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**DIVIDED HEARTS
MASSACHUSETTS LOYALISTS
1765-1790
A BIOGRAPHICAL DIRECTORY**

Compiled and Edited by
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**GENEALOGICAL DEPARTMENT
CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS**

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FACSIMILE OF AN ACT TO CONFISCATE LOYALIST PROPERTY IN
DORCHESTER, State of Massachusetts v. Vassel, SUFFOLK COUNTY
COURT OF COMMON PLEAS, EXTENDED RECORD BOOK. (SOCIAL
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Robert Seal June 1765

Many General for the Government and people of the province
 they are these that brought in of John to get the [unclear]
 judge in the County of Middlesex [unclear] [unclear]
 to inquire and to inform that the said John to get, was
 the nineteenth day of April 1765 on the [unclear] [unclear]
 and thereby give [unclear] on the twentieth Day of the same April
 being on the [unclear] of the said Province [unclear] of [unclear]
 with [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
 government and people of this province [unclear] [unclear] [unclear]
 than and thus advised to the King of Great Britain [unclear]
 and [unclear] [unclear] of the said Province [unclear] [unclear]
 and then and there did give to them [unclear] [unclear] [unclear]
 that the said John to get by the [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
 [unclear] of Thomas George Esq. [unclear] [unclear] [unclear] of all
 his [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
 the [unclear] of this State met on the first day of October 1765
 the [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
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Preface

Series Editor, Ralph J. Crandall
*Massachusetts Officers in the French and Indian Wars,
1748-1763*
*Massachusetts Militia Companies and Officers in the
Lexington Alarm*
*Massachusetts Soldiers in the French and Indian Wars,
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*Massachusetts Officers and Soldiers, 1702-1722: Queen
Anne's War to Dummer's War*

Every American war has had its dissenters, draft dodgers, or deserters who fled the country rather than fight. Even our first war, the American Revolution, saw a small number of citizens make the choice to side with the British against the Americans. These supporters of the crown called themselves "loyalists" or "friends of government," but to revolutionary patriots they were detestable "tories," a term alluding to the party in England favoring the authority of the king. Regardless of their collective fame, almost all of the individual tories have faded from memory. When the loyalists cast their lot with the losing side, they doomed themselves to an ignominious fate in our folk tales and history books.

The Bicentennial of the American Revolution, however, stimulated a renewed interest in and a greater objectivity towards the loyalists. Yet, despite the recent and rapid growth of literature on the loyalists, there is still much that is not known about them. Although Massachusetts was the cradle of the American Revolution, there is no satisfactory history of its loyalists; nor has anyone made an attempt to compile a definitive list of their names. Numerous basic questions remain unanswered. Why during the prewar years did some citizens oppose any alteration in their political alliance with England? How did the popular leaders control internal war dissenters? How did the patriots treat those that returned?

The Prewar Years

In the political milieu of the eighteenth century two issues constantly surfaced: that of the proper political relationship to the British Empire and that of who should hold power in the Bay Colony. As frequent debates erupted over such events as the Stamp Act in 1765, the Townshend Revenue Act in 1767, the American Board of Commissioners of the Customs in 1767, the arrival of British troops in 1768, the Boston Massacre in 1770, or the Boston

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Tea Party in 1773, response to the questions of Britain and power coalesced around three main political parties: the government party, the patriot party, and the moderate party.

Naturally as members of the oligarchy, those in the government party favored the status quo, arguing that an elite must rule the people, support the supremacy of Parliament's authority, encourage close political and economic ties with England, and espouse nonviolent, gradual change. For decades prior to 1765 members of the party, led by Thomas Hutchinson and his brother-in-law Andrew Oliver, installed themselves or surrogates as judges of the court members of the Council, justices of the peace, militia officers, and county sheriffs.

Thomas Hutchinson's career illustrates both the rise to power and the accumulation of multiple offices by members of the government party. In 1737 the citizenry elected Hutchinson selector man of Boston and representative to the General Court, a position he held until elected to the Council in 1749. In 1752 the government appointed Hutchinson to two new posts—judge of probate and judge of the court of common pleas for Suffolk County. In quick succession he also became lieutenant governor, commander of the castle, and chief justice.

The opponents of Hutchinson and the government party were led by Colonel James Otis of Barnstable and his son, James Otis Jr., who until September 1760 had supported the government party. Father and son joined other discontented patriots only after the senior Otis had been rejected by the colonial administration for a seat on the superior court. In rebellion, they joined the likes of Joseph Hawley, a Hampshire County lawyer; Oxenbridge Thacher, a Boston lawyer; Samuel Adams, a collector of taxes in Boston; John Hancock, a Boston merchant; a number of Congressional ministers (Charles Chauncy, Jonathan Mayhew, and Samuel Cooper); and a few members of the House of Representatives who held no appointive offices. In short, they were all prestigious citizens denied significant access to power and wealth. These patriots opposed the oppressive measures of England, hated the domination of politics by the few, and feared the curtailment of American liberties. They agreed that Parliament was supreme, but questioned British laws. They asserted that Massachusetts's royal charter gave the power of internal government and taxation to the colonial legislature and argued that because the colonists were not represented in Parliament, to tax them would be to violate rights guaranteed since the Magna Charta.

Moderates like Thomas Cushing, John Rowe, John Erving, and John Avery situated themselves between rebels and loyalists. They desired "union and harmony" between Great Britain and her colonies, but they also wanted greater local autonomy. They frowned on the extremists in both camps who would disrupt this harmony. Although favoring duties to regulate trade, they opposed any taxes raised to support officeholders in America or to quarter troops. Not only were they upset with members of the government party who falsely represented Massachusetts as "setting up for independence," but they also vehemently condemned the radical patriots who "insinuated" that rulers in England planned to deprive Massachusetts of her rights.¹

Most of the populace adhered to none of the three factions. The majority supported the patriots in 1765 over the Stamp Act, but had lost interest in radical solutions by the time British troops arrived in 1768. Tempers flared again in 1770 over the death of Bostonians in the Boston Massacre, but anger soon dissipated after the British soldiers were vindicated in the Massacre trials. Had it not been for an inept British policy, almost all citizens might have remained contented for decades. However, after the British ministry decided in 1774 to punish the colonists for the Boston Tea Party, calls for revolution steadily mounted. Instead of complying with British orders to pay for the tea and obey new mandates on governmental reorganization, the citizenry closed down local law courts, harassed government officials, and organized militia units to prepare for war. At this critical point, significant numbers of moderates cast their lot with those who demanded revolution.

The War Years

When in August 1774 British authority collapsed in areas outside of Boston, most counties formed extra-legal conventions. For the first time government party leaders conceded that they had lost control of the helm of state. Chief Justice Peter Oliver asked "why is the sudden transition made, from Obedience to Rebellion, but to gratify the pride, ambition, and resentment, of a few abandoned

1. Thomas Cushing to _____, 9 May 1767, miscellaneous manuscript, vol. 13, Massachusetts Historical Society, Boston, Mass.

demagogues?"² Oliver's sentiments were undoubtedly those of other formerly influential members of a deferential society, who suddenly found their secure world disrupted.

