

**IN BUT NOT OF THE REVOLUTION: LOYALTY, LIBERTY, AND THE  
BRITISH OCCUPATION OF PHILADELPHIA**

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by  
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## **ABSTRACT**

A significant number of Pennsylvanians were not, in any meaningful sense, either revolutionaries or loyalists during the American War for Independence. Rather, they were disaffected from both sides in the imperial dispute, preferring, when possible, to avoid engagement with the Revolution altogether. The British Occupation of Philadelphia in 1777 and 1778 laid bare the extent of this popular disengagement and disinterest, as well as the dire lengths to which the Patriots would go to maintain the appearance of popular unity. Driven by a republican ideology that relied on popular consent in order to legitimate their new governments, American Patriots grew increasingly hostile, intolerant, and coercive toward those who refused to express their support for independence. By eliminating the revolutionaries' monopoly on military force in the region, the occupation triggered a crisis for the Patriots as they saw popular support evaporate. The result was a vicious cycle of increasing alienation as the revolutionaries embraced ever more brutal measures in attempts to secure the political acquiescence and material assistance of an increasingly disaffected population.

The British withdrawal in 1778, by abandoning the region's few true loyalists and leaving many convinced that American Independence was now inevitable, shattered what little loyalism remained in the region and left the revolutionaries secure in their control of the state. In time, this allowed them to take a more lenient view of disaffection and move toward modern interpretations of silence as acquiescence and consent for the established government.

For Grace,  
with faith, hope, and much love.

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## INTRODUCTION: “THE GREAT MIDDLE GROUP OF AMERICANS”

No one can simultaneously serve two masters who are opposed to each other. Anyone who adheres to one party will be hated and persecuted by the other. Anyone who tries to remain neutral and keep on terms with neither or both parties will be oppressed and harassed by both sides when the controversy is pushed so far that proposals of peace are rejected and the matter is to be decided by resort to arms.

Henry Melchoir Muhlenberg, November 24, 1777<sup>1</sup>

John Adams tells us that “the real American Revolution” was not the War for Independence that raged across the colonies between 1775 and 1783. Rather, he declared that “the Revolution was in the minds and hearts of the people, a change in their religious sentiments of their duties and obligations.”<sup>2</sup> In so doing, he did a great service to historians of the Revolution, reminding us that even in the eighteenth century, victory on the battlefield could not, by itself, create a nation; we dare not imagine that any description of how the War for American Independence was won could ever fully explain the Revolution that created the United States.<sup>3</sup> And yet perhaps Adams, never one for half-measures, carried his own ideas a bit too far. For he also declared that the war, far from being the sum total, was in fact “no part of the Revolution; it was only a consequence of it,” and that the real American Revolution was effected “before a drop of

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<sup>1</sup> Henry Melchior Muhlenberg, *The Journals of Henry Melchior Muhlenberg*, vol. 1, 3 vols. (Philadelphia: Evangelical Lutheran Ministerium of Pennsylvania and Adjacent States, 1942), 1:107.

<sup>2</sup> John Adams to Hezekiah Niles, February 13, 1818, *The Works of John Adams*, ed. Charles Francis Adams, 10 vols. (Boston: Little and Brown, 1850-56), 10:828.

<sup>3</sup> Much later, Benedict Anderson taught us that nations are “imagined communities,” and thus truly things of the mind and heart. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983).



blood was shed at Lexington.”<sup>4</sup> As a leader among the revolutionaries, Adams certainly benefited from an interpretation in which the “minds and hearts of the people” had fully and truly been transformed before the blood began flowing, but it seems more likely, both in light of revolutionary history and of human nature, that the events of the war and the bloodshed itself had a deep impact on the thoughts and feelings of America’s inhabitants and profoundly shaped their perception “of their duties and obligations.” Furthermore, even if we find it in the minds of the people rather than on the colonial battlefields, the “real American Revolution” was still a war; the people’s minds, no less than the battlefields, had to be won. In many cases, they had to be conquered.

It behooves us, then, to thoughtfully consider the human terrain over which this war was waged and the means by which the revolutionaries achieved their conquest. There has never been a shortage of historical works on the lives of American revolutionaries and the perspective and plight of the American loyalists has recently recaptured the attention of Revolutionary historians and now represents a steadily growing historiography.<sup>5</sup> Yet outside these warring camps there dwelt a large and ever-

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<sup>4</sup> John Adams to Thomas Jefferson, August 24, 1815. *The Adams-Jefferson Letters: The Complete Correspondence Between Thomas Jefferson and Abigail and John Adams*, edited by Lester J. Cappon (Chapel Hill: University of North Carolina Press, 1959), 2:455.

<sup>5</sup> Some recent examples include May Jasanoff’s *Liberty’s Exiles: American Loyalists in the Revolutionary World* (New York: Knopf, 2011); Thomas B. Allen’s *Tories: Fighting for the King in America’s First Civil War* (New York: Harper, 2010); Joseph Tiedemann’s *The Other Loyalists: Ordinary People, Royalism, and the Revolution in the Middle Colonies, 1763-1787* (Albany: State University of New York Press, 2009); Ruma Chopra, *Unnatural Rebellion: Loyalists in New York City During the Revolution* (Charlottesville, VA: University of Virginia Press, 2011); Douglas MacGregor’s “Double Dishonor: Loyalists on the Middle Frontier,” and William Penack’s “Out of Many, One: Pennsylvania’s Loyalist Clergy in the American Revolution” both in *Pennsylvania’s Revolution*, edited by William Pencak (University Park, PA: The Pennsylvania State University Press, 2010); and the latest revision and

shifting mass of people strongly aligned with neither that we still struggle to understand. Some of these were pacifists, but for many more their disengagement was a matter of pragmatism, not principle. These were the people, quite likely in the majority, whom John Shy has called “the great middle group of Americans...who were dubious, afraid, uncertain, indecisive, many of whom felt that there was nothing at stake that could justify involving themselves and their families in extreme hazard and suffering.”<sup>6</sup> Persistently disinterested in or opposed to involvement with imperial politics and committed to separate goals, they quietly pursued their own livelihoods to the best of their ability amidst the turmoil, helping or hurting either side more incidentally than intentionally, and hoping to come through the revolutionary storm with as little harm and as much profit as possible, whichever side eventually proved triumphant. Both the revolutionaries and the British referred to this diverse group as “the disaffected,” perceiving correctly that their defining feature was less *loyalty to* than a *lack of support or affection for* either party in the imperial dispute. If we assume that all Americans must either be classified as ‘Patriots’ or ‘Loyalists’ we risk mischaracterizing these people as fickle, opportunistic,

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expansion of Robert M. Calhoon et. al.’s *Tory Insurgents: The Loyalist Perception and Other Essays* (Columbia, SC: University of South Carolina Press, 2010). Older works of particular relevance here include Paul Hubert Smith, *Loyalists and Redcoats: A Study in British Revolutionary Policy* (Chapel Hill, NC: University of North Carolina Press, 1964); Wallace Brown, *The King's Friends: The Composition and Motives of the American Loyalist Claimants* (Providence, RI: Brown University Press, 1965); and Wilbur Henry Siebert, *The Loyalists of Pennsylvania* (Boston: Gregg Press, 1972).

<sup>6</sup> John Shy, *A People Numerous and Armed* (New York: Oxford University Press, 1976), 236.

apathetic, or even treasonous. Only by recognizing them as the disaffected, without any strong attachments to betray, do their actions appear to be at all rational and consistent.<sup>7</sup>

Disaffection existed in a variety of forms and arose from numerous causes. Among Americans who were aware of and engaged with colonial politics, a group which expanded rapidly in the latter half of the eighteenth century, there was nearly universal disapproval of the new taxes and regulations imposed by Britain in the 1760s and early '70s. Differences of opinion existed as to the severity of the threat and the proper colonial response to it, but in general Americans of various stripes began to look across the Atlantic with a more wary and less trusting gaze. The colonists' long-standing attachment to the British monarch, already strained, was stretched to the breaking point and, for some Americans, beyond by the harsh imperial crackdown on Massachusetts following the Boston Tea Party and by the bloodshed at Lexington. Horrified by this seemingly unabashed imposition of tyranny, many Americans were pushed into an ill-defined and loosely connected "resistance." Throughout the colonies they assembled (or reassembled)

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<sup>7</sup> Anne M. Ousterhout, makes a compelling case for the utility of the term "disaffected" over "loyalist" in describing much of the opposition to the Revolution in Pennsylvania, see Ousterhout, *A State Divided: Opposition in Pennsylvania to the American Revolution* (New York: Greenwood Press, 1987), 5. However, while Ousterhout tends to portray loyalism as one sub-category of disaffection, I use the words to describe related but distinct political sentiments and affections. A vast number of disengaged and disinterested Americans were not, by any meaningful definition of the term, "revolutionary," but that does not mean they were loyalist or felt any significant obligation, duty, or attachment to Great Britain. Setting the category of the Disaffected not just in between but *apart from* both the Revolutionaries and the Loyalists is essential if we are to engage in the worthwhile efforts of identifying their part in the Revolution and seeing the Revolution through their eyes.

Sung Bok Kim presents a compelling depiction of the plight and perspective of the disaffected in one county in New York. See Sung Bok Kim, "The Limits of Politicization in the American Revolution: The Experience of Westchester County, New York," *The Journal of American History* 80, no. 3 (December 1, 1993), 868–889.

into committees; in Philadelphia they convened a Continental Congress; in New England they formed an army.<sup>8</sup>

Yet as the resistance to Parliamentary overreach expanded and developed in unanticipated ways after 1774, and particularly once the goal of securing the British constitutional liberties of American subjects was subsumed by the pursuit of independence, an increasingly large number of Americans found it unpalatable. Driven by negative personal experiences with radical revolutionaries, economic conflicts with the revolutionary program, political and ideological disagreements with the ever-evolving revolutionary agenda, attempts to preserve/undermine social and economic hierarchies, or some combination of these, they distanced themselves from the movement and disengaged. In the end, some would conclude that the face of the opposition was no more desirable, or just as terrible, as that of their oppressive monarch. “I love the cause of liberty,” wrote Pennsylvania’s James Allen in 1776, “but cannot heartily join in the prosecution of measures totally foreign to the original plan of Resistance.”<sup>9</sup> Such pressures were only rarely in direct opposition to those which moved individuals into the resistance in the first place. Rather than pushing men and women *back* toward a greater affection for the empire, they pushed them *out*, away from both loyalism and rebellion, and *down*, into a seclusion and silence that came naturally to those who could find no cause to rally around. Though much of his family embraced the loyalist cause and sought

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<sup>8</sup> On American’s strong and long-lived attachment to the Hanoverian Monarchy and its demise see Brendan McConville, *The King's Three Faces: The Rise & Fall of Royal America, 1688 – 1776* (Chapel Hill: University of North Carolina Press, 2006).

<sup>9</sup> James Allen, “Diary of James Allen, Esq., of Philadelphia, Counsellor-at-Law, 1770-1778,” *Pennsylvania Magazine of History and Biography* (hereafter *PMHB*) 9 (July, 1985), 186.

protection from the British military, Allen retreated to his country home where he and his acquaintances endeavored to “banish Politics”<sup>10</sup> from their lives and conversations.

Other members of the disaffected during the Revolution were not driven to that state but began there. Persistently disinterested in or opposed to involvement with imperial politics and committed to separate goals, they pursued their own livelihoods to the best of their ability amidst the turmoil, helping or hurting either side more incidentally than intentionally, and hoping to come through the revolutionary storm with as little harm and as much profit as possible, whichever side eventually proved triumphant. Such men and women might join with the Rev. Henry Melchior Muhlenberg in declaring that “there is no way out now except to follow the counsel of Romans 13:1-4: Be subject to the power which rules and offers protection, or, as it is put, which has the strongest arm and the longest sword.”<sup>11</sup> They would yield, but not rally to, whoever held power over them. When no party clearly held the reigns of authority, they looked to their own interests by whatever means were available.

Individuals like these may be the most difficult to discover. Some, like many Quakers, explicitly and defiantly made their disaffection known. But for others, neutrality was a matter of pragmatism, not principle. It was in their interest to present themselves as agreeable, if not avid, supporters of whatever party was in power. Outside of personal correspondence and journals, they rarely risked political remarks that might garner the ire of whatever force then dominated their region. Even within such private writings, those who were most disengaged from the ongoing political struggle were, by definition, least

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<sup>10</sup> James Allen, “Diary of James Allen, Esq., of Philadelphia, Counsellor-at-Law, 1770-1778 (concluded),” *PMHB* 9 (Jan. 1886), 427.

<sup>11</sup> Muhlenberg, *Journals*, 3:55.

likely to spend their time commenting on it. Quiet acquiescence was often the surest path through the storm. Thus, it is when that path was closed to them or when the tides of power turned, and they were forced to adapt their strategies to pacify a new ruling authority, that we can most clearly see through the protective web of compliance such individuals spun about themselves.

Consequently, a pursuit of the Revolution's disaffected leads one past 1776 and deep into the years of the War for Independence. Regrettably, a surprising number of revolutionary scholars seem to have tacitly accepted Adams's claim that this Revolution entirely *preceded* the war, that the war "was no part of the Revolution," or at least that it was a relatively unimportant part. The earliest stages of the war in 1775, or sometimes as late as July of '76, have been taken as end-points for works that set out to explore, describe or explain the Revolution.<sup>12</sup> This accounts, in part, for the relative absence of the disaffected in the traditional narratives of the Revolution.

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<sup>12</sup> For example, T.H. Breen's insightful association between the marketplace and politics or, more recently, his depiction of American patriots as "insurgents," should still play an important role during the war years, particularly in locations such as the occupied cities where the continental Association lost all powers of enforcement and the populace was again tempted (often quite successfully) with imported British goods and luxuries. Yet Breen closes out both *The Marketplace of Revolution* (Oxford University Press, 2004) and *American Insurgents, American Patriots* (New York: Hill and Wang, 2010) just as the war opens, in the latter book even asserting that there was a singular "moment" of Revolution in mid-1774 (pg. 10).

The tendency to present the Revolution, or at least the shaping of it, as entirely preceding the war has been particularly noticeable with regard to America's revolutionary cities, from Gary Nash's seminal *The Urban Crucible* (Harvard University Press, 1979) to Benjamin Carp's more recent work on "cities and the American Revolution," which dismisses the cities as essentially irrelevant once the war begins: *Rebels Rising: Cities and the American Revolution* (New York: Oxford University Press, 2007), 213. Yet all the major cities considered by these works were eventually (re)captured by the British army. If cities helped to shape the meaning of the Revolution before the war began, it seems likely that they would have continued

It was in the desperate times of the war that revolutionary authorities were most likely to embrace desperate measures in the quest to secure their legitimacy and control. Mounting demands for increasingly explicit expressions of consent for the revolutionary cause and active involvement in the struggle could separate the committed Patriots from those who were merely hoping to be left alone. The movement and proximity of military forces could also reveal hitherto hidden dissent and disaffection by stripping the ruling authority of its monopoly on coercive force. Though in some instances the coming of the British Army sparked a new level of revolutionary fervor in the hearts of the colonists, in others the arrival of imperial forces suddenly sapped the Patriots of their strength and manpower as those who were less than fully committed, or served only because they feared retribution from the revolutionary authorities, took the opportunity to abandon the cause and return home.

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to have an influence, albeit perhaps a very different one, when they were “occupied” by the forces of the Empire.

Works on Pennsylvania’s own internal revolution too often demonstrate a similar pattern, carrying the story of political struggle and torn allegiances no further than the radical state constitution of 1776. For example, see Richard Ryerson’s *The Revolution is Now Begun* (Philadelphia: University of Pennsylvania Press, 1978) and David Hawke’s *In the Midst of a Revolution* (Philadelphia: University of Pennsylvania Press, 1961). There have been some exceptions, such as Steven Rosswurm’s *Arms, Country, and Class* (New Brunswick, NJ: Rutgers University Press, 1987), which recognizes that Pennsylvania’s internal revolution remained contested throughout the war. Unfortunately, Rosswurm makes little use of the occupation, granting it only 4 pages which are primarily used to declare its “legacy” rather than to see what insights it might have offered into the nature of the Revolution.

There have been some noteworthy exceptions to this overall intendancy. E.G. John Shy, *A People Numerous and Armed: Reflections on the Military Struggle for American Independence*, Rev. ed (Ann Arbor, MI: University of Michigan Press, 1990); Don Higginbotham, *The War of American Independence: Military Attitudes, Policies, and Practice, 1763-1789* (1971; repr. Boston: Northeastern University Press, 1983); Wayne Bodle, *The Valley Forge Winter: Civilians and Soldiers in War* (University Park, Pa: Pennsylvania State University Press, 2002); and John Phillips Resch and Walter Sargent, *War & Society in the American Revolution: Mobilization and Home Fronts* (DeKalb: Northern Illinois University Press, 2007).

The war also created situations in which observers from starkly divergent political perspectives, loyalist and Patriot civilians, British and Continental officers, were all attempting to determine and describe the loyalties of the same regions and populations. Though few individuals would have straightforwardly declared themselves “disaffected” from the conflict, the combined testimony of these multiple observers reveals the extent of disinterest and disengagement that often emerged between the lines. That both sides simultaneously denounced the same populations for their apathy, enmity, selfishness, and refusal to participate is a strong indicator that the people in question were neither the loyalists the revolutionaries accused them of being nor the rebels the British took them for, but rather a category unto themselves, wearied by and withdrawn from the imperial conflict.

Following the disaffected into the war years also highlights some important and often overlooked consequences of revolutionary ideology. Several components of the Republicanism embraced by “Real Whigs” combined to generate a severe and at times brutal response, not only to blatant opposition and loyalism, but to disaffection as well. The beliefs that the People, seen in opposition to a ruling elite, were essentially a homogenous body whose interests were all united; that such a People were incapable of tyranny; and that it was the essence of virtue for one to sacrifice oneself for the greater good of the People, lay the groundwork for making participation in the Revolution mandatory. The belief that the will of this supposedly united and homogenous People was the only legitimate basis of government, and accusations that the revolutionary leadership was itself a tyrannical minority, encouraged those leaders to do whatever was necessary to secure expressions of popular consent for their actions. It is in the dangerous years of



the war, when the revolutionaries faced their greatest insecurities, that we can see, through the eyes of dissenters and the disaffected alike, the lengths to which the Patriots would go to extract the popular support that legitimated their revolution and the ways in which a belief in government by the will of the people could, in tragic irony, lead to terrible acts of oppression.<sup>13</sup>

The advantages of turning our attention to the war are often most evident when and where the same territory was actively contested for an extended period of time, allowing the people who lived there to adapt to a new military-political reality in which both combatants could threaten but neither could dominate their lives. Such was the case in the regions around the American cities that were, at various times, simultaneously subject to occupation by the British and siege by the Continentals. All of America's largest ports, Boston, New York, Newport, Philadelphia, Charleston, and Savannah were at some point occupied by the British military. In each case, the presence of the British Army exerted a profound influence on society, often revealing the limits of the people's affection for the competing causes and then pushing them past those limits. The occupations and subsequent evacuations forced the inhabitants to balance their commitment to their nation(s) against their commitment to their home and to create geographical and societal borders unlike those that previously existed. Such processes both exposed and helped to define the evolving nature and meaning of the American Revolution.

The occupations remain an underappreciated phenomenon in our histories of the Revolution. Though the British military presence in Boston and New York has received

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<sup>13</sup> Gordon Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1969), 53, 61-63.

some significant and insightful analysis, the literature on the other occupations remains surprisingly slight, particularly when it comes to larger works.<sup>14</sup> Individual facets of Philadelphia's occupation have occasionally received attention in single chapters and articles, and narrowly focused essays have investigated the experience of businesses, merchants, churches and clergy in the occupied city. The social season established by the British officers, and particularly the grand *meschianza* that concluded it, is perhaps the most remarked upon facet of the occupation in the current literature.<sup>15</sup> There remains,

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<sup>14</sup> On the occupations of Boston and New York see, among others, Richard Archer, *As If an Enemy's Country: The British Occupation of Boston and the Origins of Revolution* (New York: Oxford University Press, 2010); Jacqueline Barbara Carr, *After the Siege: A Social History of Boston, 1775-1800* (Northeastern, 2004); Judith L. Van Buskirk, *Generous Enemies: Patriots and Loyalists in Revolutionary New York* (Philadelphia: University of Pennsylvania Press, 2002); Ruma Chopra, *Unnatural Rebellion: Loyalists in New York City During the Revolution*, Jeffersonian America (Charlottesville: University of Virginia Press, 2011); William A. Polf and New York State American Revolution Bicentennial Commission, *Garrison Town: The British Occupation of New York City, 1776-1783* (New York State American Revolution Bicentennial Commission, 1976); Oscar Theodore Barck, *New York City During the War for Independence, With Special Reference to the Period of British Occupation*, New impression (Imprint unknown, 1967). On the occupation of Charleston, see George Smith McCowen, *The British Occupation of Charleston, 1780-82*, (Columbia: Published for the South Carolina Tricentennial Commission by the University of South Carolina Press, 1972).

