentworth.92

The success of Thomas Packer, Jr.'s appeal was a tribute to the success of the rebel government in creating a new identity for the loyalist portion of the provincial community. The rebels created a "them" to juxtapose against the newly formed "us" of the community which came to be called the State of New Hampshire, and in an even larger sense, the "us" which became the United States of America.

92Further evidence of the jury's condemnation of loyalism and the loyalist defendant lies in the fact that they chose to deprive the state of needed revenue by their decision. The award to Thomas Packer, Jr. delivered the land from being sold at public auction for the benefit of the treasury. In a sense the jurors took from their own pockets and gave to Packer, only to deliver a message to Wentworth and the other loyalists.
The transition from "we" to "us and them" was aided by the loyalists themselves. As we have seen, the loyalists proclaimed their own identities individually and collectively through the actions which labelled them publicly as loyalists. The loyalists were further individuated by the external forces to which they were exposed, the physical sufferings, the trauma of which acted to reaffirm the self-identification of each as a loyalist sufferer, and to produce a collective, communal sense of shared experience necessary to the creation of a self-conscious community of loyalists. Finally, as we have seen in this chapter, the rebel government acted to formalize the identification of loyalists through law, and to subvert the traditional forms of law and order to the needs of an usurping power, creating extraordinary ways of searching out, penalizing and outlawing dissenters from the community. John Wentworth's loyalism identified him in the minds of his former neighbors as an outsider, no longer the well-liked governor of a prosperous corner of British North America, but a "damned tory" capable of subverting the will of a dying man and ruthlessly appropriating a young man's inheritance. The jury which found for Thomas Packer, Jr. was not

93The assembly was not clearly convinced that Packer's claim was completely legitimate, or at least that it was so legitimate that he should have the entire estate returned to him as it had been constituted at his father's death. In the act which permitted the appeal, the widow's portion was upheld as devised, regardless of the outcome of the appeal. That much was natural. But Wentworth had sold portions of Packer's estate to a number of individuals prior to the rebellion, and had deeded other parcels for a variety of charitable reasons at the behest of the testator. As executor, Wentworth was charged to endow schools and other publicly beneficial institutions with portions of the estate. The assembly further added in the resolve that even if the appeal went against Wentworth, all of the lands that he had received through the will and which he had conveyed prior to the rebellion were to remain in the hands of those who had so acquired them. Several were named
giving its approval to his mode of living, or even really announcing its belief in the scenario his witnesses presented in a most circumstantial way. That jury was condemning John Wentworth for his desertion of his homeland and his adherence to a way of government and a way of life that they had by then been conditioned to find most reprehensible. The verdict was not so much for Thomas Packer, cheated heir, but against John Wentworth, loyalist.

specifically and others were left deliberately ambiguous in order that the owners could produce their titles and have them confirmed. Neither in the act of the assembly empowering Packer to appeal the proving of the will, or in the course of the trial itself, was Wentworth accused of mishandling the estate as its executor. NH Claims, John Wentworth, vol. V, pp. 2206-2209.
Chapter Five

Who Will Rule at Home: Identity and the Battle for Cultural Supremacy

To the Tories.

Wanted for his Majesties Service, as an Assistant to his Excellency General Howe and Hugh Gaine, Printers and Publishers of the New York Gazette, a Gentleman who can Lie with Ingenuity. Enquire of Peter Numskull, Composer and Collector of Lies for their Excellencies, at New York. NB. A good Hand will receive the honour of Knighthood.¹

The struggle within New Hampshire during the period of the successful rebellion which we now name the American Revolution was a struggle over personal and communal identity. We have already seen in chapter one the results of the conscious and unconscious attempt of the loyalists to create a community identity for themselves primarily through their own words in the claims submitted to the Parliamentary commission and relevant ancillary documents. The loyalists who filed claims for compensation told a coherent tale using a shared vocabulary. The story of their actions and resultant sufferings demonstrates the community of loyalists born amid the trauma of a rebellion which drove them from family

¹New Hampshire Gazette or Exeter Morning Chronicle. June 24, 1777. This advertisement appeared in Robert Fowle's 58th issue. Only three numbers were published subsequently before his arrest on charges of treason by counterfeiting.
and home, and cost many of them the accumulated wealth of a lifetime. The fact that the loyalist claims documents were written based upon self-interest has no real relevance when that objection is raised to question their usefulness as a means of deriving a narrative based on their perspectives. After all, the accepted narrative of the American Revolution, based as it is on the relevant writings of members of the rebel faction, was as driven by self-interest as that of the losing side.

In chapter two we explored the self-identification of loyalists through the actions they undertook in support of government. Each action or omission perpetrated by a self-avowed loyalist served to identify him to the community in which he lived. Moreover, those actions served as a means of self-affirmation, a way of reminding the individual of who and what he was even in the face of the increasing isolation and persecution he may have suffered as the rebellion progressed. The actions detailed by the loyalists who filed claims after the war serve as examples of the similar actions taken by many thousands of loyalists throughout the colonies. Indeed the exploits of New Hampshire's loyalists were tame compared to the adventures of many who hailed from provinces where actual military activity took place. Though many New Hampshire loyalists left their province to serve in the British army or in provincial units, none of them saw action near to home the way the loyalists of New York or Pennsylvania did. The rebellion in New Hampshire was a peaceful one, which made the experience of New Hampshire's loyalists unique.

In chapter three the rebel faction's response to self-identification was demonstrated in the many forms of physical
retaliation employed against known loyalists and their families. The very idea of a "known" loyalist proves that the actions of the friends of government defined their identities within the community. The rebels responded to the outspoken loyalists by physical reprisals: mobbing, housebreaking, and imprisonment, the latter sometimes in conjunction with what might today be described by human rights advocates as torture.

But the rebel faction carried the identification process further into the realm of formal inquiry through several devices described in chapter four. The rebels successfully derailed the effectiveness of royal government beginning in December of 1774, and within a year had crafted a workable form of government suitable to their needs. Even before Wentworth's departure in August of 1774, the rebel congress sitting at Exeter had reached out into the towns with a network of committees designed to control things at the local level and identify potential opponents. The royal governor was powerless as the militia refused his call during the attack on Fort William and Mary in December 1774, and Wentworth was able only to maintain the sham of actual government from that point on. Following his departure, the rebel government sought the semblance of legal methods to identify their enemies and rid the province of all those who could not or would not support the new order. These included the Association Test, the surveillance activities of the committees of safety, ostracism and shunning, and inevitably the most formal expressions of communal disapproval: actual banishment coupled with the confiscation of real and personal property.
But none of this took place in a vacuum. Around New Hampshire a shooting war raged; men bled and died on both sides of an armed conflict the aim of which was to determine the political destiny of a continent. Surrounding that war swirled another, perhaps more important struggle, the battle that spawned the rebellion: a cultural conflict which split the residents of British North America at the local, provincial, and later, national levels. This chapter will place the rebellion in New Hampshire squarely within the definition of a culture war: an ideological clash between two or more opposing camps, both (or all) absolutely convinced of the righteousness of their cause. The culture war is carried out publicly, primarily through the available forms or media for public discourse, but the struggle may extend into the realm of actual physical conflict, as it did during the American Revolution. It was Carl Becker who suggested that the revolution was as much about who would rule at home as about home rule. In this he was entirely correct, though he may not have gone far enough. The revolution was about not only who would wield political power, but how the society would define itself and ultimately how each individual would construct an identity based upon the new independent community or the traditional colonial one.

The eventual outcome of the struggle for independence was determined by the activism of the rebel faction from 1763 on, and the naive complacency not only of the British government but its

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friends in America as well. Beginning with protests concerning the Proclamation of 1763 and the Stamp Act crisis of 1765, the self-styled "whigs" of British North America began a concerted effort to win control of the provincial assemblies and the communications media of the time, the newspapers. Their political struggles met with varying success from colony to colony, but in New Hampshire at least they were able to claim a majority soon after the ascendency of John Wentworth to the governor's chair in 1767. There is little, if any, evidence to suggest that even the most ardent of whigs had considered the road to independence prior to 1774. Most of those whose occupation, station, or interest caused them to consider the larger issues of the time could agree in principle that there were problems with the relationship between the British government and her colonies. Most could also agree that the source of those problems was an intractable ministry and an unresponsive parliament.

In hindsight historians can now see the blunders of the ministry in blindly assuming the innate inferiority of the residents of the colonies and holding to the belief that the rustic provincials would eventually accede to the measures proposed by their superiors in England. While the authorities in London proceeded in stubborn ignorance of the situation, ignoring the warnings of their governors and sundry officials on the scene, the friends of government in America began to recognize their peril. In response to the assembly's creation of a standing committee of correspondence, Wentworth suspended the session for seven months in 1773. The

\[\text{3Wilderson, Wentworth. p. 221.}\]
assembly which reconvened in 1774 was quickly dissolved, and then met illegally to empower the creation of a provincial congress to meet in Exeter. When in 1774 a new election was called, Wentworth attempted to stack the house in favor of government by extending three new writs to towns in the interior he felt would return members favorable to his position.\(^4\) That act, however, only engendered more controversy and further exacerbated an already precarious situation. Within days Wentworth was forced to flee to Fort William and Mary for the protection the two nearby British ships could offer himself and his family.

It was apparent to Wentworth at least by December of 1774 that all royal authority had departed the province. The \textit{New Hampshire Gazette} continued to print his official proclamations, but Daniel Fowle, its printer, was consistent in his support of the radical faction as demonstrated by the quantity of space he devoted to the news of the provincial congress, the activities of the committees of correspondence, and the volume of opinion pieces he included, many of them copied from the more radical papers of Boston and Philadelphia.\(^5\)

The content of the \textit{New Hampshire Gazette} during the early years of the rebellion brings into stark relief the fact that the rebel faction was deeply entrenched in the provincial infrastructure. The


\(^5\) \textit{New Hampshire Gazette}, May 13, 1774. Camillus, for example, penned an angry diatribe protesting the concept of taxation without representation. The opinion pieces of the previous few months had been devoted to the tea controversy.
rebellion was not a mass movement from the bottom up consisting primarily of the poor, oppressed or the landless. The rebel faction was led and for the most part constituted of wealthy merchants and landowners, magistrates, militia officers, and assemblymen, some of the best men in the colony. It would be easy, but unjust, to minimize their commitment to a new order and attribute their status as rebels to jealousy of the entrenched Portsmouth elite, those Wentworth clansmen and associates who had monopolized power in the province nearly from the accession of Benning Wentworth in 1741. Surely some may have admitted to that as their primary motive, but certainly not all. And neither petty jealousy nor simple greed could have moved such a number of men of substance to risk their very lives in a cause in which they did not fully believe.

It was instead the belief that the time had come to redefine the nature of the provincial community which impelled the rebels to take control of the reins of government, haltingly at first, in the latter part of 1774. As mentioned above, when Wentworth lost control of the militia, which became clear during the attack on Fort William and Mary in December of 1774, royal government became for all intents and purposes merely a fiction. From that point and beyond, Wentworth and the other loyalists clung tenaciously to the false hope that order as they perceived it would be restored. Indeed for some time they seem to have remained ignorant of the actual state of affairs, badly misunderstanding the apparent strength of the

6Wilderson, Wentworth, p. 250, as well as various other references to the makeup of the faction's leadership.
rebels and underestimating the strength of the rebel appeal to the broad masses of the population of the colony. Whether consciously or not, the leaders of the rebel faction understood the need for popular support in their cause. They recognized that a small minority could not effectively control the province by coercion alone, even though for the moment at least, the faction had a monopoly on the threat of force. Both sides of the conflict were convinced at that point that it would be only a matter of time until that changed and a significant force of British regulars would alter the balance of power. Gage's refusal to send troops in response to Wentworth's appeal in the spring of 1775 removed the governor as well as the immediate threat to the rebels. It did not remove the threat of imminent invasion, however, or at least it did not remove that threat as a part of the rebel faction's argument for the next two to three years. At least in New Hampshire, argument replaced bullets as the means to an effective revolution, discourse replaced the battlefield as the arena in which the rebellion would be fought.

Wentworth's departure in August of 1775 marked a major shift in the intensity and direction of the culture war in New Hampshire. The division between rebels and loyalists had not been as clear when the writings filling the newspapers were devoted to the constitutional questions of taxation and representation or the other issues which slowly divided the self-proclaimed whigs from the so-called tories. Those pieces continued to illuminate the thinking of the reading public, but a considerable number of rebel7 writers began to

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construct a new reality for the reading public, a new reality designed
to draw the reader into the fold of the convinced rebels, and at the
same time to totally discredit the position of the ideological enemy,
the tories.\textsuperscript{8}

The goal of the rebel campaign in New Hampshire was the
reformation of provincial society into a new and significantly
different one than had existed prior to the middle of 1775. To
accomplish that end the rebels created a new government the
legitimacy of which rested on the relatively new and untried
Enlightenment concept of popular sovereignty, the idea that the
power to rule was derived from the consent of the ruled. Once a new
government, however unstable at first, was in place, it became
possible for the rebels to utilize both of the possible methods of
political persuasion: discourse and force.\textsuperscript{9}

\textsuperscript{7}Throughout the struggle, the rebel writers referred to themselves
consistently as whigs. Even the word "patriot" is noticeably absent. Now to
suddenly shift our terms and refer to the rebel writers as whigs seemed to be
too confusing, but to continue to use the term rebel when referring to the
whig writers seemed less so, even should someone wish to delve further into
the original sources and find the word whig used almost exclusively when
referring to the rebel faction. For the purpose of clarity, then, I will
continue to use the term rebel when referring to the leaders of the radical
faction or the usurped government, and when referring to the writers who
adopted the appellation whig.

\textsuperscript{8}This strategy is being replicated in modern America according to Hunter,
\textit{Culture Wars}. Hunter describes the strategy of adversaries engaged in a
discursive struggle, arguing that two forms of argument are used: positive
and negative. "The positive face of moral conflict is expressed through
constructive moral reasoning and debate......the negative face of moral
conflict [is] the deliberate, systematic effort to discredit the opposition." p. 136.

\textsuperscript{9}Lincoln, \textit{Discourse and the Construction of Society}. p. 3. "Together, discourse
and force are the chief means whereby social borders, hierarchies,
institutional formations, and habituated patterns of behavior are both
maintained and modified." Force "is regularly employed by those who hold
official power to compel obedience and suppress deviance."
We have already seen how the rebels employed force or the threat of force to achieve their ends where the loyalists were concerned. That threat of force overshadowed all of the residents of the province, not only loyalists. The example of mobbed or beaten loyalists must surely have had some effect on the majority of men and women who were unsure which way the conflict would go and thus had not committed to either side. But the rebels needed commitment from the majority in order for the rebellion to succeed. Money had to be raised, men had to be enlisted, and supplies had to be gathered. The rebel writers who filled the friendly majority of newspapers in the colonies were aware that a great deal of convincing needed to be done.

Toward that end, the rebel writers began to create a new myth, a myth which could be used simultaneously to paint the enemy both foreign and domestic in a totally unfavorable light, and at the same time elevate the patriotic whigs to nearly legendary status in the minds of the readers. Bruce Lincoln defines this kind of myth as "a form of meta-language in which preexisting signs are appropriated and stripped of their original context, history, and signification only to be infused with new and mystificatory conceptual content of particular use to the bourgeoisie. Myth, Barthes argued, 'has the task of giving an historical intention a natural justification, and making contingency appear eternal.'"¹⁰ In other words, the whig/rebels created a new way of looking at the present by adopting a special way of viewing the past. The whig view of history, prominent for

¹⁰Lincoln, *Discourse*, p. 5.
decades in the court/country controversy in England was rehabilitated and appropriated by American writers with an added twist, the ministry and parliament were now so corrupt that they too were subverting the ancient constitution and depriving the Americans of their rights and liberties. The rebel writers also created the myth of the legendary ancestors, the people who had originally colonized the province and given for all posterity their example of heroic stature to the present generation to follow: "Brothers! Let us think of our heroic ancestors who fought and bled and died for this country. Let us think of our aged fathers and mothers, think of our wives and children, let us look forward to posterity ... in this great day of conquest." The myths perpetuated by the rebel writers had to be powerful constructs which provided a new reality agreeable and persuasive to their audience.