After losing political power, loyalists soon found life in the countryside intolerable. Since the devoted loyalists had openly supported the British in the previous years of controversy, the aroused citizenry made them the subjects of seathing personal abuse. After experiencing the fury of a mob, Thomas Hutchinson, Jr., the governor's son, observed that it was "mighty fashionable . . . for the people to wait on any person who has done any thing that they are pleased to look upon as unfriendly to the cause of liberty & oblige them to confess and promise Reformation."³

Soon the exodus from the countryside to Boston grew from a trickle to a steady stream. The patriots in rural areas forced conspicuous loyalists either to abandon their views or flee to the safety of British troops in Boston. After Lexington and Concord, local committees of correspondence or selectmen in each town became more vigorous in interrogating the king's friends who still remained in the countryside. So many loyalists fled their homes that by the summer of 1775 Boston was overcrowded. Besieged by a patriot army of fifteen thousand, faced with high prices, and suffering an epidemic, almost four hundred adult loyalists left Boston for Nova Scotia or London rather than face possible starvation during the upcoming winter.

By March 1776, the British army abandoned Boston, which had become impossible to defend. An additional 500 adult male loyalists then debated the alternatives of exile or of taking their chances with the patriots. Thomas Oliver estimated that at least 70 families had been too conspicuous in their support of the British and "could never make their peace with the rebels."⁴ These loyalists correctly argued that any patriot could recite the names of the supporters of the government—the multiple officeholders, the backers of the Stamp Act, the violators of nonimportation during the Townshend Revenue, and the allies of the customs commissioners. Samuel Adams and other patriot leaders clearly would never forgive their rivals. Aware that they had no options, 403 adult male loyalists left on

17 March 1776, when the British evacuated Boston. The time for choosing sides had passed for many in the Hutchinson-Oliver establishment.

The exodus of British troops and prominent Tories in March 1776 did not rid the province of all its disloyal citizens. It soon became obvious that while the local committee examinations of suspected persons—held between 1774 and 1776—had helped to enlist some neutral observers and Tories to the patriots' side, other Tories had hidden their true political convictions from the local bodies of examination. Such deception did not go entirely unnoticed. As early as September 1775, a patriot militia company from Worcester serving outside Boston complained of secret Tories who "confessed" their past disloyalty to the province and then "like vermin crawl among the roots of vegetables endeavoring to secrete themselves while they are a nuisance to the cause of justice and judgement, or in sheeps clothing secretly watching for prey to gratify their traitorous appetites."⁵

Many conspicuous political loyalists left before or during the evacuation, but half of all the loyalists tarried in the Bay Colony. Some believed themselves so insignificant that no one would care whether they left or stayed. Others—Abiel Wood and his cohorts, for example, stayed because they believed that they could continue to hold power in their local towns. Pownalboro, Lincoln County, in present day Maine, underwent an internal revolution when Wood and other friends of the king tried to keep their hold on political power. A prominent merchant and selectman in Pownalboro, Wood governed the town before the war. In November 1774, Wood sent his ship to England in defiance of a congressional ban on the importation of British goods. Then, when the citizens attempted to form a committee of inspection to enforce the ban, Selectman Wood refused to call a town meeting under the pretext that a recent act of Parliament forbade frequent assemblies.⁶ Confident in his position, he also publicly declared that Congress had passed the Continental Association only after its members "Drank thirty Bumpers A piece and thereby Got Distracted with Lukor."⁷ He urged the hanging of Boston patriots and told his townspeople

5. Company of Foot Raised in Worcester to the General Court, 27 September 1775, *United States Revolution II*, 2:53, American Antiquarian Society, Worcester, Mass.

6. Timothy Langdon deposition, 9 June 1775, Massachusetts Archives, 154:34, 4A.

7. *Ibid.*, 154:34B, 35.

2. Douglas Adair and John A. Schutz, eds., *Peter Oliver's Origin and Progress of the American Rebellion: A Tory View* (Stanford, Ca., 1961), 145.

3. Thomas Hutchinson, Jr., to Elisha Hutchinson, 22 September 1774, Edgerton 2659, f99, British Museum, London.

4. Lt. Governor Thomas Oliver to Dartmouth, 26 January 1776, Gay Transcripts: State Papers, 13:123-127, Mass. Hist. Soc.

not to obey the provincial congress, because most of its members had been in the tea. The tea was destroyed, and the people were "Dand Villins that Destroyd the Tea and Acted there on to Deceive the people and Stir Up Rebellion."⁸

Although Wood blocked the first attempt to form a committee of inspection, on 8 May 1775 the Massachusetts Provincial Congress ordered local committees to examine disloyal subjects.⁹ By this time Pownalboro had chosen new selectmen and called for the election of a committee of inspection. After examining witnesses, the committee found Wood guilty of violating the Continental Association, declared him an enemy, and ordered him to return his imported goods to England. Instead, he sailed for Nova Scotia and sold the condemned cordage, iron, and anchors.¹⁰

During Wood's voyage to Nova Scotia, Thomas Rice, a friend and former selectman, criticized the committee's treatment of Wood. Rice then persuaded the people of Pownalboro to form a committee of correspondence which he and his friends were able to dominate. With a rival committee in place to counter the patriot committee of inspection, Wood could now return. Upon Wood's arrival in Pownalboro, the committee of correspondence voided his census and gave him a permit to carry more goods to Nova Scotia. In appreciation of Rice's services, Wood promised a barrel of rum to the townsmen if they elected Rice to Congress. Members of the tory faction therefore rode around town urging citizens to vote for Rice and even arranged for unqualified voters to cast ballots. When Rice won, thirty-four inhabitants protested his election on the grounds of his past disloyalty and the dubious election practices.

The General Court refused to unseat Rice, but it approved the committee of inspection's decision to declare Wood an enemy. Noting that the Continental Congress had directed only committees of inspection to judge violations of import laws, the legislature denied that committees of correspondence had any jurisdiction.¹² Encouraged by this vote of confidence, the inspectors recalled Wood and commanded him to stop sending goods to Nova Scotia. Wood

promised to take his cause to the General Court in one week, but instead toured the countryside claiming that the committee planned to starve the town. By means of this lie Wood persuaded forty persons to demand a town meeting to examine the conduct of the committee of inspection. After electing tory Jonathan Williamson as moderator, the town dismissed the committee. Having destroyed his opponents, Wood sailed on his third trading trip to Nova Scotia.¹³ But members of the recently ousted committee of inspection complained to the state government that the men of power in town were tories. This protest brought the General Court into action and it ordered Wood arrested until he posted a bond of £1,000 for good behavior.¹⁴

These were only temporary setbacks for political cronies Rice and Wood, who remained throughout the war in Pownalboro. Rice in 1781 was elected senator from Lincoln County and Wood never became a docile tory. In June 1779, Wood began a legal suit for defamation of character against a fellow townsman, Timothy Parsons. Parsons in 1777 alleged that Wood was guilty of "treason" for supplying the enemy with seventy quarters of beef and conveying intelligence to British authorities at Halifax. Wood by 1779 had recaptured enough prestige in the community that a jury of townsmen awarded him £200 damages for such "false and scandalous" accusations.¹⁵

Although tories were occasionally brought to trial throughout Massachusetts, the official legislative and legal purge of tories was mild. Though treason was punishable by death, not a single tory suffered execution. Even an obstinate tory like Doctor James Lloyd of Boston met with mild treatment and never left despite repeated attempts to expel him. Lloyd was examined by the court of inquiry in 1776, found guilty at the special court of general sessions of peace in 1777, and imprisoned under the Test Act in 1778. He was to weather these political storms, however, and play a significant role as a correspondent and legal adviser for many exiled loyalists.