<sup>15</sup> Willard O. Mishoff, "Business in Philadelphia during the British Occupation, 1777-1778," *The Pennsylvania Magazine of History and Biography* 61, no. 2 (April 1937): 165-181; Nelson Waite Rightmyer, "Churches under Enemy Occupation: Philadelphia, 1777-8," *Church History* 14, no. 1 (March 1945): 33-60; Debra Newman, "They Left with the British: Black Women in the Evacuation of Philadelphia, 1778," *Pennsylvania Heritage* 4 (1977): 20-23; Helen Yalof, "British Military Theatricals in Philadelphia During the Revolutionary War," Ph.D. dissertation, New York University, 1972; Darlene Emmert Fisher, "Social Life in Philadelphia During the British Occupation," *Pennsylvania History* 37, no. 3 (July 1970): 237-260; Randall Fuller, "Theaters of the American Revolution: The Valley Forge 'Cato' and the *Meschianza* in Their Transcultural Contexts," *Early American Literature* 34, no. 2 (1999): 126-146; Meredith H. Lair, "Redcoat Theater: Negotiating Identity in Occupied Philadelphia, 1777-1778," In *Pennsylvania's Revolution*, edited by William Pencak (University Park, Pa: The Pennsylvania State University Press, 2010), 192-210; Fred Lewis Pattee, "The British Theater in

however, a need for a more comprehensive analysis that incorporates these disparate factors into a more integrated, cohesive whole. The following pages seek to rectify, in some small way, that deficit with regard to the occupation of Philadelphia and to raise questions and suggest perspectives that may be usefully applied to future studies of the other British-held cities.<sup>16</sup>

The occupation of Philadelphia is particularly compelling because of the social and chronological contexts in which it took place. Pennsylvania was a deeply “fragmented” society, composed of men and women from a wide range of religious, ethnic, and political backgrounds.<sup>17</sup> The colony was simultaneously marked by radicals

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Philadelphia in 1778,” *American Literature* 6, no. 4 (January 1935): 381-388; Thomas Clark Pollock, “Notes on Professor Pattee's “The British Theater in Philadelphia in 1778,”” *American Literature* 7, no. 3 (November 1935): 310-314.

<sup>16</sup> The only published book-length work on the Philadelphia occupation is John Jackson's *With the British Army in Philadelphia, 1777-1778* (San Rafael, CA: Presidio Press, 1979). Jackson's book is an excellent resource and contains an extensive listing of primary sources and a wealth of data relating to the British army and commerce within the occupied city. However, I believe there is much about the occupation that Jackson leaves unaddressed. His focus is predominantly on the British military and only secondarily on the civilian population. Indeed, one of his stated goals is to defend the military decisions of William Howe. More importantly, Jackson does little to place the occupation of Philadelphia in the larger context of the war and Revolution. Even within the narrow confines of Southeastern Pennsylvania, Jackson tends to ignore the region outside British lines except for when the army ventured thither; the ways in which the occupation was perceived by or affected civilians (or the Continental Army) beyond Philadelphia are largely unexplored.

The other essential source on the occupation of Philadelphia is Wayne Bodle's *The Valley Forge Winter*, which in many ways neatly balances Jackson's narrow, British-centric approach by viewing the occupied city from the outside, focusing on the role of the Continentals, showing great sensitivity to experience of the civilian population, and seeking connections between political, social, and military decisions. In many ways, the following pages, particularly chapter 5, attempt to apply Bodle's approach within the British lines.

<sup>17</sup> David Hawke, *In the Midst of a Revolution* (Philadelphia: University of Pennsylvania Press, 1961), 44-45; Joseph S. Tiedemann provides a similar description of New York

who fervently, and at times violently, longed for political and economic reform, and strongly influenced by pacifist sects who abhorred violence and prioritized the maintenance of order and stability. This lack of unity made the process of assembling a powerful and dominant coalition difficult for anyone who hoped to either enflame or suppress a rebellion. In Pennsylvania, America's most radical and democratic elements of revolutionary change confronted some of the nation's most widespread and deeply felt disaffection. The confrontation proved to be deeply revealing on both sides.

Furthermore, though it was relatively brief in comparison to the prolonged occupation of New York, the occupation of Philadelphia spanned the turning point in the American War for Independence and, I argue, in the war for the hearts and minds of many Americans. When the occupation began, the revolutionaries stood alone against the British Empire. With only a few, albeit crucial, exceptions, their armies had been consistently out-maneuvered and out-fought on the battlefield. It often seemed that only the apathy, or perhaps the sympathy, of Britain's commanding general saved the revolutionary forces from total annihilation. A new invasion was already sweeping south from Canada toward Albany, threatening to isolate New England from the rest of the nation. Boston remained a tattered shadow of its former glory as a port, New York was firmly in British hands, and now America's *de facto* capital and largest city, the seat of the Congress and birthplace of independence, had fallen despite a committed effort to defend it. A year later, the change was dramatic. Great Britain was now locked in a war against her most feared and hated rival, France, severely weakening her ability to project force in America. The Patriots had won an unparalleled victory at Saratoga, forcing the

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in *Reluctant Revolutionaries: New York City and the Road to Independence, 1763-1776* (Ithaca: Cornell University Press, 2008).

surrender of an entire British Army, severely shaking public sentiment in Britain and bolstering the flagging spirits of revolutionary Americans. And finally, without the Patriots firing a shot, the king's army had abandoned Philadelphia, never to return, a move which immediately and deeply disillusioned both loyalists and British officers alike. If, as I believe to be the case, it is in the moments when the tides of war and power turn that the disaffected "great middle group of Americans" becomes most visible and most vulnerable, and the revolutionaries' response to them most telling, then the occupation of Philadelphia marks a truly rich and indispensable period for analysis.

This study begins shortly before the occupation commenced and concludes with a brief examination of its aftermath and legacy. Chapter one, "A People zealous in the Cause of *Virtue* and *Liberty*," reviews the extent of disaffection in Pennsylvania and the revolutionaries' response to it prior to the British invasion. The Patriots' aspirations to government by the will of the People often led to a severe intolerance of those who, by dissent or neutrality, refused to conform to Patriot visions of how the People should behave. Here I open investigations into how commercial exchanges, militia service, and speech were controlled and extracted by the proponents of revolution in their quest to create, at least the appearance of, a unified resistance. These same themes are taken up repeatedly in the following chapters.

Chapter two, "Subject to Government," advances chronologically to the summer of 1777 and the first months of the British occupation. Revolutionary controls on commerce, service, and speech simultaneously became more desperate and less effective in the presence of a military counterweight to the Revolution's own armed forces. This chapter emphasizes the extent to which revolutionary unity in Pennsylvania as yet relied

on the coercive powers of the committees, militias, and Continental Army, and highlights the sudden collapse of that unity and the emergence of widespread disaffection when the British invaded.

Chapter three, “Liberty for All Must be Forced on a Few,” explores how the revolutionaries and the region around Philadelphia responded to the extended presence of British forces through the spring of 1778. The economic and ideological imbalances between British and Revolutionary forces encouraged disaffected individuals, who first and foremost pursued their own self-interest, to offer more support to occupied Philadelphia than to Valley Forge. The Patriots’ response to this perceived betrayal and the resultant crackdown by Continental and militia forces created a cycle of ever-expanding disaffection as more and more inhabitants were alienated from the revolutionary cause.

Chapter four, “The Jaws of a Lion,” examines the period of the occupation from within Philadelphia and explores the relationship between civilian inhabitants and the British military. Some of the same ideological and economic factors which, for those in the surrounding region, made dealing with the British so preferable to joining the revolutionaries, became grievances and sources of alienation for those living within the occupied city. These factors, combined with the poor behavior of the soldiery, confronted the civilian population with a long series of disappointed expectations and spoiled whatever chance the British had to turn popular disaffection into allegiance toward the empire.

Chapter five, “I Now Look upon the Contest as at an End,” focuses on the British evacuation from Philadelphia, seeing it as the culmination of a series of acts which

convinced the inhabitants that Britain was not a trustworthy protector of their safety or interests. Consequently, the choice to abandon the region represented a tremendous defeat for the British cause in the war for hearts and minds. The evacuation signaled to many observers, British, Patriot, and disaffected, that a revolutionary victory of some sort was now inevitable.

Chapter six, “Fully Reconciled to Independency,” evaluates how Philadelphia was reintegrated into revolutionary America. Despite the threatening rhetoric and severe legislation issued by the radicals, the actual punishments the revolutionaries inflicted on dissenters, loyalists, and the disaffected were surprisingly limited. This restrained response speaks to the Patriots’ renewed sense of security in the absence of opposing military forces, the continued prevalence of war-weariness and disaffection, and the increasing prominence of new societal and economic divisions which would define the political battle lines of the nation.

### **On the Words “Occupation” and “Patriot”**

“Occupation” is a term and concept that has settled in the forefront of American thought recently. The past two decades have seen the United States deploy armies of occupation into Afghanistan and Iraq while more recently American protestors “occupied” Wall Street, Oakland, Philadelphia, and a host of other domestic sites. At the time of this writing, the Russian Federation is being accused of occupying the Ukrainian territory of Crimea. The adoption of the term by domestic protest movements is all the more striking because Americans are generally unaccustomed to the notion of occupations taking place on their own soil. With the exception of the oft forgotten

Japanese occupation of the Aleutians in the Second World War, the only foreign military forces to have occupied the United States have been those of Great Britain in the now distant days of the American Revolution and the War of 1812. The nation's recent military ventures in the Middle East have prompted renewed focus on the revolutionary conflict both by members of the military and historians who look for modern-day lessons or comparisons to America's founding war.<sup>18</sup> Often this has resulted in a sort of role-reversal: though the United States now faces native insurgents in its struggles abroad, it too once acted the part of the insurgency against a British occupation. Useful as such ironies may be in understanding the nation's current endeavors, they encourage us toward a dangerous simplicity in our understanding of the past, a simplicity which threatens to obscure the fundamental differences between the part now played by the United States abroad and that once played by Great Britain in suppressing an American rebellion and may close our eyes to very different, but potentially very useful, ways of viewing our Revolution.

Despite this burst of attention, or perhaps because of it, some of the key terms have become ambiguous and contested. One man's insurgent is another's soldier and yet another's freedom-fighter. The United States military was initially quite hesitant to label its presence in Iraq an "occupation," long preferring the equally uncertain but more

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<sup>18</sup> For example see Breen, *American Insurgents, American Patriots*; Paul Montanus, "A Failed Counterinsurgency Strategy: The British Southern Campaign - 1780-1781, Are There Lessons for Today?" *USAWC Strategy Research Project*, (U.S. Army War College, Carlisle Barracks, Carlisle, PA, 2005); William R. Polk, *Violent Politics: A History of Insurgency, Terrorism, and Guerrilla War, from the American Revolution to Iraq*, (New York: Harper, 2007); and Michael Rose, *Washington's War: Insurgency Warfare from the American Revolution to Iraq*, (New York: Pegasus, 2009).



positive term “liberation.” Consequently, a reevaluation of America’s occupations, either those it has imposed on others or experienced itself, calls for a more exact definition.<sup>19</sup>

The modern, technical meaning of “military occupation” has emerged and evolved over the past century or more through a series of wartime precedents, military codes, international laws, and multinational resolutions. Though its applicability to specific deployments of force is still often disputed, a general consensus as to the core definition has materialized. As succinctly summarized by Eyal Benvenisti, “occupation” is “the effective control of a power (be it one or more states or an international organization, such as the United Nations) over a territory to which that power has no sovereign title, without the volition of the sovereign of that territory.” The role of sovereignty in this definition warrants particular emphasis, for “the foundation upon which the entire law of occupation is based is the principle of inalienability of sovereignty through the actual or threatened use of force.”<sup>20</sup> The modern concept of occupation, then, is essentially distinct from both conquest and martial law.

This definition can be applied fairly comfortably to the America’s recent military occupations in the Middle East. However, the British “occupation” of American cities during the Revolutionary War represents a more problematic use of the term. Scholars have generally traced the emergence of military occupation as a distinct concept to the early nineteenth century and particularly to the Napoleonic Wars.<sup>21</sup> Consequently,

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<sup>19</sup> Peter M. R. Stirk, *The Politics of Military Occupation*, (Edinburgh: Edinburgh University Press, 2009), 26.

<sup>20</sup> Eyal Benvenisti, *The International Law of Occupation*, (Princeton University Press: 1993, 2004), 4-5.

<sup>21</sup> Stirk, *The Politics of Military Occupation*, 45. See also Benvenisti, *The International Law of Occupation*, 1 and Gerhard Von Glahn, *The Occupation of Enemy Territory*:

applying the concept to the 18<sup>th</sup> century pushes one toward ahistorical, or at least ambiguous, language. More significantly, however, identifying the British as “occupiers” subtly implies that their role in the Revolution should be viewed as that of *foreign* invaders, that Great Britain possessed “no sovereign title” to the territory its armies controlled, and that the presence and control of those armies could not (or should not) have brought about a change in allegiance for the “occupied” territory and populace. While this perspective would certainly have suited the ardent revolutionaries, it would not have reflected the sentiments of the British, many Americans, or, before 1778, the other European powers. A less fraught terminology, and one which also reflects contemporary comments, would be that the British “took possession” of Philadelphia.<sup>22</sup> Unfortunately, I have found that such phrasing quickly becomes cumbersome and repetitive.

Another loaded term which deserves reflection is “patriot,” which from its most basic definition might as accurately be applied to a devoted loyalist as to the most ardent advocate of independence. The tendency of the revolutionaries and their descendents to adopt it as uniquely their own, like the use of “occupation” to describe the British

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*A Commentary on the Law and Practice of Belligerent Occupation*, (Minneapolis: University Of Minnesota Press, 1957).

<sup>22</sup> E.G. Joseph Stansbury rhymed “when the British Troops first took Possession/It [colonial currency] pass’d as formerly by your Concession” in a poem to General Howe and one of John Watson’s American subjects recalled the time “When our own troops took possession of the city.” See Stansbury and Odell, “The Petition of Philadelphia to Sir William Howe” *The Loyal Verses of Joseph Stansbury and Doctor Jonathan Odell relating to the American Revolution*, 17; “Recollections of the occupation of Philadelphia by the British forces in 1777 and 78,” in John F. Waston’s, “Historical Collections” (Am 3013), 1823, 402 Historical Society of Pennsylvania; See also “A State of the Circumstances of Philadelphia when the British Troops took Possession, &ca,” George Germain Papers, William Clements Library, University of Michigan.

possession of American cities, suggests that the question of American sovereignty was settled quite early in the conflict. In truth, just as there were American Patriots who rose up to liberate their nation from Great Britain, there were also many British-American “patriots” who stepped forward to defend their country from a chaotic and unlawful insurgency.

In wars of national independence, few if any simple descriptors are free of biased implications. One hopes that pausing to acknowledge the prejudice in our terminology will somewhat weaken its effects. Bowing to convenience, readability, and common use, in the following pages I use the language of “occupation,” despite its defects, with regard to the British army’s residence in and command of Philadelphia. Additionally, I use “Patriot,” capitalized, only in reference to those actively resisting the British government, making it synonymous with “revolutionary.”

## CHAPTER 1

### A PEOPLE ZEALOUS IN THE CAUSE OF VIRTUE AND LIBERTY

I beg Leave to implore the Pardon of the Publick, assuring them that I am truly sorry for the Part I have acted; declare and promise that I will never again attempt an Act contrary to the true Interest and Resolutions of a People zealous in the Cause of *Virtue* and *Liberty*.

~Alexander Robertson, June 23, 1769<sup>23</sup>

Modern Philadelphia is striking for its celebration of the American Revolution. Tourists flock to see Independence Hall, the Liberty Bell, the National Constitution Center, Carpenter's Hall, the Betsy Ross House, the Declaration House, and the Tomb of the Unknown Revolutionary War Soldier in Washington Square. The flags have thirteen stars as often as fifty, and in the summer an observant bystander can generally spy several Continental soldiers telling stories about the Revolution, demonstrating pieces of historical equipment, or leading guided tours through the bustling streets of the city's historic district. In the midst of such enthusiastic commemoration, it is often surprising, and perhaps unsettling, to recall that in the fateful summer of 1776 the mood in Philadelphia, and in Pennsylvania as a whole, was rather different. Though it housed the seat of the Congress, and thus the *de facto* capital of the new nation, Pennsylvania was one of the last colonies to condone a formal separation from Great Britain, and it approached that breach with the greatest reluctance and hesitation, prompting one impatient Philadelphia Patriot to complain that "there is more opposition to independence

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<sup>23</sup> Alexander Robertson, *To the Public*, (New York, 1769), Early American Imprints. 1<sup>st</sup> Series.

in this Province than in all the Continent beside.”<sup>24</sup> Though many Pennsylvanians raged against the authoritarian or tyrannical acts of the British king and Parliament and demanded that their rights as British subjects be respected, when the Revolution transitioned into an attempt to establish a new, sovereign nation in America and began to restructure existing political and economic hierarchies, it threatened to leave many residents of the Quaker Colony behind.

The campaign to win the colony’s support eventually led to an internal revolution and the collapse of the colonial government. Such extreme efforts demonstrated the widespread ambivalence and uncertainty that had taken root in the region. Earlier, less radical efforts to secure Pennsylvania’s vote for the break with Britain were stymied by its staunchly conservative Assembly, which resolutely instructed the colony’s congressional delegation “to dissent from and utterly reject any Proposition...that may cause, or lead to, a Separation from our Mother Country.”<sup>25</sup> When efforts to change the minds of the Assemblymen failed, advocates of independence set out to change the Assembly itself.

Both the city of Philadelphia and the rural counties of the backcountry had long been underrepresented in government. Believing that these were strongholds of pro-Independence sentiment, the radical Committee of the City of Philadelphia demanded that they be allocated additional Assembly seats. Under considerable pressure, the Assembly acquiesced and created four new seats for Philadelphia and thirteen for the western counties. The May 1, 1776 election to fill these new posts offers a useful, if still

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<sup>24</sup> “An Elector” in *The Pennsylvania Gazette*, May 15, 1776.

<sup>25</sup> “Remarks on the Instructions,” *American Archives*, ed. Peter Force, 4<sup>th</sup> Series, 3:1793.

imperfect, indication of the electorate's opinion on independence, for the question of changing the government's instructions to the congressional delegation was the foremost electoral issue. The city of Philadelphia proved itself to be nearly evenly split on the question; by a small margin, the voters rejected independence and filled three of their four new seats with conservatives who supported the Assembly's existing orders. Backcountry voters were somewhat more favorably disposed toward independence, but even there the returns suggest that a large percentage of the populace believed plans to sever the colonies from Great Britain were wrong-headed, or at least premature.<sup>26</sup> James Allen was elected almost unanimously by Northampton County, despite, as he wrote in his diary, "having openly declared my aversion to [the independents'] principles & had one or two disputes at the coffee-house with them." He assumed his seat "determined to oppose them vehemently in Assembly."<sup>27</sup> Northumberland County sent James Potter, Bedford County chose Thomas Smith, and York County overwhelmingly elected James Rankin; all three were moderates or conservatives and profoundly leery of American independence. To the immense frustration of the radicals, the newly enlarged Assembly merely reiterated its stance against declaring independence.<sup>28</sup>

In the end, the advocates of independence concluded that if the Assembly could not be convinced to support them, it must be abolished. The Patriot committees,

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<sup>26</sup> David Hawke, *In the Midst of a Revolution* (Philadelphia: University of Pennsylvania Press, 1961), 33; Anne M Ousterhout, *A State Divided: Opposition in Pennsylvania to the American Revolution* (Westport, CT: Greenwood, 1987), 130-131.