The positive discursive style of the rebels was full of language designed to convey a sense of greatness to their cause. The phrase so often used was "glorious cause" but the entire body of their work was infused with descriptive phrases which stressed the righteousness of the rebellion, the virtue of the rebels and the historical continuity with the great heroes of the past from the Bible to English champions of liberty and justice. No sacrifice was too great, and everyone in the province must be in agreement, they alleged: "it


12 Lincoln, Discourse, p. 24. According to Lincoln, myths are "that small class of stories that possess both credibility and authority......a narrative possessed of authority is one for which successful claims are made not only to the status of truth, but what is more to the status of paradigmatic truth."
appears to be the general sentiment that the man is unworthy the
name of an English American who would hesitate one moment to
prefer death to the slavish subjection demanded by the ministry and
parliament of Great Britain."13 Already in 1774 the whig/rebels were
preparing their audience for the possibility of war.

The moderates and future loyalists were unprepared for what
would come their way.14 In August of 1774 Brutus would write to
the public urging caution, prudence, and unity. He also advised
careful constitutional means to solve the problems between the
colonies and great Britain.15 But the lonely voice of Brutus was
drowned in the sea of rebel writers which filled the pages of the New
Hampshire Gazette, the only newspaper in the province since its
founding in 1756. Throughout the latter half of 1774 and into 1775
Daniel Fowle, the printer, gathered articles from other colonies and
from English papers, the vast majority of which took the same
position.16 The ministry was bent on subjugating the colonies,
depriving the colonists of their rights as Englishmen, and bleeding
them dry of their property.


14 Philip Davidson, Propaganda and the American Revolution, 1763-1783.
Chapel Hill, NC: 1941. p. 249.

15 New Hampshire Gazette, August 12, 1774. Brutus. Reprinted from a
Philadelphia newspaper.

16 Fowle did print the series of letters by Daniel Leonard under the pseudonym
"Massachusettensis," as well as John Adams' replies as "Novanglus." As a
result of his seeming neutrality, Fowle was haled before the assembly and
admonished for his lack of patriotic zeal. See Bernard Bailyn and John B.
The *Gazette* was also the source for news, and the type Fowle chose to print was calculated to assist the rebel cause. He printed detailed accounts of the doings of the provincial congress as well as the news from the continental congress in Philadelphia. Fowle also reported rumors of carpenters recruited from New Hampshire being sent to Boston to build barracks for the occupation troops, a report which led to the arrest and consequent ritual confession of Nicholas Austin as discussed previously. In a letter to the paper the Portsmouth committee stated "That it is our opinion these men who have been so base to undertake as artificers (and thereby reflecting not only on their respective town but the province in general) should be considered as enemies to our liberties, and should not be received at their return, as members worthy of society."^17

Fowle also chose to print excerpts of letters received by private individuals from overseas or from other colonies as sources of news or inspiration. One, a letter from a man in New York to a friend in Edinburgh, stated that America would resist the invasion of British troops by converting them into free American landowners living like princes.^18 Another letter from London bolstered the American argument concerning taxation, the correspondent admitting that "we have no more right to tax the Americans, unless through the medium of their representatives, than we have to tax the Irish."^19 It was important that the general public be encouraged to resist the threat

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^17*New Hampshire Gazette*, October 28, 1774.

^18*New Hampshire Gazette*, October 21, 1774.

of retaliation for their resistance to royal authority, and for the people to believe that they were not alone in their struggle against tyranny. At least in 1774 the rebel party line contended that the people of Great Britain were sympathetic to the American cause.

Toward that end Daniel Fowle found a piece in the London Public Ledger dated November 1774, an open letter addressed to Lord North. In it, Gracchus stated "I would, my lord, I could my countrymen from the state of inactivity and corruption in which they are enthralled, could they be prevailed on to join vigorously in opposition with their brethren in America, they would soon overthrow their oppressors, send you to a scaffold, and restore the almost forgotten liberties of their country. But this is not, alas, to be expected, Englishmen seem to have lost all sense of public virtue....our descendents shall gratefully acknowledge that the liberties of England were preserved in America."20

Inspired as they were by words like those, the inhabitants of Portsmouth and the province in general had to be exhorted to adopt a new, more rigorous way of life. The Portsmouth town meeting, in an attempt to exert civil control in December of 1774, created a committee to assume executive powers and resolved "that the town bear testimony against the common practice of playing at billiards and cards and also that they disapprove of every other species of gaming and dissipation, recommending industry and frugality to the inhabitants as more becoming under the present grievous

20 New Hampshire Gazette, December 23, 1774.
oppressions and embarrassments of this town and continent." The resolve was aimed at the governor and his friends, predominantly Anglican, who saw no great sin in engaging in games and frivolity. The rebels, however, consciously embraced the puritan heritage of the founders of the New England colonies and their antipathy towards such popish extravagances.

At the same time another incident occurred which bears some consideration. On the face of it, the first letter from Stephen Boardman seemed to be merely an attack on a loyalist. Hardly an apology for his hand in the affair, Boardman wrote to explain a situation which must have attracted some attention and aroused concern among the people of Portsmouth and the region in general. Boardman recounted that William Pottle of Stratham had entered the town on business and that as he approached the state house, a group of around one hundred men were gathered there. At that point someone had shouted "There is a Tory...there is an enemy to his country....see how he looks...behold him, how he looks!" The writer, Boardman must have been a member of the crowd, since he added "Upon this, knowing the said Pottle had conducted in a manner inimical to his country, and thinking this a suitable time to intimidate and humble him, I said 'Gentlemen this villain has appeared an open enemy of his country.'" The crowd then advanced on Pottle and physically assaulted him. How badly Pottle was handled is nowhere made clear. Boardman concluded his say by adding "though I abhor all illegal mobs and assemblies and would have no man's person or

21 *New Hampshire Gazette*, December 16, 1774.
property injured I think everyone who is a friend to America is in
duty bound to condemn such a man and have no connection or
dealings with him 'till repentance and reformation entitle him to
forgiveness."22

Boardman's letter elicited a pair of responses within a couple of
weeks. The first was a lengthy letter condemning all mob actions of
the kind Boardman seemed so proud:

At a time when the reins of government are evidently
slackened, when the sacred name of liberty is so
villainously prostituted to the most licentious purposes,
when nothing more is wanting to pull down the
ungovernable rage of a furious mob on the head of an
honest and worthy citizen than for some malicious
disappointed wretch falsely to represent him as an
enemy to the constitutional rights of his country, I say, at
such a time as this the public ought to be exceedingly
cautious how they listen to any reports that may in the
least tend to inflame the minds of the people against any
person whatever, whether these reports and insinuations
come dressed up in the sly garb of a Horse Jockey, the
hypocritical cant of a Saint, or the still more detested
authority of a Trading Justice, they are equally despicable
and unworthy of notice. Every honest, well-disposed man
is to be respected especially such as have faithfully
served their country in public stations and employments
and even such of these as have been so unfortunate as
not to have had the advantages of education, are much
more to be honored and valued than some who with all
their boasted literature will remain stupid puppies to
their life's end.23

22*New Hampshire Gazette*, December 30, 1774.

23*New Hampshire Gazette*, January 20, 1775.
The letter, signed "A Lover of Peace," was from Greenland and appeared in the same number of the Gazette as William Pottle's own reply. Though some of "A Lover's" allusions might be difficult to trace, his intent is clear, not so much to defend Pottle individually, but to attack the rebel tendency to accuse individuals of inimical acts without any clear or evidential basis, and without any pretence at due process. The signs were clear to that writer that such continued behavior would be terribly injurious, not only to real loyalists, but to others, innocent of any political convictions, who could be publicly attainted and attacked with potentially serious consequences. Pottle himself began by asking, "See Reader, what lengths enthusiastic zeal may lead a man under the the notion of duty." He then listed and denied three charges that had been levelled against him, including holding a mock meeting in competition with an important local meeting. Pottle then suggested that Boardman was really motivated by personal animosity, and asserted strongly that a deacon (Pottle chose to ignore Boardman's identification of himself as a member of the committee of inspection, and rather pointed out that Boardman was a deacon of the church in Stratham) ought to behave in a much more Christian manner toward others.

Boardman replied within a month, raving that Pottle was an enemy to his country and that there was no truth to the idea that he (Boardman) held some grudge concerning his seat as deacon. Pottle's response to this was a month in coming but to the point. Boardman, he said, was unchristian and jealous. He lied when he

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24 New Hampshire Gazette, February 17, 1775.
suggested that Pottle's father had attempted to oust him from the deacon's place, and that the real root of his attack had nothing to do with Pottle's own conduct, there being nothing there for which he should be remonstrated, but that Boardman was seeking petty vengeance because of a land dispute some time in the past which Pottle had won through arbitration.25

Public disputes such as the Boardman-Pottle battle served a purpose in the discursive arena of the cultural clash in New Hampshire. From the rebel perspective, the tale of Pottle's fate at the hands of the Portsmouth mob served as a warning to others to amend their behavior or face a similar fate. Pottle's responses to Boardman's accusations were the efforts of an individual to defend himself personally. To the rebels those letters were nothing but the squirming protestations of a traitor. To the loyalists they were the reasonable explanations of a man falsely accused of a crime which was no crime. The entire situation pointed up one of the principal contentions of loyalist discourse, that the attacks on individuals as enemies of liberty really had nothing to do with the current political crisis, but rather emanated from personal enmity and petty grudges that small and dangerous men could now air out by falsely accusing any old foe and thereby reaping vengeance for old scores real or imagined. This sort of public allegation also served another purpose in the rebel strategy. By publishing attacks on loyalists, either specific or general, they hoped to elicit responses which would

25New Hampshire Gazette, March 31, 1775.
render the identity and counsels of the enemy open to public scrutiny.

Not every attempt to bait a response was successful. Early in February of 1775 another letter came to Fowle's hand which he immediately printed. Addressed to "Master Printer...." it was the first piece of rebel writing in the province to attack loyalists as a group. The letter affected the style of a poor farmer:

A man of our town was down to the Banke last week with butter, when he got home we all crowded about him to hear the news. He told us as how the great ones at the Banke were almost frightened out of their wits and had to get a great long paper to prevent their being killed and having their throats cut. It seems that they are afeared that the town folks are all run mad and going to kill them because they aren't mad too. Master Printer, pray tell us in your next news what there is in the paper. I think he called it asushashun and that they promised to shoot anybody that would not let them sell tea, play cards and dice the devil's device, and do anything else they were a mind to. The man said that one of them told him that it was a story and a lie trumped up by the sons of liberty to cast a slur on the tories and that was nothing more than to keep them safe this winter and prevent their being hanged in the spring as all the sons of liberty would be when the King' forces came over. Now pray Mr. Printer, do let the paper be published that we may know all about it for we suspect it is all a lie told by our neighbor us, for the man who brought the news is a comical fellow and will make no bones to tell a fib to make fun or mischief either.26

26New Hampshire Gazette, February 3, 1775. The text of the Association was finally printed in the number for March 31, 1775 but no great issue was made of it at that time.
The letter, signed Plowgogger, referred to the Oath of Association taken by the prominent men of Wentworth's circle and their chief supporters in the Portsmouth area. The signers even at the time must have known the Association would have an inflammatory effect on the local mob, though no serious disruptions accompanied this rebel attempt to stir up even more mob animosity toward the loyalists. In February Wentworth was still governor, the pretence of legitimacy still adhered to his acts and those of the council, and his appointed officials and magistrates still in theory constituted the only legitimate authority in the province. Of course Wentworth had declared the province to be in rebellion in December, and the fact of the matter was that the militia was firmly in rebel control. This control was so firm that the existing officers remained in command of their men, and were apparently engaged in recruiting even more men to stand ready in case the British should send troops to the province. In Durham, Major John Sullivan was engaged in weekly training exercises with a new militia company. In March he wrote to the Gazette to respond to public criticism of those exercises as being somehow illegal. Sullivan wrote that the group was merely a training company and denied that any illegal assembly was taking place. The following week a writer styling himself Monitor replied to Sullivan's disingenuous letter flatly stating that militia officers must be appointed by writ of the King through the royal governor. Monitor also remarked that the exercises in Durham were extremely wasteful, that the time expended by the men in such fruitless training ought to be better spent in productive work. What if, Monitor wondered, all of the towns began to follow Sullivan's model
in Durham, and spent one day each week in such a wasteful fashion. Imagine the cost to the economy of the province. Monitor concluded with a warning that "this extraordinary spirit to acquire the use of arms at a juncture when the noise of civil discord begins to roar in our neighborhood marks strongly a disposition to employ our arms against the power and authority we ought to support and defend, every appearance of which should be avoided with the utmost caution and circumspection."27

Monitor wrote in typical loyalist style and language. He spoke in the plural, assuming that he and the other loyalists were and would remain a part of the larger community. Monitor also assumed that there remained a reverence for duly constituted authority and law. This was the central mistake of loyalists throughout the provinces at that point in the conflict. The loyalists believed that the rebel faction was extremely small. They had no conception as yet that so few men could sway the minds of the majority, and they were only just beginning to realize just how much control the rebels had acquired of the media of the time, newspapers and printed matter in general. The loyalists also underestimated the efficiency of mob action, especially when focused on specific loyalist targets such as printers. Finally the loyalists misjudged the amount of effort that the ministry was willing or able to expend in order to put down a rebellion quickly. Much of the caution suggested in loyalist pieces at the time stemmed from the belief that swift and sure reaction would come from England in response to the actions of the rebel minority.

27New Hampshire Gazette, March 10, 1775 and March 17, 1775.
They were warning their neighbors not to get caught up in rebellious activities, lest they give the appearance that they too were in rebellion against the proper and legitimate government. The loyalist discourse, especially that portion of it which appeared in public in New Hampshire during this period relied almost exclusively on reason and rational appeal to the public's good sense. The loyalist writers based most of what they argued on the assumption that everyone understood and accepted the English constitution as the guiding document by which government gained its authority. The idea did not occur to loyalist writers that the basis of legitimate government could be changed. Thus all of their appeals were based on the given principle that lawful authority rested with the governor, council, and the magistrates appointed by that agency, and that any interference with, or other denial of that legitimacy was de facto illegal.

Sullivan replied by calling Monitor's letter the "production of a distempered brain." He mocked Monitor's concerns over the cost of training days by wondering if perhaps the cost of Sunday observances ought to be kept track of as well. The derisive tone of Sullivan's reply was typical of rebel rhetoric. What they could not refute with fact, they ridiculed. The rebel writers relied on emotion and abstract language to move their audiences. When attacked they responded with emotional appeals to righteousness. Rare was the attempt to display clever irony such as that which appeared in the same number of the Gazette as the above mentioned Sullivan letter. Daniel Fowle chose that last number in March to insert the text of the loyalist association along with a commentary attributed to Spectator,
a possible reference to the whig paper of that name popular in England earlier in the century but still widely read and reprinted in the colonies. This was not Spectator's first appearance and he had already seen the text prior to its publication. Yet he was responding to the text as it appeared to the general public for the first time. He wondered what laws the association referred to and asked its subscribers whether they meant to support province laws or all laws, specifically the acts of parliament which seemed to be the source of the recent political struggle. If they meant to support those particular laws, then did they mean to do so by way of another mob, one just as illegal as those which they alleged that they had formed their association to defend against?