Peter Van Schaack, a New York loyalist sent to Massachusetts as a prisoner, was astonished by the kind treatment accorded the Massachusetts tories. In contrast to the harsh techniques of the New York patriots, Van Schaack felt that Massachusetts granted

8. *Ibid.*
9. William Lincoln, ed., *The Journals of Each Provincial Congress of Massachusetts in 1774 and 1775* . . . (Boston, 1838), 205.

10. Selectmen of Pownalboro to the General Court, 9 June 1775, Mass. Archives 154:32, 32A.

11. Inhabitants of Pownalboro to the House of Representatives, 11 July 1775, *ibid.*, 154:33, 33C.

12. 3 August 1775 Resolve, *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, 21 vols. (Boston, 1869-1922), 19:21.

13. Committee of Inspection of East Precinct of Pownalboro to the General Court, December 1775, Mass. Archives, 154:36, 36C.

14. 25 December 1775 Resolve, *Acts and Resolves*, 19:182.

15. Lincoln, Massachusetts, Inferior Court Records, June 1779.

every "Indulgence consistent" with the "Public Safety" to suspected persons. He noted that in "all they do they have an Eye to the *Public* and are not animated by Party or personal Motives." Although he was a convicted tory, Van Schaack received from the Boston gentry letters urging patriots to show him benevolence.¹⁶

Even though the legislature often failed to expel many tories, violent patriots did drive some out of the state. Edward Winslow, who for nine years was "the butt of the licentious, and has received every species of insult and abuse, which the utmost rancour and malice could invent," finally left in December 1781.¹⁷ The violence of mobs and the efforts of individual towns, not the work of politicians, drove an additional 138 tories (22 percent of the remaining tories) into flight. Despite the laxity of the General Court in persecuting tories, some local towns were able to intimidate those who remained, driving them into silent submission. At least 489 tories (one-third of all the Massachusetts loyalists) never left the state.¹⁸

The Return of the Loyalists

One might easily forget these revolutionary dissenters had they all left or stayed in exile. Like prodigal sons, however, numerous loyalists braved the unknown and returned to Massachusetts. In 1776 both statesmen and average citizens were perplexed over the best policy towards returning loyalists. Their ensuing disagreements concerning the fate of those who had fled remarkably resembled debates that were to rage after other wars in later American history. For example, although the pastor of Salem's Presbyterian church stridently preached against the return of any loyalist refugees, many townsmen would have permitted war dissenters to return, as long as the exiles remembered to "get down on their knees and ask pardon."¹⁹ The incident at Salem was repeated throughout

16. Peter Van Schaack to Henry Cornelius and David Van Schaack, Boston, 14 February 1777, Ayer Manuscript, 944a, Newberry Library, Chicago.

17. Edward Winslow to the Commissioners on American Loyalists, Halifax, 23 October 1783, Audit Office Papers, 13/45:554-556, Public Record Office, London.

18. For more documentation see David Edward Maas, "The Return of the Massachusetts Loyalists" (Ph.D. diss., University of Wisconsin, 1972).

19. The Reverend Nathaniel Whitaker published a sermon against returning tories in 1777 entitled "An Antidote Against Toryism," in Charles Evans, *American Bibliography* (Chicago, 1903-1959), 15709. In 1783 he reacted violently to the peace

Massachusetts. And because the national government was such a weak entity in the years after the Revolution, one must study the history of a state—say of Massachusetts from 1776 to 1790—to see how the new society dealt with the legal and moral problems of amnesty.

As early as March 1776, eleven days after the British evacuated Boston, Massachusetts had to handle its first returning loyalists when Jolley Allen and other tories shipwrecked and then were captured at Provincetown.²⁰ At first, because of the absence of specific laws, the legislature condoned a random program of imprisonment and persecution. Allen, for example, spent 317 days in close imprisonment, during which time his wife died and the state sold all his personal effects to pay his expenses.²¹ William Jackson, another early tory prisoner, claimed he was forced to walk seventy miles "every step in Mud and Mier up to his knees, on the Road he was Pelted with Mud, Sticks, Stones, Rotten Eggs and every filth."²² Once in Boston, Jackson spent four months in solitary confinement, and after his release on a bond of good behavior he quickly fled to the British army.

Although Allen and Jackson were tories, they were also prisoners of war. But did tories who returned voluntarily receive different treatment? The first such returnees—twelve Marshfield loyalists who sailed with the British evacuation but soon came back to Marshfield—were promptly arrested by local authorities and confined for four months in Plymouth jail. From their cells, they petitioned the General Court for release, stressing that only "fear" and their "timid Minds" had prompted their disloyalty. Because the local committee of correspondence supported their petition, the legislature lessened their punishment to confinement in their own homes.²³ These exiles received mild punishment, considering

treaty by publishing a sermon called "The Reward of Toryism," *ibid.*, 18312; William Pynchon to Samuel Curwen, Salem, 2 March 1784, Curwen Family Papers, 1:33, Essex Institute, Salem, Mass.

20. Selectmen of Provincetown to the General Court, 24 May 1776, Mass. Archives, 181:62-68.

21. 8 February 1777, Memorandum, Minute Book of Jolley Allen, 11, American Antiquarian Society; 15 April 1777 Resolve, *Acts and Resolves*, 19:885.

22. William Jackson to the Commissioners on American Loyalists, 22 March 1784, Audit Office Papers, 13/74:302-304.

23. Benjamin Stockbridge et al., to the General Court, September 1776, Mass. Archives, 181:265; the Committee of Correspondence of Scituate et al., to the General Court, 9 September 1776, *ibid.*, 181:264; 18 October 1776 Resolve, *ibid.*, 181:265.

the bitterness prevalent throughout the land during the early years of the Revolution.