<sup>27</sup> James Allen, "Diary of James Allen, Esq., of Philadelphia, Counsellor-at-Law, 1770-1778," *The Pennsylvania Magazine of History and Biography* 9, no. 2 (July 1885), 187.

<sup>28</sup> Hawke, *In the Midst of Revolution*, 59-61.

supported by the more radical elements of the Continental Congress, set out to make this happen. Hoping to appease these forces, and so prevent them from forming a new government, and distressed by confirmation of reports that George III intended to employ foreign mercenaries to fight in America, the Assembly finally altered its instructions to the congressional delegation. Never positively supporting independence, the body merely withdrew its firm prohibition and freed the delegates to vote as they thought best. Even so, there was never a majority of delegates in favor of separation from Britain. Only through the abstention of John Dickinson and Robert Morris did the radical members of the delegation succeed, by a single vote, in throwing Pennsylvania's support behind independence.<sup>29</sup> Such was the hesitation with which the 'keystone' was finally added to the new American political edifice.

Acquiescence on the issue of independence did not save the Assembly, nor did it unite Pennsylvanians in a common cause. The months that followed saw the steady decline and eventual collapse of the colony's old government and the deeply controversial, chaotic, and uncertain creation of new constitution founded, its backers declared, "on the authority of the People only."<sup>30</sup> The process of erecting and securing support for that new government will be explored below; here we need only note that by the time it held its first elections for a new assembly and council in November, a growing number of Pennsylvanians were weary of involvement with revolutionary politics or had become alienated and disengaged. By some estimates, of an expanded electorate of

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<sup>29</sup> Hawke, *In the Midst of Revolution*, 93-94; Richard Alan Ryerson, *The Revolution Is Now Begun: The Radical Committees of Philadelphia, 1765-1776* (Philadelphia: University of Pennsylvania Press, 1978), 238-239.

<sup>30</sup> Ousterhout, *A State Divided*, 134.

approximately fifty thousand, only two thousand appeared at the polls and a scant seven hundred voted in Philadelphia.<sup>31</sup> The city of Philadelphia, Philadelphia County, and Bedford County chose legislators whose avowed intent was to inhibit and replace the very revolutionary government they were elected to participate in. Though too few to control the government, these opposition members were numerous enough to deprive it of a quorum and cripple its activities.<sup>32</sup>

It was into this strange mixture of apathy and turmoil that George Washington led his battered forces following their failure to defend New York from British invasion and undignified flight across New Jersey. Having won at least a temporary respite by crossing the Delaware and securing or destroying all the watercraft that might have been used to follow him, the American general surveyed the political climate of the region with grave concern. "We are at present in a very disaffected part of the Province," he wrote to his brother in December of 1776, "and between you and me, I think our Affairs are in a very bad way - not so much from the apprehension of Genl Howe's Army, as from the defection of New York, New Jersey, and Pen[n]sylvania."<sup>33</sup>

Yet if the people of Pennsylvania were not the zealous revolutionaries Washington desperately needed, neither were they the ardent loyalists some Patriots feared and British General Sir William Howe hoped they would be. Those seeking tales of ardent warriors for the king will be disappointed by the literature on revolutionary

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<sup>31</sup> Ibid, 153; Robert Brunhouse, *Counter-Revolution in Pennsylvania* (Harrisburg: Pennsylvania Historical Commission, 1942), 21; Ryerson, *The Revolution is Now Begun*, 234n149.

<sup>32</sup> Ousterhout, *A State Divided*, 153-54;

<sup>33</sup> "To Samuel Washington," *The Papers of George Washington*, ed. Philander D. Chase, 21 vols. (Charlottesville: University of Virginia Press, 1997), 7:369-370.



Pennsylvania. The opponents of the revolution in the Quaker Colony were generally disinclined to engage in the sort of bloody civil war that engulfed the Southern theater later in the war. Pennsylvania's loyalists generally "tried to stay out of the revolution" rather than defeat it.<sup>34</sup>

As Paul Smith has argued, "the typical American Loyalist [was] conservative, cautious, abhorring violence...generally uncertain of his position, and was disinclined to commit himself boldly."<sup>35</sup> These claims were doubly true of the revolution's dissenters in Pennsylvania. In his study of loyalist claimants by state, Wallace Brown found loyalism in Pennsylvania to be "equivocal," "neutral," and "subtle."<sup>36</sup> He notes that a mere .07% of the population appear as claimants, one of the smallest percentages of any colony, whereas claims from neighboring New York and New Jersey represent .54% and .19% of their populations, respectively. Of those who were claimants, Pennsylvanians were slightly less likely than New Yorkers or Jerseyans to have actively served British forces. Similarly, Philadelphians were the least likely of the inhabitants of any of the major occupied cities to file claims with the commission. The leading loyalists in the colony, men like Joseph Galloway, Samuel Shoemaker, William Rankin, Phineas Bond, and William Allen, had all been outspoken opponents of Britain's policies in the early days of the resistance; though some of them benefited from the economic connections the empire fostered, they brought no great affection for the British government with them when they

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<sup>34</sup> Robert Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789* (New York: Oxford University Press), 564.

<sup>35</sup> Paul Hubert Smith, *Loyalists and Redcoats: A Study in British Revolutionary Policy* (Chapel Hill: The University of North Carolina Press, 1964), 58.

<sup>36</sup> Wallace Brown, *The King's Friends: The Composition and Motives of the American Loyalist Claimants* (Providence, RI: Brown University Press, 1965), 131.

joined the redcoats. Such findings lead Brown to conclude that “loyalism was weak in Pennsylvania” and that the colony was instead “a stronghold of moderates, pacifists, and neutralists.”<sup>37</sup>

It was not devout loyalism, then, that slowed the progress of the Revolution in Pennsylvania and hampered the agenda of the radicals, but simple disaffection, the reluctance and ambivalence of the uncertain and hesitant multitude who had little faith in, or enthusiasm for, either the revolutionary governments or the British. That this group was particularly large in Pennsylvania is attributable to a number of factors. Pennsylvania in general and Philadelphia in particular were “fragmented” societies, made up of a wide variety of religious, ethnic and national groups. The relatively high degree of personal and religious liberty in the colony had allowed these groups to coexist somewhat agreeably over the decades but it had not encouraged integration or accustomed them to the sort of forced conformity that a revolutionary movement, or a strong loyalist opposition, required.<sup>38</sup> The prevalence of Quakerism and other pacifist sects further inhibited efforts to forcibly unify the people. While in New England and much of the South many members of the colonial elite developed economic incentives for supporting the revolutionary movement, in Pennsylvania a profitable and largely uninterrupted trade in flour and other provisions with the West Indies tempered the merchant community’s reactions to British taxation and regulation, encouraging them to seek a way to secure

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<sup>37</sup>Ibid, 138, 145-46, 137.

<sup>38</sup> Hawke, *In the Midst of Revolution*, 44-45. New York was deeply fractured in the same manner and experienced a similar hesitancy to embrace revolution. See Joseph S. Tiedmann, *Reluctant Revolutionaries: New York City and the Road to Independence* (Ithaca: Cornell University Press, 1997).

their rights without unnecessarily severing themselves from lucrative markets.<sup>39</sup> Brown suggests that Pennsylvania “probably contained many *potential* loyalists,”<sup>40</sup> but potential loyalists are also *potential* revolutionaries; so long as they choose to be neither, we may count them among the disaffected.

### **“Real [and False] Whigs”: The Dangers of Disaffection**

Yet while the disaffected were often neutral in political sentiment, they did not necessarily have a neutral or balanced impact on the revolutionary conflict. Despite their ambivalence toward Great Britain and their refusal to take up arms for the king, the disaffected represented a significant threat to the Revolution in Pennsylvania for the simple reason that they were unlikely to voluntarily participate in or actively affirm the legitimacy of it. As the Patriot leaders were well aware, a revolution without a large number of participants was unlikely to survive. While their foe could call upon an army of thousands of trained regulars and hire thousands more from other nations, the American Patriots depended entirely on a civilian populace willing to leave their homes, families, and economic pursuits in order to enforce and maintain the new revolutionary governments and defend independence. Anything, or anyone, that called into question the desirability or utility of such endeavors necessarily threatened to rob the movement of its

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<sup>39</sup> With regard to the general trend in the colonies, see Marc Egnal, and Joseph A. Ernst. “An Economic Interpretation of the American Revolution,” *The William and Mary Quarterly* 29, No. 1 (Jan., 1972), 4-32. On conditions particular to Pennsylvania and Philadelphia see Thomas M. Doerflinger, “Philadelphia Merchants and the Logic of Moderation, 1760-1775,” *The William and Mary Quarterly* 40, (April, 1983), 197-226, and *A Vigorous Spirit of Enterprise: Merchants and Economic Development in Revolutionary Philadelphia* (Chapel Hill: University of North Carolina Press, 1986).

<sup>40</sup> Brown, *The King's Friends*, 137.

most valuable resource. Furthermore, the republican ideology from which the Revolution derived its justification based the legitimacy of the movement on its securing and holding popular consent. The Patriots had criticized the British government for not representing the American colonists and they were thus particularly vulnerable to accusations that their own governments were likewise being imposed on the people against their will. Consequently, disaffection, a simple withholding of consent, even if not coupled with active support for the empire, was a profound threat to the legitimacy of the whole revolutionary enterprise, possibly a greater threat than outright loyalism, which was easier to demonize and disregard.

In light of their need for a critical mass of well-affected and active participants, it is unsurprising that supporters of the Revolution strove vigorously to increase their numbers. A core component of this effort was the development and dissemination of an ideological framework that could justify and encourage armed resistance by the people against their monarch. Over the past half-century, intellectual historians, often following in the footsteps of Bernard Bailyn, have investigated, described, refined and backtracked this republican or “Real Whig” ideology.<sup>41</sup> However, as other scholars have pointed out, a successful revolution requires not only a coherent ideological foundation but also a great mass of involved and committed individuals. To be effective, revolutionary ideas had to somehow migrate across the vast geographical, cultural and economic divides that

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<sup>41</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, MA: Harvard University Press, 1967); Gordon Wood, *Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1969); Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776* (New York: Alfred A. Knopf, 1972); Joyce Appleby, *Liberalism and Republicanism in the Historical Imagination* (Cambridge, MA: Harvard University Press, 1992).

separated the American colonists from one another. Moreover, some mechanism was needed that could translate intellectual assent into physical action, that could transform an ideologically agreeable population into an army of revolutionaries willing to sacrifice and perhaps die for a cause. And finally, but crucially, a way was needed for the great mass of Americans who would never deliver a speech nor write a political pamphlet to demonstrate to a doubting world that they too believed in the cause and gave it their support and consent. The most effective tools of revolution, then, provided ordinary Americans with a means of becoming involved, of taking visible, physical actions that would not merely further the cause but express their commitment, both publically and to themselves.<sup>42</sup>

### **“to distinguish friends from foes”: Conspicuous Non-Consumption**

T. H. Breen has argued that the eighteenth century saw just such a tool in the common language of material goods. The expansion of the import trade with Britain led to the greater Anglicization of American tastes and the “*standardization* of the marketplace.”<sup>43</sup> Key British imports, such as textiles, sugar, ceramics and, most notably, tea, became nearly universal symbols of status, civilization, luxury, and a connection to the wider empire. Almost all colonists engaged with this market to some extent and even far

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<sup>42</sup> T. H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (New York: Oxford University Press, 2004), 6-10.

<sup>43</sup> T. H. Breen, “‘Baubles of Britain’: The American and Consumer Revolutions of the Eighteenth Century,” *Past & Present* 119 (May, 1988), 118. On the process of Anglicization specifically, see T. H. Breen “An Empire of Goods: The Anglicization of Colonial America, 1690-1776.” *Journal of British Studies* 25 (October, 1986), 467-499.

from home they could recognize these important badges of Britishness. By imposing taxes and regulations on these goods, Britain imbued them with a new political significance and inadvertently empowered Americans with new ways of expressing their discontent with Parliament and their connection to one another.

Such expression manifested not only in political rhetoric but in physical action and voluntary self-denial. This was most apparent in the non-importation and non-consumption movements and the outright destruction of goods that arose in response to the Stamp Act, Townshend Duties, Tea Act and Coercive Acts. The actions of colonists in these instances were more visible, more costly, and in the eyes of many, more meaningful than words alone could ever be. Furthermore, participation in these movements was available to a wide range of individuals who, due to the social and legal mores of the time, were commonly excluded from traditionally political spheres.<sup>44</sup> Because all Americans participated in the import market, they were all able to speak in the political language of goods through marketplace choices.

Women, in particular, found themselves endowed with an expanded political role as a result of the Patriots' attempt to cut off the flow of British manufactures. Though they were forced to endure the condescension of some revolutionary writers, who bemoaned their supposed weakness in the face of extravagant temptation, women, charged with acquiring many of the day-to-day luxuries and necessities colonial families consumed, had the power to make or break the non-consumption movement.<sup>45</sup> Moreover, patriotic men looked to patriotic women to supply replacements for many of the items

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<sup>44</sup> Breen, *Marketplace of Revolution*, xvi-xvii.

<sup>45</sup> *Ibid.*, 229-234 & 279-89.

that had once come from across the Atlantic. Having abandoned British-made suits and textiles, good male Patriots were warmed from without by the homespun garments America's women toiled to create. Having denied themselves British tea, they were warmed from within by the herbal brews and support provided by virtuous republican wives and mothers.<sup>46</sup> Like never before, the active engagement of women in a political movement was, and was seen to be, a necessity.

In the long run, colonial efforts to economically coerce the British were largely ineffectual. Encouraged by the lack of solidarity among American consumers and, perhaps more importantly, by emerging markets elsewhere around the globe, English merchants eventually concluded that they had little to fear from colonial boycotts.<sup>47</sup> Fortunately for the Revolution, then, the repeal of parliamentary legislation was not the most important result of the non-consumption and non-importation movements. Despite their inability to force Parliament's hand, the boycotts provided the basis for the earliest extralegal revolutionary governments and helped Americans see themselves as a unified people, distinct from and more virtuous than the Britons across the sea. More than this, however, and of particular importance to events surrounding the British occupation of Philadelphia, through the boycotts "goods became the foundation of trust" among Americans who were resisting British oppression.<sup>48</sup>

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<sup>46</sup> Linda Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America*. Chapel Hill, NC: University of North Carolina Press, 1980), 38-41; Jan Lewis, "The Republican Wife: Virtue and Seduction in the Early Republic," *The William and Mary Quarterly* 44, no. 4 (October 1, 1987): 689-721.

<sup>47</sup> John C. Miller, *Origins of the American Revolution* (Stanford, CA: Stanford University Press 1957), 446-447.

<sup>48</sup> Breen, *Marketplace of Revolution*, xv-xvi.

The deprivation inherent in drinking insipid herbal brews instead of rich Indian tea, in wearing itchy homespun instead of fine British cloth, in surrendering the potential profits of politically suspect trade, was a self-imposed sacrifice that spoke directly to the heart of the republican ideology that had taken root in colonial America: an ideology in which virtuous citizens relinquished their personal self-interest for the greater good of the community.<sup>49</sup> By sacrificing pleasure or profit in order to secure American liberty, the participants of the colonial boycotts provided visible, tangible, and universally understood proof of their virtue. According to Breen, participation in the boycotts became “the litmus test of commitment,” or, as James Madison put it, “the method used among us to distinguish friends from foes.”<sup>50</sup> As time passed, that binary distinction, which allowed no room for neutrality or disengagement, became a defining feature of the Revolution.

The organization of the boycotts could, at times, make this process of determination rather straightforward, for the subscription papers that were carried from house to house by revolutionary committees represented a literal list of virtuous republican citizens that could easily be consulted. In that sense, the non-consumption movements could be a more transparent means of evaluating the community’s feelings than the ballot box, at least in those colonies, like Pennsylvania, where secret ballots were used. Yet for the same reasons, they were subject to all the problems and uncertainties that secret balloting was meant to solve. As Breen notes,

Perhaps some men whose names appeared on committee lists would have preferred to remain neutral. Perhaps a few of them secretly hoped that the old

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<sup>49</sup> Wood, *The Creation of the American Republic*, 153.

<sup>50</sup> Breen, *Marketplace of Revolution*, 309, 327; James Madison to William Bradford, 20 January, 1775, in *The Papers of James Madison*, ed. W. T. Hutchinson and William M. E. Rachal, 3 vols. (Chicago: University of Chicago Press, 1962), 1:135.



order could be restored. But once they agreed to join a committee, they made a political declaration whether they wanted to or not, and they knew that other committee members were ready to denounce neighbors who failed to show proper enthusiasm for the American cause.<sup>51</sup>

In short, though many colonists came to believe that “consumer choices communicated personal loyalties,” and for many Americans they undoubtedly did, there were others for whom consumer choices demonstrated only fear of reprisal and ostracization.<sup>52</sup> Identifying these dissenters among their more enthusiastic neighbors is a difficult task, for it was in their interest to blend in as long as the threat of retribution hovered over them. The arrival of the British Army at Philadelphia dismissed, or at least weakened, this threat for a time in southeast Pennsylvania, and the events that followed not only suggest that these disaffected individuals were, or became, more numerous than an analysis of the boycott movements alone would lead us to believe, but also highlights some of the perils the revolutionaries inadvertently embraced by making consumer choice a symbol of loyalty.

### **“I should have been a militia-man and hunted Tories”: Armed Associations**

In addition to, and eventually alongside, the boycott movement, the creation, expansion and regulation of colonial militias broadened the scope of involvement in the resistance to include hitherto relatively unpoliticized segments of society and allowed individuals to express their dissatisfaction through actions as well as words. Like participation in the non-consumption efforts, membership among the militia could be

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<sup>51</sup> Breen, *American Insurgents, American Patriots*, 201.

<sup>52</sup> Breen, *Marketplace*, xv-xvi.

pointed to as a visible and costly demonstration of one's commitment to the cause. Yet more than just a metric of revolutionary support, the militia did not hesitate to embrace persuasive and coercive means of expanding revolutionary sentiments, radicalizing its membership and applying pressure to those who attempted to remain disengaged or walk a more moderate course. Though of unpredictable utility in battle against the external threat of British and Hessian soldiers, the militia was the essential defender of the Revolution from the *internal* threats of loyalism, apathy, and disaffection.<sup>53</sup>

As John Shy has argued, participation in the militia quickly became a “test of loyalty” for the revolutionaries and “unlike other tests of allegiance...the military obligation sooner or later thrust itself directly into the lives of even the most apathetic.”<sup>54</sup> Unlike the colonists of New England, Pennsylvanians had no militia tradition on which they could rely. Governed, in large part, by pacifist Quakers and strongly influenced by German migrants who brought a strong distaste for war with them to the New World, Pennsylvania was historically slow to deploy force in its own defense. The bloodshed at Lexington and Concord, and the fear of similar depredations in their own towns, shocked the Pennsylvanians into action in April of 1775 and triggered a hurried, though still

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<sup>53</sup> On the radicalizing power of the Pennsylvania Militia and its ability to shape internal politics, particularly its demands for greater economic equality, see Steven Rosswurm's *Arms, Country and Class: The Philadelphia Militia and the 'Lower Sort' During the American Revolution, 1775-1783* (New Brunswick: Rutgers University Press, 1987).

<sup>54</sup> John W. Shy, *A People Numerous and Armed Reflections on the Military Struggle for American Independence*, Rev. ed (Ann Arbor, MI: University of Michigan Press, 1990), 237-239.

uncertain, attempt to assemble a local defensive force.<sup>55</sup> Numerous men enrolled as a means of expressing their opposition to British measures in New England.