No reply was forthcoming from loyalist pens until the column by Candidus in the middle of April. This was not his first venture into the rhetorical fray. In February he had taken up the loyalist litany of caution. Candidus warned that the trade of the province would be curtailed and the freedoms at hand would be diminished with the arrival of troops in town. He added also that the people seemed "too unconsiderate and precipitate, being hurried by the violence of heated passions." Once again a loyalist writer attacked the emotional basis of the rebellion, the haste in which it was embraced by those who did not stop to think things through. Spectator

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28 Either Spectator was Daniel Fowle himself, a close associate that Fowle could rely on, or a rebel writer closely associated to the leadership of the faction, entrusted with an advance copy of the text, and instructed to attack it with tact and wit.

29 New Hampshire Gazette, March 31, 1775.
concluded by suggesting the shallow character of the devotion of the mob, or of those who controlled it, alleging that the faction was manipulating men for their own ends: "they too often leave the subject in controversy and reek their vengeance for private injuries under the false pretext of the cause of liberty, a cause too glorious, too important to be sullied by such evasive, unmanly principles."\(^{30}\)

Once again in April Candidus worried about America's ability to withstand an invasion. He fully agreed with the principal position of the colonies: "for my own part I must own the idea of taxation without representation appears to me incompatible with the British Constitution." Yet he could not agree with the extraordinary acts of resistance advocated by the rebel faction. And as if invasion were not a great enough threat that should induce all reasonable men to listen to the "advice and wisdom of the coolest and most considerate men among us," Candidus introduced the idea that sectional differences might have yet another serious impact on the province. Candidus suggested that the southern colonies might see a rebellion in New England as an opportunity to seize control of the merchant trade so important to the northern economy.\(^{31}\)

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30 *New Hampshire Gazette*, February 17, 1775.

31 *New Hampshire Gazette*, April 14, 1775. At about the time this article by Candidus was printed, a man named David Zubly, Jr. was a committeeeman in Savannah, Georgia. According to his own words he was at that time "inimical to Great Britain" and a captain in the rebel militia. His ideas mirrored those of Candidus, as he added "he thought that Great Britain had no right to tax America, but he did not approve of opposition by force of arms, neither did he wish for independence." The Georgia planter was eventually to confirm his loyalism by departing his home and joining the refugees in Nova Scotia. *Loyalist Claims*, David Zubly, Jr., vol. XIII, p. 113.
But all of Candidus' caution and conspiracy theories were swept away in the excitement which followed the news in the next number of the Gazette. The exchange of fire between regulars and militiamen in Lexington and Concord, and the subsequent hasty retreat under fire by the British force, galvanized the rebel movement everywhere, not least in New Hampshire. The time for lofty argument was over. The letters of Daniel Leonard as Massachusettensis and the contrapuntal Novanglus letters by John Adams stopped running in the Gazette. Michaiah wrote an open letter to George III cautioning the king to show concern for his provinces, and suggesting that the king was listening to evil counsellors who would convince him to sign a death warrant for three million of his subjects. Michaiah warned the king that his eternal soul was in grave danger.\(^3\)\(^2\)

Despite the continued presence of the governor the Portsmouth town meeting voted to give full discretionary power to "the committee." In addition it decided that "any inhabitants of this town who shall be obnoxious shall be only accountable to the committee for their conduct." The courts were closed and the extra-legal organs of a rebel junta were in control.

For several months the newspaper was dominated by news from other cities. But the content of that news served the purposes of the rebels just as well as continued propaganda. There were weekly

\(^{32}\) *New Hampshire Gazette*, April 28, 1775. See also the Book of Micah in the Old Testament. Micah the prophet was warning his readers of the errors of their ways and suggesting the promise of a future state in which the righteous would achieve great things. Micah the prophet was also concerned with internal enemies: "For the son dishonoureth the father, the daughter riseth up against her mother, the daughter in law against her mother in law; a man's enemies are the men of his own house." Micah 7:6.
accounts of the proceedings of the continental congress as well as news from the rebel camp surrounding Boston. Parliamentary debate over the situation in America was printed especially those portions critical of ministerial policy. In the background the committee was doing its job, hunting down suspected loyalists and forcing them to publicly acknowledge their crimes. Like the public humiliation of Nicholas Austin discussed above, these public recantations were an attempt by the rebel faction to incorporate common religious symbols and ritual into the vernacular of rebellion. In May of 1775 the first three published apologies appeared in the New Hampshire Gazette. Signed by P. Bailey, Thomas Auchincloss, and James Mc Master, the three pieces differed in precise wording but followed a distinct pattern. First, an apology for past words or actions (acknowledgment of a sinful nature), which transgressions had "proved of great disadvantage to this town and the continent in general." Then followed a profession of faith and fidelity in which each convert pledged to "risk my life and interest in defense of the constitutional privileges of this continent." Such public conversions were more likely found transpiring at the request of the committees while still in the inquiry phase. No further examples appeared in the pages of the Gazette after that of Ebenezer Loverin in June. It may be that enforcement procedures changed inside the committee, or that the majority of loyalists were keeping a very low profile. At least

33Thomas Auchincloss died in a shipwreck during the passage from New York to Halifax. His widow, Mary, was a claimant. The record of the outcome of her memorial was lost. NH Claims, vol. I, p. 116.

34New Hampshire Gazette, May 26, 1775.
two of the first three penitents became claims filers after the war. Or the cost may have deprived the act of its ritual significance. Immediately below the first three confessions appeared the following: "As it is likely there will be a number of confessions, recantations, etc. it is expected at least that one dollar accompany each confession etc. as it will be an evidence of their sincerity." Fowle saw an opportunity to augment his flagging revenues at the expense of what the printer saw as a steady flow of penitents.35 He was certainly convinced that a considerable number of confessions would be forthcoming, though two weeks later he was announcing the probable cessation of the paper due to a shortage of paper and the poor payment habits of his subscribers.

The rebel mythmakers continued their attempt to create a sense of righteousness among the people they hoped to count as among their number. "An American" suggested that recent events proved that God was on America's side and that ultimate victory was at hand.36 The rebel writers also began to create another myth, a counterweight to the glorious crusade of the liberty-loving Americans. They began to attack the image of Great Britain, its inhabitants, rulers, and supporters in America. The negative face of discourse discussed by James Hunter included derision, ridicule, and the attempt to totally discredit the opposition with personal attacks and accusations of all sorts of crimes. The belief that anyone who was

35For more on the concept of printers accepting payment by the piece for the printing of unusual or controversial topics see Charles E. Clark, The Public Prints. New York: 1994.

36New Hampshire Gazette, July 11, 1775.
not with us was against us (to paraphrase) became the operative assumption. Americanus began the campaign by suggesting that anyone who opposed the cause or did it any harm ought to "quit the country and his personal estate seized for so much as may be thought his proportion of the public debt, and if found insufficient then his real estate to be incumbent for the same."\textsuperscript{37} This demand for the confiscation of loyalist property came at a time when the royal governor still awaited succor in Fort William and Mary, though also at a time when the debate over inflation was just beginning.\textsuperscript{38} It was also a time when any rash remark could accomplish two things quickly, land its speaker in a great deal of trouble, and supply the rebel propagandists a perfect example of the evil which lurked in the heart of every "tory." Matthew Christian of Antigua, who had taken refuge aboard HMS Scarborough which was anchored off the Fort, allegedly wished "the small pox in all our borders and especially in the damned rebel army 'round Boston." Christian, safe aboard a

\textsuperscript{37} \textit{New Hampshire Gazette}, August, 1, 1775.

\textsuperscript{38} Though that discussion has little to do with our subject, it seems a word must be said here. Beginning with a letter signed A Farmer on 1 August, 1775 a steadily growing stream of pieces appeared discussing the problem of rising prices. This would continue well into the war, trickling to a stop only after the Continental Congress and the state assemblies passed extensive laws regulating prices. The divide was not between consumers and merchants so much as it was country farmers and town merchants. The farmers for the most part blamed merchants for engrossing finished goods, charging exorbitant prices compared to the prices that the farmers could get for their raw produce. The merchants wrote back arguing that the costs of goods coming into the country were inflated before arrival due to British depredations on merchant ships and on the trade with other neutral states. The farmers did not accept that and continued to blame merchants as disloyal for their pricing practices, though the merchants fired back accusing the farmers of overcharging for their crops as well.
British warship was untouchable, but the committee of Portsmouth voted to exile him from all ports "in the known world."\(^{39}\)

The paper was quiet through August, failing even to mention Wentworth's departure during that month. September's numbers contained notices of the closing of the courts for a year and the text of Wentworth's proclamation dissolving the assembly made hastily from the shores of Gosport, Star Island, one of the Isles of Shoals. In mid-October a notice was published of a dinner held by "a select company of gentlemen, all true friends of America." This gathering dined on turtle and raised a considerable number of toasts to various patriotic causes including "may every noble whig in America be always provided with good turtle, and the tories sent to sea in the shells."\(^{40}\)

In the middle of 1776 Benjamin Dearborn temporarily took over the printing of the *New Hampshire Gazette* in Portsmouth. Daniel Fowle had complained that he was tiring of the job in 1775 after nineteen years and it appears he turned the paper over to Dearborn. Little changed editorially or visually. Dearborn even continued to number the paper from its original publication date in 1756. He did append the title *A Freeman's Journal* to the nameplate. Dearborn also stepped up the number of opinion pieces in the paper, specifically those relating to the political situation, especially as compared to Fowle's last year of publication. One of those first was a

\(^{39}\) *New Hampshire Gazette*, August 8, 1775. Exactly how that was to be accomplished is unclear, though the plan did call for letters to be sent to officials throughout the area with which Portsmouth could correspond.

\(^{40}\) *New Hampshire Gazette*, October 17, 1775
scathing attack on loyalists reprinted from the Providence Gazette. The authors, Amicus Patriae and Filius Libertatis desired that the government "seize and confine within the narrow circuit of a jail or prison the sons of this infernal monster." They alleged that "as our saviour was betrayed by one of his disciples, so is our country by her pretended friends." Their central theme included the idea that the wealthy were not to be trusted either because they did not support liberty or because they put personal interest before the general good.\textsuperscript{41} The same number saw the first of many lengthy pieces signed as Orthodoxus. That writer felt compelled in his first piece to describe in extraordinary detail the "orthodox political faith of a true whig." Orthodoxus continued to spew forth his windy political tracts for months. In June, A Watchman advised that readers ought not listen to tories who advise caution, adding that they had been advocating such all along only seeking to delay or destroy liberty. Of course the intent of A Watchman was to prepare the support for the imminent break with Great Britain even then still being debated in Philadelphia. The residents of New Hampshire were well aware of the doings of the congress, and as discussed previously, they were not all convinced that independence was such a great idea.\textsuperscript{42}

Orthodoxus continued his weekly pieces in support of independence and the liberty of America through the month of July, ending the month with another piece of negative propaganda. On July 27 Orthodoxus described the British as "our cruel oppressors ...who

\textsuperscript{41}\textit{New Hampshire Gazette}, June 8, 1776.

\textsuperscript{42}\textit{New Hampshire Gazette}, June 29, 1776.
come armed with fire and sword to waste and destroy our country rob- ing us of our lives, exposing to the greatest danger and distress men, women, and children, and cowardly butchering even the helpless and unarmed." This attack was followed the next week by Amicus Reipublica who claimed that "America...is attacked by unnatural enemies without and still more wicked wretches within who are aiming to destroy her, may they fall into those very pits themselves they have digged for her and like Haman be hanged on the very gallows they have erected for others."43

Those two pieces and another in January of 1777 typify the invective used by the rebel writers to create an image, an identity in the minds of their readers. An Enemy to Tories contended that "there are many such shameful wretches among us at this late hour that would sell their God, their country, their wives, their children, and all that is near and dear to them." The writers had a dual purpose, first to totally destroy the loyalists in the eyes of their neighbors by implicitly connecting them with the British enemy. The second goal was to rid the land of the scourge of enemies within: "Upon the whole, what ought to be done in order to rid us of such vermin? .....provide some kind of a bark and after putting on board some provisions, set them adrift and make it death for any of them ever to land on any part of the American shore that is inhabited by free men."44

43 New Hampshire Gazette, August 3, 1776.

44 New Hampshire Gazette, January 14, 1777.
The language of the whig/rebels is complex and full of resonances with other places and times. Their objective was to make of the British a race of monsters, so infernal and frightening that there could be no hope of compromise. In late 1776 and 1777 the rebel cause was not as sure as the rebel leaders would have liked it to be. A sizable number of the inhabitants of the province were as yet unhappy with the precipitous nature of the declaration of independence, and many were equally unhappy with the state of provincial government. Some of the same arguments used against John Wentworth in the matter of extending representation to towns were still being used to attack the rebel assembly. In response, the rebel writers were trying diligently to create an enemy so fearsome it would drive the divisive issues right out of the minds of their readers. While Gage and Burgoyne issued proclamations and pardons to those who would listen and return to their loyalty to the crown, the rebels related the loyalists to devils incarnate.

The passions of the readers were inflamed by continually printing news pieces such as "An Account of the Inhumane Cruelties to Prisoners in New York," which told of starvation and disease, of torture and the introduction of the small pox by deliberate act.\(^{45}\) The trend continued through 1777 and 1778. The refrain became familiar as the victory at Saratoga brought renewed confidence and commissioners from the king seeking to make an early peace without the grant of independence. But it was too late for such as that, and too late for reconciliation with the loyalists as far as General

\(^{45}\) *New Hampshire Gazette*, March 22, 1777.
Livingston was concerned. Writing to the Continental Congress in response to the suggested act offering pardon and reconciliation to the loyalists, Livingston lamented "Alas, how many lives had been saved and what scene of inexpressible misery prevented had we from the beginning treated our bosom traitors with proper severity and inflicted the law of retaliation upon an enemy too savage to be humanized by any other argument." He continued calling the loyalists "a race of murderers before unequalled" who "waged an infernal war against their dearest connections." Furthermore, they were "apostates from reason....whose very presence among the genuine sons of freedom would seem as unnatural as that of Satan among the sons of God." Livingston's words might well be understood since in New York the war between loyalists and rebels had become as savage a civil war as had ever been fought. But the inclusion of this piece in the New Hampshire Gazette, now back in the hands of its founder Daniel Fowle, must have had some other reason than a need to fill space.

The Gazette was by then reflecting a distinct sense of optimism. Most of the news from the war front was good, especially that surrounding the surrender of Burgoyne at Saratoga. Problems still remained, however, particularly problems involving money. The battle still raged between shopkeepers and farmers over who was raising prices faster, and why. Counterfeiting was having a serious effect on the provincial and continental currency, a crime that was rightly or not attributed primarily to loyalists. In fact the loyalists

46 New Hampshire Gazette, July 7, 1778.
were being blamed for the entire war: "to our internal foes are we indebted in a great measure for the present war, the immense expense incurred and the devastation, ravage, and ruin suffered by us..." The rebel writers were attempting to convince the populace that no war would have ensued had it not been for the loyalists. The thrust of that contention arose from the idea that it was a loyalist plea for the protection of their interest that impelled George III to embark on war in the first place. By the end of the war that idea was prevalent. As late as 1781, just three weeks after the news of Yorktown had arrived in New Hampshire, a satirical piece was printed purporting to be a conversation between Prince William Henry and Sir Henry Clinton. The Prince, upon being told of the real situation in America cried "Damn the loyalists, all this comes from listening to their tales. They teased my father into this cursed war. I wish he may hang Galloway at the yard arm of a seventy-four....I will be revenged on your vile loyalists who have divided the British empire and brought this ruin upon my father's family."48

The rebels' intentions were multiple. First, in 1777, the rebels were yet afraid of invasion, even in New Hampshire. The Canadian threat seemed quite real especially as Burgoyne approached the province through upper New York. Victories at Bennington and Saratoga went a long way to assuage those fears. At that point a secondary objective came into focus, the conversion of loyalist property into funds the province desperately needed. To accomplish

47New Hampshire Gazette, August 23, 1777.