John Amory, a distiller who had left a wife and ten children in Boston, was not so fortunate. He returned home in early 1778, unable to bear further separation from his family. The very next day the Boston committee of correspondence, the House of Representatives, and a joint committee of both houses separately interrogated Amory. When asked to renounce the king and bear arms, he refused and offered only to take the oath, to pay taxes, to obey the laws, to live peaceably, and not to conspire against the state. Largely because of his refusal to bear arms, both houses ordered him deported to Rhode Island, not to return, on penalty of death.²⁴

These were not isolated cases of returnees, for over half of the loyalists returned to Massachusetts, either by force or voluntarily, from 1775 to 1782, prior to the end of the war.²⁵ Faced with the return of so many wayward citizens, the politicians of Massachusetts soon realized they had to formulate a policy. To this end, the legislature on 3 February 1778 passed the first anti-amnesty law, as part of the 1778 Test Act, forbidding the return of any absentee who had joined the British since 17 April 1775 unless he first obtained a license from the legislature or the governor.²⁶

Four months later, Sampson Salter Blowers, a former Boston lawyer who had alienated many by defending British soldiers, requested a license to return.²⁷ But when word spread about the pending applications of Blowers and three other Tories, four hundred Bostonians requested a town meeting. On 6 August 1778 they voted unanimously that no person who had joined the British could ever come back, and they petitioned the legislature to pass a stronger law of banishment.²⁸

This petition led to the passage of a banishment act on 16 October

24. John Amory to James Lovell, Providence, 12 February 1778, Ms. Acc. 730, Boston Public Library; Isaac Smith to the Reverend Isaac Smith, Jr., Boston, 10 February 1778, Smith-Carter Papers, Mass. Hist. Soc.; Nathaniel Appleton to James Lovell, Boston, 28 April 1778, Ch.F.2.29, Boston Public Library.

25. Unless otherwise noted, all the statistics presented in this article come from a computer study of 1,489 loyalists of Massachusetts. For more details on methodology and other results of the canned STATJOB computer program see Maas, "Mass. Loyalists."

26. 3 February 1778 Act, *Acts and Resolves*, 5:770-772.

27. *Boston Gazette*, 27 July 1778.

28. 6 August 1778, *Twenty-Sixth Report of the Record Commissioners of the City of Boston* (Boston, 1895), 27, 28.

1778. Although some politicians were against an indiscriminate banishment policy because it did not distinguish between real traitors and mere frightened neutrals, the new law forbade forever the return of 308 particular individuals, including both Blowers and Amory.²⁹ If any dared to return, they were to be examined by a justice of the peace and deported by the board of war. Any named absentee returning a second time could face a sentence of death.³⁰

Within a week of the bill's passage, four loyalists (Francis Johnston, Jr., Samuel Pepper, William Green, and Sampson Salter Blowers) arrived separately in Boston. The first to experience the law's force, the four had not known of the law when they had begun their voyages of return. When Blowers rode into Boston and informed the Council of his presence, it told him to notify a justice of the peace. The justices treated him with decency, willing to aid him "as far as they dared" and allowing him until 6 PM to report to the jail.³¹ Blowers then rushed off to the bedside of his ill wife, but in the midst of his visit he was interrupted by a messenger from the Boston committee of correspondence. Told that five hundred men would drag him out of his home if he did not report voluntarily, Blowers went promptly to Faneuil Hall, where he endured an "impertinent" examination by the Boston committee of correspondence. As this meeting was in progress William Cooper, the Boston town clerk, and Benjamin Edes, the editor of the *Boston Gazette*, assembled a large mob outside Faneuil Hall. When Blowers left for the jail, the citizens, according to his own account, "bay'd him, like blood-hounds, with all the Indecency, Scurrility & Brutality of Language."³² Yet this proved to be only the beginning of his misery. Confined in a "dismal stinking lower room" with three rooms of prisoners above him, he had to dodge the excrement of the prisoners above and only "preserved his life by burning frankincense."³³ When finally released, he quickly left the state, never to return.

²⁹ For the names of all individuals banished see James Stark, *The Loyalists of Massachusetts* (Boston, 1910), 137-140.

³⁰ 16 October 1778 Act, *Acts and Resolves*, 5:912-918.

³¹ Sampson Salter Blowers to Jonathan Bliss, New York, 24 November 1778, *Acts and Resolves*, 13/43:532, 533.

³² *Ibid.*; Jonathan Sewall to Thomas Robie, 29 July 1779, Letters for the Most

³³ *Ibid.*; from Jonathan Sewall, the Sewall Collection, Mass. Hist. Soc.

Although Johnnott, Pepper, and Green returned during the same week as Blowers, the Council eventually excused all three from banishment and granted them citizenship.³⁴ For a number of reasons these men received generous treatment while Blowers suffered such punishment. The Council argued that it had the authority to use discretion in particular cases.³⁵ After all, it argued, Johnnott had been a mere youth in 1776, and the other two were inconspicuous Tories, while Blowers had been a prominent supporter of the king before the war. In addition, the three who received light punishment had remained neutral in exile. In fact, Johnnott renounced his allegiance to England as soon as he had arrived back in Boston and enlisted in the Continental army.³⁶ The Council also had a small number of patriot politicians who consistently favored leniency toward most loyalists.³⁷ But the support of prominent citizens proved decisive in securing lenient treatment for Johnnott, Pepper, and Green. John Avery (deputy secretary of the Council), Thomas Cushing, John Adams, and James Bowdoin were among the 156 Bostonians who signed a petition supporting the restoration of Johnnott's citizenship.³⁸

By 1779 the legislature had adopted a conciliatory procedure designed to consider each case individually. It admitted moderate or inconspicuous Tories but rejected those who had borne arms or held office in the Hutchinson-Oliver oligarchy. The Boston committee of correspondence opposed the repatriation of any returnees, yet the Council and an increasing number of representatives in the house favored a selective policy of admission.

Several factors led to the development by 1779 of such a humane policy. The flames of war hatred had been dampened by that time by the shift of British military operations to the southern colonies. In addition, more and more citizens and politicians saw that selective readmission was far preferable to indiscriminate exclusion. John Hancock, earlier a rabid Tory hater, saw the wisdom of admitting a few loyalists in this manner and even wrote a letter urging the

34. *Boston Gazette*, 30 November 1778.

35. The Board of War to the Council, 27 October 1778, Mass. Archives, 169:271; 28 October 1778 Council Resolve, *ibid.*

36. 9 January 1779, Massachusetts House and Senate Journals, Mass. Archives; 9 January 1779 Resolve, *Acts and Resolves*, 10:548.

37. The Council to the House of Representatives, 6 January 1779, Mass. Archives, 158:129-133.

38. The Inhabitants of Boston to the General Court, January 1779, Mass. Archives, 184:314, 315.

exile Martin Gay, an experienced coppersmith, to return as a citizen.³⁹ The government also had been generous to remaining Tory wives, and in only a small percentage of the cases did they confiscate family estates. All of these preceding reasons, combined with the rise of more conservative representatives to the General Court, explain why more moderate spirits prevailed on the amnesty issue. This generous amnesty program was further conditioned by the fact that in Massachusetts the Tories never presented the threat of a potential fifth column, for only 2 percent of the state's males had become loyalists.⁴⁰ And even during the war years, many politicians had been willing to forgive inconspicuous opponents. As a result, 627 (42 percent) of the Massachusetts loyalists had remained in the state after the British evacuation.⁴¹

These remaining Tories maintained a low political profile and enjoyed a normal life. Thus in 1779, Abigail Adams's daughter socialized with the Tory Watson family, since Miss Adams did not meddle in politics and "therefore can have friends upon either party."⁴² Dr. Edward Augustus Holyoke, a prominent physician of Salem, enjoyed the good opinion of his neighbors because he was "a moderate Tory; not a high flying Jacobite."⁴³ Less fortunate was a Hampshire Tory who in 1778 was jailed after audaciously informing the local committee of correspondence that "he was in *lingue a whig*;—in *heart a Tory*; and that his ass was a committee of correspondence."⁴⁴

On 30 November 1782 the diplomats concluded the treaty of peace, ending the revolutionary war. The peace magnified and briefly distorted the issue of amnesty by opening the door for the return of many prodigal sons. Although the American delegates achieved their goal of independence, Benjamin Franklin feared that he and his fellow negotiators "may have yielded too much

39. Martin Gay to Thomas Brown, Cumberland, 30 March 1781, Gay-Otis Papers, Columbia University Special Collections.

40. The percentage was reached by excluding all widows, spinsters, and youths from the 1,489 loyalists. The remaining 1,423 males over 16 years were then compared to the 1772 total male population of 71,779. Everts B. Green and Virginia D. Harrington, *American Population Before the Federal Census of 1790* (Gloucester, Mass., 1966), 30.