Being listed on the rolls was one sign of commitment to the cause, but, as with non-importation, militia service helped weed out the apathetic and disaffected by demanding physical activity as well verbal and written assent. Militiamen were expected to turn out for drills and exercises as many as twenty times throughout the year. At these gatherings they could see the faces of those who were patriotic enough to put aside their private interests in order to toil and sweat for their liberty; a community member's absence was readily apparent to all. The ultimate test, however, came when British regulars raided or invaded the region, as they eventually did throughout the colonies. In the face of such a challenge, an individual was forced to choose between forsaking his involvement in the revolutionary militia and taking the ultimate step toward treason by firing at the king's soldiers; both choices carried terrible risks.<sup>56</sup>

In Pennsylvania, this final trial was long-delayed, as British forces did not arrive in strength until the summer of 1777.<sup>57</sup> Nonetheless, in the months following their organization, the Pennsylvania Militia came to see service as the primary indicator of one's devotion to liberty and willingness to sacrifice for the greater good; they simultaneously came to see themselves as embodying "the people" whose freedom was at stake and non-participants as, at best, timorous or selfish and at worst, Tories and traitors.

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<sup>55</sup> Ousterhout, *A State Divided*, 103-104.

<sup>56</sup> Shy, *A People Numerous and Armed*, 239.

<sup>57</sup> A portion of the Pennsylvania militia *did* participate in the campaign in New Jersey during December 1776 and January 1777. See Joseph Seymour, *The Pennsylvania Associators, 1747-1777* (Yardley, PA: Westholme, 2012), 145-176.

Alexander Graydon of Bristol, Pennsylvania, was shocked to encounter this mentality when he settled in Reading where his lack of participation in the militia made his loyalty suspect. His service as a captain in the Continental Army and imprisonment by the British in New York was taken as a poor excuse for this failure. “My having risked myself in the field was nothing,” he reflected some years later, “I should have staid at home, talked big, been a militia-man and hunted Tories.”<sup>58</sup> The Reverend Henry Muhlenberg confronted a similar outlook at his home in Trappe, Pennsylvania. His rooms already filled with refugees fleeing the British occupation of Philadelphia, he was forced to turn away militiamen seeking shelter for the night and so, in their minds, made himself an enemy of the cause. “When one cannot help them,” he recorded in his journal, “they [the militia] become angry, say that we are *Tories*, and threaten violence, etc.”<sup>59</sup> Convinced that militia service was the most reliable badge of republican virtue, the militiamen demanded, and eventually secured, expanded voting privileges for their membership. Waiving property and naturalization requirements laid on the rest of the population, the Provincial Conference assembled in the summer of 1776 resolved “that every [militiaman] in the Province shall be admitted to a vote for Members of the Convention [to create a new Pennsylvania Constitution]” provided they were twenty-one, had resided in the province for a year and were at least assessed for taxes.<sup>60</sup>

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<sup>58</sup> Alexander Graydon, *Memoirs of His Own Time: With Reminiscences of the Men and Events of the Revolution*, (Philadelphia: Lindsay & Blakiston, 1846), 306.

<sup>59</sup> Henry Melchior Muhlenberg, *The Journals of Henry Melchior Muhlenberg*, 3 vols. (Philadelphia: Evangelical Lutheran Ministerium of Pennsylvania and Adjacent States, 1942) 3:113.

<sup>60</sup> Ryerson, *The Revolution is Now Begun*, 231-234; “PROCEEDINGS OF THE PROVINCIAL CONFERENCE,” *American Archives*, 4<sup>th</sup> Series, 6:953.

Not only did the militia system expand participation in the Revolution and empower its participants with new voting rights and a sense of entitlement as true defenders of liberty, it also actively sought to influence their views on the empire, the war, and society. Shy has argued that the militia “played the role of political teacher” to American colonists, driving home republican lessons on the importance of self-sacrifice for the cause, the unity of the people, and the importance of resisting tyranny.<sup>61</sup> Francis Fox asserts that the militia took great strides toward validating and creating a more democratic government simply by elevating dozens of “unheralded men to serve the state as high-ranking civil officials” as county lieutenants and sub-lieutenants.<sup>62</sup> Yet it also provided more direct and explicit political guidance. As elections for a state Constitutional Convention approached in the summer of 1776, the Committee of Privates in Philadelphia took upon itself the duty of instructing “the several battalions of military associators in the province of Pennsylvania” as to what sort of men would be the “most likely to frame us a good Constitution.” The committee proceeded give a lesson in the importance of annual elections by ballot and the separation of powers, as well as to dismiss any conception of social rank and to warn the people of the dangers of electing the wealthy or “learned” over “Men of like Passions and Interests with ourselves.”<sup>63</sup> Such instructions were all the more important in light of the greatly expanded electorate to

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<sup>61</sup> Shy, *A People Numerous and Armed*, 237.

<sup>62</sup> Francis Fox, “Pennsylvania’s Revolutionary Militia Law: The Statute That Transformed the State,” *Pennsylvania History* 80 (Spring, 2014), 204.

<sup>63</sup> *To the Several Battalions of Military Associators in the Province of Pennsylvania*. (Printed in Philadelphia, 1776), Early American Imprints, 1<sup>st</sup> Series.

which they were submitted and much of that electorate's unfamiliarity with the workings of colonial politics.<sup>64</sup>

Like non-consumption, the militia functioned as a means of bringing a wide and diverse swath of the population into the revolution by broadening the means of political expression to include actions as well as words; it appeared to provide a simple and reliable means of distinguishing the true supporters of liberty who were willing to sacrifice for the cause from those too disaffected or disloyal to participate; and it provided hitherto unpoliticized segments of society with a hands-on introduction to republican values. Yet, like participation in the boycott movements, service in the militia could be a deceptive indicator of one's true stance with regard to the Revolution. Refusal to appear for the scheduled militia exercises incited more than just the disapprobation of one's neighbors; those who would not self-sacrificially give of their time and energy to defend their country had more material sacrifices imposed upon them in the form of confiscation and a steadily increasing series of fines. These material penalties were particularly threatening to the poor and laboring classes, who could find themselves forced to choose between militia service and destitution. The unequal burden of such fines on the lower classes not only resulted in their over-representation among those serving, but also set the stage for the emergence of class conflicts within the revolutionary movement.<sup>65</sup> Shy concluded that "the prudent, politically apathetic majority

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<sup>64</sup> Ryerson suggests that by altering the franchise to include all Associators, the Provincial Convention may have expanded the electorate from 50-75% to 90% of the white, male population. See Ryerson, *The Revolution is Now Begun*, 234.

<sup>65</sup> "RESOLUTIONS directing the Mode of Levying Taxes on NON-ASSOCIATORS in PENNSYLVANIA," Nov. 25, 1775, *Pennsylvania Archives*, (Philadelphia : Joseph Severns, 1852-1935), 8<sup>th</sup> Series, 8:7380-7384; "RESOLUTIONS directing the Mode of Levying Taxes on NON-ASSOCIATORS," March 29, 1776, *Pennsylvania*

of white American males was not eager to serve actively in the militia, but many of them did nonetheless.”<sup>66</sup> Some did indeed undergo a political education and become invested in winning independence or at least in influencing the political structure of their home province. Yet when the British finally came to Pennsylvania in the summer of 1777 and subjected the militiamen to the ultimate test of devotion, more than a few Patriots were shocked to discover how many of them had lost, or never truly possessed, the heartfelt commitment to liberty and revolution the militia was thought to represent.

### **“a common benefit”: Unity Assumed, Unity Enforced**

Despite the effectiveness of the non-consumption and militia movements in expanding participation in the revolution, some Americans remained uninvolved, shunning militia practice and continuing commercial activities the Patriots had deemed harmful to their cause. The ways in which revolutionary Americans responded to these holdouts is instructive. The violence, threats of violence, and social pressure that they applied to the disaffected were intended to do more than just drive the hesitant and recalcitrant into the fold; they were designed such that the very acts of punishing men and women who rejected the revolution would themselves demonstrate to a watchful public that the revolution was universally embraced by all. In many respects, the patriotic response to the disaffected began with the premise that disaffection did not exist.

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*Archives*, 8<sup>th</sup> Series, 8:7485-7490; “An Ordinance for rendering the burthen of Associators and Non-Associators in the defence of this State as nearly equal as may be,” Sept. 14, 1776, *American Archives*, 5<sup>th</sup> Series, 2:42-45. Also see Rosswurm, *Arms, Country, and Class*, 80, 89-90, 136; See chapter 6 for more on the effects of emerging class conflicts.

<sup>66</sup> Shy, *A People Numerous and Armed*, 237.

The experience of merchants and other individuals who violated the boycotts varied over time, but the “official” punishments ordered by the revolutionary committees were often relatively mild. Early on, merchants who broke the boycotts by importing enumerated goods had their names listed in the local papers and risked being shunned by customers who strongly supported the revolution. Though this might lead to financial ruin or social isolation, the extra-legal committees that enforced non-importation were not empowered to actually imprison or physically harm violators. Yet whether they merely chastised and ostracized or actually called upon [the threat of] violence, the committees’ objective was generally not to destroy or even simply silence dissenters. Rather, what Breen has called “the rituals of consumer enforcement”<sup>67</sup> were designed to extract a public confession from the accused and to secure (at least the appearance of) their consent for the committees and their resolutions. In extracting these confessions, the Patriots were less interested in confirming a true change of heart in the accused than in sending a message to the public, and in some cases the words of the confession were penned in advance by the committee; the confessor merely had to sign and publically read the paper he was handed. Select confessions received an even wider audience when they were published in newspapers or as pamphlets. It was crucial in these performances that the subject not only confess his guilt as a violator of congressional and committee resolutions, but also that he make it clear that he accepted his condemnation as just by expressing great personal shame for his misconduct and/or lauding the rules he had

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<sup>67</sup> Breen, *Marketplace of Revolution*, 261-262. As many violators learned, however, this lack of authorization did not always deter the militia or groups of private individuals from taking matters into their own hands.



violated as legitimate and desirable. Thus did Alexander Robertson of New York, when apprehended for violations of the Townshend boycotts, confess “To the Publick” that

I am truly sorry for the Part I have acted; declare and promise that I will never again attempt an Act contrary to the true Interest and Resolutions of a People zealous in the Cause of *Virtue* and *Liberty*.<sup>68</sup>

So too did Samuel Cowles and his wife come to “voluntarily, in this public manner, utterly disapprove of and condemn” their own conduct in daring to secretly sip tea as being “to the manifest injury of the public interest of British America.”<sup>69</sup> Such statements demonstrated that even those who violated the boycott were actually in agreement with the committees about the “true Interests and Resolutions of the People.” They might, for a time, put their own greedy desires above the good of their country, but they did so with shame and full knowledge of their selfishness. The notion that there might have been honest disagreement about the legitimacy or utility of the revolutionaries’ edicts was not to be considered.

The message of universal consent, even in the face of defiance, comes across even more powerfully in the way committees resolved violations by less powerful members of society. One Saturday in late December, 1773, in the wake of the Boston Tea Party, Ebenezer Withington, a laborer from Dorchester, Massachusetts, discovered a chest of tea in the marshes near Boston. He plucked the treasure from the water, had it brought home, and promptly began selling it off in direct contravention of revolutionary edicts. To their surprise and distress, Boston Patriots soon learned that the tea they had risked so much to clandestinely destroy was circulating in Dorchester; an investigation soon traced the

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<sup>68</sup> *To the Public*, (New York, 1769), Early American Imprints, 1<sup>st</sup> Series.

<sup>69</sup> *Connecticut Courant*, 3 April, 1775; Breen, *Marketplace of Revolution*, 328-329.

illicit commodity back to Withington. Unsurprisingly, revolutionary committees quickly had the remainder of the tea consigned to the flames and undertook efforts to track down the portions that had already been sold. What is somewhat more remarkable is that, having apprehended and interviewed Withington himself, the Patriots of Dorchester declared that his conduct had “proceeded from Inadvertency” and, having received and published his admission of the same, released him without further inquiry into how a Dorchester resident could have been so entirely ignorant of the explosive events in nearby Boston Harbor and the controversial nature of East Indian tea, much less how he could have remained so even as he sold the prohibited commodity off to multiple customers.<sup>70</sup> This explanation, implausible though it was, served the interests of all involved: Withington escaped a harsher punishment and the revolutionaries could maintain that his defiance was merely the result of ignorance, not true dissent.

Naturally, such strategies proved effective only when the accused could be made to yield under pressure and at least mouth acceptance of the Patriots’ position. In the face of intransigent dissenters who could be neither “converted” nor ignored, a different response was called for. Mobs and elements of the militia might attempt to force compliance more directly, but the committees generally preferred a less violent approach that maintained the perception of a fully unified American resistance. If an individual was so lacking in virtue that he steadfastly refused to join with the community in defending its liberty, then it followed that he could not truly be part of the community at all. The

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<sup>70</sup> *Massachusetts Spy*, 13 January, 1774; Breen, *Marketplace of Revolution*, 294-296; For other examples of “ignorance” and “accident” being invoked as excuses in Massachusetts, see the account of a man from Montague who somehow “inadvertently purchased” tea from a peddler and of the men of Truro in the *Massachusetts Spy*, 17 February and 31 March, 1774 and recounted by Breen in “Baubles of Britain,” 99 and *Marketplace of Revolution*, 314-316, respectively.

Articles of Association issued by Congress called for Americans to “break off all dealings” with “such foes to the rights of British-America.”<sup>71</sup> Commercial and social interactions between the violators and their community were to be entirely severed; they were to be made strangers in their own lands. A committee in North Carolina memorably referred to this penalty as “civil excommunication,” succinctly capturing its gravity and intent.<sup>72</sup> The message was clear: true Americans were united in their love of liberty and consented to the revolutionary platform; those who did otherwise were thus not internal dissenters but, necessarily, outsiders and enemies.

A similar mentality was invoked to justify many of the punishments and fines levied on those who refused to join the revolutionary militias, particularly in Pennsylvania. When first established, militia companies were wholly voluntary organizations. As the Revolution advanced, however, and militia service became more organized, more demanding, and potentially more dangerous, militiamen began to insist that the burden of service be spread more evenly across the province. Such demands meshed nicely with the militia’s role as a “political teacher,” providing lessons in radical and republican thought; the more individuals who could, by whatever means, be brought in the service the greater its effect as a unifying and radicalizing institution.

To that end, a series of escalating fines was enacted against those who refused to participate, or as they were called by contemporaries, “Non-Associators.”<sup>73</sup> These fines

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<sup>71</sup> Article 11, see “The Association” in *Documents of American History*, edited by Henry Steele Commager (New York: F.S. Crofts & Co., 1941), 84-87.

<sup>72</sup> Breen, *American Insurgents, American Patriots*, 186, quoting the *North Carolina Gazette*, April 14, 1775.

<sup>73</sup> The revolutionaries used the term “Associators” to describe various different groups at different times. A company of men who joined together in 1747 to serve as a

began in November of 1775 with the relatively mild fee of two shillings six-pence for each absence, or a potential grand total of £2.10.00 for the year.<sup>74</sup> Four months later, the fines were raised to three shillings six-pence for each absence.<sup>75</sup> This leniency came from the moderate and hesitant colonial Assembly, but by September of 1776 that body was all but defunct and responsibility for enforcing militia attendance had been taken up the radical and controversial Convention established to create a new constitution for the state. That body discarded both the methods and leniency of the old Assembly and declared “that every Non-Associator, between the ages of sixteen and fifty years, shall pay for and during the time of his continuing a Non-Associator, at the rate of twenty shillings for each and every month.” To this explosive increase in the fine for non-Association, the Convention added “that every Non-Associator, above the age of twenty-one years, shall pay, in addition to the aforesaid fine, at the rate of four shillings in the pound on the annual value of his estate.”<sup>76</sup> The old Assembly, in its final session, lashed out at this

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voluntarily militia before the passage of the militia laws called themselves the Pennsylvania Associators. Individuals who subscribed to the Continental Association of 1774 were also known as Associators. When Pennsylvanians finally implemented mandatory militia service in 1775, they used the term “Associator” to refer to a participating member of the militia, describing those who refused to show up for practices or turn out for service as “Non-Associators.” In the pages that follow, including quotations, “Non-Associators” refers to those who refused to serve with the militia. For additional information on the original Pennsylvania Associators, see Seymour, *The Pennsylvania Associators*.

<sup>74</sup> “RESOLUTIONS directing the Mode of Levying Taxes on NON-ASSOCIATORS in PENNSYLVANIA,” *Pennsylvania Archives*, 8<sup>th</sup> Series, 8:7380-7384 (Nov. 25, 1775)

<sup>75</sup> “RESOLUTIONS directing the Mode of Levying Taxes on NON-ASSOCIATORS,” *Pennsylvania Archives*, 8<sup>th</sup> Series, 8:7485-7490. (March 29, 1776)

<sup>76</sup> “An Ordinance for rendering the burthen of Associators and NonAssociators in the defence of this State as nearly equal as may be,” *American Archives*, 5<sup>th</sup> Series, 2:42-45. (Sept. 14, 1776)

ordinance, giving voice the disaffected among their former constituency. In language that should have sounded terribly familiar to all revolutionaries, the Assembly reminded the radicals that “it is the sacred Right of Freemen to give and grant their own Money; and that all Taxes, levied without their Consent, are arbitrary and oppressive” and that the Convention, created for the sole purpose of establishing a new state constitution, had “derived no Authority from the good People of *Pennsylvania* to levy Taxes and dispose of their Property.”<sup>77</sup> By this time, however, the moderate Assembly was too weak to stem the tide; early in 1777, the new government created by the Convention more than doubled the fines for non-Association and declared that, if necessary, the money could be recovered through the seizure and sale of non-Associators’ personal property.<sup>78</sup>

The official justification for this series of punishments was rarely that the non-Associators were true dissenters who opposed resistance to Britain. While admitting that there were some who were “conscientiously scrupulous against bearing Arms,” the early advocates of a mandatory, universal militia service held that these individuals were “but few in Comparison to those who...make *Conscience a Convenience*.”<sup>79</sup> These more numerous and self-serving non-Associators were implicitly assumed to desire the same ends, even the same means, as the revolutionaries: they simply wished others to do the heavy-lifting while they pursued personal profit. The justifying assumption was that all Pennsylvanians, whether they had voluntarily joined the militia or not, were united in the beliefs that armed resistance was desirable and that a firm opposition to Britain would

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<sup>77</sup> “Votes of the Assembly,” *Pennsylvania Archives*, 8<sup>th</sup> Series, 8:7586. (Sept. 26, 1776)

<sup>78</sup> Rosswurm, *Arms, Country and Class*, 136.

<sup>79</sup> “Votes of the Assembly,” *Pennsylvania Archives*, 8<sup>th</sup> Series, 8:7259-7260. (Sept. 29, 1775)

bring about an end devoutly to be wished. Because “the Cause is common,” declared the Committee of Safety in its report to the Assembly prior to the first imposition of fines, “and the Benefits derived from an Opposition are universal, it is not consonant to Justice or Equity that the Burdens should be partial.”<sup>80</sup> The militiamen themselves were adamant that all non-Associators would “reap equal advantages” and “are to be equally benefited”<sup>81</sup> by the militiamen’s service and, therefore, whether they wanted to or not, should equally contribute. Later in the war, the provincial Convention deployed the same logic even as it discarded the leniency of the initial fines and levied crushing economic burdens on those who refused to serve. Non-Associators had selfishly “pursued their business to advantage” while more virtuous men fought what had now become a War for Independence, “which” the Convention ruled, “is a common benefit.”<sup>82</sup> By explaining their actions in terms of common cause and universal benefits, the Patriots furthered assumptions of universal consent and implicitly denied the existence of Shy’s “great middle group of Americans,”<sup>83</sup> who might have shunned the militia because they “felt that there was nothing at stake” worth fighting for or questioned whether there truly were “advantages” and “benefits” in the pursuit of war and independence.

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<sup>80</sup> “Votes of the Assembly,” *Pennsylvania Archives*, 8<sup>th</sup> Series, 8:7261-7262. (Sept. 29, 1775)

<sup>81</sup> See the address from the Committee of Privates copied in the *Pennsylvania Gazette*, Oct. 11, 1775.

<sup>82</sup> “An Ordinance for rendering the burthen of Associators and NonAssociators in the defence of this State as nearly equal as may be,” *American Archives*, 5<sup>th</sup> Series, 2:42-45. (Sept. 14, 1776)

<sup>83</sup> Shy, *A People Numerous and Armed*, 236.

