



The Tories & Loyalists

An ACT declaring what shall be treason, and what other crimes and practices against the state shall be misprision of treason.

WHEREAS it is absolutely necessary, for the safety of every state, to prevent, as much as possible, all treasonable and dangerous practices that may be carried on by the internal enemies thereof, and to provide punishments in some degree adequate thereto in order to deter all persons from the perpetration of such horrid and dangerous crimes: Therefore,

II. *Be it enacted, and it is hereby enacted,* That all and every person and persons (except prisoners of war) now inhabiting, residing, or sojourning within the limits of the state of Pennsylvania, or that shall voluntarily come into the same hereafter to inhabit, reside, or sojourn, do owe, and shall pay allegiance to the state of Pennsylvania.

III. *And be it further enacted,* That if any person or persons, belonging to or residing within this state, and under the protection of its laws, shall take a commission or commissions from the King of Great-Britain, or any under his authority, or other the enemies of this state, or the United States of America; or who shall levy war against the state, or government thereof; or knowingly and willingly shall aid or assist any enemies at open war against this state, or the United States of America, by joining their armies, or by enlisting, or procuring or persuading others to enlist for that purpose, or by furnishing such enemies with arms or ammunition, provision, or any other article or articles, for their aid or comfort; or by carrying on a traitorous correspondence with them; or shall form, or be anywise concerned in forming, any combination, plot or conspiracy, for betraying this state, or the United States of America, into the hands or power of any foreign enemy; or shall give or send any intelligence to the enemies of this state for that purpose; every person so offending, and being thereof legally convicted, by the evidence of two sufficient witnesses, in any Court of Oyer and Terminer, shall be adjudged guilty of high treason, and shall suffer death; and his or her estate shall be, and is hereby declared to be, forfeited to the commonwealth, except such parts thereof as the Judges of the Court, wherein such conviction may be, shall order and appropriate to the support of such traitor's children, or wife and children (if any) as to them may appear sufficient, until the same shall be otherwise regulated by act of General Assembly.

IV. *And be it further enacted,* That if any person or persons, within this state, shall attempt to convey intelligence to the enemies of this state, or the United States of America, or by publicly and deliberately speaking or writing against our public defence; or shall maliciously and advisedly endeavor to excite the people to resist the government of this commonwealth, or persuade them to return to a dependence upon the crown of Great-Britain; or shall maliciously and advisedly terrify or discourage the people from enlisting into the service of the commonwealth; or shall stir up, excite or raise tumults, disorders or insurrections, in the state, or dispose them to favour the enemy; or oppose and endeavor to prevent the measures carrying on in support of the freedom and independence of the said United States; every such person, being thereof legally convicted, by the evidence of two or more credible witnesses, in any Court of General Quarter Sessions, shall be adjudged guilty of misprision of treason, and shall suffer imprisonment during the present war, and forfeit to the commonwealth one half of his or her lands and tenements, goods and chattels.

V. *And be it further enacted,* That all offences, by this act declared misprision of treason, shall be cognizable before any Justice of the Peace of the city or county where the offence was committed, or where the offender can be found; and every Justice of the Peace within this state, on complaint to him made, on oath or affirmation of one or more credible person or persons, shall cause such offender to come before him, and enter into a recognizance, with one or more sufficient surety or sureties, to be and appear at the next Court of General Quarter Sessions for the said city or county, and

abide the judgement of the Court; and in the mean time to be of the peace and good behaviour toward all people in the fstate, and for want of fuch furety, the faid Juftice fhall commit fuch offender to the common goal of the faid city or county: And all perfons charged, on oath or affirmation, with any crime or crimes, by this act declared to be treafon againft the fstate, fhall be dealt with, and proceeded againft as in other capital crimes is by law directed.

Paffed 11th February, 1777 ~ Recorded in Law Book vol. I. page 79.

In the year 1777 the General Assembly of the state of Pennsylvania, like the governing bodies of many of the other twelve states, passed legislation declaring those who would plot and work against the newly proclaimed United States of America to be guilty of treason. Those individuals adjudged to be guilty of this treason were known by two names: Tory and Loyalist.