41. For documentation see Maas, "Mass. Loyalists" chap. 4.

42. Abigail Adams to Miss Betsey Cranch, 15 March 1779, Plymouth, Cranch Family Papers, Mass. Hist. Soc.

43. David Parsons to Edward Augustus Holyoke, 5 June 1778, Amherst, Holyoke Family Collection, Box 5, Essex Institute.

44. *Ibid.*

in favor of the royalists," because the treaty forbade future confiscation and required Congress to recommend to the states the restitution of all estates, rights, and personal effects of the loyalists.⁴⁵ Their fears of a hostile American reaction to these amnesty provisions proved well founded. When terms of the treaty reached Massachusetts, local newspapers warned against the return of the tories. One correspondent allegorically depicted the returning tory as one who trampled the garden of liberty wearing a "cap with this motto in front, MONARCHY RESTORED, OUR ESTATES REGAINED: under the cloak of each was concealed a dagger, pointing with antipathy to Republicanism."⁴⁶ The first exile to return to Massachusetts after news of peace was immediately run out of town "with a handspike under his crotch, and a halter around his neck."⁴⁷ The Massachusetts legislature, in response to numerous town petitions, on 2 July 1783 authorized the governor to banish returning tories without a jury trial.⁴⁸

But despite this initial hostile reaction, Massachusetts after 1783 rapidly became more lenient. On 14 January 1784 Congress recommended that all states comply with the terms of the peace treaty. Massachusetts quickly responded, and in April 1784 the Suffolk inferior court dismissed twenty confiscation libels against tory estates, with the attorney general beginning no new actions after that date.⁴⁹ Furthermore, in 1784 the state supreme court used the treaty to justify the release of two tories who had been indicted for disloyal speech. And in August 1784 the court decided that Thomas Brattle, a returned loyalist, was a citizen and ordered that he could recover his Boston property.⁵⁰

Although politicians did not rewrite the laws to comply perfectly with the terms of the treaty, by March 1784 they had adopted a more humane law giving the governor the power to grant absentees a license to return.⁵¹ Thus the governor had the ability to discriminate

45. Benjamin Franklin to Robert R. Livingston, Paris, 4 December 1782, in *The Revolutionary Diplomatic Correspondence of the United States*, ed. Francis Wharton, 6 vols. (Washington, D.C., 1889), 6:106, 107.

46. *Boston Gazette*, 10 March 1783.

47. *Ibid.*, 5 May 1783.

48. 2 July 1783 Act, original papers, Mass. Archives.

49. Worthington Ford, ed., *Journals of the Continental Congress, 1774-1789*, 34 vols. (Washington, D.C., 1904-1937), 26:30; Record of the Inferior Court of Common Pleas, Boston, 20 April 1784, Suffolk County Courthouse, Boston.

50. Cases of John Williams, Justus Wright, and Thomas Brattle, Supreme Judicial Court Records 1784, 144-146, 210.

51. 24 March 1784 Act, original papers, Mass. Archives.

between degrees of disloyalty, admitting those "who would be useful to good Citizens," but not the "highly dangerous" ones.⁵² Although bills for amnesty or repeal of all laws contrary to the treaty were introduced seven times from 1784 to 1785, they invariably failed to gain passage.⁵³ Because taxes, debts, and Shays's Rebellion dominated the political stage, the pro-loyalist legislators gave up after 1785 in their efforts for an amnesty law.⁵⁴

Had it not been for pressure from the Confederation Congress, the legislative history of amnesty in Massachusetts would probably have ended in 1785. But on 21 March 1787 Congress, hoping to gain both a favorable commercial treaty with England and the British evacuation of western forts, resolved that the states must obey a national treaty.⁵⁵ Furthermore, all states were urged to follow a standard for "declaring in general terms, that all such acts and parts of acts, repugnant to the said treaty, shall be, & are repealed."⁵⁶

On 30 April 1787 the Massachusetts legislature, without a dissenting vote, passed the requested law.⁵⁷ In the past the legislature had always voted down universal amnesty for tories and instead had established a policy of selective readmission. Why did it now unanimously agree to repeal these laws? Since no one in the eighteenth century offered an explanation for this event, we can only speculate about the motives.

Clearly, many citizens were now more tolerant of tories. John Worthington, a remaining Springfield tory who had been a close

52. Samuel Adams to John Adams, Boston, 16 April 1784, in *The Writings of Samuel Adams*, ed. Harry Cushing, 4 vols. (New York, 1908), 4:293-297.

53. Mass. House and Senate Journals, 1784-1785, Mass. Archives. For the story of these efforts see Maas, "Mass. Loyalists," chap. 10.

54. The journals of the house contain only four roll call votes on the loyalists. On 27 February 1783 it voted 52-51 against Thomas Brattle's return. Then on

55. June 1783 the house voted 83 to 67 against a bill to exclude certain tories. On 2 November 1784 it renewed the licenses of returnees by 60 to 59. The final roll call on 15 November 1785 was omitted.

56. Every time John Adams, American minister to England, demanded British evacuation, the British countered by pointing out American violations of the peace treaty. John Adams to John Jay, 4 March 1786, Department of State, in *The Diplomatic Correspondence of the United States, 1783-1789*, 7 vols. (Washington, D.C., 1833-1834), 2:80, 581.

57. Therefore, on 3 May 1786 John Jay, the secretary for foreign affairs of the Confederation Congress, sent out a circular letter to all the states inquiring how far each had complied with Congress's earlier recommendation to repeal all laws contrary to the treaty of peace. Most states replied so negatively that Jay convinced Congress to pass the new resolve.

58. 27-30 April 1787, Mass. House and Senate Journals, Mass. Archives.

59. Copy of report of Congress, 21 March 1787, in 30 April 1787 Act of Massachusetts, original papers, Mass. Archives.

advisor of every royal governor from Shirley to Hutchinson, felt so secure by 1786 that he wrote Governor James Bowdoin to recommend William Williams, a fellow tory, for a position of justice of the peace. Worthington freely admitted that Williams had been a tory, but in Hampshire County "party names now weigh very little . . . people are become cool, considerate, and wise enough here . . . to wish to see abler men in office."⁵⁸

The new law also partook of a growing sentiment of nationalism that would lead to the Federal Constitution of 1787.⁵⁹ This is confirmed by the fact that Massachusetts prefaced its repeal of all laws contrary to the peace treaty by noting that "the good faith and Honor and interests of the United States" were at stake.⁶⁰ Most proloyalist representatives, who stressed the need to honor a national treaty, later became Federalists.⁶¹

Shays's Rebellion may also have influenced passage of the law. The proloyalist legislators could point to the violence of the rebellion as proof that conservatives needed the support of returning tories against the radical, leveling madness of the people.