This implicit denial which shaped the operations of the non-consumption and militia movements was an outgrowth of conceptions that intellectual historians have found at the heart of revolutionary rhetoric. Underlying the Whig conception of politics, Gordon Wood found “the assumption that the people, especially when set against their rulers, were a homogeneous body whose ‘interests when candidly considered are one.’”<sup>84</sup> Because the revolutionary governments claimed to directly represent “the people,” there came to be no conceptual room for legitimate dissent, no place for what might, with some irony, be called a ‘loyal opposition’ to the revolution: supportive of the rights of Americans but opposed to radical resistance and independence. Within the framework of revolutionary republican ideology, “liberty” was a corporate term. The people as a whole were to be liberated from the oppression of the powerful; that an individual person might desire liberty from “the people” themselves was still an alien notion.<sup>85</sup> After all, as a South Carolinian asked rhetorically, “who could be more free than the People who representatively exercise supreme Power over themselves?”<sup>86</sup>

The ways in which the revolutionary governments and committees went about punishing and incorporating non-Associators and those who broke the boycotts suggests that this conception of a corporate, homogeneous “people” was not merely assumed; it was simultaneously, and somewhat paradoxically, fiercely defended and enforced. And

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<sup>84</sup> Wood, *The Creation of the American Republic*, 57-58. Wood’s entire section on “The Public Good” provides an overview of this assumption, 53-65.

<sup>85</sup> Barbara Clark Smith makes a similar argument, although her tone is significantly different from Wood’s. See Smith, *The Freedoms We Lost: Consent and Resistance in Revolutionary America* (New York: The New Press, 2010).

<sup>86</sup> Wood, *The Creation of the American Republic*, 63, quoting *Charleston S.-C. Gazette*, Sept. 26, 1775.

no group threatened this conception so directly as did the disaffected. Unqualified support of royal prerogative and Parliamentary taxation or service alongside British regulars against Americans easily marked one as an outsider and oppressor, distinct from and in opposition to the unified American “people.” But apathy, disinterest, and hesitancy were harder to demonize and dismiss, particularly when they appeared in individuals who had been advocates of resistance in the earlier, less radical days of the revolution. These internal challenges directly threatened the very heart of radical ideology by calling into question the unity of the people and the legitimacy of actions purportedly taken on their behalf. Unsurprisingly, then, a tremendous amount of energy was expended in trying to nudge, persuade or force this uncertain and reticent multitude into the revolutionary camp. The militia and boycotts were particularly useful because they secured the active involvement, as well as the apparent support, of those colonists who joined them, but as times became desperate, the Patriots were willing to settle for more passive indicators of consent. If words could not be paired with actions, then perhaps words alone would do. And if the disaffected would not use their powers of expression to voice consent for the revolutionary cause, perhaps they could at least be kept from voicing their objections so that the assumption of unified consent would not be visibly challenged.

### **“be faithful And bear true allegiance”: Oaths and Tests**

From its inception, the new revolutionary government created by Pennsylvania radicals was surrounded by a defensive wall of oaths. Unwilling to let self-interest or disaffection sully or confuse the unified voice of the virtuous people, the radicals first guaranteed that only those willing to vocally and publically embrace the cause of liberty,



as they saw it, would have a hand in shaping the new constitution. Once that framework was complete, new oaths were deployed in an attempt to protect it from alternation and to prevent dissent from becoming visible within the new legislature. In the end, oaths of allegiance were to be used to guarantee that the new government had the vocal consent of the entire community by wringing that consent out of the recalcitrant or, if they persisted in dissenting, effectively nullifying their social identities.

On June 20, 1776, the Provincial Conference, created to outline plans for a state constitutional convention, established an oath renouncing allegiance to the British monarch that was to be taken by all those who wished to vote for convention delegates.<sup>87</sup> The Conference went on to stun all but the most avid advocates of revolution by declaring that all delegates to the upcoming convention would also have to submit to a religious test, a requirement almost unprecedented in Pennsylvania and fundamentally antithetical to the colony's long history of religious freedom. The test, which required one to profess belief in a Trinitarian God and the divine inspiration of Scripture, was aimed squarely at the moderate Quaker population.<sup>88</sup> Christopher Marshall, a strong supporter of the radicals, was shocked at the widespread outrage that followed. The oath, he remarked, "is highly censured... I strenuously supported it [and] I am blamed, and was

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<sup>87</sup> The full oath reads "I . . . . ., do declare that I do not hold myself bound to bear allegiance to George the Third, King of Great Britain, &c., and that I will not, by any means, directly or indirectly, oppose the establishment of a free Government in this Province by the Convention now to be chosen, nor the measures adopted by the Congress against the tyranny attempted to be established in these Colonies by the Court of Great Britain." *American Archives*, 4<sup>th</sup> Series, 6:953–954. (June 20, 1776)

<sup>88</sup> Francis Jennings, *The Creation of America: Through Revolution to Empire*, (New York Cambridge University Press, 2000) 181.

buffeted and extremely maltreated by sundry of my friends.”<sup>89</sup> Unsurprisingly, the delegates of the constitutional Convention, as beneficiaries of these oaths, quickly incorporated them into the framework of government they created. A new religious test oath was to be required of all elected members of the new legislature before they were seated and no citizen was to be allowed to vote in the general election unless they swore to uphold the new constitution.<sup>90</sup>

These oaths and tests were meant to both purify the political voice of the people and to silence dissenters by providing no legitimate means of expressing their disapproval. Had the last requirement been enforced, there would have been no way, without breaking one’s oath, to cast a ballot for a candidate who meant to overturn and replace the radical constitution. In the event, enforcement was uneven; in a massive town meeting Philadelphians chose to ignore the oath requirements and overwhelming elected an entire slate of candidates who opposed the new constitution.<sup>91</sup> These opposition legislators and other dissenters in the government crippled the operation of the new Assembly for months but ultimately failed to enact the changes their constituents had hoped for. As the radicals finally secured effective control over their government in the

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<sup>89</sup> The full oath reads “I \_\_\_\_\_ do profess faith in God the Father and in Jesus Christ, his Eternal Son, the true God, and in the Holy Spirit, one God, blessed for evermore; and do acknowledged the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.” Christopher Marshall, *Extracts from the Diary of Christopher Marshall: Kept in Philadelphia and Lancaster, During the American Revolution, 1774-1781*, ed. William Duane (Albany: Joel Munsell, 1877), 79n2.

<sup>90</sup> The full oath required of assemblymen reads “I do believe in one God, the creator and governor of the universe, the rewarder of the good and the punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration.” Section 10 of the 1776 Constitution of Pennsylvania; Robert Brunhouse, *Counter-Revolution in Pennsylvania*, 16.

<sup>91</sup> Rosswurm, *Arms, Country and Class*, 123.

early summer of 1777, they implemented yet another oath requirement for the people of Pennsylvania. Past oaths and tests had been used to secure the political framework the radicals desired and then to protect it from alteration or corruption by dissenters. Now the radicals would use a new oath to demonstrate and guarantee the continued legitimacy of that government, and the revolutionary struggle for independence, by forcing the entire adult male population to declare their consent for the new regime.

On June 13 the new legislature faced the fact that “sundry persons have or may yet be induced to withhold their service and allegiance from the Commonwealth of Pennsylvania, as a free and independent State, as declared by Congress.” It therefore imposed a new requirement to rectify these matters. Known as the Test Act, this legislation first required Pennsylvanians to “renounce and refuse all allegiance to George the Third, king of Great Britain, his heirs and successors” and to “be faithful And bear true allegiance to the Commonwealth of Pennsylvania as a free and independent State” and “not at any time, do or cause to be done any matter of thing that will be prejudicial, or injurious to the freedom and independence thereof, as declared by Congress.” This was sufficient for a declaration of allegiance; the remainder of the Test entailed a pledge of service. All citizens were to swear to “discover and make known to some one justice of the peace of said State all treason’s or traitorous conspiracies which I now know or hereafter shall know to be formed against this or any of the United States of America.”<sup>92</sup> In short, all citizens would vow to be informers against their friends, families, neighbors

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<sup>92</sup> *Pennsylvania Archives*, 2<sup>nd</sup> Series, 3:6.

or strangers and this in the midst of a civil war over the independence of a nation less than a year old.<sup>93</sup>

Previous oaths were theoretically avoidable if one was willing to forego the privileges of voting or holding office, but now simple disengagement and isolation would provide no protection, for the revolutionaries needed the people to consent to their revolution and its structures lest they be made hypocrites and tyrants according to their own republican logic. The Test was to be taken before justices of the peace who would dutifully document which individuals had and had not yet sworn allegiance. Individuals who took the oath were to receive certificates stating as much which could be used to shield them from persecution should their allegiance be challenged in the future.<sup>94</sup> In creating the Test Act, the Assembly declared that “allegiance and protection are reciprocal, and those who will not bear the former are not nor ought to be entitled to the benefits of the latter” and so it moved to strip the protections and privileges of citizenship from those who refused to swear allegiance.<sup>95</sup> As the Rev. Muhlenberg observed, anyone who failed to “swear an oath of allegiance and acknowledge the new government as the lawful authority...within the appointed time is to forfeit all rights and privileges and protection in the *Republic*.”<sup>96</sup> In addition to being stripped of the right to vote or hold office, those who refused the oath were forbidden from serving on juries or suing to recover debts; they could not purchase, sell or otherwise transfer real estate; and any

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<sup>93</sup> Brunhouse, *Counter-Revolution in Pennsylvania*, 40-41

<sup>94</sup> Ousterhout, *A State Divided*, 161.

<sup>95</sup> *Pennsylvania Archives*, 2<sup>nd</sup> Series, 3:6.

<sup>96</sup> Muhlenberg, *Journals*, 3:55 (July 1, 1777).

weapons they possessed were subject to confiscation. Prolonged refusal could result in imprisonment or forced exile. In short, the Test Act would guarantee that the government ruled by popular consent by driving committed dissenters into a sort of political, legal and economic non-existence.<sup>97</sup>

### **“illegal menaces and arbitrary frowns”: Freedom of Expression**

The Test Act and similar pieces of legislation were meant to unify the voice of the people in a chorus of at least nominal consent. However, in and of themselves, they did little to silence the discordant notes issued from the mouths and pens of loyalists and the disaffected. Such disharmony upheld and threatened to spread disaffection among the people; it gave hope to loyalists, strengthening their accusations that the true tyrants were those leading the revolution; and it directly challenged the radicals’ claim that their new governments represented the will of “the people” of America. More than a few Pennsylvania radicals, both in the statehouse and in the street, came to believe that if the struggle for liberty was to be preserved such voices must be silenced.

As the primary means of mass communication and key sites of political debate, newspapers were capable of promulgating both patriotism and disaffection, and both sides of the imperial conflict strove to control them, amplifying their own influence and giving no place to the arguments of their opponents. In 1774, moderates and conservatives in Philadelphia felt increasingly excluded from the press and struggled to have their stories told. Their difficulty in securing space in the local papers became, itself, an issue they wished to make known. John Drinker composed a series of

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<sup>97</sup> Brunhouse, *Counter-Revolution in Pennsylvania*, 40-41; Ousterhout, *A State Divided*, 161.

“observations” on recent happenings in America, suggesting that elements of the revolutionary leadership were acting out of self-interest more than patriotism and asserting that

the freedom of the press here has...been interrupted by the illegal menaces and arbitrary frowns of a prevailing party, to the exclusion of an honest, unprejudiced and unawed investigation...in which every free man in America is so nearly concerned, and into which he has an undoubted right, with British boldness, to exercise the freedom of enquiry.<sup>98</sup>

As he might have expected, Drinker encountered great difficulty in finding a printer who would publish his remarks. He contrasted his trials with the experiences of those who had published “scandalous handbills” from the ominously named “COMMITTEE FOR TARRING AND FEATHERING” which had been “publicly exhibited to terrify such as were disposed for the preservation of peace and good order. For such kind of publications,” Drinker allowed, “there was, indeed! A freedom of the press.”<sup>99</sup> Other writers turned to the papers of New York to carry remarks that would not be printed in Philadelphia. “Veritas” suggested in *Rivington's New-York Gazetteer* “that the presses in Philadelphia are held under an undue influence” while another writer complained that “the Printers [in Philadelphia] were so closely watched, and held in such awe, that not

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<sup>98</sup> *Pennsylvania Journal*, August 5 & 20, 1774.

<sup>99</sup> Drinker’s observations were eventually published, with a note from the printer, in the *Pennsylvania Journal*. He subsequently had them printed as a separate pamphlet. John Drinker, *Observations on the Late Popular Measures, Offered to the Serious Consideration of the Sober Inhabitants of Pennsylvania* (Philadelphia: Printed for “A Tradesman,” 1774,) 3, 5, 20; also see the *Pennsylvania Journal*, August 5 & 20, 1774. For an example of the sort of “scandalous handbills” Drinker was referring to see The Committee of Tarring and Feathering, “To the Delaware pilots” (Philadelphia, 1773). Early American Imprints, 1<sup>st</sup> Series.

one of them dared to print any piece that appeared to reflect upon the conduct of those sons of violence.” “And this,” he added sardonically, “is LIBERTY!”<sup>100</sup>

The following year, three new papers opened in Philadelphia to capitalize on the frustration of those who could not make themselves heard. The new diversity was not to last, however. Before the year was out, the conservative-leaning *Pennsylvania Mercury* had been consumed in a fire. The year after, the *Pennsylvania Ledger* was shut down when an anonymous individual accused James Humphries Jr., the printer, of reprinting pro-British articles from the *New-York Mercury*. The author declared that the Pennsylvania Council of Safety would be “very justifiable in silencing a press whose weekly labors manifestly tend to dishearten our troops.”<sup>101</sup> In the event, the threat of such a “silencing” was sufficient; Humphries packed up his press and fled the city. Of the three new papers, only the pro-independence *Pennsylvania Evening Post* survived without interruption, due in large part to its printer’s skill at conforming himself to whichever party happened to be in power at the time.<sup>102</sup>

An exchange in the *Pennsylvania Gazette* offers unusually clear insight into the how advocates of revolution could, on the one hand, fiercely denounce British impositions on their liberty while, on the other, work to silence those who opposed them. In a cautiously composed letter to the printers of Philadelphia, “An Anxious By-Stander”

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<sup>100</sup> *Rivington's New-York Gazetteer*, July 7 & 14, 1774. Also see Anne M. Ousterhout’s analysis of the state of the press in Philadelphia in 1774, Ousterhout, *A State Divided*, 67.

<sup>101</sup> *Pennsylvania Evening Post*, Nov. 16, 1776.

<sup>102</sup> On Benjamin Towne, the politically flexible printer of the *Evening Post* see Dwight L. Teeter, “Benjamin Towne: The Precarious Career of a Persistent Printer,” *Pennsylvania Magazine of History and Biography* 89, no. 3 (July 1965), 318, 322; Ousterhout, *A State Divided*, 60 & 96n12.

entreated them “to reflect on the immense importance of an open, and uninfluenced Press...to admit a free and fair discussion of subjects, which eventually concern the happiness of millions yet unborn.”<sup>103</sup> The author scrupulously avoided any direct accusations of partiality in the press and sheltered his words amidst support for Congress and denunciations of the British. In the following issue, one “Philadelphus” responded by assuring the printer, “Your press, and I trust all others in this city, are open to every publication, wrote with decency and truth, and containing no public or private scandal.” However, in the author’s view, daring to “censure the proceedings of the late Congress...is neither just, decent or politic” and therefore such remarks could and should be suppressed. The justification “Philadelphus” lays out for this policy deserves careful consideration:

Unanimity and mutual confidence are allowed to be the only sure basis, on which the fabric of American liberty is to be reared...How can we expect resolutions and associations...will be observed, if those, who profess themselves friends to the American cause, studiously endeavor to divest them of all title to our respect or regard?...The American cause derived its principal weight and dignity from the late Congress...But let it once be thought that it wants the support and confidence of the people, all its terrors vanish... All authority and government is founded in opinion, more or less – theirs is peculiarly so.<sup>104</sup>

In short, unanimity and mutual consent are absolutely necessary; dissenting from or disrespecting the acts of the revolutionary governments weakens that unanimity; to suggest that the Congress lacked the confidence of the people, to fail to place confidence in it yourself, was to threaten the liberty of all Americans. On this basis, then, it is in the

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<sup>103</sup> “An Anxious-Bystander” also devoted a few lines to carefully questioning Congress’s timing with regard to the boycott, suggesting that since it would punish merchants who had placed orders prior to the legislation going into effect, it amounted to an *ex post facto* law that punished the innocent along with the guilty. An ANXIOUS BY-STANDER, *Pennsylvania Gazette*, January 4, 1775.

<sup>104</sup> Philadelphus, *Pennsylvania Gazette*, January 11, 1775.



defense of the cause, of American liberty, that such dissent and disrespect may be and must be silenced.

This kind of suppression, driven by what Drinker called “the illegal menaces and arbitrary frowns of a prevailing party,” was eventually given the support of law. In addition to drafting oaths of allegiance and taxing non-Associators, the convention ostensibly created to draft a new state constitution also took upon itself the task of limiting freedom of expression in Pennsylvania. In September of 1776, an ordinance was passed to muzzle the “evil disposed persons” who “may, by speaking or writing, endeavor to influence the minds of weak or unwary persons, and thereby impede the present virtuous opposition.” The convention made it illegal for anyone to “by advisedly speaking or writing, obstruct or oppose, or endeavour so to do, the measures carrying on by the United States of America, for the defence and support of the freedom and independence of the said States.” The determination of what sorts of words qualified as [attempted] obstruction or opposition was left, not to a jury, but to a Justice of the Peace, who could demand that an individual provide security, “in such sum or sums of money as the said Justice may think necessary,” against their future good behavior. Should two Justices declare that an individual was “too dangerous, unfriendly, or inimical to the American cause,” they could have him or her thrown into jail “for such time as they shall deem proper, not exceeding the duration of the present war with Great Britain.”<sup>105</sup> The ordinance thus granted immense power and discretion to Justices of the Peace, who were in the main men with little or no legal training. Furthermore, since many of the more

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<sup>105</sup> “An Ordinance for punishing persons guilty of certain offences therein mentioned against the UNITED STATES OF AMERICA,” *American Archives*, 5<sup>th</sup> Series, 2:37-38. (Sept. 12, 1776).

conservative and moderate justices refused to serve under the new revolutionary government, those who continued in office or were appointed to fill vacancies tended toward the radical end of the political spectrum. The ordinance did allow appeals to the Council of Safety, but the council itself was composed of justices of the peace, and there was no appeal beyond them. An ill-timed word of dissent could thus condemn one to indefinite imprisonment without the benefit of being heard by a jury or even of a trial.<sup>106</sup>

As it had in response to the Convention's ordinance imposing a tax on non-Associators, the old colonial Assembly took this as an opportunity to lecture the radicals on their own principles and precepts. The Assembly reminded that Convention "that no Freeman can be constitutionally restrained of his Liberty, or be sentenced to any Penalties or Punishment whatsoever, but by the Judgment of his Peers, and a Trial had by a Jury of his Country." It therefore declared that the ordinance punishing dissent was "a dangerous Attack on the Liberties of the good People of Pennsylvania, and Violation of their most sacred Rights and therefore ought not to be considered as obligatory."<sup>107</sup> By this point, however, few Pennsylvanians heeded the words of the increasingly impotent Assembly, least of all the radical revolutionaries who were working to replace it. According to Ousterhout, between July 4, 1776 and February 11, 1777, at least fifty-eight persons, and probably more, were jailed for vague crimes such as "damning Congress, being an enemy of the United States, uttering disrespectful expressions, and behaving in an inimical

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<sup>106</sup> Ousterhout, "Controlling the Opposition," 9.

<sup>107</sup> "Votes of the Assembly," *Pennsylvania Archives*, 8<sup>th</sup> Series, 8:7586. (Sept. 26, 1776)

fashion.”<sup>108</sup> But these represent only those who were officially confined by at least nominally legal officers and councils. Revolutions are rarely so tidy.