48New Hampshire Gazette, November 17, 1781.
that, the enemy needed to be clearly identified and made to look as though he were a minion of the devil himself. The reports of loyalist and British atrocities from the other colonies provided the only clear means of demonstrating the danger from within to which even New Hampshire might fall prey. Despite the successes of 1777 the rebels needed the apparition of "Britons, Hessians, Savages, and more savage tories."\(^49\) That was especially true in New Hampshire where a substantial body of the unconverted remained fairly unmolested and residing in Portsmouth. The state of affairs there was, from the perspective of one writer, terribly dangerous. M' Namora wrote that "It's astonishing to see daily the insults offered by the Tories and unnoticed by the Committee." Namora alleged that the loyalists had a sophisticated network of intelligence agents who gathered reports for the British in New York, and were able to learn of the outcomes of battles elsewhere even before the rebel authorities. Thus these tories were able to disappoint and delude the public by making claims of British victories, exaggerating rebel losses and minimizing their victories. Namora continued that these traitors continued to have dinners and drink toasts and that they gave each other secret signs in the streets by eye contact and head nods, and that something ought to be done about it.\(^50\)

A reply appeared the following week. That Benjamin Dearborn had the courage to print it is attributable to the fact that it came at a time when the outcome of the conflict was still seriously in doubt,

\(^49\)New Hampshire Gazette, May 25, 1779.

\(^50\)New Hampshire Gazette, September 21, 1776.
and to the fact that the writer appealed to his pride as an "unprejudiced impartial printer." Signed, I Am What You Will, the loyalist writer mocked Namora's paranoia:

Well done Namora, you talk sense, you preach liberty, real genuine liberty, downright alamode liberty, by God. I must observe however that I was at first a good deal alarmed on discovering your design of abolishing looks and nods, those dear conveyors of our secret meaning, but when I found you only meant significant ones, and that out of the abundance of your great goodness and impartiality you had confined it to tories, I was immediately reconciled to it and discovered by the help of certain political microscopic glasses, that it tended to the public good....'Tis a disgrace to the state to allow such significant looks and nods and if the legislative body of these states have not in their great wisdom already provided a punishment adequate to the diabolical nature of so black a crime (which hardly admits of a doubt) I think the honorable committee of this town, if they desire that the trumpet of fame should sound their praises to after ages cannot have a fairer opportunity of immortalizing their names, that by enacting laws against such treasonable and unheard of practices which would at once discover their patriotic zeal for their country, their wise and godlike penetration into the nature and cause of things, and their unerring knowledge of mankind who carry on daily the most villainous conspiracies in no other language than looks and nods. .... I humbly think a significant look ought to be punished by a burning out of the optics, and a nod by severing off the offending head from the unoffending body.51

The humor of What You Will was lost on some like A. B. who responded by saying "we have some among us who not only refuse to submit to the authority by which we are governed, but in the most

51 New Hampshire Gazette, September 28, 1776.
insolent and unprovoked manner, ridicule those by whom we consent to be governed."\(^{52}\) It is suggestive that A. B.'s was the only response to What You Will, perhaps a sign that Portsmouth's or New Hampshire's rebels had greater things on their minds, but it is also interesting that no further loyalist writings appeared in the *Gazette* until March of 1779.

By then the war appeared lost to most Britons and even the loyalists who fought on beside the regulars sensed that perhaps the ministry lacked any real will to win, or the ability to direct a war at all. By that time too, the property of loyalists who had departed the province or taken up arms under the king's standard had been confiscated and at least awaited sale. Those who had left had either been named and banished or proscribed by virtue of their action in taking up arms, attainted traitors in either case. The loyalists who remained may still have harbored some dim hope of a British victory, but such is doubtful. It would seem that instead they were endeavoring to ameliorate the impact that a rebel victory might inevitably have on them and their absent friends. Toward that end, when a town meeting was convened in Portsmouth in March of 1779, a petition was introduced for the purpose of repealing a portion of the confiscation act. The supporters of the petition desired that the town meeting endorse their effort and transmit it to the legislature for approval. According to AZ who wrote to the *Gazette* to protest this meeting which he contended was hastily called, the whole thing was a plan fomented by "those kind of beings called tories, together with

\(^{52}\) *New Hampshire Gazette*, October 12, 1776.
great numbers of a worse character (if possible), I mean the two-faced go-between gentry whose conduct is regulated by our good or ill success..."53 AZ further claimed that the meeting was dominated by that group and their friends.

The following week a response was printed from Veritas who vehemently denied the presence of tories and their sympathizers at the meeting but suggested instead that many of the foremost men of the town had been there, including a former representative of the state to the Continental Congress, and several members of the state assembly. Veritas explained that the petition (which was submitted to the legislature but after passing the lower house was defeated by the council) was concerned only with the point that the loyalist estates were confiscated without due process. A Freeholder, in the same number, added "No one can detest a tory more than myself, nor do I think any punishment too severe for such as have malignantly deserted their country or took up arms against it, but I can never consent that even one of them or any other person for any crime whatsoever should be punished without a trial."54 The author concluded by castigating a government more tyrannical than that which the country was fighting against.

A reply from AZ was swift and scathing. In the number of the 13th, AZ responded with vitriol calling Veritas a liar in no uncertain terms and at length, and then contended that the petition was a tory contrivance. After blasting Veritas and tories in general, AZ advised

53 New Hampshire Gazette, March 30, 1779.

54 New Hampshire Gazette, April 6, 1779.
A Freeholder to be very careful "in future about calling the present government 'the mock liberties of a boasted American constitution' as it is apprehended he will be indicted for high treason if he should persist therein." As if threats and vilification were not enough, beneath the letter AZ included a poem entitled "To Veritas" which read:

Poor misguided Veritas, how couldest thou
in a fit so mad prostitute thy pen
to such ignoble use? Sure some demon
invaded then thy melancholy mind
and in that gloomy hour didst it turn all
thy noble flights of fancy to ______
and abuse to please but a wretched few
Harpies and Parricides that daily suck
the vital blood from this wounded country....55

The next number saw a reply from Veritas full of name-calling but little else. A Freeholder, threatened in the last exchange, fought back by saying he was not afraid to contend against "crafty and designing men [that] thrust themselves into legislative power, who to satisfy their own selfish purposes or indulge a malicious disposition should subvert our happy constitution, abolish our most valuable privileges and in their stead substitute the most arbitrary acts of violence and oppression, then truly every honest man will have sufficient cause not only to be cautious but to fear that instead of being mocked with the formality of an indictment he may find himself fettered in the dreary apartments of an Inquisition."56

55 *New Hampshire Gazette*, April 13, 1779
exchange of letters ended with that piece but the feeling that tories represented a threat to the peace and security of the state persisted. Those fears were fueled by the rebel writers who consistently portrayed loyalists as "savage tories." The reading public was not allowed to forget the kinds of atrocities practiced by the British and the tories, crimes all the more heinous in rebel eyes for that they were committed by former neighbors, by brothers. AZ's use of the word "parricides" was not a conceit based on classical allusion but a reference to a civil struggle which in other provinces actually saw brothers slaying each other. The rebel writers complained that "among the many errors America has been guilty of during her contest with Great Britain few have been greater or attended with more fatal consequences to these states than her lenity to the tories." Despite the efforts of the rebel writers and the printer who filled the pages of the New Hampshire Gazette with their words, the loyalists still resident in New Hampshire remained relatively unmolested. Indeed it might be that very situation which provoked even more concern among the locals.

It became a pronounced fear among the rebels that loyalists would somehow insinuate their way into a place where they could assume responsible positions in the government. For that reason

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56 New Hampshire Gazette, April 20, 1779.

57 The Concise Oxford Dictionary defines parricide as "One who murders his father or near relative or one whose person is held sacred; person guilty of treason against his country." H.W. Fowler and F.G. Fowler, eds., The Concise Oxford Dictionary of Current English. Oxford: 1917.

58 New Hampshire Gazette, September 7, 1779, taken from the Pennsylvania Packet, August 5, 1779.
Fowle copied a warning from A Whig reminding his readers that the cause was not yet won, nor would it be if the vigilance of the community were relaxed. "Rouse America, your danger is great from a quarter where you least expect it, the tories. The tories will yet be the ruin of you." In September of 1779 assembly elections loomed large in the minds of the populace, and with the threat of imminent invasion nearly gone, the electorate was in danger of sliding into a sense of complacency which the ardent rebels found dangerous. Thus their need to remind the readers, indeed to enlarge upon the theme that the tories were responsible solely for the conditions of fear and economic disturbance through which the province had suffered since 1775. "who were the occasion of the war?" asked A Whig. "The tories. Who persuaded the tyrant of Britain to prosecute it in a manner before unknown to civilized nations and shocking even to barbarians? The tories." The whig/rebels would convince the voters that the loyalists were completely responsible for the war, and still in a position to affect the outcome. The solution offered was difficult but necessary, "'tis time my countrymen to rid ourselves of these bosom vipers....Think of these things betimes, my countrymen, before it be too late and your posterity forever have reason to repent your lenity to the tories."

It is significant that such exhortations to persecution of the loyalist remnant should need to come from the pen of a writer from

59 New Hampshire Gazette, September 7, 1779. taken from the Pennsylvania Packet, August 5, 1779.

60 New Hampshire Gazette, September 7, 1779. taken from the Pennsylvania Packet, August 5, 1779.
Pennsylvania, and just as significant that Daniel Fowle, who had resumed printing the Gazette, should choose to publish the writings of A Whig. One might suppose that pieces of this sort were included at the behest of the ruling faction, the rebel leaders requiring or requesting the printer to print this campaign. If that were so, however, one might easily wonder why no local writer took up the refrain and called for a continued persecution of the loyalists in the local community. Fowle ran the article by A Whig in two full columns on the front page of that number, a section generally reserved for the most important war news or publications of the rebel government. For the most part, the only other political analysis which claimed front page priority were the letters exchanged between Massachusettensis and Novanglus back in 1775 at the outset of the struggle. Even those weighty words were quickly relegated to the middle pages as they progressed, as were the columns of Thomas Paine entitled the American Crisis. It is conceivable that Fowle chose to attack loyalists so vehemently because of his nephew, Robert Fowle.

Early in 1776 Robert Fowle had left the printing office in Portsmouth and set up his own press in Exeter. There beginning with an announcement broadside dated May 22, 1776, the younger Fowle printed the New Hampshire Gazette or Exeter Morning Chronicle. The first real number appeared in June. Robert Fowle's paper was notable for the lack of letters and articles expressing the positions of either side and the few pieces which appeared in the single year the paper was published were exclusively rebel in origin. The pieces included were also all by local authors, or the printer
failed to attribute them to the papers from which he may have copied them. Those facts would be less than remarkable were it not for Fowle's arrest for counterfeiting in 1777 (the end of his newspaper career), and that upon his escape, he joined the British in New York. As mentioned previously, he became a member of Wentworth's Volunteers and eventually made his way to England. The content of Robert Fowle's newspaper consisted of news and advertisements, though it was the news that seems more interesting. Fowle printed detailed accounts of rebel military movements, as well as summaries of skirmishes and battles. In contrast to the similar stories which appeared in the Portsmouth paper, Robert Fowle seemed very interested in the numbers of rebel troops involved in maneuvers, and in the numbers or amounts of supplies, arms, and ammunition which were procured by the rebel faction. It is possible that while Fowle disguised his loyalist inclination behind the few anti-loyalist pieces he printed, he conveyed logistical information to the British through the details of his news stories.61

Whether or not Daniel Fowle sought to distance himself from his loyalist nephew, the elder Fowle continued his campaign against 

61 New Hampshire Gazette or Exeter Morning Chronicle. June 1, 1776 through July 15, 1777. Two arguments might be made concerning Robert Fowle. Either he was a loyalist through and through and chose to gather intelligence for the British, passing it to them through the means of his newspaper, all the while allegedly counterfeiting provincial currency in order to throw the rebel economy into turmoil, or he was a greedy counterfeiter who, when caught, found a sudden call to the cause of the King's standard. It is impossible, I think, to discern the truth at this remove. It may be relevant that he did return to New Hampshire and lived out his days in America, dying in Brentwood, New Hampshire in 1802. But did he return because he was not a true loyalist and he was no longer attainted for his treason, or did he return because he could not live in Britain on the meager pension he was granted by the Claims Commission?
loyalists with another warning from A Whig. "Beware of those who
have not been firm and unshaken from the beginning of the contest
to the present time; beware of those who, under the mask of
Whigism, are now hand in glove with persons strongly suspected to
be enimical to our cause."62 The attacks of A Whig went
unchallenged by loyalist writers, either because none dared to raise
the pen or because Fowle chose not to open the forum to dissenting
voices. The last moderate loyalist writer was A Freeholder. In April
of 1779 he penned the last salvo in the exchange discussed
previously with AZ. Yet the rebel position was taken up the following
year by A Farmer who again (though for the last time during the war
years) asserted the rebel myth of "insinuating traitors, who at this
time employ every engine and pursue every probable method to
discourage a virtuous people bravely struggling for their freedom
and who would gladly wallow in the blood of those whom under a
veil of friendship they wish to deceive and ruin. The various artful
measures adopted by these cruel parricides are too numerous to
relate..."63

It can be seen now that the New Hampshire Gazette of
Portsmouth, and only to a very minor extent Robert Fowle's paper in
Exeter, became the primary vehicles by which the culture war was
fought in New Hampshire. Such a discursive struggle was
necessitated by conditions peculiar to the rebellion in New
Hampshire, but present in different form in the other provinces as

62 New Hampshire Gazette, November 23, 1779.

63 New Hampshire Gazette, August 5, 1780.
well. The rebel faction in New Hampshire was neither large nor particularly powerful at the outset of the contest. Indeed one writer has concluded that it may have been more the influence of the Massachusetts model than the incendiary leadership of indigenous rebels which began the process in New Hampshire.64 Yet the faction was faced with the task of converting a significant portion of the populace to its viewpoint as quickly as possible, while faced with the potential of invasion and actual fighting. The rebellion in New Hampshire was fought not primarily in military terms but as a struggle for the "hearts and minds" of the inhabitants. The struggle from the rebel perspective was indeed one of conquest, in which through the methods of discourse, a new identity was fashioned for the community. Even the control of the militia and the sophisticated surveillance and policing network encompassed by the provincial and town committees were inadequate to meet that need through coercion alone. Victory required the conversion of the mass of men in thought as well as action. As Lincoln put it, "such a radical recasting of collective identity, which amounts to the deconstruction of a previously significant sociopolitical border and the corollary construction of a new, encompassing sociopolitical aggregate, can hardly be accomplished through force alone."65

The rebel strategy required more than mere acquiescence to the change in status. Military means were inadequate to convince or compel the populace to embrace the "glorious cause." It was

64Upton, Revolutionary New Hampshire. p. 16.
65Lincoln, Discourse, p. 4.
necessary to recast the colonial identity into a new American identity, one based upon but superior to that identity which had defined society for two centuries and more. In the course of doing so, the rebels created the myth of the evil Briton and the even more despicable tory, casting the enemies of the people into stark terms of good and evil worthy of Milton. By creating the dichotomy of righteous "patriot" versus diabolical "tory" and Briton, the rebels accomplished a means of control and conquest far more effective and lasting than any which could have come about through some form of military occupation. The rebellion in New Hampshire was won by effecting the change of allegiance among the people from the mother country to the province, by shifting the commitment of the hearts of the people to the new polity.66 No amount of force could effect that change in identity, only a victory in a war of persuasion, a war for which the loyalists were unprepared at the outset, and in which they never succeeded in recouping their initial losses.

Both sides in the culture war of 1775 to 1781 appealed to tradition, though each defined it differently. To the whig/rebels, tradition began with the mythical freedoms of Saxon England, freedoms trampled underfoot by successively more despotic monarchs until revived in the Glorious Revolution of 1689. Those liberties were endangered again by the corruption and evil of the ministry and the tyrannical George III. Only the virtue of a free and

66Lincoln, Discourse, "Ultimately, that which either holds society together or takes it apart is sentiment, and the chief instrument with which such sentiment may be aroused, manipulated, and rendered dormant is discourse." p. 11.
independent America withstood the gathering darkness, only the righteous who hearkened back to the purity and strength of the generation which had founded the New England colonies could hope to persevere against the forces of the diabolical king and his savage minions the tories.