The name: *Tory* came from England's past. Charles II had, in 1660, returned from exile to take the throne of England following Oliver Cromwell's Puritan reign as the Lord Protector of Great Britain. During Cromwell's reign, the peoples' belief in the infallibility of the monarchy had been damaged - to a point where it could never again be fully repaired. The power of the Parliament had changed over the years, and although Charles' supporters felt that his restoration to the throne would bring a return of the old system of government, they were badly mistaken. After two decades, the people were not content anymore to be ruled directly by a single individual who held the strings of the government in his hands. The Parliament could only be convened and discharged by order of the king, and had virtually remained the same throughout the duration of the Puritan revolt (giving it the name of the Long Parliament). With the restoration of the Stuart line to the throne, it was time for a change. That change came about partially as a result of King Charles II's sympathy for the Catholic Church. A certain faction of the Parliament favored the Church of England and wanted to force the king to their views; they became known as the Whigs. Another faction, led by the Earl of Danby, was in support of the king. The pro-king faction became known as the Tory party. This Tory party gained and lost power over the years as it struggled with the Whig party for primacy in the government of Great Britain, and was in power between the years 1760 to 1770. Because the Tory party was synonymous with the governing body of Great Britain, the colonists attached the name, in a somewhat derogatory manner, to those who remained loyal to that nation.

The American colonists who remained loyal to the mother country were not all cut from the same piece of fabric. Besides the Tories there were those who were known as *Loyalists*. The difference between the two pro-British groups lay in the extent of their radical ideas and actions. The name of Loyalist could be given to basically every individual who supported either a return to the arms of the mother country or at least a reconciliation and compromise. Most of them did not want a war and they believed that some sort of compromise could be worked out to avert bloodshed. Quite a number of Loyalists were pacifists who fled from their homes when the actual fighting began; they truly felt that the independence movement was wrong and that they should not associate with it. It was a smaller number of the loyal British subjects who advocated the use of extreme measures to force their "errant brothers" back in line. The Tories did not want any compromise, they wanted to remain British subjects and felt that their neighbors who spoke of independence should be eradicated.

It is estimated that at the time of the American Revolution the free population in the colonies amounted to just over 2 million. Of that figure a half can be assumed to have been female and a half of the balance can be assumed to have been males under the age of eighteen, leaving roughly 500,000 free males of the age who could have taken up arms and served in the Patriot armies. The fact that the Continental Congress had difficulty raising an army of even 25,000 at any time tells us that there were more Loyalists than we might wish to acknowledge. To get an idea of where this large Loyalist population resided, we can look at the statistics of the compensation paid by the British government to Loyalists after the war. Of 2,248 families receiving compensation, 941 came from the state of New York, followed in descending order by 321 from South Carolina, 226 from Massachusetts, 208 from New Jersey, 148 from Pennsylvania, 140 from Virginia, 135 from North Carolina and 129 from Georgia.

Although the figures given above reveal only the number of families who were actually compensated by the British government, they can be regarded as indicative of the larger population. The rich, landed gentry of New York did not want to see their wealth pulled out from under them, and tended to contribute to the large Loyalist population of that state. This, though, was not true of the Virginian gentry, almost all of whom favored independence. The fact that the city of New York was held by the British for the entire duration of the war contributed to that state's Loyalist camp.

Many Loyalist families from other colonies made their way to the environs of New York City to be under the protection of the British army. In almost all the states, the Anglican religion furnished a great share of Loyalists. In Pennsylvania, the Quakers tended to fill the Loyalist ranks. In some cases nationality determined which side of the line one might stand on; the Scots and Irish hated the English with such a passion that very few of them were Loyalists. On the other hand, many emigrant Germans, who had no prior quarrel with the English, would remain loyal to the country that had given them refuge from the troubles in their own homelands. There were also what could be called "personal grudges" which induced some colonists to form Loyalist communities. In the Carolinas the hill-country Loyalists who fought against their Patriot neighbors were not fighting so much against the idea of independence as they were against the low-country planters who had caused them hardships during that region's Regulator uprising.

Generalizations regarding what type of people chose to remain Loyalist are not hard to make although there are some very notable exceptions. Large landowners tended to remain loyal to the Crown, but exceptions such as George Washington and Thomas Jefferson prove that the distinction between Loyalist and Patriot wasn't drawn entirely on economic lines. Merchants and professionals filled the Loyalist ranks primarily because they would have more to lose than the simple farmers. A farmer could continue farming whether Britain or America ruled. The merchants and professional men might not see their livelihoods continue if a political change would take place. It should also be noted that the poorer folk tended to become Patriots because they had less to lose, and more to protest against than their richer neighbors.