Dissenters came to fear persecution, not only from the revolutionary governments, but also at the hands of the radical populace, which had come to believe that the preservation of American liberty depended on unanimity of consent, that dissent was the same as opposition, and that opposition placed one beyond the protections guaranteed to “the people.” In November of 1776, more than seventy Philadelphians came together at the Indian Queen Tavern to form an unauthorized and entirely extralegal courtroom for the examination and trial of any fellow citizen who they suspected of being “an Enemy to the liberties of America.” Participants accused their neighbors of singing “God Save the King,” toasting the British Army, and having said that the opposition to Britain was unjustified. Members went forth to collect the accused who were then interviewed by the body as a whole. Those who failed to pacify the crowd or, like Joel Arping, were foolish enough to admit that they “would as leave take up arms on the one side as the other,” were seized and confined until they could be seen by the Council of Safety.<sup>109</sup>

One particularly unfortunate victim of this proceeding was Joseph Stansbury. Along with several others, he had been accused of singing “God Save the King” in a tavern. However, by the time he was made to appear before the assembly at the Indian Queen, he had already stood trial before the Council of Safety, been examined, and dismissed. Stansbury explained to the crowd that he had previously been acquitted of any wrong doing and was even able to produce a certificate to that effect, but neither it nor his

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<sup>108</sup> Ousterhout, “Controlling the Opposition,” 9.

<sup>109</sup> “Minutes of a Meeting at the Indian Queen, 1776,” *Pennsylvania Archives*, 1<sup>st</sup> Series, 5:73-75; Ousterhout, *A State Divided*, 280.

continued denials of having sung the British anthem were of any avail; by the end of the night he had been lodged in New Jail. After nearly two weeks of confinement, Stansbury penned a remarkably polite letter to the Council of Safety asking to be released. The following week, still in jail, he wrote a somewhat more perturbed missive, complaining that he had been “cruelly treated in being confined to this Jail without the least shadow of Reason whatever... in violation and defiance of the Bill of Rights, and every authentic declaration held up to the People.”<sup>110</sup> Three more days would pass before the Council finally intervened and ordered Stansbury and four other prisoners released from the jail, but even then they were to be confined to their own homes.

These unofficial tribunals rendered their judgment on members of the lower and middling sort as well as the wealthy. One humble shoemaker was made a great deal more humble when a gathering at the Coffee House “exalted [him] as a spectacle to a great number of reputable citizens” for “vilifying the measures of Congress, the Committee, and the people of New England.” Only when he “very humbly and submissively asked and entreated their pardon and forgiveness” was he released.<sup>111</sup> A butcher was similarly made to grovel by a militia company outside the College of Philadelphia “for speaking disrespectfully of their proceedings.”<sup>112</sup> Arthur Thomas, a skinner, was accused second-hand of “cursing the congress” but had the good sense to run for it when a crowd appeared to bring him to justice. Unable to find Thomas himself, the mob “wreaked their

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<sup>110</sup> *Pennsylvania Archives*, 1<sup>st</sup> Series, 5:94-95, 98-99, 106 & 145.

<sup>111</sup> Christopher Marshall, *Passages from the Remembrancer of Christopher Marshall*, ed. William Duane Jr. (Philadelphia: James Crissy, 1839), 24. (May 2, 1775)

<sup>112</sup> *Ibid*, 35. (July 17, 1775)

vengeance on his house,” destroying or confiscating his money, furniture and other property.<sup>113</sup>

This hyper-vigilance and suspicion on the part of the more radical revolutionaries could sometimes reach comical heights. On January 9, 1776, Christopher Marshall heard a report from a housekeeper who claimed that a servant boy had told her that he had been told by his sister, a housemaid, that one James Brattle, a servant man to James Duane, was secretly in the employ of William Tryon, British governor of New York. Marshall immediately began an investigation but found that the housemaid claimed to have made no such accusations, Duane refused to believe his servant was a traitor, Brattle himself completely denied any connection the royal governor, and a thorough search of his room and possessions revealed nothing suspicious. Undeterred, Marshall, now joined by two fellow investigators, tracked down the servant boy and carried him to his sister, the housemaid. She, upon seeing her younger brother held by the committee, changed her story and assured the gentlemen that he was an honest boy and had been telling the truth all along. Bolstered by this “confession,” Marshall and his fellows again interrogated Brattle, “but all to no purpose” and once more the little committee began a thorough examination of his room and effects. At his point, likely seeing the writing on the wall, Brattle disappeared out a back door and ran away. “Thus he escaped,” reflected Marshall without any apparent doubt as to Brattle’s guilt.<sup>114</sup>

Though it merely turned James Brattle into a fugitive, the Patriots’ suppression of dissent and persecution of supposed “Enemies to the liberties of America” often produced

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<sup>113</sup> Ibid, 86-87. (June 10, 1776)

<sup>114</sup> Jan. 9, 1776, Christopher Marshall Diaries, Christopher Marshall Papers (hereafter Marshall Diaries), HSP.

behavior the revolutionaries desired. Much disaffection and dissent faded from view and ceased to threaten the radicals' aspirations of apparent unanimity. Having heard the fate of other disaffected citizens, James Allen wrote that he had become "afraid to converse with persons here, or write to my friends in Philadelphia; & a small matter, such as a letter intercepted or unguarded word, would plunge me into troubles." Though he was surprised at "how painful it is to be secluded from the free conversation of one's friends," such aching silence helped to isolate him and others who shared his sentiments, rendering their opinions largely irrelevant.<sup>115</sup>

Yet, as was the case with the non-consumption movement, the enforcement of revolutionary edicts was most successful when it not only silenced opposition but converted opponents into, at least nominal, allies. Such a conversion appears, in its most benign form, in the writings of Henry Muhlenberg, who conformed himself to the will of the revolution in obedience to the Biblical admonition that every soul should "be subject to the authority that has power over him," a passage he repeated to his journal and to himself many times after the radicals came to power and he was made to pray for the United States as well as, or instead of, King George.<sup>116</sup> A more explicit and forceful conversion process was used on Robert Owings of Hanover, who had "taken the liberty to speak in an unbecoming manner against the measures now pursuing for the maintaining our invaluable rights and privileges." This was not a liberty the radicals were willing to grant him. Upon being tried and convicted by the York County committee,

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<sup>115</sup> James Allen, "Diary of James Allen, Esq., of Philadelphia, Counsellor-at-Law, 1770-1778 (concluded)," *Pennsylvania Magazine of History and Biography* 9 (Oct. 1885), 281.

<sup>116</sup> For example, see Muhlenberg, *Journals*, 3:5, 28, 55, 101-104 (Jan. 9, April 3, July 1, 1777 and Nov. 12, 1777).

Owings experienced an immediate reformation and declared “his entire disapprobation” of his former conduct. He then “expressed his hearty and unfeigned sorrow” by signing a document the committee had prepared on his behalf and becoming one more citizen demonstrating his consent.<sup>117</sup>

### **“the strongest arm and the longest sword”: An Imbalance of Power**

As Muhlenberg’s remarks indicate, all these efforts to generate evidence of popular consent, either in word or deed, or to suppress dissent relied on the revolutionaries’ control of coercive force, on their ability to project violence, or, as Muhlenberg himself put it, on their possessing “the strongest arm and the longest sword.”<sup>118</sup> The absence of any serious counterweight to the increasingly radical militias and, later, the Continental Army, allowed the Patriots to carry out their agenda with limited interruption and relatively little fear of retaliation.

Unlike New York and Massachusetts, Pennsylvania had no significant British military presence in the decade prior to independence. Its conservative leadership was strongly intermixed with pacifists and slow to embrace armed force. Aware of their need for a monopoly on firepower, in January of 1776, the Continental Congress recommended that all the states take steps to disarm disaffected persons.<sup>119</sup> Four months later, the colonial Assembly moved hesitantly to “recommend” that non-Associators turn over their arms and that the electorate in the towns and boroughs choose a few men to

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<sup>117</sup> *Pennsylvania Archives*, 2<sup>nd</sup> Series, 14:543.

<sup>118</sup> Muhlenberg, *Journals*, 3:55 (July 1, 1777).

<sup>119</sup> Ousterhout, *A State Divided*, 130.

collect them. The radicals' new government moved swiftly to replace this polite recommendation with more effective measures. Noting that many of the non-Associators had "either refused or neglected to deliver up their Arms," the provincial Convention removed enforcement from the hands of locally elected men and turned it over to the militia battalions, who would directly benefit from collecting as many arms as possible and were unlikely to be sympathetic towards those who refused to serve alongside them.<sup>120</sup> Consequently, between the summer of 1776, when the radicals erected their own governing bodies and disarmed the non-Associators, and the early autumn of 1777, when the British marched into the state, no force existed in Pennsylvania capable of opposing the militias or sheltering those who provoked the ire of the revolutionary leadership, nor was it at all likely that such a force could be assembled from the disarmed, isolated, and cowed population of dissenters. Any examination of region in the early years of the war or of the British occupation that followed should bear this situation in mind; it undoubtedly bore down on the minds of the disaffected people of Pennsylvania.

John Shy has remarked that "revolutionary violence is less an instrument of physical destruction than one kind of persuasion."<sup>121</sup> Given the near total lack of armed opposition, the revolutionary committees, militias and occasional mobs destroyed surprisingly little and killed very few as they overthrew the colonial government and worked to stamp out dissent.<sup>122</sup> There was certainly violence: sometimes spontaneous,

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<sup>120</sup> "Votes of the Assembly," *Pennsylvania Archives*, 8<sup>th</sup> Series, 8:7505-7507 (April 6, 1776); "Ordinance for disarming Non-Associators," *American Archives*, 5<sup>th</sup> Series, 2:6. (July 19, 1776).

<sup>121</sup> Shy, *A People Numerous and Armed*, 219.

<sup>122</sup> A complete breakdown of offenses and punishments may be found in the appendix in Ouster, *A State Divided*, 319-323.



often unofficial, and generally public; and the *threat* of violence was ever-present for those who, in word or deed, openly rejected the legitimacy of the new regime.<sup>123</sup> Yet the outright destruction of dissenters was never the goal. Time after time, the violence could be suddenly stopped or the threat ended by a humble apology for one's misdeeds, an act of solidarity with fellow Patriots, or a firm declaration of support for the revolutionary cause, even if these acts of penance were manifestly the product of extortion rather than a true change of heart. Like so much else in the Revolution, the threat of violence was deployed to obtain the consent, or at least the outward manifestation of consent, that was necessary to legitimate the organized resistance to British policy and the creation of a new nation in America. That threat made room for and empowered many of the radicals' other tools. Behind the enforcement of non-consumption, the pressure to enroll in the militia, the penalties for refusing the Test Act, and the crack-down on dissenting voices lay the coercive power of the committees, the militias, the crowds, and eventually, the Continental Army.

It should come as no surprise, then, that the loss of this monopoly on coercive force undercut the radicals' attempts to secure the people's consent in a wide variety of ways. The threat of that loss was itself sufficient to trigger one of the most infamous acts of Patriot oppression in Pennsylvania. As the British Army came ashore in Maryland, Congress and the Pennsylvania Council of Safety joined forces to arrest 41 Philadelphians who supposedly "evidenced a disposition inimical to the cause of

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<sup>123</sup> It was not at all unusual for the crowds or militias to carry enforcement to harsher extremes than the revolutionary governments and committees officially authorized. This was true in Pennsylvania and in other colonies as well. E.G. see Michael McDonnell, "Popular Mobilization and Political Culture in Revolutionary Virginia: The Failure of the Minutemen and the Revolution from Below," *The Journal of American History* 85 (Dec., 1998), 959 and Breen, *American Insurgents*, 186-97, 202.

America.”<sup>124</sup> None of them were charged with any specific criminal act, nor was any investigation launched to find proof of their misdeeds. The arrests and confinements were blatantly illegal according to the radicals’ own constitution and even Chief Justice Thomas McKean, who prior to his appointment had happily chaired the unofficial “courtroom” set up in the Indian Queen Tavern, issued a writ of *habeas corpus* demanding that the prisoners be either charged or released. The Supreme Executive Council responded to these challenges by retroactively granting itself the sweeping power to imprison anyone

suspected from any of his or her acts, writings, speeches, conversations, travels, or other behavior, to be disaffected to the community of this, or all, or any, of the united states of America... or [of] doing any other thing to subvert the good order and regulations, that are or may be made and pursued for the safety of the country,<sup>125</sup>

and further added that writs of *habeas corpus* would not apply to those imprisoned on such grounds. What followed was predictable in light of the radicals’ earlier efforts to forcibly secure unanimous consent. As always, the preferred outcome was to have accused dissenters publicly express their support for the Revolution and so the prisoners were first offered the opportunity to swear an oath to “be faithful and bear true allegiance to the Commonwealth of Pennsylvania as a free and independent state.”<sup>126</sup> Those who would not join “the people” in unified consent were to be cast out from among them. In

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<sup>124</sup> James Donald Anderson, “Thomas Wharton, Exile in Virginia, 1777-1778,” *The Virginia Magazine of History and Biography* 89:4 (Oct. 1981), 427.

<sup>125</sup> Ousterhout, “Controlling the Opposition,” 14. The Assembly’s recognition, in this instance, that women’s political expression was important enough to be a concern indicates their uncertainty and ambivalence with regard to the public significance of women. At other times, the revolutionaries would, to their detriment, struggle to recognize women’s choices as a threat. See chapter 3.

<sup>126</sup> Anderson, “Thomas Wharton, Exile in Virginia,” 431.

this case, the severance was not merely social and commercial but became a physical banishment from the state. On September 11, those who refused the oath were carried out of Philadelphia to be eventually deposited in Winchester, Virginia; two of them would die before their banishment was finally lifted.<sup>127</sup>

The revolutionary governments would take even more extreme steps after the British arrived in the state as they struggled to maintain the legitimacy they had worked so hard to secure. However, the presence of a military counterweight to their own coercive forces drastically altered the political environment in southeast Pennsylvania. In the months that followed, many of the Patriots' own tools for securing and demonstrating popular consent would be turned against them.

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<sup>127</sup> For more focused and extensive investigations of the Virginia Exiles see Anderson, "Thomas Wharton, Exile in Virginia, 1777-1778," 425-447 and Robert F. Oaks, "Philadelphians in Exile: The Problem of Loyalty During the American Revolution," *The Pennsylvania Magazine of History and Biography* 96 (July 1972), 298-325.

## CHAPTER 2

### SUBJECT TO GOVERNMENT

...it being a melancholy truth, that too many of our People are so disaffected already that nothing but the neighbourhood of the Army keeps them subject to Government, whilst the Whigs, & those who have taken the most active Part in support of our Cause, will be discouraged & give up all as lost.

~Pennsylvania Council and Assembly, 1777<sup>128</sup>

Few Pennsylvanians experienced the British invasion of the state, in all its danger, excitement, glory, and horror, as closely as Joseph Townsend, then a twenty-one year old Quaker living in Chester County. On August 25, the British fleet arrived nearby off Head of Elk, Maryland, and commenced the lengthy process of debarking the British soldiery, their baggage, arms, and animals. A week later, General Sir William Howe began pushing his forces North toward Philadelphia, a path that would necessarily force him to confront Washington's Continental Army and, incidentally, take him past Townsend's home. The young Quaker's journal captured the uncertain and divided sentiments that swirled around the army's coming. "Some," he wrote, "were of the opinion that a general devastation would be the consequence. Others concluded that the country was now conquered, and peace and tranquility would be restored." Some countenances "wear a serious aspect, and...appeared gloomy, others somewhat brightened up from the pleasing prospect before them."<sup>129</sup> Townsend himself was unsure how to feel about Howe's

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<sup>128</sup> "REMONSTRANCE OF COUNCIL AND ASSEMBLY TO CONGRESS, 1777," *Pennsylvania Archives*, 1<sup>st</sup> Series, 6:104-105.

<sup>129</sup> Joseph Townsend, *Some Account of the British Army Under the Command of General Howe, and of the Battle of Brandywine on The memorable September 11<sup>th</sup>, 1777, and the Adventures of that Day, Which Came to the Knowledge and Observation of*

arrival; his own internal conflict had little to do with politics but rather pitted his pacifist sentiments and obligations to his family against his eagerness to see soldiers on the march and witness the excitement of battle.

That latter would win out. On September 11, the young Quaker, “possessed of curiosity and fond of new things,” road out along the banks of Brandywine Creek, searching for the redcoats.<sup>130</sup> He found them, and army of King George III presented him with a vision that stirred all the suppressed martial passions that had lured him away home. “Our eyes were caught on a sudden by the appearance of the army coming out of the woods into the fields,” Townsend remembered, “In a few minutes the fields were literally covered over with them, and they were hastening towards us. Their arms and bayonets bring raised, shone as bright as silver.”<sup>131</sup> The day had more in store for him than that, however. Townsend and his brother encountered the British flanking parties and were allowed to pass through in order “to see the army.” They soon found themselves surrounded by marching redcoated columns, sidestepping troops of horsemen and rumbling baggage wagons, and even being interviewed by British officers who were eager for information on the countryside and the location of Washington’s Continentals. The journey home again brought more excitement, for Townsend was still among the British lines when they crashed into elements of Washington’s right flank near Osborn

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*Joseph Townsend, Late of Baltimore, MD* (Philadelphia: The Historical Society of Pennsylvania, 1846), 18. Townsend’s account was later republished as *The Battle of Brandywine*, (New York Times & Arno Press, 1969); Stephen R. Taaffe, *The Philadelphia Campaign, 1777-1778* (Lawrence: University Press of Kansas, 2003), 55.

<sup>130</sup> Townsend, *The Battle of Brandywine*, 21.

<sup>131</sup> *Ibid.*, 21-22.

Hill. Musket fire erupted from the trees ahead and a Hessian officer took the opportunity to draft the gawking civilians into a work detail, commanding them to remove fences which blocked the army's advance. Townsend was in such a state of shock that he immediately began following orders and had taken down the first two rails of the fence before he "was forcibly struck with the impropriety of being active in assisting to take the lives of my fellow being" and quietly snuck away from the battle.<sup>132</sup>

The days of the invasion took a grim turn for Townsend and his neighbors. Samuel Kern, a fellow Quaker who had gone to see the army, was shot through the thigh by a Continental scouting party on his way home, possibly by mistake, though Townsend notes that Kern was enthusiastically describing the Americans' defeat just prior to the soldiers opening fire. He worried that night about what might happen to him if word got out that he and his brother had mingled with the British soldiers prior to the battle. For their part, the British and Hessians did little to endear themselves to Townsend's neighborhood, confiscating goods, livestock, and lumber. The dead from Brandywine were buried in shallow graves and a series of torrential rains soon exposed the bodies, presenting Townsend and others with the unenviable task of reintering the decaying corpses. Experience of the invasion left the young man and his acquaintances much where it had found them: conflicted, uncertain, afraid, with no great enthusiasm for either the British or the revolutionaries.<sup>133</sup>

The British were victorious that day at the battle of Brandywine Creek, outflanking and nearly demolishing the Continentals. In the weeks that followed, Howe

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<sup>132</sup> Ibid., 24.

<sup>133</sup> Ibid., 26-29.

pressed on for Philadelphia. Clever maneuvers and inclement weather allowed the British to reach the American capital without another major battle. On September 26, while Washington's forces sat impotently out of position to the north, Lieutenant General Charles, Second Earl Cornwallis led the first ranks of the British army through the streets of Philadelphia; the occupation had begun.

### **“this State acts most infamously”: The Invasion Begins**

That disaffection remained pervasive in the summer and early Autumn of 1777 is apparent, not only in the journal of a twenty-one year old Quaker, but also in the remarks of the soldiery, the early reaction of the state militia, the peoples' response to the redcoats' calls for supplies and information, and accounts of the British capture of Philadelphia. General George Washington described the people as being “in a kind of Lethargy”<sup>134</sup> while Brigadier General Anthony Wayne of Pennsylvania complained of “the Supineness of some and Disaffection of Others.”<sup>135</sup> Yet perhaps more telling than these direct assertions of widespread apathy is the mirrored disappointment expressed by advocates from both sides of the conflict who complained that the region had turned against them. Even as the American commander-in-chief complained “that this State acts most infamously, the People of it I mean as we derive little or no assistance from them,” his opposite number in the British army, Howe, was grumbling about “the prevailing

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<sup>134</sup> “To John Augustine Washington,” Oct. 18, 1777, *The Papers of George Washington*, ed. Philander D. Chase, 21 vols. (Charlottesville: University of Virginia Press, 1997), (hereafter *PGW*) 11:551; Wayne K Bodle, *The Valley Forge Winter: Civilians and Soldiers in War* (University Park, Pa: Pennsylvania State University Press, 2002), 51.