Mainly, however, the act was passed unanimously in April 1787 because it did not repeal any significant laws against the loyalists. The legislature had agreed only to void laws "repugnant" to the

58. John Worthington to James Bowdoin, 29 March 1786, Springfield, Bowdoin-Temple Papers, vol. 4, Mass. Hist. Soc.

59. John Worthington to James Bowdoin, 29 March 1786, Springfield, *ibid.* In accordance with the request of Congress, other states also repealed their laws against the tories. Papers of the Continental Congress reveal that:

States repeal laws contrary to the treaty

N.H.	15 September 1786
Mass.	30 April 1787
Conn.	10 May 1787
Md.	15 May 1787
R.I.	September 1787
Va.	12 December 1787 with proviso that the repeal not take effect until black slaves seized by Britain.
N.C.	22 December 1787
Del.	2 February 1788
N.Y.	22 February 1788
Penn.	3 March 1788. They stated that there were no laws in force repugnant to the treaty.
N.J.	Probably 1788
S.C. & Ga.	No repeal by 1788

60. 30 April 1787 Act, original papers, Mass. Archives.

61. In sharp contrast to the good correlation of proloyalists and later federalists was the later vote of the antitory legislators. There was not the same degree of correlation between antitoryism and antifederalists.

peace treaty, and from its viewpoint laws against the tories were still valid since none was contrary to the treaty. Between 1787 and 1790 the legislature granted citizenship to nine returned tories and decided several petitions concerning confiscated estates.⁶² If all laws against the loyalists had in fact been repealed, such legislative actions would have been unnecessary. Massachusetts never did repeal discriminatory laws against twenty-nine of the most prominent tories labeled in an earlier law as notorious conspirators. This, at least, was the verdict of an 1804 Massachusetts house committee investigating the effects of the treaty of peace.⁶³ In practice, the repeal had little impact but to waive the requirement that returnees obtain a license to reside in the state. Those who fought against America were permitted to return, and all nonconspirators could sue for their debts.⁶⁴

To a certain extent, public opinion also became more tolerant of returning tories. Returnees met, to say the least, with varying degrees of cordiality upon their return. Isaac Winslow, for example, landed in Boston on 4 May 1784 and reported a cordial welcome—"civil beyond my utmost expectation"—yet Samuel Stearns arrived the same year, was arrested within twenty-four hours, and was kept in jail for the next three years.⁶⁵

Several things help to explain such a disparity in reception. The attitudes, be they hostile or sympathetic, which individual towns had adopted towards toryism during the war hardened during the amnesty debate. Thus William Vans, Salem's representative in the legislature, wrote that Salem's leniency was "different from some other Towns, who have acted with great violence at least in words."⁶⁶ Vans's observation was graphically illustrated in the case of Mary Pickman, the wife of returnee Colonel Benjamin Pickman of Salem.

62. For these special acts of citizenship see *Acts and Laws of the Commonwealth of Massachusetts*, 13 vols. (Boston, 1890-1898), 4:579, 580; 5:38, 39, 105, 106; 19, 21 November 1778, Mass. House and Senate Journals, Mass. Archives.

63. Report of the Committee on the Subject of Confiscated Estates and Order Thereon, 3 March 1804, *Acts and Laws*, 918-922.

64. Harrison Gray Ouis to Harrison Gray, 2 June 1789, in Samuel Eliot Morison, "The Property of Harrison Gray, Loyalist," *Transactions of the Colonial Society of Massachusetts*, 14(1913):320-350.

65. Isaac Winslow to Polly Winslow, Boston, 5 May 1784, in *Biographical Sketches of Graduates of Harvard University*, 17 vols., eds. John Langdon Sibley and Clifford K. Shipton (Cambridge, Mass., 1873-1975), 15:345; Samuel Stearns to the Commissioners on American Loyalists, 24 September 1789, Audit Office Papers, 13/48:663-681.

66. William Vans to Samuel Curwen, Salem, 2 January 1784, *The Essex Institute Historical Collections*, 58(1928):288-290.

Mary had remained in Salem throughout the war and "was admitted to all circles and considered too sacred to be touched by the violence of parties." Yet when she died in 1817, Marblehead, always more antitory than Salem, refused to send a representative to her burial.⁶⁷

The occupation of returnees also significantly influenced a town attitude towards its tories. Marblehead's residents offered forgiveness to the Thomas Robie family in exchange for their establishment of an inexpensive dry goods store.⁶⁸ Medical doctors, always in short supply, normally received an enthusiastic welcome. For example, in 1787 the tory Dr. William Paine resumed his practice in Salem; two years later Dr. John Jeffries returned to Boston and became the family physician to many notable patriots, including Vice President John Adams.⁶⁹

The extent of a tory's political involvement before the war also helped to determine whether he would be rejected or admitted. None of the twenty-nine notorious conspirators or mandamucouncilors was able to return to America. Only 14 percent of all repatriated tories had been political officeholders in the Hutchinson or Bernard administrations, and only three of them had been actively involved on the British side in issues before the war. Most returnees had remained passive during the war, refraining from both military and civilian service for the British army.

Finally, the friendship of powerful citizens often assured readmission. Abigail Adams complained that "friends and connections obstructed 'impartial justice' since 'we catch flies and let the wasps go.'"⁷⁰ In this way, Theodore Sedgwick, after bribing two Berkshire County justices of the peace, secured citizenship papers for his friend Henry Van Schaack.⁷¹ Political allies, however, could become liabilities. John Temple, former commissioner of customs and son-in-law of James Bowdoin, returned in 1781, but his readmission was so overshadowed by an intense power struggle between

Bowdoin and John Hancock factions that he had to give up and return to England.⁷²

The same diversity appeared in the loyalists' efforts to regain their debts and real estate. The outbursts of antitoryism in 1783, in response to the peace treaty, had a limited but only temporary impact on the courts. From 1778 to 1783 the tories had won ten out of their eleven cases brought to the supreme judicial court, but after the peace treaty they lost every case in 1783. From 1784 to 1789, however, they again won more cases than they lost.⁷³ Frederick William Geyer of Boston, for instance, returned to America and in the 1786 session of the inferior court sued sixteen individuals for past debts; in all but two cases the threat of legal action forced the debtors to settle out of court.⁷⁴ From 1785 to 1787, Thomas Robie, another returnee, won seven cases for debt or trespass of property and lost only one case. He won his most significant victory against the town of Marblehead for illegal seizure of his land. In 1791, after the inferior court had issued seven executions, Marblehead finally returned to Robie his confiscated mansion.⁷⁵

Whether one won or lost in his attempt to recoup losses often depended upon the degree to which his loyalty was suspect. The twenty-nine conspirators, whether returning in person or working through a lawyer in America, recovered only token payment from the government and nothing from private individuals. In contrast, the nonconspirator William Vassall, after fourteen years of litigation, recovered all his real estate, although he did lose an estimated five thousand pounds in uncollected private debts and plundered furniture.⁷⁶

Many tories with large potential losses recovered property with the help of clever and prominent patriot lawyers or through legal manipulations. Isaac Royall employed James Bowdoin and Oliver Wendell; Charles Ward Apthorp hired Perez Morton; Henry Van

⁷² Samuel A. Otis to Theodore Sedgwick, 8 July, 30 July 1782, Boston, *ibid.*; Nathan Tufts to John Adams, 26 September 1782, Adams Papers, reel 358, Mass. Hist. Soc.