Tradition in loyalist terms had its roots in the same soil, though its proponents adhered to the belief that law and the English constitution were alone a sufficient bulwark against the incursions of despotism. The rending of society by rebellion and the crusade for independence were unnecessary and unnatural. Rational men, they believed, could calmly and deliberately reach an accommodation with the government, and perhaps effect its dissolution and replacement by right-thinking men who would recognize and respect the colonial position. But the private agendas of the leaders of the radical faction dictated rejection of such a course and the prosecution of a struggle for the faith of the majority, a struggle won handily by the rebels. The proof of the completeness and speed of the rebel victory lies in the lack of organized resistance by the loyalists on either the military or discursive levels. The rebels had taken control of the legislature in 1774, and demonstrated control of the militia in December of that year. They had monopolized the media and begun the discursive conquest of the province by that time as well. By early in 1775, the infrastructure of government was firmly entrenched, and the revolution in New Hampshire had been completed before the first shots were fired.
Chapter Six

Zealous Sufferers, Identity and the Formation of the Loyalist Community

I was sent for yesterday to visit a sick and dying man at Greenland Place near the foundling hospital, whose name was Thomas Cumings of New Hampshire in America. He has a pension of £40, a wife, and several children....He has been heard before your honourable board on his claims and is now starving, dying, and wanting every necessary of life. Is without money and indebted to his landlord (a poor gardener) above £40 for house rent and victuals. Physicians will not visit him unless for a guinea each visit, and medicines cannot be had without money. Several small collections have been made for him and his wretched family among such American loyalists as have small pensions... ¹

The next words penned by Samuel Peters in his letter to the Claims Commissioners betray a sense of bitterness and loss. Peters continued stating: "as those who have large pensions cannot spare six pence for human nature in distress. The little whole has again and again been expended and he as poor as ever."² Peters’ letter was too little too late; Thomas Cumings died less than two weeks later. At first glance the situation Peters described might seem to indicate that


there was in London at that time no community of loyalists, no support structure at all. Mary Beth Norton, at least has argued nearly that very point. In *The British Americans*, Norton asserts evidence showing that there was little interaction between the loyalists of the various provinces during or after the war. But how much interaction is necessary to show the existence of a community?

Samuel Peters was not suggesting that no community existed among the New Hampshire loyalists in London. He was instead lamenting a breakdown in that community. He was criticizing the portion of the community that had the means to help those who needed their help, and yet refused to do so. Their refusal did not signify the absence of community, merely that the "better sort" were shirking their community obligations.

This chapter will argue that as the process described in the previous chapters unfolded, the transformation of identity undergone by the loyalists produced a number of physical communities of loyalists (in Canada, the Floridas, and the Caribbean, as well as in England). But it will also show that the transformation of the loyalist identity produced a larger ideational community that encompassed most if not all of the loyalists regardless of their eventual geographic place of settlement.

The process through which the loyalist identity was created began with a decision each potential loyalist had to make for himself and possibly for his family. As we saw in Chapter One, several factors guided the choice of remaining loyal as opposed to the perhaps easier choice of joining the ascendent faction in rebellion. It might seem that prominent loyalists had no choice to make. The lives of certain
men were intrinsically tied to the royal interest, Governor Wentworth for one. Yet to assert that Wentworth had no choice would be untrue and would be to deny his human capacity for free will. John Wentworth had a choice and chose to embrace the royal cause. At the same time his opponents had assumed the choice he would make and treated him accordingly. The same could be said for most of the prominent men who would remain loyal.

Yet many prominent men figured in the forefront of the rebel faction. So prominence, and the wealth and public influence that produce that prominence, were not determining factors in the choice to remain loyal. And as we have seen, neither were family connections, religion, or profession. The cause of the decision to remain loyal came from within the identity of each loyalist, the identity that I have described as the "who" we perceive ourselves to be. Amid the defining factors in each potential loyalist's self-concept, was the deep-seated belief in law and constitutional government that was revealed later in the claimant memorials. They were "zealously attached to the King and Constitution of Great Britain."³

After the outbreak of rebellion the zeal and attachment of the loyalists were manifested in the projected identities of "who" they projected themselves to be. In Chapter Two we examined the acts of loyalists as they projected their identities publicly. Certainly some acted out of self-interest alone, or from some other reason. Among the thousands of claimants and the thousands more who did not file a claim for compensation, there must have been a considerable

³Loyalist Claims, Hugh Dean, vol. XII, p. 171.
number who identified themselves as loyalists out of extreme necessity or other less defined motives. Certainly some of the claims were fraudulent. For the Claims Commission to determine that a claim was fraudulent, or at least unworthy of compensation, meant that the claimant had not met some test of loyalty. The Claims Commission itself determined the worthiness of a claim based first on the identity of the loyalist. If the claimant did not meet the standards for conforming to the loyalist identity, the claim was lost. Only after the claimant could reasonably be considered a loyalist based on the criteria of the loyalist identity could the commission weigh the validity of the material losses claimed. But these were two separate issues. A man could be a loyalist but receive no compensation, yet he could not receive compensation if he lost everything but was not a loyalist.

One example of such a case might clarify the point. Under the name of James Nevin, Isabella Nevin submitted a petition to the "Lord commissioners of His Majesty's Treasury" on April 30, 1778. Isabella claimed to have come to England "about the beginning of the disturbances in America, which soon afterwards broke out into open rebellion." Living in New Hampshire, she had been comfortable, as her husband had held the post of Collector of the Port of Piscataqua,

4Among others, the claim of James Gordon, a self-styled land speculator who had allegedly acquired an interest in a vast tract of Indian land in Georgia with two partners. According to the other parties in the deal, Gordon had no monetary interest at stake though he was claiming for compensation for a full third of the lost land and improvements. See Loyalist Claims, James Gordon, vol. XII, p. 79; and Alexander McNaughton, vol.XII, p. 141.

and was a member of the Council. However she had been forced to flee the province because of the demonstrated loyalty of her family. Though Isabella Nevin's circumstances were reduced by her flight, things went from bad to worse. As she reported "about seven months ago, she had the misfortune to be crushed against a wall, and thrown down by a brewer's dray in the street." Nevin added that she was thankful to be alive and "able to crawl about again," but requested the assistance of government to support herself and two children. Despite the support of a certificate dated 25 April, 1778 from Governor John Wentworth, Isabella Nevin's petition was denied by the Treasury. Persisting, Nevin wrote to Lord George Germain in May. Whether or not Germain replied, Nevin was unable to gain support. She reiterated her claim to the Claims Commission in 1784, but was again denied, the commissioners stating, "we are clearly of opinion that Mrs. Nevin is not entitled to expect or receive any allowance from government as an American Sufferer." Though clearly a pathetic case, Isabella Nevin could not claim aid based on her husband's loyalty. James Nevin had died in 1769, and in the words of the commissioners he had "died many years before he could have an opportunity of showing his loyalty in the present dispute."

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9*NH Claims*, James Nevin, vol. III, p. 1472. The Nevin case raises complicated issues of the loyalist identity and of gender. For the purposes of the claims process, neither Isabella nor her husband James could be identified as loyalists. James Nevin was dead before the issue became a choice for him, and his widow was already in England before the rebellion could force her to
Chapters Three and Four considered the rebel response to the loyalists' decision. By projecting the "who" they believed themselves to be, the loyalists subjected themselves to reprisals from those observers that received the "who" that others perceive. The loyalist identity perceived by the rebel authorities was other than that which the loyalists believed themselves to be. The loyalists saw themselves as true Americans, men of principle who would fight if necessary to preserve the union with Great Britain and the life that that connection had provided. The rebels on the other hand perceived the loyalists to be enemies and traitors, betrayers of the community to which they had belonged. Their responses are indicative of a community attempting to deal with outsiders, with "otherness."

To do so, the rebel leaders redefined their opponents, creating the "who" they constructed the loyalists to be. Chapter Three explored the physical repercussions which befell the loyalists as a result of the perception of their identity as enemies to the community. Once the period of physical reprisals subsided, the creation of the "tory" identity began in earnest. As Chapter Four relates, the first constructed identity following that period was defined by the legal definition of treason. Once the loyalists were

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choose either. Mrs. Nevin was not denied compensation because of her gender, but rather because she could not claim, directly or indirectly, to have made the choice to remain loyal. The other female claimants in New Hampshire did not share that disability. Two were widows of identifiable loyalists, and one was the mother of the governor. The sources for New Hampshire are not adequate to analyze the impact of gender on either the claims process or the loyalist identity. The same may be said of blacks and Indians. There simply is no data at all concerning them. As this study grows in the future with the inclusion of all of the claims from all of the provinces, I hope to add a chapter on the identity formation of loyalist women, and should there be any claims from racial minorities, those will be considered as well.
defined as traitors and no longer as neighbors, the government was able to attain and banish them and to seize their property.

From the outbreak of the rebellion to its conclusion, a discursive struggle raged concurrently with the military one. In New Hampshire at least, the high ground belonged to the rebels. With nearly complete control of the press, rebel writers created a more complete identity for their ideological opponents. Chapter Five detailed the battle for the allegiance of the residents of the province, a struggle mirrored elsewhere in the rebellious colonies. Only in the garrison towns were the loyalists able to respond with any success to the "who" the rebel writers projected them to be.  

As a result of this conflict of identities, the loyalists arrived at a point where each had assumed a new identity, a new "who" each perceived himself to be. Gone were most of the old defining characteristics. Land and other property were lost to rebel cupidity. Offices no longer existed, and most professionals struggled to ply their skills in new and sometimes austere circumstances. Though merchants and artisans still could carry on their business with some success, their sense of place was lost. Their homes were in the hands of strangers and they were banished by law from their former lands and communities.

The newly defined loyalists created a new community, an ideational one, if not a geographic one. It was a community of shared experience, of shared suffering, and one of shared need. That need,  

as well as the experiences and suffering that created it were revealed in the claims the loyalists wrote.

Jack P. Greene has argued that a society creates an identity through the interaction of four forces or variables at work in the community: environment, shared goals, shared standards, and a shared history. Greene stipulated that the interaction of the four variables produce a corporate identity, an identity vital to the existence of a community since it provides each member of the community with a way of finding "meaning in their own individual lives." All of the variables were present among the loyalists of New Hampshire during and after the war.

Once a community comes into being, it continually develops its corporate identity. It does so as its individual members articulate their conceptions of what that identity is, and refine their sense of belonging to it. This is what Samuel Peters was attempting to do in his letter to the Commission. Though he had probably chosen the wrong forum for airing his sense of loss, Peters was affirming the existence of the loyalist identity, and the community to which that identity was now committed.

Greene added that the corporate identity is augmented by yet another view, that of those who view the community from the outside. So for the creation of a valid corporate identity there must be not only self-conceptualization, but also the recognition of those communities.

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outside the community in question. To a certain extent those outside the community must agree with the individuals within as to the nature of the community. The loyalists met Greene's criteria as a new community and expressed their self-conception through their writings, among them their memorials to the claims commission.

The New Hampshire loyalists shared geographic proximity in their place of origin sufficient to forge a kinship wherever they eventually settled, not only among themselves but also with loyalists of other provinces. The loyalists certainly held shared goals: survival at first, and then the reconstruction of secure and prosperous lives. Perhaps more than most communities, the loyalists held shared values, preeminent among them their adherence to what they believed to be the lawful authority in British America, Parliament and the Crown. They developed over time into two distinct communities due to environment, the settlers of peripheral Nova Scotia, New Brunswick and Canada separating from those who settled in metropolitan England, but by the time those distinctions

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13 The extent to which the loyalist community extended beyond the former provincial divisions is in some doubt. Norton argued forcefully that the absence of cooperation among the loyalist groups in London proved the lack of a loyalist community. "In short, there was little sustained intercolonial mingling among the refugees, either in residential neighborhoods or at communal meeting places." (Norton, p. 68) "The various exile circles, then, existed independently of each other. There were a few points of congruence, places where the circles touched or interlocked, but on the whole these connections were both peripheral and accidental." (Norton, p. 71-72) Norton argued that the lack of intercolonial relations obviates the possibility that a loyalist community can be proposed. I beg to differ, and suggest that the supposed lack of intercolonial contact was relegated for the most part to the loyalist community in London. I also offer that the circumstances described by Norton do not rule out the communal sharing of the loyalist identity, nor a place in the ideational community.
arose, the community residing in England could no longer truly be differentiated as loyalist from within the metropolis of which they had become a part. In fact the loyalist community in England was ephemeral, having only a brief life of its own, and transcending the physical limitations of a particular environment. If that were the case, and I believe it is, some other variable might substitute for Greene's "most important ingredient in defining the identities of the new society."\textsuperscript{14} A specific shared experience, a traumatic one, amply provided the environmental component necessary to the formation of the collective identity. This shared experience differed from the collective experience Greene lists as one of his variables. The collective experience, as he defines it, began at the moment of conception in the birth of the new community, and continued afterward. It was a shared history, expanding and changing with the passage of time. The loyalists brought with them to their new community a shared experience in the past, but that experience was of sufficient physical or emotional violence that it would tend to form a communal bond between individuals irrelevant of original geographical proximity.\textsuperscript{15}

The first step in the self-conscious development of a communal consciousness was the concept of self-definition, or naming. As mentioned above, the men and women who adhered to the crown called themselves loyalists. That was the "who" each had become.  

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\textsuperscript{15}We see the formation of such communities in our own time over even larger geographic areas thanks to the ease of mass communications. National and even international communities form surrounding a shared traumatic experience such as AIDS, disasters, or war experiences.
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There is significance to this seemingly obvious statement. Certainly the earliest historians of the revolution chose to use the word "tory." Not in the sense that equated the loyalists to the court party of English politics, but rather as a pejorative term, much like the origin of the usage "puritan" in the early seventeenth century. By the time of the revolution in the American colonies, the word "tory" was reserved as an epithet, a verbal brand, a byword that tarred its target as surely as the word traitor. Thus we do not find the loyalists using it as a word to describe themselves. Tory was a word used almost exclusively by the rebel writers who pursued the war in a battle of words carried on in newspapers and pamphlets. One author wrote:

The terms, Whig and Tory, had never been used much in America. The Massachusetts people in general were of the principle of the ancient Whigs, attached to the Revolution and to the succession of the crown in the house of Hanover. A very few who might have been called Tories in England, took the name of Jacobites in America. All of a sudden, the officers of the crown and such as were keeping up their authority, were branded with the name of Tories, always the term of reproach; their opposers assuming the name of Whigs, became the common people, as far as they had been acquainted with the parties in England, all supposed the Whigs to have been in the right and the Tories in the wrong."16

16Quoted in North Callahan, Flight from the Republic The Tories of the American Revolution. Indianapolis: 1967. p. xi. Callahan attributes the quote to "the man who might be called 'Mr. Tory himself,'" but gives no clue to the identity of his source, its location, or really even its time. I have assumed the words to be contemporary. It is interesting to note further that after using this quotation in his preface, Callahan persists in the use of the term "tory" throughout the book and quite exclusively.
Nowhere in the claims of New Hampshire loyalists does a single one of them ever refer to himself or a fellow as a "tory." Instead several names or phrases frequently appear to describe the self concept they had erected: loyalists, of course, and "friends of government," "the King's friends," "American sufferers," and so forth.\(^{17}\)

For the past two hundred years scholars have differed over what to call the loyalists. Writers of the nineteenth century, even a man as interested in the loyalists as Lorenzo Sabine, often called them tories while referring to the patriots as Whigs extensively. Such usage reveals the degree to which a scholar who spent years researching loyalists had bought into the myth manufactured by contemporaries and perpetuated throughout most of the past two hundred years, the myth of the stalwart virtuous patriot (whig) ever vigilant and successful in opposition to the bloodthirsty, deceitful tory whose response to the struggle for American liberty was to forsake his country in its time of need and take to pillaging his former countrymen or worse. To be sure, loyal military units were extensively used to gather supplies, and there seems to be no question that loyalist guerillas perpetrated numerous atrocities in the course of the war, but self-styled patriots were guilty of similar acts as well.