<sup>135</sup> “Anthony Wayne to Thomas Wharton,” Nov. 22, 1777, *Pennsylvania Archives*, 1<sup>st</sup> Series, 6:25.

disposition of the inhabitants who, I am sorry to observe, seem to be, excepting a few individuals, strongly in enmity against us.”<sup>136</sup> While Joseph Jones of York criticized the people of Pennsylvania because they “make little or no exertions in [their] own defence, but on the contrary afford every succor and support to the Enemy,”<sup>137</sup> and John Adams condemned Philadelphia as “that mass of cowardice and Toryism,”<sup>138</sup> British Lieutenant General James Grant wrote home that “we find [the province of Pennsylvania] if possible more inimical than any we have yet been in.”<sup>139</sup> We can begin to resolve these apparent contradictions by noting that the “infamous” and “inimical” behavior the civilians engaged in rarely took the form of direct opposition to either party in the dispute; local resistance to Howe’s landing at Head of Elk was negligible and no armed loyalist bands emerged to harass Washington’s flank as he rushed to halt the British invasion. It was not antagonism but disaffection that both sides interpreted as “enmity against us.” Each had hoped, even expected, to find active support among the peoples of the mid-Atlantic, and both the British and the revolutionaries had difficulty distinguishing between disengagement and hostility.

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<sup>136</sup> “To John Augustine Washington,” Oct. 18, 1777, *PGW* 11:551; “William Howe to George Germain, Head of Elk,” 30<sup>th</sup> August, 1777, George Germain Papers, 6:13, William L. Clements Library, University of Michigan, Ann Arbor, MI.

<sup>137</sup> “From Joseph Jones,” Sept. 30, 1777, *PGW* 11:353-354; John Jackson, *With the British Army in Philadelphia*, (San Rafael, CA: Presidio, 1979), 14.

<sup>138</sup> John Adams, *Diary and Autobiography of John Adams*, Edited by L. H. Butterfield, 4 vols. (Cambridge: Belknap Press, 1961) 2:263.

<sup>139</sup> James Grant, Oct. 20, 1777, Letterbook 4, James Grant Papers, Army Career Series, Film 687, Reel 28, David Library of the American Revolution (hereafter DLAR), Washington Crossing, PA.



The problem was worse for the Pennsylvania Patriots, for they had spent the preceding years turning commercial choices and militia service into badges of patriotism and signs of consent for the revolutionary government, and it was precisely along these lines that the first signs of popular disaffection appeared in the weeks after the British landing.

### **“the Militia are sufficient to repel him”: The Collapse of the Militia**

Howe’s departure from New York in July with approximately twenty thousand men spawned runaway speculation about his intended target. As Washington marched and counter-marched his forces to and fro, trying to be ready for anything, Pennsylvania’s revolutionaries braced themselves for the possibility of invasion.<sup>140</sup> Those who had fully embraced the radicals’ ideal of a unified people committed to independence trusted that their own local defenses would protect them. Early in August, Pennsylvanian Josiah Parker assured a friend in Virginia that “Should an attempt be made on Philadelphia by Howe, which yet seems believed, we with the Militia are sufficient to repel him.”<sup>141</sup> Parker’s faith in his fellow militiamen would soon be severely tested.

Early in the summer, with Howe’s intentions still uncertain, Pennsylvania began gathering its militia strength. Compared with what was to follow, the initial turnout was relatively strong, if somewhat lethargic. Tasked with rallying the troops in York County, Richard McAllister complained that the militiamen there “will not meet together to Do

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<sup>140</sup> Taaffe, *The Philadelphia Campaign*, 47-48.

<sup>141</sup> Josiah Parker to John Page, August 5, 1777, Schoff Revolutionary War Collection, Box 2, William L. Clements Library.

any thing.”<sup>142</sup> They would not gather to elect officers or collect arms and ammunition. Officers appointed by the government were reluctant to assume the authority given them. When pressed harder, the people respond by throwing rocks through windows and making threats. “I shall Exert Every Power in me to Git them out,” wrote McAllister to the president of the Executive Council, “but am shure of failing with at least the half or more.”<sup>143</sup>

Similar hesitancy plagued the city of Philadelphia where, in keeping with McAllister’s predictions for York County, only about half of those called up agreed to serve. Pennsylvania militiamen were called by ‘classes,’ roughly even groups of men spread across the state. The greater the need for troops, the more classes called upon. In his study of the Philadelphia militia, Steven Rosswurm found that, excluding those who were able to secure exemptions, slightly over 40 percent of the first three classes of men who were summoned into service in July and August turned out, while another 10 to 20 percent hired substitutes to serve in their stead.<sup>144</sup> It was not the level of mobilization the Patriots might have hoped for, but it certainly could have been worse. It soon was.

By mid-August Howe’s target was no longer in question; he was seen moving up the Elk River in Maryland and no one doubted that the campaign for the rebel capital would soon begin. On August 22, three days before the British began to disembark,

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<sup>142</sup> Richard M’Allister to President Wharton, June 16, 1777, *Pennsylvania Archives*, 1<sup>st</sup> Series, 5:369.

<sup>143</sup> Richard M’Allister to President Wharton, July 4, 1777, *Pennsylvania Archives*, 1<sup>st</sup> Series, 5:412.

<sup>144</sup> See Table A.3 in Steven Rosswurm, *Arms, Country, and Class: The Philadelphia Militia and "Lower Sort" During the American Revolution, 1775-1783* (New Brunswick, NJ: Rutgers University Press, 1987), 262, 143.

Congress called upon the states of Maryland, Pennsylvania, Delaware and Virginia to place their militias, or substantial portions of them, under Washington's command to aid in the defense of Philadelphia. Pennsylvania was expected to maintain a force of at least four thousand, a number that seems modest in light of the approximately 40,000 men formally enrolled in the militia and the fact that their home was on the verge of being invaded.<sup>145</sup> Yet this number proved to be wholly beyond the state's capabilities.<sup>146</sup> A report on September 6 found fewer than three thousand serving from the state, of whom only 2,043 were fit for duty. On the same day, Congress recommended that Pennsylvania increase its militia commitments, calling out five thousand from Philadelphia and the surrounding counties alone. Though John Hancock assured General Washington that he had "no Doubt of their Compliance" in meeting this new quota, the Pennsylvania Militia not only failed to rise to this higher standard but soon made itself even more scarce than before.<sup>147</sup>

Howe's landing at Head of Elk and Washington's failure to stop him on September 11 in the Battle of Brandywine Creek drastically altered the calculus of

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<sup>145</sup> Francis Fox, "Pennsylvania's Revolutionary Militia Law: The Statute That Transformed the State," *Pennsylvania History* 80, (Spring, 2014), 205.

<sup>146</sup> See *PGW*, 11:54n1; *Journals of the Continental Congress, 1774-1789*, ed. Worthington C. Ford et al. (Washington, D.C., 1904-37) (hereafter *JCC*), 8:666-67; "Hancock to Certain States," Aug. 23, 1777, in Paul H. Smith, et al., eds. *Letters of Delegates to Congress, 1774-1789*, 25 volumes, (Washington, D.C.: Library of Congress, 1976-2000), 7:536; Mordecai Gist of Maryland placed the number of "enrolled" militia in Pennsylvania at some 62,000 men. Wayne Bodle, *The Valley Forge Winter: Civilians and Soldiers in War*, (University Park, PA: Pennsylvania State University Press, 2002), 50.

<sup>147</sup> "RETURN Of the militia belonging to the state of pennsylvania, Sept. 6th, 1777" *Pennsylvania Archives*, 1<sup>st</sup> Series, 5:595); "From John Hancock," Sept. 6, 1777, *PGW* 11:159.

loyalty and commitment for Pennsylvania's militiamen. Though militiamen were largely left out of the fighting at Brandywine, it was plain that military service would soon place them under the fire of British and Hessian regulars. Yet perhaps more importantly, the invasion of Pennsylvania called into question the revolutionaries' ability to enforce the militia laws they had created. The Patriots' monopoly on coercive force was severely strained and in some areas entirely broken; the very survival of the revolutionary government in the state was now in doubt. The change was immediately visible in the militia.

Though Philadelphia had managed to send approximately half of the militia classes called up prior to the British landing, a mere 15 percent answered from first class summoned in September. Shocked by this paltry turnout, the revolutionaries immediately called out the next class, but again only 15 percent appeared, prompting still another call for the next class, yet here too fewer than 20 percent responded. Service slumped to the lowest rate of the war; the city's militia was actively evaporating.<sup>148</sup> Out in York County, Richard McAllister also registered the sudden change in disposition among the people. He no longer complained about their refusal "to meet together to Do any thing," for now more than two hundred of them had gathered "to bind themselves to each other that they wd not muster nor go in the Militia any way, nor suffer their effets to be sold to pay any fines, and to stand by [each] other at the Risque of their lives, to kill every man who wd Distress them." Far from concerned about broken windows, McAllister now worried that these supposed militiamen meant to "either kill me or beet me so that I should not truble

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<sup>148</sup> See Table A. 3 in Rosswurm, *Arms, Class and Country*, 262, 143.

them any more.”<sup>149</sup> Few of the disaffected men of York County or those like them intended to declare for the British monarch or offer the British the services they denied to the revolutionaries; as McAllister recognized, they simply wished that no one would “trouble them any more.” They were quick to realize that, with a British army on Philadelphia’s doorstep, the radicals were no longer in a position to harass nonparticipants, impose fines, or punish dissent.

As the supply of fresh men for the militia withered, the incidence of desertion among those already in service exploded; one in four of the Philadelphia militiamen who turned out deserted, primarily from the later classes who faced longer service in a contested theatre. Rosswurm suggests that most of them likely returned to their homes in the city, submitting peaceably to the British occupation.<sup>150</sup>

The collapse of the Pennsylvania militia shocked some and infuriated others. “It is true this State wants punishment & suffering if ever one did,” roared Elias Boudinot, “We have mustered from the whole State, by exerting every Nerve about 4000 Men, who as soon as a Gun was fired within ¼ of a Mile of them would throw down their arms & run away worse than a Company of Jersey Women.”<sup>151</sup> Doubtless his irritation would have been all the greater had someone told him that only about two thousand were left in service when he penned these words.<sup>152</sup> Timothy Pickering was equally furious, declaring

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<sup>149</sup> “R. Macalester to President of Council,” Aug. 28<sup>th</sup>, 1777, *Pennsylvania Archives*, 1<sup>st</sup> Series, 5: 558-61.

<sup>150</sup> Rosswurm, *Arms, Class, and Countrymen*, 143-144, 145.

<sup>151</sup> George Adams Boyd, *Elias Boudinot: Patriot and Statesman, 1740-1821* (Princeton: Princeton University Press, 1952), 43.

<sup>152</sup> John Armstrong to Thomas Wharton, Oct. 2, 1777, Joseph Reed Papers, Film 266, DLAR.

to his brother that “No militia can be more contemptible than those of Pennsylvania and Delaware.” Yet behind his fury lay genuine surprise and bewilderment. “[H]ow astonishing is it,” he exclaimed,

that not a man is roused to action when the enemy is in the heart of the country, and within twelve miles of their grand capital, of so much importance to them and the Continent! How amazing, that Howe should march from the head of Elk to the Schuylkill, a space of sixty miles, without opposition from the people of the country.<sup>153</sup>

The Massachusetts politician was quick to remind one and all that “Such events would not have happened in New England!”<sup>154</sup> The unfavorable comparison was soon driven home by events near Saratoga. Even as Howe’s forces marched smoothly past abandoned farmhouses and militia turnouts plummeted in Pennsylvania, British General John Burgoyne’s army to the North was being smothered beneath the seemingly endless streams of men rushing to turn back his invasion of New York. Continental General Horatio Gates’ victories at Freeman’s Farm and Bemis Heights were due in no small part to the outpouring of militia support he received from New York and New England.<sup>155</sup> News of such triumphs would later inspire Pennsylvania’s revolutionary leadership to hope that a similar show of force might yet wrest the capital back from British control, but even they were forced to concede that, had Pennsylvanians risen with the zeal of the New Englanders, Howe would never have reached Philadelphia in the first place.<sup>156</sup>

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<sup>153</sup> See *PGW* 11:315, footnote 2.

<sup>154</sup> *Ibid.*

<sup>155</sup> John E. Ferling, *Almost a Miracle: The American Victory in the War of Independence* (Oxford: Oxford University Press, 2007), 233.

<sup>156</sup> Bodle, *The Valley Forge Winter*, 46.

As turnouts continued to slide, Washington too expressed surprise and distress at his precarious manpower. In letters to Thomas Wharton, president of Pennsylvania's Supreme Executive Council, he made his expectations clear: "When the Capital of your State is in the Enemies hands, and when they can only be dislodged from thence, by a powerful reinforcement of Militia...at least one half of the Men capable of bearing arms should be called into the Field." As an absolute minimum, he demanded that Pennsylvania at least assemble the four thousand men ordered by Congress. He considered it,

[a] matter of astonishment...that Pennsylvania, the most opulent and populous of all the States, has but Twelve hundred Militia in the Field, at a time, when the Enemy are endeavouring to make themselves compleatly[sic] masters of, and to fix their winter Quarters in her Capital.<sup>157</sup>

In time, Washington's "astonishment" would fade; by the end of 1777, he would come to long for even twelve hundred Pennsylvania militia but would not have them.<sup>158</sup>

### **"supplied by the inhabitants of the country": Material Goods and Information**

Even as the erosion of the Pennsylvania militia severely limited Washington's ability to impede the progress of the British army, a different sign of widespread disaffection was empowering his enemy. Howe's decision to land at Head of Elk and march overland to Philadelphia was a perilous one, for it left his men isolated from their supply lines and the support of the Royal Navy. The British commander and his generals

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<sup>157</sup> "To Thomas Wharton, Jr.," Oct. 17-18, 1777, *PGW* 11:539-540.

<sup>158</sup> Bodle, *The Valley Forge Winter*, 104.

looked to the people and farms they passed to provide, voluntarily or otherwise, sustenance for the army until the men reconnected with the fleet on the Delaware. “Provisions we could not carry,” recalled General James Grant, “Proceed we must & of course trust to the country for subsistence.” He had not “the smallest apprehension” of this trust being disappointed so long as the army was able to keep moving, and his faith was rewarded.<sup>159</sup>

The majority of the people near Howe’s landing site neither resisted nor assisted the invaders but rather, after briefly gawking at the unprecedented sight of hundreds of warships and transports filling the river, vanished into the interior.<sup>160</sup> As the army traveled north toward Philadelphia, however, more and more civilians remained in their homes to see it pass and, in some cases, strike a deal. According to one report, “from the Head of Elk, the British Army was supplied by the inhabitants of the country, with all manner of fresh provisions until they arrived at Philadelphia.”<sup>161</sup> Not all of the inhabitants supplied these provisions voluntarily, but some did, particularly when they learned that the British would pay good prices in hard currency. The army absorbed a tremendous number of livestock as it moved along, gathering some from abandoned pastures in

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<sup>159</sup> Grant, 20 Oct. 1777, Letterbook 4, James Grant Papers.

<sup>160</sup> Friedrich von Muenchhausen, *At General Howe’s Side, 1776-1778: The Diary of General William Howe’s Aide de Camp* (Monmouth Beach, NJ: Philip Freneau Press, 1974), 24; Baurmesiter to von Jungkenn, *Letters from Major Baurmeister to Colonel von Jungkenn written during the Philadelphia Campaign, 1777-1778* (Philadelphia, Historical Society of Pennsylvania, 1937, 1935), 3-4; “John Peebles Journal, 1776-1782,” Aug. 25& 28, 1777, Microfilm, n.d. DLAR.

<sup>161</sup> “A State of the Circumstances of Philadelphia when the British Troops took Possession, &ca.” [Cataloged as 1777, but no more precise date given] Germain Papers, vol. 6. William L. Clements Library.



Maryland and purchasing more from entrepreneurial herders in Chester County.<sup>162</sup> The long passage from New York had taken a terrible toll on the mounts of the British cavalry, leading to such a premium on horses that even some Patriot dragoons were persuaded to sell their animals to the redcoats.<sup>163</sup>

The British fleet conducted its own commercial exchanges with civilians, both along the shores of the Chesapeake and on the Delaware. Captain Friedrich von Muenchhausen, General Howe's *aide de camp*, recorded the arrival of small groups of Marylanders, including some African Americans, rowing out to supply the fleet with produce as it approached the landing site; trade between the Royal Navy and the peoples of Chester, Wilmington and New Castle later became a painfully recurrent theme in Washington's correspondence.<sup>164</sup>

With material goods came an even more precious resource: information. Aside from a handful of local loyalists traveling with the army, the British had precious little knowledge of the terrain they were traversing, a dangerous predicament in the face of an enemy who had, on more than one occasion, demonstrated the ability to use geography to his advantage. Howe desperately needed more information about the lay of the land and the location of his foe. Time and again, the British commander received this precious data from the civilians who traded with the army. Much of this information gathering was

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<sup>162</sup> Loftus Cliffe to Jack Cliffe, (Oct. 24, 1777), Folder 12, Loftus Cliffe Papers, William L. Clements Library; Oct. 16, 1777, Christopher Marshall Diaries, Christopher Marshall Papers (hereafter Marshall Diaries), HSP.

<sup>163</sup> Muenchhausen, *At General Howe's Side*, 30.

<sup>164</sup> Ibid., 24; Worthington Ford, *Defenses of Philadelphia*, (Brooklyn, N.Y. Hist. Print. Club, 1897), 69-70, 80; "From Thomas McKean," Oct. 18, 1777, *PGW* 11:442-43.

incidental; men and women answered questions about the area when asked and repeated what they had heard about the movement of American troops. One did not have to have great affection for the empire to describe a landmark or pass on a rumor when interrogated by a patrol of armed men.<sup>165</sup> Few served as actual spies or intentionally sought out information on the American army, though some committed loyalists did volunteer or hire themselves out as guides.<sup>166</sup> Like the material goods they received, the British put this information to good use, turning superior knowledge into victory at Brandywine and Paoli.<sup>167</sup>

Neither the absence of a strong militia, nor the supply of provisions, nor the slow trickle of information was enough to truly convince the British that they had entered a friendly or supportive region. Even General Howe, who eventually came to see the area as favorably disposed toward the British cause, admitted that he first encountered nothing more than “an equivocal neutrality.”<sup>168</sup> Several officers expressed their disappointment with the level of intelligence they were able to extract from the populace, primarily

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<sup>165</sup> For examples, see Muenchhausen, *At General Howe's Side*, 26; Johann von Ewald, *Diary of the American War: A Hessian Journal*, (New Haven: Yale University Press, 1979), 81, 87-88; “John Peebles Journal, 1776-1782,” Aug. 23, 1777, DLAR.

<sup>166</sup> For examples see “Report of the Loyalist Claims Commission for Gideon Vernon,” Great Britain, Audit Office Records (hereafter GB.AO), 12/40/272, 66/37, 109/300, Film 263, DLAR, and George Playter [aka Playton] GB.AO 12/102/211, 13/111/108-123, Film 263-264, DLAR); October 16, 1777, Marshall Diaries, HSP.

<sup>167</sup> See the editors' note, *Papers of George Washington*, 11:189; Taaffe, *The Philadelphia Campaign*, 89.

<sup>168</sup> “Sir William Howe's Defense (Before a Select Committee of the House of Commons) of his Conduct as Command-in-Chief of the British Forces in the War of Independence” Henry Strachey Papers, Box 2, Folder 51. William L. Clements Library.

because so many civilians had left the area; this was not the sort of behavior one hoped for from a truly loyal population.<sup>169</sup> Grant, in particular, was frustrated by the short supply of civilian guides to help him navigate the fields and woods and, later, was furious that the British received no advance warning of Washington's attack on Germantown.<sup>170</sup>

Yet in another telling contradiction, even as Grant grumbled and Howe complained that information remained "extremely difficult to procure," Washington wrote to Hancock that he was maneuvering amidst a people "from which I could not derive the least intelligence being to a man disaffected."<sup>171</sup> Though both generals made the best use they could of civilian intelligence networks, neither felt himself to be operating in friendly territory and each was painfully aware of how blind the people's

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<sup>169</sup> Ewald, *Diary of the American War*, 76; Carl Leopold Baurmeister, *Revolution in America* (New Brunswick, NJ: Rutgers University Press, 1957), 105.