⁷³ See the Records of the Supreme Judicial Court, Suffolk Co. Courthouse.

⁷⁴ Records of the Inferior Court of Common Pleas, 1784-1786, Suffolk Co. Courthouse.

⁷⁵ *Ibid.*, 10:110, 490, 491, 609; 11:105, 220-222, 232; Essex County Deeds, 1784, 183.

⁷⁶ William Vassall to William Tudor, 26 February 1788, manuscript, Houghton Library, Harvard University; William Vassall to James Lloyd, 5 November 1794, *ibid.*

67. William Bentley, *Diary of William Bentley, D.D., Pastor of the East Church, Salem, Massachusetts* (Salem, 1914), 451.

68. Mary Robie to Miss Hetty Robie, Marblehead, 20 July 1784, to Theodore Sedgwick, 8 August 1784, 12 November 1787, Robie-Sewall Papers, Mass. Hist. Soc.

69. 11 November 1789, Jeffries Family Papers, 31:564, Mass. Hist. Soc.

70. Abigail Adams to John Adams, 29 July 1776, Boston, in *Adams Family Correspondence*, ed. L. H. Butterfield (Cambridge, Mass., 1963), 2:66.

71. See numerous letters between Henry Van Schaack and Theodore Sedgwick in Theodore Sedgwick Papers, Mass. Hist. Soc.

Schaack enlisted the legal services of Theodore Sedgwick; exile George Erving secured James Bowdoin's aid. Evidence from the registry of deeds offices and inferior court records proves the wisdom of their strategy—all of them recovered debts and land.⁷⁷ Other exiles recouped their losses by granting powers of attorney to family relations who remained in Massachusetts. Exiles Lewis Deblois and Jonathan Bliss appointed their brothers; exile John Chandler appointed his three sons as his attorney; and Joseph Hooper and Michael Coombes, both formerly of Marblehead appointed their remaining wives.⁷⁸

Loyalists did find it almost impossible to collect private debts, especially those too small to justify the expense of a law suit. Some citizens felt that "liberty times" meant the liberty not to pay their debts to either Tories or patriots. Cotton Tufts, John Adams's lawyer during his absence as American ambassador to England, complained that "the collection of debt is a trial of patience and where recourse is had to law the process is tedious—and I apprehend more expensive and lengthy than need be."⁷⁹ A patriot in western Massachusetts in 1783 noted "it is as much impossible for the people with us to pay their debts—as to create a new world! . . . If these are the *blessed effects of revolution* I never wish to see another."⁸⁰ By 1787, exile Samuel Sewall was so discouraged that he ordered his lawyer to accept merchandise or farm produce in payment of debts and wisely suggested that any debtor who could not pay should sign new notes of security.⁸¹ A loyalist who returned to collect debts in person, Mather Byles, Jr., consistently accepted a 20 percent reduction on all his debts because of "Yankynism." He sarcastically noted that "prompt Pay without any further Shuffling or Chicanery; Deduction or Depreciation: It is enough to make the Wilderness

forget to howl!"⁸² Some loyalists were cheated by unscrupulous debtors, and many borrowers with good reputations in 1774 had died during the war or become insolvent.⁸³ Even if honest patriots desired to settle accounts, the post-war shortage of specie, economic depression, and bankruptcies made it anything but an auspicious time to collect debts.

A few loyalists returned too late to reclaim their fortunes. For example, Samuel Curwen arrived in September 1784 to discover that his estate had been squandered. During his nine-and-a-half years of exile, his wife's infatuation with her nephew had cost Curwen everything. The nephew, who according to Curwen, was "restrained by no principle but a want of money, to buy rum, and furnish a whore or flourish away in a tavern" had persuaded his aunt to give him the key to Curwen's books, coin collection, and wine cellar.⁸⁴

We must, in the end, consider many variables in judging the relative success or failure of the Tories in their attempts to claim their wealth. Some succeeded in reclaiming debts while others got nothing for their efforts. Almost all, however, made no attempt to recover any of their losses, and each year fewer and fewer Tories made the pilgrimage in search of confiscated estates.⁸⁵ Exorbitant legal costs meant some who did try actually lost money. Thus the heirs of John Erving spent \$500 and two years in Massachusetts courts to salvage \$532.⁸⁶ Although a few reclaimed their homes, they often celebrated empty victories, for until 1787 the law required the Tories to resell the land within three years. After twelve years of wartime ravage, scarcity of cash, and low prices for land, the loyalists sold at bargain prices.⁸⁷ Clearly, the Tories' victories could lose what luster they had through the tarnishing effects of hostile legislation, reluctant debtors, and greedy patriots.

Most returnees became peaceful and active members of society. John Gardiner, who regained his citizenship in 1784, quickly became

77. Henry Van Schaack to Theodore Sedgwick, 2 April 1785, Theodore Sedgwick Papers; C. W. Apthorp's power of attorney, 11 October 1788, York County Deeds 52:92; Isaac Royall's power of attorney, 7 June 1780, Bowdoin-Temple Papers, vol. 3; James Bowdoin to George Erving, 16 August 1783, Bowdoin Papers, vol. 28, Mass. Hist. Soc.

78. Michael Coombes's power of attorney, 11 March 1785, Essex Co. Deeds 145:142, 143; John Chandler's power of attorney, 19 March 1785, Hampshire Co. Deeds 3:257, 258; Joseph Hooper's power of attorney, 16 May 1785, Essex Co. Deeds 148:151; Lewis Deblois's power of attorney, 30 April 1790, York Co. Deeds 53:7.

79. Cotton Tufts to John Adams, 12 January 1786, Adams Papers, reel 367.

80. Israel Atherton to E. A. Holyoke, 9 January 1783, Holyoke Family Papers.

81. Samuel Sewall to George Thatcher, 25 June 1787, Marblehead, photostats, Mass. Hist. Soc.

82. Mather Byles, Jr., to Katherine and Polly Byles, Halifax, 20 June 1786, Byles Family Papers, 2:11-13, Mass. Hist. Soc.

83. Francis Green to the Commissioners on American Loyalists, Halifax, 20 August 1788, Audit Office Papers, 13/45:498, 499.

84. 25 September 1784, Curwen Diary, typescript, Essex Institute.