\(^{17}\)\textit{NH Claims}, infra. There are however two instances in the New Hampshire Claims where loyalists use the word "tory" but only in the sense that they are quoting or paraphrasing the words of their rebel opponents. I have yet to find a single use of the word in any claims from other provinces.
Even today there is confusion in the literature between the terms tory and loyalist. Those who fear redundancy prefer to interchange the terms as though they were synonymous, while some like North Callahan or William Nelson\(^\text{18}\) prefer the shorter, and perhaps more evocative, tory. But it would seem that the usage ought to be determined by the thoughts and feelings of those we attempt to understand after two centuries. Aside from their self-conception, we might consult those communities outside who view the loyalists as a discrete entity. Two particular witnesses to the creation of loyalist communal identity were the patriots to whom they were opposed, and the British, with whom they were allied. In no contemporary accounts discovered for this study do British officials, military officers or other commentators refer to the loyalists as tories. Again and again in official dispatches letters home and so forth,\(^\text{19}\) British writers refer to the American loyalists as Loyalists or friends of government. It was the rebels who used the term as one of

\(^{18}\)William H. Nelson, *The American Tory*. New York: 1961. Nelson admits to using the term "for the sake of convenience," but he also claims it is a relevant one because he wants to make a connection between loyalist ideology and the court party in England earlier in the century. That might not be possible. The loyalists, as so many recent works have pointed out, were as incensed as the eventual patriots at the unfortunate turn government had made beginning in 1765 with the Stamp Act. Prior to the outbreak of hostilities, they differed with their neighbors really only in the question of what nature the appropriate response ought to assume. The loyalist position relied on traditional assumptions as to the nature of resistance and the degree to which that resistance could lawfully be exercised. The eventual "rebels" shared no such concerns, arguing that all means of resistance to oppression were legitimate.

opprobrium, drawing frequently the caricature of the "damned tory,"\footnote{Anonymous, \textit{Historical Anecdotes Civil and Military: A Series of Letters written from America, in the years 1777 and 1778, to different Persons in England; Containing Observations on the General Management of the War, and on the Conduct of our Principal Commanders, in the Revolted Colonies during that Period.} London: printed for J. Bew, in Paternoster-Row 1779. p. 2. Hereinafter cited as \textit{Historical Anecdotes}.} suspected of every misdeed, and certainly every malefactor, committing whatever crime against the community must have been a tory.

The views of the diverse groups who admitted the existence of this loyalist community were crucial to its formation, its experience, and its eventual fate. They were also central to the impetus which produced the claims themselves. Continual British misunderstanding of the situation in America contributed to the formation of the loyalist community. Had the ministry been able to better understand the strength and location of loyal support, and act upon it quickly, the course of events might have been altered.\footnote{Paul H. Smith, \textit{Loyalists and Redcoats, A Study in British Revolutionary Policy.} Chapel Hill: 1964.} Some estimates, like that of Samuel Hale for New Hampshire, contend that "nearly one third of the inhabitants for a long time retained their loyalty."\footnote{\textit{NH Claims}, Samuel Hale, vol. II, p. 733. in a letter, Hale to Ira Allen, nd.} But popular support dissipated quickly in the absence of British military support. Conversely, loyalist support was sometimes lost when the army was nearby, since the British routinely failed to differentiate between friend and foe. One correspondent writing home to England observed: "the friends to government have been worse used by these troops [the British army] than by the rebels. Plundering, and
destroying property, without distinction, have been practiced; insomuch that many people have joined Washington, because they found most protection from him, though otherwise well affected to the King."23 One claimant, John Fenton, complained that General Gage had destroyed his farm on Bunker Hill to erect fortifications there.24

Born in the experience of war, or at least severe dislocation, the loyalist community sought ways to achieve its shared goals. Some of its members quickly turned to government, seeking to find for themselves that security promised in the proclamations of the King and his commanders in America. The first choice for most was flight from their homes and taking refuge within British lines. Once safe, often without wife or children, the loyalists found themselves engaged in work on behalf of the army. Gentlemen and officials usually found some employment in administration, like Edward Lutwyche of Merrimack who was appointed "Superintendent of the King's Spruce Beer Brewery" at New York in March of 1777.25 Many engaged in the formation of loyalist military units. Though without official duties while trapped in besieged Boston, John Wentworth began the mustering of a regiment, and continued gathering men upon his arrival in New York in March of 1776. Many of the New Hampshire claimants proudly mention serving with Wentworth's Volunteers, though that unit may have never actually taken the

23 Historical Anecdotes, p. 5.
field. Nor had Major William Stark's Corps, since it never reached full strength. Several other New Hampshire men commanded loyalist regiments. Robert Rogers, famous for his service in the Seven Years War, commanded the King's Rangers raised in Nova Scotia in 1777. Raised in New York in 1781, the King's American Dragoons were commanded by Benjamin Thompson. The Queen's Rangers, another regiment raised by Robert Rogers, eventually merged with Thompson's King's American Dragoons. New Hampshire loyalists, like William Vance of Londonderry, were also "employed on secret services for government." One of the John Stinsons of Dunbarton, the nephew of General John Stark, went "out 28 times as a spy."  

Those of middling status or lower found employment either as soldiers in the constantly forming regiments, or in varying jobs in and around New York. Though only two of the New Hampshire claimants mention menial work, Samuel Mallows of Portsmouth was a waggoneer in General Howe's baggage train, and George Glen of Wolfeborough served as a "Forager," many loyalists who took refuge in Boston and later New York were forced by circumstance to

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26See Appendix 1 for a muster roll from Wentworth's Volunteers.

27Palmer, Revised Sketches, p. xix-xxi.


30NH Claims, George Glen, vol. II, p. 705. Forager is his description of his position. The only specific act he mentions is the acquisition of "a number of the continental horse," which in the eyes of his enemies made him nothing but a horse thief.
act as water bearers, wood-gatherers, or in the work of erecting or strengthening fortifications.31 Though laboring was tedious, the army was able to pay a living wage without the loyalist having to file a formal claim in England.32 Of course some were able to ply their trades, especially professionals such as doctors33 or clergymen.34

The New Hampshire claims reveal a pattern among those loyalists who abandoned their homes to serve their king, or merely to save their skins. The most prominent among them, beginning with Governor John Wentworth, left New Hampshire in 1775. Most of those went immediately to Boston, and then on to either Halifax or New York at the evacuation in March, 1776. Wentworth and several other prominent men then made the trip to England in 1777 or 1778, and there they petitioned the Treasury for assistance. They were usually successful in obtaining some temporary support. Wentworth received a pension, £600 per annum, until his appointment as Surveyor General of the King's Woods with a posting to Nova Scotia in

31A considerable number of loyalists from the northern provinces who sought refuge in New York worked diligently there as well. Those who did not serve on active duty often proudly proclaimed their occupations while behind the lines. Many worked as carpenters and at the other trades. See for example two men from Newark, NJ in Loyalist Claims, Nathaniel Richards, vol. XV, p. 319-330; William Stile, vol XV, p. 331-346. Neither had listed carpenter as the occupation held prior to the rebellion. One man was a carpenter before the war and he served as a master carpenter in the quartermaster's department. Loyalist Claims, Nathaniel Munro, vol.XV, p. 375-378.

32Palmer, Revised Sketches, p. xi. The army was authorized to pay "a dollar a day" for those make-work civilian jobs.

33NH Claims, Dr. Josiah Pomeroy, vol. IV, p. 1522.

34Sabine, Sketches, vol. I, p. 546. John Houston was from Bedford. Badly treated by the mob and his congregation, he apparently ended up in New York by 1782 and was off to Shelburne, N.S. with a family of five.
1783. The pension was then reduced to £300 since the position carried a salary of £800 per annum.35

Another group of New Hampshire men remained as long as they felt reasonably sure of the safety of their persons and their families. Those men, such as William Torrey or Zaccheus Cutter, served under the crown as magistrates or at least held prominent positions in their communities. They generally were able to hang on into 1777, and some as late as 1778 before fleeing to the British lines at New York or Rhode Island. A few, like Stephen Holland, were imprisoned for long periods of time. A final wave of claimants departed in 1777 to join Burgoyne on his march southward to the fateful rendezvous with destiny at Saratoga. Among them were Simon Baxter, Breed Batchellor, and the printer, Robert Lewis Fowle.36

The spate of petitions to the treasury in 1777 and 1778 by loyalists wealthy or lucky enough to get to England quickly became a burden to the government. As Palmer reports, "all refugees who had rendered some service to the Crown or who could claim to have been driven out because of their visible loyalty, were considered eligible for assistance."37 The number of refugees increased as the contest in America wore on, and as British policy and British arms failed to stem the tide of revolt. By March of 1782, at the fall of the North


37Palmer, Revised Sketches, p. xi.
ministry, some 315 refugee loyalists had been granted temporary support representing an annual expense of £40,280 sterling.38 Few applicants were refused at least a minimal allowance. The Treasury had held fast in the Nevin case.

Critics of the North ministry in Parliament were dissatisfied with the expenditures on behalf of so many new mouths to feed. Consequently a panel was appointed by the new government of Lord Shelburne to "inquire into these Treasury allowances."39 The examiners were John Eardley-Wilmot and Daniel Parker Coke, a pair of independent members of Parliament known for their impartiality and integrity. Both would soon be appointed to the claims Commission as well.

The language of the memorials and the supporting documents, more than any other evidence, provides proof of the existence of the loyalist community.40 The documents of the New Hampshire claimants and their colleagues elsewhere, display a consistency of vocabulary that can be neither coincidence nor conceit. Indeed the shared vocabulary was necessary for the identification of the community's goals.41 The language of the claims reveals the presence

38 Palmer, Revised Sketches, p. xii.
39 Palmer, Revised Sketches, p. xii.
40 According to Hogg, "group cohesiveness might be seen as a linguistic category or rhetorical device produced through discourse: something which constructs individuals in relation to one another as members of a 'group' and in contrast to other 'groups.'" Hogg, The Social Psychology of Group Cohesiveness, p. 63.
of a number of deeply held views. The loyalists as a group refused to acknowledge the sovereignty of any new government. They deplored the excesses of popular action and the invasion of privacy. They tried to ignore the serious character of the revolution even after it was lost. They believed themselves to be the innocent victims of an unprincipled group whose only concern was self-interest, and as time passed many felt ill-used by the government they had sacrificed everything to serve.

The loyalists refused to submit willingly to the rebel authorities. From the loyalist perspective, the situation in New Hampshire by 1775 was one of anarchy. Even Governor Wentworth was forced to acknowledge, "the country is in the most deplorable state of disorder without law or government." Wentworth's admission was nothing new. As early as February, Lord Dartmouth had written Wentworth with new instructions, but acknowledged the situation and noting "so general a spirit of disorder and disobedience to lawful authority." Dartmouth agreed there was little Wentworth could accomplish until "other considerations will admit of giving you such support as may be effectual for that purpose." The other loyalists who described the situation in the province from 1774 to 1776 shared the view that authority had broken down or had been

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41Strauss, Mirrors and Masks, p. 21.


taken from its rightful holders. Simon Baxter of Alstead told of having "opposed the measures of the rebels, [and] raised men to go and protect the courts in 1774." As a result of his actions, Baxter continued, the Cheshire County court was able to sit and transact its business. But another consequence was the social and political ostracism which eventually befell Baxter.

Two of Baxter's statements are of particular interest. First, he alluded to a group of men attempting to block the proper business of the county court, and he called those who would have interfered with the operations of the county court "rebels." Elsewhere, Baxter added two more names for those faceless characters who attempted to defy constituted authority, "Whigs or Malcontents." In attempting to form an identity for their community, the loyalists of New Hampshire had also the need to create an identity for that other, that group which had in a sense helped to create their community in exile. Just as the Americans who fought for independence had plastered the name of "tory" on the loyalists, the "King's Friends" referred to their former neighbors primarily as "rebels." Other terms were employed from claim to claim. While Samuel Hale called the futile actions of crown officials the acts of "patriots," others referred to the opponents of government as "leaders of sedition," "the usurpers," and "the Faction." When referred to as a group, the

46Strauss, Mirrors and Masks, p. 21.
crowds which roamed the seacoast towns at will in 1775 were called "the armed multitude" or "lawless banditti." Nathaniel Hubbard of Stanford Connecticut "signed an agreement in writing to support his Majesty's government against all Innovations and Mobs." The rebels were a minority, a group of self-interested men, or men swayed by the connivance of a few. The rebellion was a manifestation of a singular disregard for law and authority. The activities of the rebels, mobs, housebreaking, armed insurrection, all exceeded the assumed limits of lawful behavior. Even the forms and acts of the newly "usurped authority" contradicted the traditional assumptions of the uses of law and legal procedure. The interference with and subsequent closing of the law courts on the part of the rebels was an action the loyalists feared and resisted with "zeal and attachment." Denied any possible due process, the loyalists could not acknowledge a government without laws to insure the rights of private property. It would be nearly two years before the courts again functioned regularly in New Hampshire, and by then the ideological battle had been won by the rebels. Whether by coercion and intimidation or by persuasion and the attraction of apparent

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48 NH Claims, infra. See also Loyalist Claims, James Ketchum, vol. XII, p. 247 who "was led by the dictates of reason to oppose the factious multitude at the first dawning of the Rebellion." Nehemiah Clarke of Hartford was also assaulted by "a numerous banditti." vol. XII, p. 387.

success, the populace of New Hampshire was solidly in rebellion by 1778.

The committees of safety supplanted the courts in most communities, subverting the role of magistrates and justices of the peace. While many former officials as well as new men constituted the committees, they had no parallel in the English experience. English monarchs had governed through civilian commissions and officers for several hundred years, but those committees or single officials had had the legitimacy of royal appointment to rely upon.\(^50\) And the resulting mixture of administrative and judicial powers in the hands of what were perceived to be venal, vengeful men could not be tolerated. The use of paid informants by the committees and the very acceptance of any whispered innuendo as evidence of a crime became a severe concern to the loyalists, especially those who remained in the province for as long as they possibly could. Coupled with these non-traditional institutions of authority were the actions of the provincial assembly, convened without the authority of the crown and clutching to themselves the powers of trying individuals for treason, and the widespread use of acts of attainder and confiscation. It was no surprise then that the loyalists referred to themselves repeatedly as "American sufferers" or "distressed loyalist[s]."\(^51\)


\(^{51}\) NH Claims, infra, but for example, Robert Lewis Fowles, vol. II, p. 687.
The provisional government which replaced that of John Wentworth under the royal charter received no more respect from the loyalists than the individuals who constituted its membership, the "insurgents." The language in which the loyalists described the new provincial government was indicative of more than their disdain for its members. These were the "ringleaders or their adherents" who had been central to the "insurrection." The loyal claimants, representing their silent brethren, disagreed with the fundamental existence of that institution. It represented "usurped authority," "the insidious attempts of the disaffected," to institute what amounted to an "usurped government." The structure revolved around "their committees," which were constituted of "factious and designing men." Feeling ran as high elsewhere. In Massachusetts Martin Gay, a Boston coppersmith, "took every occasion to express his abhorrence of the measures taken by the Americans."