In Pennsylvania, we cannot arrive at an exact number or location of the Loyalists, but as noted above we can make some general assumptions. As mentioned previously, many (but of course not necessarily all) of the Quakers remained loyal to Britain. Because a major concentration of Quaker families resided in the vicinity of the city of Philadelphia, we find that region to have sheltered many Loyalists. But then, Philadelphia was the largest city in America at that time; we would expect to find a coincident large number of all groups of people in that region where there was more of everything. It must be remembered that Pennsylvania, in the 1770s was heavily settled in the southeast, but only sparingly in the western, central and northeastern frontier regions. The majority of the early settlers of the frontier were Scottish and Irish (and very often mixtures of the two, such as the Ulster Scots). Their inbred hatred for the English virtually assured the frontier of being Patriot in sentiment. There were some instances in which Tories evacuating their homes in the east, took up homesteading in the frontier regions of Pennsylvania.

Nearly every state experienced the organization of Loyalist regiments within their bounds. In the state of Pennsylvania at least one regiment of soldiers, the Pennsylvania Loyalist Regiment, was raised. As a general rule, Loyalist regiments were raised by Americans rather than, as one might assume, by the British. In fact, British support, maintenance and reward for the Loyalist regiments was practically nonexistent. It has been estimated that approximately 30,000 Loyalists served, without recognition, in the aid of the British during the war.

In the center of Pennsylvania, in the northern part of the county of Bedford (now Blair), there resided some Tories. Following an unsuccessful attempt by the resident Tories to launch a murder spree, on 04 May, 1778 Col. John Piper wrote to President Wharton (of the Supreme Executive Council of Pennsylvania) to inform the state government of the local Loyalist activities:

Sir: An affair of the most alarming nature (and as I believe altogether unprecedented) has happened lately in a Corner of this County and which I could not think myself justifiable in not communicating to the Honorable the Supreme Executive Council of this State. 'Tis as follows: a Number of evil minded Persons, to the amount of thirty-five (I think), having actually associated together, marched away toward the Indian Country in order to join the Indians, and to conduct them into the Inhabitation, and there united kill, burn and destroy Men, Women and Children.

They came with a Body of Indians near or at the Kittannings, and in conferring with them, they, the Indians, suspecting some design in the white People, on w^{ch} one of their Chiefs shot one Weston, who was the Ring-leader of the Tories, and scalp'd him before the Rest, and Immediately (as if Divine Providence ever attentive to Baffle and defeat the Schemes and Measures of wicked Men) the rest fled and dispersed.

A very considerable number of the well affected Inhabitants having, as soon as their combination and march was known, pursued them and met five of them,

and yesterday brought them under a strong Guard to the County Goal.

They confess their Crime and Intention of destroying both Men and Property; as these People thus in open rebellion are so numerous, there is great Reason to believe them as a part of a greater whole in some dangerous confederacy with the Common Enemy either at Phil^a or Detroit.

Therefore it was as well my own Opinion as that of a Number of the Principal Inhabitants met for that purpose, that the Honorable Council be immediately requested to order in their Wisdom such relief as may appear to be most expedient, either in removing those Prisoners to some Place of greater security, or else order Commissioners for their immediate and speedy Trials, w^{ch} last wou'd be the most grateful to the Country, who are extremely incensed against them, and think the prosecution wou'd be more easily effected where the Evidence is on the spot, and perhaps give an immediate Check to so openly avowed Rebellion.

In the county of Westmoreland, at a little Fort called Fort Wallace, within some sixteen or twenty miles of Fort Ligoneir, there were nine Men killed, and one man, their Captⁿ, wounded last week; the Partys of Indians was very numerous, so that between Indians (and the still more savage) Tories, there backward Counties are in real distress.

J. Simpson Africa, in the *History of Huntingdon & Blair Co's, Pennsylvania*, stated that the Tories had planned to gain the Indians' cooperation at Kittanning, after which they would make their way eastward. They would divide the Tory/Indian forces at Burgoon's Gap; half would march through the Cove and Conococheague Valleys and the other half through the Juniata Valley. They would meet at Lancaster, having killed everyone in their path. General Roberdeau notified John Carothers, the lieutenant of Cumberland County, of the situation. In a letter he sent from Standing Stone, Gen. Roberdeau stated that one of the Tories, a man by the name of Hess (John Hess, no doubt) had been captured, and that a confession revealing the plan had been forced out of him. Despite certain exaggerations, such as the number of savages and Tories who were massing in the western regions of the state, the confession was useful in alerting the Patriots of the problem.