85. Harrison Gray Otis to Governor John Hancock, 1791, Boston Public Library.

86. Samuel Peters to Samuel Parker, 3 April 1793, Samuel Parker Papers, Diocesan Library, Boston.

87. John Anstey to the Commissioners on American Loyalists, 4 November 1787, Audit Office Papers, 12/81:8, 9.

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a barrister-at-law and argued cases before the Massachusetts supreme judicial court. In 1789 he was elected as Pownalboro's representative to the legislature.⁸⁸ By 1787 Henry Van Schaack, another returned as chosen representative from Pittsfield and from 1793 to 1822 served as a frequent selectman and as justice of the peace for the county.⁸⁹ William Paine returned in 1787, and when he died in 1835 at Worcester his estate included \$27,000 in shares in the Worcester bank, 500 bottles of wine, 924 books, and over \$10,000 in debts due to him.⁹⁰ The Reverend William Walter returned in 1787 and by 1792 had become rector of Christ Church in Boston. The tale of Massachusetts's treatment of war dissenters shone hearten all Americans. As we have seen, the statesmen of the State realized—by 1779 or so—that mercy was better than vindictiveness. In reality they had little to fear and much to gain through the careful screening and admission of contrite refugees. In 1781 the peace treaty temporarily revived old fears and hatreds, but the state soon resumed its earlier policy of humane and selective admission as public vehemence and bitterness quickly subsided. The brave few who returned recouped only a few of their losses but they did become useful members of society. Despite all the warnings of the prophets of doom that the readmission of traitors would end republicanism in America, Massachusetts successfully welcomed its prodigal sons back to their home.

88. Notes in margin, Allen, Whipple, Gardiner Papers, 2:30, 31, Mass. Hist. Soc. Papers, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943.

89. William Williams to Henry Van Schaack, Dalton, 18 May 1787, in *Memories of the Life of Henry Van Schaack*, ed. Henry Cruger Van Schaack (Chicago, 1887), 142, 143.

90. Inventory of William Paine's estate, 4 March 1835, William Paine Papers, Box 2, American Antiquarian Society.

The reader should be aware that the original intention of my research was a study of the political and social history of the Massachusetts loyalists. Although genealogical data-gathering was never the ultimate goal at either the start or conclusion of eighteen years of research, as I began this work in 1962 it quickly became apparent I needed to prepare biographical cards on each loyalist. These cards were important for locating manuscript collections and distinguishing tomes from patriots.

The following initial criteria were employed in the identification of each loyalist: first I checked to see if he was labeled as a loyalist in a printed source such as E. Alfred Jones, *The Loyalists of Massachusetts: Their Memorials, Petitions and Claims* (London, 1930); Lorenzo Sabine, *Biographical Sketches of Loyalists of the American Revolution with a Historical Essay*, 2 vols. (Boston, 1864); John Langdon Sibley and Clifford K. Shipton, eds., *Biographical Sketches of Harvard University*, 17 vols. (Cambridge, Mass., 1873-1975); and James H. Stark, *The Loyalists of Massachusetts* (Boston, 1910).

The second step was to locate additional loyalists in such legal records of the eighteenth century as the Banishment Act, the American Loyalists Transcripts, inferior court records, and probate records. These legal records contain so many previously unknown loyalist names that I eventually went to every county courthouse in Massachusetts, as well as three in Maine that were part of Massachusetts in 1775.

The third step was to cull additional names from private diaries and letters at principal manuscript depositories: The American Antiquarian Society, Worcester; American Philosophical Library, Philadelphia; Berkshire Athenaeum, Pittsfield; Boston Public Library, Boston; Boston University Special Collections, Boston; Columbia University Special Collections, New York City; Dedham Historical Society, Dedham; Diocesan Library, Boston; Essex Institute, Salem; Forbes Library, Northampton; Hingham Historical Society, Hingham; Houghton Library, Cambridge; Massachusetts

Archives, Boston; Massachusetts Historical Society, Boston; Massachusetts State Library, Boston; Newberry Library, Chicago; New England Historic Genealogical Society, Boston; New York Historical Society, New York City; Pilgrim Society Library, Plymouth; Pocumtuck Valley Memorial Library, Deerfield; St. Mark's Library, New York City, along with numerous British sources available on microfilm.

The final step was to read published primary and secondary sources on Massachusetts. Especially helpful in this category were numerous published town records.

In preparing this list of loyalists, great care has been taken to distinguish loyalists from patriots and neutrals. The question of how one defines torism presents the scholar with a Gordian knot. Participants in the American Revolution frequently disagreed over how to distinguish between a neutral and a loyalist. The tory Peter Van Schaack claimed that the acknowledged standard in 1775 was "Whoever is not for us, is against us." Although his definition may have been used by some overly zealous patriots, it is not a discriminating standard of reference.

It would be equally erroneous to define the loyalists as only those individuals who left Massachusetts. The evidence clearly proves that many loyalists remained in the state throughout the war years. One recent student has suggested that anyone who actively or passively opposed independence from England was a tory. However, this definition must be expanded in reference to Massachusetts since its citizens were forced to accept or reject British supremacy as early as 1774 as a result of the Boston Port Act, two years before independence became a divisive issue.

The Massachusetts tories were citizens who in thought, word or deed recognized and preferred British rule to home rule. Naturally, such a definition requires making hard decisions after careful examination of all the available data. Some loyalists cited in previously published lists do not appear in this study since, in my opinion, they were really neutral, pacifist, or falsely accused citizens. One good example is from Hancock, Berkshire County, Massachusetts, where power-hungry patriot Asa Douglas drove both tories and timid citizens into joining the British. Although at least 18 percent of the town's adult males were loyalists, the rest of the jailed inhabitants were Quakers who were falsely accused of disloyalty. Another example of the need to correctly identify political loyalties is from Warwick, Hampshire County. Although the town sent in a long list of suspected inhabitants, in truth the town had

been racked for decades by a power struggle between two opposing parties. In 1776 the party out of power used the false charge of disloyalty as a vehicle to discredit the rival party and gain power.

The result of this careful search and discrimination is a more comprehensive and inclusive list of the Massachusetts loyalists than found in the works of Jones, Sabine, Sibley, or Stark. Although my research was not conceived originally with any thought of possible genealogical use, it should prove as valuable for the genealogist as for the historian. It should direct the dedicated researcher towards the appropriate town, county, and probate records. The names have been taken directly from the records, and no attempt has been made to standardize the spelling of the surnames.

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Key to Directory

The information was initially recorded on work sheets with the following columns: birth, residence, deferential character, departure, return, exile, family, suffering, and service. For the sake of compactness and clarity, these divisions have been condensed into shorter entries. Birth, residence, and deferential character information form the vital statistics cluster; semicolons serve as category-division punctuation. The next grouping concerns departure, return, and exile. Family, suffering, and service entries stand alone.

Name

L—last name, first name

P—parentheses—alternative spelling of name or nickname

Birth

b—birthdate and place; the place is always a town in Massachusetts unless a different state is listed; counties are provided in parentheses in some entries.

d—death date and place

Residence

r—residence during the pre-war years; the name is always assumed to be the town unless followed by County.

Deferential Character

P—positions, occupations, college, titles held in prewar years which should have denoted the individual's status in society.

A—address

C—Congregationalist

E—esquire

G—member of either the General Assembly or the Council

J—justice of the peace