The New Hampshire loyalists also refused to acknowledge the depth and permanence of the rift between their province and the mother country. Like their British counterparts, the loyalists employed euphemisms in their writing to soften the impact of the emerging "war" on their psyches. The euphemisms varied. Their use,

52Loyalist Claims, Andrew Hewat, vol XIII, p. 41.
55Loyalist Claims, Martin Gay, vol. XIII, p. 358. Gay was a native of America but abjured his nativity when he no longer identified himself with "the Americans."
even into the post-peace years, did not. The conflict was referred to almost exclusively as a rebellion. It was either an "unnatural rebellion" or an "unhappy rebellion." Occasionally it was an "unfortunate contest" or a "period of the commotions." Only twice in the entire scope of the New Hampshire claims was the word war mentioned, once as the "late war," and once as the "late unhappy American war." The employment of such euphemisms was more than a literary conceit or a denial of reality. It was the assertion that legitimate authority resided in Great Britain and was dispensed to the colonies by the king. Like the language used to describe the "rebels" and the "usurped authority," the euphemisms concerning the revolution itself were a means of displaying the loyalist position, a position which became increasingly uncomfortable as the years progressed.

The language employed by so many conveys the loyalist position well. The political situation was not only disadvantageous to them and to the British, it was "un-natural." The use of that word implies far more than dissatisfaction. Something unnatural was contrary to nature. It did not figure into the scheme of things. It was monstrous, an abomination. The use of that term implies the sinful nature of rebellion according to the cosmology of the traditionally minded loyalist. Not only was this rebellion against "nature and nature's God," but all rebellion was contrary to nature. It is easy


today to append the label conservative to men of such a political persuasion. But the loyalists were not defending the status quo, meaning the specific situation that existed between Britain and her colonies, but rather the fundamental belief system underlying the existence of the empire. The supremacy and sovereignty of the king was at stake, and resistance to that deeply held belief was unthinkable.

The language of the Claims documents clearly reveals a group of men who had lived in a community that had undergone catastrophic change. From their vantage point it seemed as though their neighbors had been afflicted with some sort of crowd hysteria. Again and again the elites among New Hampshire's loyalists referred to being insulted by mobs, to being man-handled, and to having their homes ransacked while their lives or the lives of their families were threatened. Many claimants also complained of being dragged before committees, sometimes repeatedly over the course of weeks or months, an action they found to be more than inconvenient. It was not merely that these committees consisted of men who might be below the loyalist's social station. That complaint

58 *NH Claims*, John Fenton, vol. II, p. 515. For only one example of many.


was not mentioned. It was instead that the committees were not provided for in the Englishman's constitutional cosmology. There was no basis in law for their existence, much less the power they wielded. It is clear from the claims that the committees (never accorded the continuation of the name "of Safety") exercised enormous judicial and paramilitary powers. Arrests were made under their aegis, often at night, and often of men taken from their homes with no more evidence of a crime having been committed than the word of a stranger who claimed to have heard the suspect utter a statement either in favor of the king or in disparagement of the revolutionary cause. Town committees held drumhead trials and acted as jury and "executioner" at the same time. The only recourse the alleged loyalist had was an appeal to the provincial assembly. Such informal observations of due process were repugnant to the loyalists. Despite their published function of ensuring the personal safety and property rights of citizens in a time of trouble, the committees exercised no restraint over the mobs which formed in Portsmouth and roamed the seaboard countryside in 1774 and 1775. In at least one instance, it was the intervention of friends from town which precluded tragic violence on the part of an armed mob. Daniel Rindge had just returned from a neighbor's house where he had assisted in its defense against a mob when an armed party demanded entry into his home. As the argument escalated, muskets were leveled at Rindge's wife. Rindge believed the men would have fired had not
"some humane and moderate townsmen" intervened, "pleading for the defenseless sex."62

Faced with a situation they could neither accept nor understand, the bulk of committed New Hampshire loyalists departed.63 But even after fleeing the province, the loyalists' troubles were far from over. Though not typical, William Torrey's experience was illustrative of the extreme case of a loyalist's attempting to begin a new life just as the revolution had gotten underway.

Torrey lived in Portsmouth, carried on the trade of a merchant, and was a Justice of the Peace. He also held the office of "Landwaiter, Weigher, and Gauger for the Port of Piscataqua, which with fees and emoluments gave him upwards of one hundred pounds per annum."64 Torrey also owned a half interest in a sugar works, discussed in Chapter Two. About the time of the governor's escape aboard a British warship, Torrey was seized by a mob and roughly treated. He was marched from Portsmouth to Exeter and there tried for treason.65 Though he was apparently acquitted of that charge,


63The response was similar in other provinces. In those such as New Jersey, where British military activity came early on in the war, large numbers of eventual claimants flocked to the British standard in 1776. In the southern colonies, such as Georgia, prominent loyalists departed early, seeking safety in the Indies or in England. But a considerable number returned to the various centers of British military power, New York for one, and there joined the army or loyalist regiments to serve in the war. For examples see Loyalist Claims, Thomas Millidge, vol. XV, p. 47; John Leonard, vol. XV, p. 61; William Kennedy, vol. XIII, p. 179.


65This was Torrey's own explanation of the charge levelled against him. It is unlikely he could actually have been charged with "treason," as there was no treason law in place in the province.
Torrey was sentenced to be confined in an unspecified interior town for a year and forced to provide "heavy bonds that he should not conspire against the state." After the year expired Torrey was given permission to leave New Hampshire. Leaving his wife and children, he traveled to Nova Scotia in June, 1778. Torrey owned a farm in that province and settled there, intending to bring his family to him as soon as the farm was profitable. But barely two months passed before the crews of two American privateers came ashore and "destroyed his dwelling house, & store houses, and plundered him....and left him destitute of support."

His Nova Scotia farm in ruins, Torrey left for Halifax aboard the first available ship, only to have the ship captured, not once but twice by American privateers who stripped him of all his papers and even his clothes. The second enemy ship put Torrey and some others off in a "small shallop" barely large enough to see them safely to harbor. The unfortunate Torrey found no assistance in Halifax and so, by borrowing against the value of his farmland, he bought passage to New York. The farmland was subsequently seized in satisfaction of that debt. In New York he asked the assistance of Sir Henry Clinton, but was told through the General's aide, Major André, that his only recourse was to take passage for England and there to petition the treasury. This was what Torrey did, and for his pains he was granted temporary support in the amount of £50 per year, in addition to his salary of £40. His salary was discontinued in October of 1782 when his office officially ceased to exist.

Following his arrival in England, Torrey's experience became typical of the articulate members of the elite who filed claims under
the act of Parliament. While many New Hampshire loyalists had served with the army in America through the war years, the majority of the wealthiest individuals, mostly former crown officials, came to England in the period from 1777 to 1779. Those filed petitions immediately with the Treasury for temporary support and began a campaign to convince the government to compensate them and other loyalists for lost property. After the disaster at Saratoga and the seeming abandonment of the northern theater outside of New York, the brief campaigns in Rhode Island and the capture of Philadelphia, New Hampshire loyalists came to recognize that a return to anything like the pre-war state of affairs was a vain hope. Almost all of the prominent New Hampshire men were banished by Act of the Assembly in 1778 and another act provided for the confiscation of all of their property in the same year. Other laws were subsequently passed nullifying debts owed to aliens and traitors who had taken up arms against the state, and making it illegal for any non-resident to own property at all. Faced with this bleak prospect for recovery, New Hampshire's loyalist community strongly supported the movement urging government make allowance for restitution. The ministry and Parliament waited until the treaty of peace was negotiated, hoping in vain that the recognition of American independence would ameliorate the situation regarding loyalist property. But sentiment in the new nation was still running extremely high against allegedly treasonous conduct, and resentment was inflamed by the memories of atrocities committed in the name of war. That both sides were equally guilty was forgotten quickly in the flush of victory as the leaders and
loremasters of the new nation had already begun fashioning a national myth with which to bind their citizens ideologically into a "republican" community.

Even before the Claims Commission was established by Parliament, loyalists began to vocalize the shared experiences that would lead to a formulation of a community idea. The existence of the Commission provided a forum of sorts for the articulation of the story of the members of a new community cast out of their old community which had been torn apart by war. The majority of New Hampshire claimants had made the journey to England and were able to file claims immediately, and with the benefit of a network of fellow claimants upon whose memories and testimony they could draw.

The sheer volume of claims received overwhelmed the five commissioners and delayed the payment of awards for years. All told, when the Commission made its first recommendation to Parliament in 1787, over 5,000 individuals had submitted claims and claimed estimated losses of £8,026,045 sterling. Though the procedure was simple, delays inevitably resulted as claimants searched for documentation to prove losses and witnesses had to be summoned from distant parts. At times the list of supporting witnesses could be quite impressive. The claim of George Sproule stands out if for no other reason than the array of certificates he was able to present in support of his claim. Sproule had served in America seventeen years prior to the revolution as Deputy Surveyor

66Palmer, Revised Sketches, p. xiii.
to Samuel Holland in the Surveying Service engaged in a comprehensive survey of British territory in North America. He had intended to retire from the service, and toward that end, acquired property in New Hampshire as well as the post of Surveyor General of the province. Sproule went to Boston in April of 1775 and served on active duty as a field engineer throughout the war. Appended to his claim were certificates from governor John Wentworth, Sir William Howe, Lieutenant General James Robertson his commanding officer in the 16th Foot, Lord Cornwallis, Sir Henry Clinton, William Tryon, former governor of New York, and Stephen Holland. Despite these "several handsome certificates" and the certainty of his loyalty and service, Sproule was awarded only £70 on a claim of £2,328.14.0. Sproule was given nothing for his lost office since it was not "an office held immediately under the Crown and understood to be for life."67

The center of the New Hampshire loyalist community was the person of the former governor, John Wentworth. Wentworth and his closest allies formed a core group for their own mutual support and the support of others. They seemed to have been willing to substantiate the claims of nearly all of their fellow countrymen, at least with an affidavit attesting to loyalty and to the fact that so and so had been possessed of considerable property. A glaring exception to this was George Boyd. Boyd's claim was bolstered by a certificate from John Wentworth attesting to the fact that Boyd was set upon by

67Both quotes are from the Commissioners' notes in the summary and decision on Sproule's claim. NH Claims, George Sproule, vol. III, p. 1626-27.
a mob shortly after he returned to Portsmouth from England in 1775. He had gone there to foment opposition to Wentworth and had succeeded in getting himself appointed to the council. He had escaped the custody of the officials in Portsmouth and fled overland to New York. He then went straight to England, arriving early in 1776. Boyd offered a list of his property supposedly lost totalling £34,000 sterling. However, the other members of the New Hampshire loyalist community disavowed him totally. In a letter to the Commission, George Meserve observed that far from being destitute, Boyd had £20,000 or more in investment funds in England. Meserve wondered in consequence how it should be that Boyd was receiving £100 per year temporary support, a good bit more than most pensioned loyalists were then receiving. Meserve then added: "it will not be a matter of surprise should they [the Commissioners] in their course of enquiry meet with some men who would wish and endeavor to impose upon them. I think it therefore my duty to advise you to be careful of a Mr. Boyd from Portsmouth in the Province of New Hampshire who I understand has brought a claim against Government to a very considerable amount and who I am sure must fail in the first instance with regard to his loyalty for he never was possessed of any." As if that were not damning enough, the Commissioners also received a letter signed "No Imposter" further condemning Boyd's character and the veracity of his claim. The anonymous correspondent claimed that "I have lately returned

68 Daniell, Experiment in Republicanism, pp. 43-44, 117.

from America. Was at Portsmouth New Hampshire last July in company with the first gentlemen of the place. They were making their laugh about a Colonel Boyd's humbugging the American Commissioners. His property they informed me had never been confiscated. They look on him as a staunch friend to their cause .... You will find the above to be facts."70 Peter Livius, another councillor and no friend to the Wentworth party, added that he had "a very bad opinion of his [Boyd's] moral character."71 For his part, Boyd claimed that a certain group of New Hampshire men had formed a "conspiracy against him with a malicious intent" because many of them owed him money. But Boyd's file contained no proof of his supposed largesse, and no documentation for the huge estate he claimed was lost. On the contrary, the commissioners did have a letter from Supply Clap, "attorney to said Boyd," which gave the distinct impression that his estate remained untouched and in the possession of his wife, children, and elderly mother. Clap even suggested that it would be no great trouble for Boyd to return to New Hampshire and resume control of his property. The Commissioners weighed the evidence and concluded: "We have decided that he has not lost an acre of this property and that he falls within that clause of the Act of Parliament which precludes him from any compensation, his claim being adjudged fraudulent."72 Boyd did

attempt to return to Portsmouth in 1787, but died on shipboard two
days out from home.\footnote{Sabine, \textit{Sketches}, vol. I, p. 247.}

The other members of the London core\footnote{For a full account of the loyalist experience in London see Norton, \textit{The British-Americans}.} were Dr. Stephen Little, George Meserve, Stephen Holland, and William Torrey. One or more of those could be found attesting to the claims not only of one another, but of nearly any prominent New Hampshire claimant. Holland acted also as agent for a number of New Hampshire claimants residing in Nova Scotia, and in one case, the guardian for the children of a deceased loyalist.\footnote{\textit{NH Claims}, Benjamin Whiting, vol. V, p. 2536. Benjamin Whiting of Hollis and former sheriff of Hillsborough County had died in 1779 while in the King's service on Long Island. Holland filed a claim in his name on behalf of Leonard Whiting, the guardian. The commissioners were unable to grant compensation because there was no proof of loss. It is not clear what the relationship of Leonard was to Benjamin, but he, Leonard, was still living in Merrimack, NH, and was himself not a loyalist.} The New Hampshire loyalists remained remarkably solid in their approach to the claims process, and were solicitous on each other's behalf. The only exceptions to the sense of shared loss and mutual respect were Boyd and Samuel Hale. Hale however was accorded the courtesy of burial by former countrymen, as is clear from William Pepperrell's letter of May 21, 1787 asking for a small grant to George Meserve in order to bury the late Hale and settle his debts. No reply was noted, and no final decision was rendered on Hale's claim due to his death.\footnote{\textit{NH Claims}, Samuel Hale, vol. II, p. 759-769.}
The loyalist community, forged at least for a time in the bright fire of a shared catastrophe, remained united in one assumption: they shared the belief that they were not being fairly treated by the British government in light of their services and losses. Rightly or not, few if any of the articulate claimants felt they or their fellows were receiving adequate temporary support or prompt attention to their circumstances. Some went so far as to question the awards for claims. The claims files are full of letters to the Treasury and to the Commission asking for an increase in allowance, a speedier decision, or a reconsideration of the amounts awarded on claims already determined. William Torrey is again illustrative. Torrey's first memorial was dated February 11, 1784. He filed a second memorial in November of 1786, but an annotation on that document reveals that a decision had already been rendered, as the commissioners saw "no reason to alter their former determination." Undaunted, Torrey fired off another memorial in December 1786 which was again rejected. In June of 1788, John Wentworth, Jr. wrote as "agent for the Loyalists from New Hampshire" addressed to John Foster, secretary for the Commission, proffering yet another memorial from William Torrey. That was followed by another memorial in March of 1789, a

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77 *NH Claims*, William Torrey, vol. III, p. 1805. Torrey had added the assertion that his brother had died during the course of the war owing him over £500. How this had anything to do with compensation for services and losses the commissioners could not see. However in a later supplement Torrey explained that his brother, Joseph Torrey, was a partner in their merchant business and was living as agent in Montreal. Torrey had sent a ship and cargo valued at £3000 to the brother just at the outbreak of the war, and the brother had sold the cargo but sent the ship back empty. The proceeds from the sale had been used to raise a regiment of rebels from among the Canadians.
letter in June of 1790, and a last memorial on November 8, 1790 conveyed with a letter of endorsement from William Pepperrell.78

Sometimes it was necessary for a compatriot to express the extent of the need or suffering a loyalist might endure. Samuel Peters, as related above, wrote in May of 1786 on behalf of Thomas Cumings, a claimant awaiting determination of his claim. Peters described Cumings as "starving, dying, and wanting every necessary of life, [he] is without money and indebted to his humane landlord (a poor gardener) above £40 for house rent and victuals." Cumings received no further aid and died on September 29, 1786. His claim was continued by his widow.79

Prominence was no guarantee of success in the pursuit of a claim. John Fisher, who claimed losses in excess of £14,000, worried the commissioners incessantly with letter after letter repeatedly lamenting the "peculiar hardship of my fortune" and lamenting the loss of an "affectionate father" whose children's inheritance was lost

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78 *NH Claims*, William Torrey, vol. III, p. 1806-08; p. 1809; p. 1818-23; p.1824; p. 1826. Torrey's persistence was not rewarded. His original award granted him £150 on a claim of £ 2277 in lost property and £100 per year for loss of income from 1775 until 1782. In addition his pension of £50 per year was continued. No additions were granted despite his barrage of plaintive petitions.