An Account of some of the first settlers of the Juniata in Huntingdon County, collected from the first settlers themselves, by Samuel Caldwell commented on this Tory attempt to join forces with the Indians at Kittanning. According to this manuscript, individuals from Path, Amberson's, Tuscarora, Canoe, Hare and Sinking Valleys rendezvoused at a place on Brush Mountain. From there the party traveled via the Kittanning Path to the Indian village of Kittanning. John Weston, who had been elected as the Tory party's captain, and Jacob Hare entered the village and met with the Indians in an effort to encourage them to attack and massacre settlers residing on the Juniata River. The Indians were at first receptive to the idea. They were in the process of beginning to escort the body of Tories into the Indian village, when the tribe misunderstood the reason why the white men did not immediately lay down their guns (as they expected them to do out of tribal custom). The Indians were alarmed and shot Weston. As they retreated into the village, the Tories fled from the area and returned to the region east of the Allegheny Mountain range. Having gotten word of the Tory attempt, scouts from Bedford County scoured the region, and succeeded in capturing six of them. They were taken to the jail in the town of Bedford and held there (although they were eventually pardoned through the intercession of friends).

Richard Weston, a brother of John (the captain of the Tory group), was captured on his return to Bedford County's environs. On the 27th of April, 1778 Richard Weston was sent to the Carlisle (Cumberland County) jail, to await the decision of the Supreme Executive Council of Pennsylvania.

Richard Weston was interrogated about the Tory expedition and gave the following response.

That John Weston, his brother, asked him if he would go out to hunt. That he had heard at the Standing Stone that a company of men were going to join the English and the Indians, and his informant was Benjamin Elliot, in conversation with Francis Cluggage. That he refused to go hunting, and that brother John and wife both came and entreated him to go, and he was prevailed on. That last Thursday was a week he set off with his said brother, and the same evening was led by his brother to a company of men whom they met in the woods in Sinking Spring valley, viz., Samuel Berrow, Jacob Hare, Michael Here, Peter Shaver, Peter

Daly, Adam Portmerser, Peter Portmerser, and old Portmerser, the father of Adam and Peter, ----- McKee, James Little, John Campbell and William Campbell, William Hamson, James Armstrong, John and William Shilling, and others, whose names he does not remember, making in the whole, with his brother and himself, the number of thirty-one. That McKee, Jacob Hare, and Samuel Berrow, in particular, urged him, with a promise of three hundred acres of land, to pick the same where he pleased, if he would go with the company to Kittanning to join four or five hundred English and Indians, and to return to Fort Pitt, Frankstown, and Sinking Valley, to kill the male inhabitants capable of bearing arms who were in any kind of fort or place of defense, and all others of any sex or age who attempted to escape or elude their search. That if he refused to join said company he would be hung or banished to the Bay of Honduras, if the English prevailed over this country. That he went with the company over Allegheny Mountain. That in their progress, they were met by Indians, and that one of them shot his brother, and another of them scalped him. That after his brother was shot, McKee pulled a letter out of his pocket which he had got from an English officer in Carlisle goal, and with this letter displayed a handkerchief, crying peace, peace, brothers, but that the savages ran off without giving attention. That he immediately returned, with McKee, Jacob and Michael Hare, Little, Adam Portmerser, Peter Portmerser, William and John Shilling, Peter Shaver, William Hamson, and one or two more whose names he does not know. That he parted with some of them at the foot of Allegheny, and with some others in Sinking Valley, all of whom declared they would never return home or surrender themselves, but go to Baltimore, and wait the arrival of the English fleet. That he came and surrendered himself to Capt. John McDonald at Edward Beaty's. That McKee informed the company that he understood a number of English were to join the savages, and about the 10th of next month to come down upon this State. That he was informed by his brother, John Weston, that John Hess was to meet and join the company. That he heard Zebediah Rickets, now a prisoner, say if he knew how to leave his family he would go away, to avoid taking the oath prescribed by the State.

The foregoing incident is the only recorded one to have taken place within the southcentral region of Pennsylvania, and it ended without injury to Patriot families. In the northern portion of the state the residents were not so lucky. The Wyoming Valley was the scene of a massacre by Indians and Loyalists. In July, 1778 the British Colonel John Butler, with a force consisting of about 400 Tories and 700 Seneca Indians marched upon the settlements of the Wyoming Valley. The Indians held a personal grudge against those settlers which stretched back to the 1760s, and they were only too eager to join the Tories. The settlers received word of the advancing war party and prepared to meet them in battle. Colonel Zebulon Butler with a quickly assembled force of about 300 men met the Indians and Tories, but with the unfortunate outcome of all but about sixty of the Patriots being massacred. The Tories and their savage allies then laid waste to the entire valley, destroying the town of Wilkes-Barre. Although Colonel John Butler ordered his Indian allies not to inflict any injuries on the civilians, their homesteads were destroyed and they were forced to leave the region.

During the course of the American Revolutionary War nearly 80,000 Loyalists are believed to have left the thirteen colonies. Many of these exiles made their way to England; some simply moved to the other, loyal, British colonies such as Canada and the West Indies. They, much like all war refugees throughout time, were not particularly welcomed with open arms by the indigenous population. Small refugee colonies sprang up in Britain at most of the major cities, including London and Bristol. The fact of the matter was that, although many of them were British subjects from birth, they were Americans to the core, and simply did not fit into the lifestyle of the more "sophisticated" Englishmen.

A major change that the Loyalist evacuation from America had upon the fledgling United States was the shift of power from patrimonialistic, aristocratic "founding" families (such as the Penns, Chews, Allens, Hamiltons and Shippens from Pennsylvania) to common, hardworking men. Through the exile of the Loyalists, the United States became a nation run by the work ethic rather than by patronage and familial graft.

The exiles' estates were confiscated and resold by the state legislatures; it would be this confis-

cation of Loyalist property that would put a snag in the development of a satisfactory peace treaty in 1783. The settlement of the Loyalist claims was the final item to be discussed in the treaty negotiations, and at several points the English negotiators threatened to discontinue those talks if they did not get full compensation for the displaced Loyalists. One of the proposals submitted by the British negotiators was that they would sell the city of New York back to the Americans, and then use the money thusly gained to indemnify the Loyalists. (It is to be remembered that the British remained in control of New York City right up to the signing of the treaty.) The Americans claimed that Britain merely held that city with her troops, but did not actually own it. Eventually a compromise was suggested by the Americans, and accepted by the British. The Congress of the United States would *recommend* to the state legislatures that they reconsider their laws regarding the Loyalists, and every Loyalist would be permitted to attempt to regain their lost property through legal means. The American government would permit them to take up to a year to accomplish this task. The British, fearing they could get no better deal, agreed to it, and the signing of the treaty was able to proceed.

One might be induced to feel pity for the Loyalists and Tories in view of the hardships they suffered in exile (or in view of the tar and feathers some were forced to wear). But moreso, we should remember the loathsome feelings that our Patriot ancestors felt toward these Americans who refused to perceive the *right and reason* for the Patriots' struggle for independence.

VETERANS RECOGNITION

This is a reminder, that if you are a veteran of any conflict or war engaged in by the United States of America, and if you have not yet sent information regarding your service – please do so. We have received information from eleven (11) Blair County Chapter compatriot members to date. We want to make sure that all our veteran compatriots receive the War Service Medal, but we will not be able to present one to you if you do not let us know you deserve one.

1992 ANNUAL MEETING

The 1992 **Annual Meeting** of the Blair County Chapter, SAR will be held at 12:00 noon on Saturday, December 5, 1992. The location of this meeting will be the Altoona Ramada Hotel. As with last year, your wives are invited to attend this year's Annual Meeting. The cost, per person, will be \$12, payable to Larry D. Smith, Treasurer. As previously, you may pay in advance via mail, or at the door ~ but please respond with the number who will attend by December 2 so that we can make the proper arrangements with the Ramada. For this annual meeting we have arranged to have a choice of either fish or chicken offered. When you respond with the number who will attend, please be sure to mention which entree you would prefer.

1993 MEETING SCHEDULE, BLAIR COUNTY CHAPTER

The following dates have been set up for meetings of the Blair County Chapter, SAR for the year 1993. They are basically similar to this past year's schedule. Please try to attend our chapter's meetings next year, your input is important to us.

January 9	1 st Quarterly Meeting	12:00 noon	Kings Family Restaurant
February 20	George Washington's Birthday	12:00 noon	Altoona Ramada (hosted by DAR)
April 17	2 nd Quarterly Meeting	12:00 noon	Kings Family Restaurant
July 10	3 rd Quarterly Meeting	12:00 noon	Kings Family Restaurant
September 18	Constitution Day Dinner	12:00 noon	(location to be announced)
October 16	4 th Quarterly Meeting	12:00 noon	Kings Family Restaurant
December 4	Annual Meeting	12:00 noon	(location to be announced)