79 *NH Claims*, Thomas Cumings, vol. I, p. 377; p. 380-402. It is in that continuation that Cumings' claim becomes most unusual. It seemed that Thomas and Mary Ann Cumings had been married in Nova Scotia on July 20, 1784. But Mary Ann had been married previously to one Thomas Leslie, a soldier. She had accompanied her husband to America in 1777 when his regiment was stationed in Quebec, and had remained there when he marched south with Burgoyne. Leslie was reported killed at Saratoga and his widow remained in Canada until after the troubles when she met Cumings. Unfortunately for Mary Ann, a Lieutenant I. Jones wrote to the commission attesting that Thomas Leslie was alive and well and serving with the 20th Foot in Ireland. Cumings' pension ceased at his death and his claim for £1413 in lost property was disallowed "for want of satisfactory proof of loss."
in America. Fisher was eventually to collect £3500 on his claim, though he hardly suffered in the interim despite his melodramatic prose. John Fisher received a pension of £160 per year from sometime in 1776 in addition to his salary as collector of customs. The pension continued until he became Under Secretary of State in October, 1781. By the time of his last request for further favor, Fisher had become Secretary of the Excise and Distributor of Stamps, posts which paid over £880 per year between them.80

Printer Robert Fowle had a somewhat different experience. He remained in America attempting to aid "the British government in the exercise of his profession as a printer." Forced to flee New Hampshire in 1778, Fowle joined Burgoyne and was captured at Saratoga. He was allowed to "retire to Canada," but proceeded to New York where he served with Wentworth's Volunteers until December of 1781 whereupon he went to England. Fowle received no pension and in January of 1783 wrote to the Commissioners "I fear you are to this hour uninformed of the wretched situation of many of us: some have been obliged to apply to pawn brokers and I expect daily to hear your jails are filling for our credit is gone." In March Fowle wrote again to thank the commissioners for a pension of £50 per year, though he adds that the sum was not as much as others of "his Majesty's printers who are sufferers from the other revolted provinces." As this was the case he added that he would "(as early taught) be thankful for a little, as the proper road to obtain more." He

then added that he would "retire to a cheaper part of the kingdom more suited to the provision you have made for me." 81

Whether or not the pensions and awards were in reality adequate, the loyalist claimants felt and wrote that theirs was a hard lot. The language of the claims here argues for a new and deeper reading. Perhaps it was not merely the material loss that the claimants lamented.82 It seems likely that the language reflects a certain convention, an assumption on the part of the loyalist community that all were in some way suffering, despite the relative wealth or dearth of their individual circumstances. That Fisher considered himself as much a sufferer as Fowle is certain. In a sense all suffered equally the loss of home. As pensioners in London or Bristol, the New Hampshire loyalists had lost their sense of place and their roles in the order of life. Some, like Fisher and John Wentworth were able to go on to successful careers. Many died while awaiting judgment on their claims. Others were left having to put lives back together as best they could with little or no help from the government they had sacrificed so much to uphold. Stephen Holland had his half pay of £88 per year and a grant of £30 to pay his passage to Nova Scotia where at age 50 he reclaimed his wife and children. Holland was granted £2538 on his claim of £8085, almost all of which was spent in support of his family left behind in New

81NH Claims, Robert Lewis Fowle, vol. II, p. 657-703. Fowle eventually received only £100 on a claim of £925 for lost property which included all of his printing equipment. According to Sabine, Fowle returned to America where he married his youngest brother's widow and eventually died here.

82Alan Radley, "Artefacts, Memory, and a Sense of the Past" in Middleton and Edwards, eds., Collective Remembering, pp. 46-59.
Hampshire. In the end Holland had a pension of £100 per year when he retired "a lame invalid" to "Colerain in the north of Ireland." 83

Holland was fairly fortunate. Eleazer Sanger of Keene had left his property behind in 1777 to join the army. He received nothing on his claim for £300 in lost real estate because his memorial was late.84 John Stark, son of General William Stark, served through the entire war in the army, had his father die attainted a traitor by his homeland, and his mother driven mad by the death of her husband, and lost his inheritance to confiscation. He finally received £1201 on a claim of £3345, almost half of which went into trust for his minor siblings.85

The majority of New Hampshire loyalists remain anonymous. Of those identified in some way, less than half filed claims, and only a small number received significant compensation. Those who did file claims represent an articulate minority whose memorials recount their sufferings and the suffering of their silent brethren. The claims themselves, though never published, were in a real sense the last salvo individual loyalists could fire in the losing battle of the culture war.

Having been for the most part barred from competing in the discursive struggle, a struggle which had seen them renamed and redefined by their enemies in most inglorious terms, the loyalist claimants at last found themselves with pen in hand able to respond

84 NH Claims, Eleazer Sanger, vol. IV, p. 1582-86.
to the charges brought against them by the rebel writers. Though hardly conscious of what the effect was, each writer was able to put words to the shared experience of losing a home, a way of life, and an identity. The loyalists were deprived of the "who" they perceived themselves to be, first by the choice they felt compelled to make, and then by their former friends and neighbors who seemed to forget all that had gone before. The rebel writers created a new identity for the loyalists to further a political agenda.

There were no distinguishing marks by which a loyalist could be known. Their color and stature was not unlike their rebel neighbors. They spoke the same language, dressed the same, and up to a point, believed in the same things. It is perhaps that lack of "otherness" which compelled the rebel writers to seek the excessive when trying to redefine their opponents.

It is certainly the lack of "otherness" that makes the study of loyalism and its exponents so valuable. By understanding the loyalist identity we can perhaps gain a greater understanding of the forces and circumstances that produced a rebellion in America.

The voice of their community was lost to posterity, however, and their contribution to the whole of the history of the revolutionary era and to the history of America has been subsumed by the mythmaking of their victorious countrymen. The winners of the conflict earned the right to define America and expurgate the

loyalists from what might have been their rightful place. Only the memorials remained as the means by which they could express their side, their story.

The language of the memorials reveals a community rebuilt. The loyalists of New Hampshire, like their brethren from the other provinces, formed an ideational community, briefly grounded in reality in London, and eventually replicated in Canada. But that language also reveals a sense of loss. The loss experienced by the loyalists of the American Revolution went beyond acres of land and homes. It went beyond offices and inventories, stores and shops. It even went beyond the loss of friends and family members left behind or killed. The loyalists lost the "who" they had been prior to the rebellion. They lost their identity, as individuals and as members of a community. Only through much effort could they recover some of what was lost and redefine themselves and the new community in which they came to rest.
Conclusion

"There are many others but their distinctions are so metaphysical and fine spun I cannot comprehend them"  

The reasons for a man to remain loyal to the crown and constitution of Great Britain have been the subject of much discussion for two centuries. As A.Z. observed as early as August of 1775, it was sometimes difficult to understand the choice the loyalists made. For him and the other rebel writers, loyalists, or tories as they preferred, were identifiable as men who held positions in government, as "men born in the north part of Britain," and "men of interest." But A.Z.'s attempt to categorically identify the loyalists was narrow and incomplete.

To be sure, most men who held offices under the royal government remained loyal. Perhaps many of those of A.Z.'s acquaintance who happen to have been born in the north part of Great Britain chose loyalty, but the records show no correlation. If by "men of interest" A.Z. meant men of property, certainly many of those remained loyal, but a considerable number of the rebel faction were wealthy and prominent as well. In the end there was no typical loyalist.

This study shows that the path to loyalism was not short or easy. For every motive which produced a loyalist, office, wealth, birthplace, family connection, religion, and so forth, an example could

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be found of a rebel who shared that circumstance or affinity. The path to loyalism was a process of identity transformation.

While all of the motives discussed here and elsewhere were significant, at the root of the process lay a strong belief that "being fully convinced as a Christian...his duty to his King must be performed by him to answer a good and just conscience." Once the choice was made, the loyalists began to experience the new identity they had chosen by projecting it publicly. As we have seen the public projection of the loyalist identity took a variety of forms. The most common was to simply depart the community in which the loyalist had lived and worked, sometimes since birth. A majority of the loyalists who left their homes and families took up arms in support of their beliefs, a second act proclaiming the loyalist identity. Other acts of loyalism included speaking out against the rebel faction, protecting the extant system of government and judiciary, or even securing and returning British deserters to their regiments. Once the war of words had been transformed into a war of bullets, spying, recruiting, and counterfeiting became means of loyalist identification.

The coming of rebellion shook the identity of a portion of the population to the extent that they chose loyalism. The "who" they had been no longer fit the "who" they were to become. The public projection of the loyalist identity was perceived by outside observers, the rebels in particular, as yet another identity: traitors,

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2Loyalist Claims, John Fowler, vol. XIV, p. 255. I do not wish to suggest an inordinate emphasis on Christianity or religion in the decision-making process. While religion may have had a role in the course chosen by some, it was not a defining factor in the same sense as the shared aversion to rebellion and usurped government so frequently expressed by the loyalist writers.
men inimical to their country. The rebels perceived their former neighbors as radically different from the "who" that was projected. While the loyalists projected the identity of those who stood for the protection of longstanding traditions and rights under the age-pld constitution, the rebels perceived them to be enemies of liberty and agents of oppression.

The responses of the rebels and the uncommitted in the community took two forms. Prior to and during the first years of the rebellion, the rebel response was dominated by active measures designed to intimidate the loyalists or drive them from their homes. Mob action was supplemented by housebreaking, disarming, shunning, harrassment, imprisonment, and ritualized oath-taking. The last, the ritual of publicly signing an oath of allegiance was designed as much to identify potential enemies as it was to secure the support of those whose choice was as yet unmade.

For those loyalists who remained after the initial diaspora, a new strategy was initiated around the time in which independence was declared. The formalization of provisional governments allowed for the creation of local and provincial committees which exerted police powers. Bands of armed men harrassed and arrested loyalists and suspected loyalists who could then be tried before the committees. In New Hampshire, at least, the committees were used by the rebel government as a substitute for the court system until 1777.

The provisional government and the network of local committees was perceived by the loyalists as a perversion of the legitimate sources of authority. The lack of a traditional basis made
the assembly and state committee in Exeter an usurping power. The men who constituted the government were rebels, insurgents, and usurpers. The institutions they created were unnatural in the eyes of the loyalists. This profound aversion to a system they perceived to be illegitimate solidified for many the decision to remain loyal.

Whether active physical penalties drove the loyalists away or not, the rebel government extended their strategy to identify the loyalists by means of law. Their first step was to redefine the crime of treason and to incorporate language into the law that supposed a loyalist to be a traitor simply because he or she had left the province. Further means of identifying a traitor included the suspicion or charge that the accused had taken up arms with the British, or that the accused had engaged in any activity that might be deemed harmful to the state. Left deliberately vague, the law was designed not to preserve the rights and liberties of Englishmen, the avowed design of the rebellion to begin with, but rather to identify almost anyone as an enemy should the rebel authorities see fit. Once the law of treason was in place, the rebel government moved to attain specific individuals and anyone else who met a rather loose definition. Those so attainted were banished from the province on pain of death. Closely on the heels of that act was yet another which confiscated loyalist property, both real and personal, the sale of which would benefit the state. The process of legally identifying a loyalist was left deliberately vague, the easier to apply it as needed.

Equally anonymous in terms of its targets was the campaign carried on by rebel writers in the press. The rebellion was as much a civil war as it was a war for independence from Great Britain. One of
the theaters of action in the civil war was a discursive struggle, a culture war. The loyalists and rebels each had differing views as to the face of the America in which they sought to live. Since at the outset of the rebellion neither side could claim as supporters a majority of the populace, a battle was waged in terms of public discourse. From the first the high ground belonged to the rebels. Even before the reigns of government had slipped from John Wentworth's hands, the control of the press had gone to the rebel faction. The rebels were free to promulgate their agenda at will in the only readily available medium, the New Hampshire Gazette of Portsmouth. Certainly loyalist pamphlets might have been brought into the province from the presses in the garrison town of New York, but no evidence exists that significant numbers of such publications were circulated in New Hampshire. The only other medium of any account, the pulpits, were solidly with the rebels. Dissenting voices from Anglican churches were silenced by mob action. Despite the printer's attempt at objectivity, few works sympathetic to the loyalists were printed, and those were soundly criticised in subsequent numbers. As with the military conflict, the culture war was lost.

At some point in the years from 1774 to 1783 each loyalist had to face the realization that the war was lost. That fact meant far more to the loyalists than it ever could to the British government. The loss of the war in America meant the loss of homes and shops, goods and slaves, in some cases the loss of families. Each loyalist had to confront the identity he had fashioned for himself and that which had been fashioned for him, and somehow make sense of them both.
Each individual loyalist created a personal identity that no longer corresponded to the identity previously held. Stephen Holland, for example, was no longer Colonel Stephen Holland from Londonderry, no longer a prominent, wealthy, and influential backcountry gentleman, but rather became Stephen Holland, hunted tory, condemned counterfeiter, British spy, and suffering loyalist. Holland and the rest of the active loyalists of New Hampshire could no longer identify themselves as readily and comfortably as they might have in 1773.

By the end of the war new communities formed among the loyalists. Wartime communities formed and reformed in the garrison towns. Refugee enclaves coalesced in London and Bristol. Eventually mass emigration produced permanent loyalist presences in Nova Scotia and New Brunswick. Spanning all of these, this study suggests the formation of an ideational community based on the emergence of the loyalist identity, an identity formed by the shared experiences and trauma nearly all loyalists underwent. Primarily, the evidence for such a community lies in the shared vocabulary used by loyalists from throughout the provinces to express their sense of loss and outrage while attempting to find some compensation from the government they had sacrificed so much to preserve, and which in the end, many felt, had betrayed them.

This study describes the development of the loyalist identity, communal and individual, as a result of the traumatic experience of the rebellion. For many, that identity would be ephemeral. Robert Fowle returned to New Hampshire and lived out his life in Brentwood and Rochester. Joshua Atherton, one of Stephen Holland's
counterfeiting ring, became a United States Senator. And for the unknown number of loyalists who remained quietly living out their lives amid the turmoil of the rebellion, when it was over, and their side had lost, no alternative remained but a resigned acquiescence to the new community, the new government, the new nation.

For others the loyalist experience, and the communal and individual identities it fashioned, remained the dominant force of their lives. Thousands of loyalists fled their homes and embarked on a journey to a new land where they still retained that new identity to their graves. In Nova Scotia and New Brunswick the loyalist identity became a defining mark, a source of pride and a source of division. Even today, the loyalist legacy survives in eastern Canada. A considerable number of loyalists took up residence in England and other parts of Great Britain. For some, the time there was brief, a stopping off point before they ventured on to the West Indies or Canada. For others, the stay would become permanent, in a sense a return to the womb which had birthed their colonial experience. There too the loyalist identity blazed brightly for a while but then guttered into obscurity as the government slowly finished its task of compensating the loyalist sufferers for their services and losses.

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The study of loyalists and the identity they fashioned from the shards of their shattered lives reminds us of the resilience and strength of character we have always believed transformed colonists into Americans. In continuous juxtaposition to their effort was the rebel effort to fashion an American identity as well. By examining the "other" against which the new American identity was created we may arrive at a better understanding of who we once were and who we are today.
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