<sup>170</sup> Grant, 20 Oct. 1777, Letterbook 4. James Grant Papers. Interestingly, Hessian Capt. Johann Ewald does report that a civilian, possibly Dr. William Smith of the College of Philadelphia, informed him of the impending attack the night before Washington struck:

"Toward evening Professor Smith from Philadelphia came to me, who owned a country seat close to the jäger post, for which I had provided protection. He asked me to take a little walk with him, which I was quite willing to do since we had enjoyed several days' rest. He led me behind the camp, and when he thought no one would discover us, he addressed me with the following words: 'My friend, I confess to you that I am a friend of the States and no friend of the English government, but you have rendered me a friendly turn. You have shown me that humanity which each soldier should not lose sight of. You have protected my property. I will show you that I am grateful. You stand in a corps which is hourly threatened by the danger of the First attack when the enemy approaches. Friend, God bless your person! The success of your arms I cannot wish. – Friend! General Washington has marched up to Norriton today! –Adieu! Adieu!' Thereupon this grateful man took the road to Philadelphia without saying one word more." Ewald, *Diary of the American War*, 92.

<sup>171</sup> "Sir William Howe's Defense (Before a Select Committee of the House of Commons) of his Conduct as Command-in-Chief of the British Forces in the War of Independence" Henry Strachey Papers, Box 2, Folder 51. William L. Clements Library, University of Michigan; "To John Hancock," Sept. 23, 1777, *PGW* 11:301.

reticence made their armies. The mirrored complaints and accusations point us once more toward a people who sought, above all else, to limit their involvement in the war and Revolution that had suddenly burst into their homes and lives.

This caution and hesitancy was problematic for more committed adherents on both sides of the imperial dispute. The British and their allies needed a steady stream of material supplies and expected to raise a sizable force of provincials to police and safeguard the regions pacified by the main army.<sup>172</sup> The American situation was more dire still, for they hoped to win a revolutionary war and establish a republic. The former objective required the people's active labor; the latter depended on their willing and expressed consent. Popular disengagement was not merely inconvenient, it was dangerous.

Over the preceding years of resistance and revolution, the Patriots of Pennsylvania had developed a variety of ways to quiet popular dissent and encourage widespread involvement with, or at least nominal acceptance of, the revolutionary cause. Yet behind all these techniques for uniting people under the banner of revolution there had always been the coercive power of the crowds, radical committees, and state militias. The appearance of the British Army on Pennsylvania's doorstep severely undercut the effectiveness of these means of control and made it possible for many disaffected Pennsylvanians to express their dissatisfaction with or disinterest in the revolutionary cause. The Patriot leadership took pains to reassert and demonstrate their control of militant power in the divided and disaffected state. Fortunately for them, an invaluable tool for this purpose had just arrived from New Jersey.

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<sup>172</sup> Jackson, *With the British Army in Philadelphia*, 3.

## **“see that the men carry their arms well”: A Show of Force in Philadelphia**

The Continental Army was the most powerful coercive force the Patriots had at their disposal and the revolutionary leadership intended to make the most of it in Pennsylvania. Even as the unprecedented sight of the British invasion fleet dropped jaws and widened eyes along the Chesapeake, Washington made plans for an impressive show of his own in the capital. Four divisions of Continentals marched through the center of Philadelphia. Entering on Front street in the early morning of August 24, they turned down Chestnut and passed through the heart of the city, eventually crossing the Schuylkill at the Middle (or Market Street) Ferry. Twelve ranks deep and marching in quick step to the rhythm of drum and fife, they took more than two hours to pass by.<sup>173</sup> This demonstration served multiple purposes. For worried and fearful Patriots, the sight of the army supplied a much needed boost of morale, an opportunity to rediscover their enthusiasm for the cause. For the commander-in-chief himself, it was a chance to quiet criticism of his troops and their general, to show the world that he commanded more than just a disorderly rabble. For the men of the army, it was a way of instilling martial pride in themselves and their fellows. And for the state and Continental authorities, it provided a means of assuring the people that their leaders would protect them and defend their newfound independence.<sup>174</sup> Yet more than this, the march through Philadelphia worked

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<sup>173</sup> “General Orders,” Aug. 23, 24 1777, PGW 11:49-51; Henry Marchant to Nicholas Cooke, Aug. 24, 1777, *Letters of Delegates to Congress* 7:541; Taaffe, *Philadelphia Campaign*, 57-58

<sup>174</sup> Middlekauf, *The Glorious Cause: The American Revolution, 1763-1789* (New York: Oxford University Press, 2007), 392.

to remind all those who looked to the pending British invasion for a chance to rise up and reassert royal authority, or even simply for relief from revolutionary domination, that the Patriot leadership was still very much in control of the province and still capable of dealing with disaffection and dissent. This was, above all else, a show of force.

That the disaffected ranked highly among Washington's intended audience is readily apparent. In his letter to John Hancock, president of Congress, explaining his decision, the general did not reference the impact on troop morale, patriotic pride, or his own reputation but immediately declared he had chosen this course "that it may have some influence on the minds of the disaffected there and those who are Dupes to their artifices & opinions."<sup>175</sup> Alexander Graydon watched the troops pass from the Coffee-House, recording that "as it had been given out by the disaffected, that we were much weaker than in truth we were, the General thought it best to show both Whigs and Tories the real strength he possessed." He spotted one resident "among the many who, perhaps, equally disclaimed the epithet of Whig or of Tory," looking down nervously from an upstairs window and noted that he "appeared a very anxious spectator."<sup>176</sup> Benjamin Chew's "anxious" appearance, as he surveyed the Patriot army from a friend's house in the city, was evidence that the march was having its desired effect. In a few days, the Continentals and the vast majority of the region's militia strength would be sapped away to the south in an attempt to halt Howe's advance. In these final days before the revolutionaries' monopoly on force was challenged, there could be no better image to

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<sup>175</sup> "To John Hancock," Aug. 23, 1777, *PGW* 11:52.

<sup>176</sup> Alexander Graydon, *Memoirs of His Own Time: With Reminiscences of the Men and Events of the Revolution* (Philadelphia: Lindsay & Blakiston, 1846), 290.

leave in the minds of the disaffected and potentially disloyal then of a powerful army, capable and willing to enforce, as well as defend, the new American order.

Washington did what he could to increase the martial aspect of his soldiers and apparent strength of his army. He “earnestly enjoined” his officers “to make all their men who are able to bear arms (except the necessary guards) march in the ranks.” The distance between the ranks of soldiers was “to be exactly observed in passing thro’ the City, and great attention given by the officers to see that the men carry their arms well, and are made to appear as decent as circumstances will admit.” Thirty-nine lashes awaited any soldier who, for any reason, broke ranks while passing through the city. Camp kettles were to be left with the baggage, which would take a different route in order to remain out of sight, and green sprigs were to be added to the men’s hats to signify vitality. And finally, Washington firmly mandated that “not a woman belonging to the army is to be seen with the troops on their march thro’ the city.”<sup>177</sup>

Results were mixed. Henry Marchant thought the troops passed “with a lively smart Step,” while an ever-worried John Adams wrote to his wife that

they dont step exactly in Time. They dont hold up their Heads, quite erect,  
nor turn out their Toes, so exactly as they ought. They dont all of them  
cock their Hats – and such as do, dont all wear them the same Way.<sup>178</sup>

The less discriminating Graydon surmised that the army, “though indifferently dressed, held well burnished arms, and carried them like soldiers.” Most importantly, they looked “as if they might have faced an equal number with a reasonable prospect of success.”<sup>179</sup>

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<sup>177</sup> “General Orders,” Aug. 23, 24 1777, *PGW* 11:49-51; Ferling, *Almost a Miracle*, 245.

<sup>178</sup> Henry Marchant to Nicholas Cooke, Aug. 24, 1777, *Letters of Delegates to Congress*, 7:541; Middlekauf, *The Glorious Cause*, 392.

<sup>179</sup> Graydon, *Memoirs of His Own Time*, 291.

Less satisfactory, at least to Graydon, was the civilian response. He trusted that the display would be effective in securing a healthy respect for the army's power, if only due to "the propensity of persons unaccustomed to the sight of large bodies of men, to augment them." However, turning his gaze to the watching crowds, he found that the popular display of enthusiasm for the cause "was very disproportioned to the zeal for liberty, which had been manifested the year before."<sup>180</sup> It was that very absence of zeal, as much as anything, that made such shows of force so very important for the cause.

### **"Streets crowded with Inhabitants": Howe Takes the Capital**

The British seem to have encountered a similar ambivalence as they entered Philadelphia itself on September 26. Before even reaching the city, they were greeted by what Elizabeth Drinker referred to as "a great number of the lower sort of the People,"<sup>181</sup> who likely recognized that their survival and prosperity would depend on the deportment of the military authorities. In some pockets, the city wore a somber face. Drinker compared the atmosphere to that of a Sunday morning and Sarah Logan Fisher recorded that "Everything appeared still & quiet."<sup>182</sup> Reflecting back some years later, J.P. Norris recalled that "a number of our citizens appeared sad and serious" and flatly stated that

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<sup>180</sup> Ibid.

<sup>181</sup> Elizabeth Sandwith Drinker, *The Diary of Elizabeth Drinker*, ed. Elaine Forman Crane, 3 vols. (Boston: Northeastern University Press, 1991), 1:235.

<sup>182</sup> Drinker, *Diary*, 1:235; Nicholas B. Wainwright and Sarah Logan Fisher, "'A Diary of Trifling Occurrences': Philadelphia, 1776-1778," *The Pennsylvania Magazine of History and Biography* 82, no. 4 (October 1958), 450.



“there was no huzzaing.”<sup>183</sup> An unnamed “lady” told John Fanning Watson “it was a solemn and impressive day – but I saw no exultation in the enemy, nor indeed in those who were reckoned favourable to their success.”<sup>184</sup> Elsewhere, however, the military bands’ choruses of “God Save the King” were all but drowned out by “the loudest acclamations of joy” from the inhabitants.<sup>185</sup> Lieutenant Colonel Francis Downman, with the Royal Artillery, wrote that “the roads and streets were crowded with people who huzzaed and seemed overjoyed to see us.”<sup>186</sup> British engineer, Captain John Montresor, appreciated “the acclamation of some thousands of the inhabitants,” though he noted that they were “mostly women and children,” another group whose immediate fate would rest on the forbearance of the army.<sup>187</sup> As Captain John Peebles, commander of the 42<sup>nd</sup> Royal Highland regiment’s grenadier company, walked past “Streets crowded with Inhabitants who seem to rejoice on the occasion,” he could not help but reflect on the fact that “by all accouts many of them were publickly on the other side before our arrival.”<sup>188</sup>

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<sup>183</sup> John F. Watson, *Annals of Philadelphia and Pennsylvania*, 3 vols. (Philadelphia, Leary, Stuart & Co., 1927), 2:284.

<sup>184</sup> *Ibid.*, 2:287.

<sup>185</sup> Robert Morton, “Diary of Robert Morton,” *The Pennsylvania Magazine of History and Biography* 1, (1877), 7-8.

<sup>186</sup> Francis Downman, *The Services of Lieut.-Colonel Francis Downman, R.A. in France, North America, and the West Indies, Between the Years 1758 and 1784*, Ed. F.A. Whinyates, (Woolwich: Royal Artillery Institution, 1898), 35-36.

<sup>187</sup> John Montrésor and G. D. Scull. “Journal of Captain John Montrésor, July 1, 1777, to July 1, 1778 (continued),” *The Pennsylvania Magazine of History and Biography* 6, no. 1 (1882), 41.

<sup>188</sup> Peebles, “John Peebles’ Journal, 1776-1782,” Sept. 26, 1777, DLAR.

Drinker too had noticed that many of the “warm people,” as she described the seemingly zealous Patriots, “continue here that I should not have expected.”<sup>189</sup>

Some among the cheering crowds were doubtless committed loyalists, who exuberantly gave voice to their feelings of triumph and relief. Yet taken together, the contemporary accounts suggest a population that was more hesitant and compliant than truly enthusiastic or hostile. Those who most needed the friendship of the army turned out to express their friendship in return. Recent history had taught many residents that a brief but vocal expression of consent for whoever presently held power could spare one from a host of troubles; making an appearance alongside their celebratory neighbors was a small price to pay if it bought protection from charges of treason. Whether they were celebrating the arrival of a Washington or a Cornwallis was, to some extent, beside the point. The reigning emotion may have simply been one of “great confusion,” a descriptor Nathaniel Greene applied to the entirety of Pennsylvania in the summer of the invasion and which Drinker invoked five times in the month of September alone.<sup>190</sup> In less than a year’s time, Philadelphia had transitioned from the capital of a proprietary colony, to the seat of a radical and revolutionary commonwealth, and then to the headquarters of the British Army in America. It can hardly be surprising that more than a few Pennsylvanians chose to wait and see how this latest development would unfold and to turn their attention to how they might best survive, and perhaps prosper, in the interim.

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<sup>189</sup> Drinker, *Diary*, 1:235.

<sup>190</sup> “Nathanael Greene To Jacob Greene,” June 4, 1777, *The Papers of General Nathanael Greene*, ed. Richard K. Showman, 2 vols. (Chapel Hill: Published for the Rhode Island Historical Society [by] University of North Carolina Press, 1976) 2:104; Drinker, *Diary*, 1:227-236.

### **“absolutely essential to the liberties of the United States”: Martial Law**

The fall of Philadelphia was only the last in a series of blows given to American morale in the preceding weeks. The army that had so impressively marched through Philadelphia had been outflanked and outfought at Brandywine Creek on September 11. The eleven hundred casualties and the loss of the field at Brandywine did little to dampen Washington's spirits, but torrential rains on September 16 drenched his ammunition, forcing him to fall back toward Reading to resupply and abandon plans for another major battle. Four days later, the Continentals were caught off-guard once more when a British force under Major General Charles Grey surprised and smashed General Anthony Wayne's division at Paoli. By the twenty-second, Howe had out maneuvered Washington yet again, this time crossing the Schuylkill unopposed and securing unimpeded access to Philadelphia. Despite the best efforts of the American army, the British kept coming.<sup>191</sup>

Worse still, they were actively supplied by disaffected and loyalist Americans. Trade between civilians and the British Army, both during the campaign and later in occupied Philadelphia, was immensely distressing to the leadership of the Revolution. Hancock referred to it as a practice “extremely dangerous to the Cause of America” and wrote forcefully of “The absolute Necessity of cutting off all Supplies and Intelligence from the Enemy...and thereby preventing any Intercourse between them and the disaffected in the State of Pennsylvania.”<sup>192</sup> Yet this was easier said than done. Prior to

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<sup>191</sup> Ferling, *Almost a Miracle*, 247-252; Middlekauf, *The Glorious Cause*, 392-396.

<sup>192</sup> “From John Hancock,” Oct. 9, 1777, *PGW* 11:461.

the invasion, the revolutionaries had looked to local Patriot committees, backed by the coercive power of the militias, to see to it that Americans acquired, used and exchanged material goods in politically responsible ways. Now these means of enforcement were severely crippled; revolutionary committees could not operate in the presence of the British Army and even outside the lines their authority was powerfully undermined by the unanticipated collapse of the militia. State and local authority was in disarray, yet it was clear that the Patriots could not rely on the good will and patriotism of the people to keep them from supplying the redcoats with goods and information. Only the Continental Army had any chance of guaranteeing that the people of Pennsylvania would continued to voice their support for the revolution in the ever-important language of commerce. On October 8, Congress took the now obvious step: it declared martial law.<sup>193</sup>

The crisis had already driven Congress to massively increase Washington's powers when it came to civilian property. Shortly after the defeat at Brandywine, it diplomatically recognized that "the city of Philadelphia notwithstanding the brave exertions of the American army, may possibly, by the fortune of war, be, for a time, possessed by the enemy's army."<sup>194</sup> As such it was "absolutely essential to the liberties of the United States" that any and all goods needed by the army or potentially useful to the British be secured. Further recognizing that certain "enemies to the liberties of America" might elect not to sell their goods to the army at a reasonable price and might even supply them to the enemy, Congress authorized the commander-in-chief "to take, wherever he may be, all such provisions and other articles as may be necessary for the comfortable

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<sup>193</sup> *JCC*, 9:784-85.

<sup>194</sup> *JCC*, 8:751-52.

subsistence of the army under his command, paying or giving certificates for the same” and “to remove and secure, *for the benefit of the owners*, all goods and effects which may be serviceable to the enemy.”<sup>195</sup> Given that the British were often willing to pay for goods at a higher price and in a more valuable currency than the Americans, it’s questionable how many of the owners looked upon this policy of confiscation as beneficial. Here again we see signs of the revolutionary perspective in which independence was assumed to be of universal benefit to a unified “people,” outside of which existed only “enemies to the liberties of America,” whose property deserved no protection.

The resolutions of October 8 expanded the army’s authority even further and granted it powers not only over goods and effects but over the people themselves. “[T]he process of the municipal law,” Congress declared, “is too feeble and dilatory to bring to a condign and exemplary punishment persons guilty of such traitorous practices” as communicating supplies or intelligence to the British. The process of inflicting “exemplary punishment” on treasonous civilians would now fall to the military. Any inhabitant who served the British as a guide, provided them with any information, “or in any manner furnish them with supplies of provisions, money, cloathing, arms, forage, fuel, or any kind of stores [will] be considered and treated as an enemy and traitor to these United States.” Washington was empowered to arrest any person within thirty miles of the British Army, to try them by court martial, and upon conviction of any of the above mentioned offenses, to sentence them “to suffer death or such other punishment as

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<sup>195</sup> Ibid. (*italics mine*)

to [the courts martial] shall seem meet.”<sup>196</sup> In short, the military itself was now free to arrest, try, and execute citizens without recourse to civilian justices or juries. Washington immediately requested duplicates of the resolutions in order to make them “known among the inhabitants, who are in this Neighbourhood, and who have been guilty of such practices,” Hancock ordered 1000 copies for distribution.<sup>197</sup>

### **“summary and adequate powers, to punish offenders”: The Council of Safety**

Yet even Washington’s new authority over the civilian population paled beside the powers the Pennsylvania government bestowed upon itself. Here again, the presence of the British Army led a panicked revolutionary leadership to surrender the rights of the people into the hands a few key individuals. In the opinion of the Pennsylvania Assembly, which was just completing its first term under the new Constitution, the capture of Philadelphia had resulted in a time “of such danger and confusion [that] the ordinary powers of government cannot be regularly administered.” Furthermore, there would soon be a break in legislative governance between the final recess of the sitting Assembly and the election of its replacement. In this interval, they feared, “evil-minded persons may be encouraged, by open or secret practices, to assist the common enemy.” To prevent these evils, the legislature resolved, “for a limited time, to vest fit persons

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<sup>196</sup> *JCC*, 9:784-85.

<sup>197</sup> “To John Hancock,” Oct. 10, 1777, *PGW* 11:473-475; “From John Hancock,” Oct. 14, 1777, *PGW* 11:504.

with summary and adequate powers, to punish offenders, and restrain abuses.”<sup>198</sup> Thus was born the 1777 Council of Safety, a body composed of the Supreme Executive Council and twelve individuals specifically named by the Assembly, including Christopher Marshall, James Cannon, and David Rittenhouse.

On paper, at least, the powers of the Council of Safety were truly breathtaking and made a mockery of the much lauded Declaration of Rights included in the 1776 state constitution. In the enabling legislation, the Assembly granted the Council

full power to promote and provide for the preservation of the common-wealth, by such regulations and ordinances as to them shall seem necessary, and to proceed against, seize, detain, imprison, punish, either capitally or otherwise, as the case may require, *in a summary mode*, either by themselves, or others, by them to be appointed for that purpose; all persons who shall disobey, or transgress the same, or the laws of this state heretofore made, for the purpose of restraining or punishing traitors, *or others, who from their general conduct or conversation may be deemed inimical to the common cause of liberty*, and the United States of North America.<sup>199</sup>

Not only was the council empowered to pass its own regulations against supposed traitors and then summarily execute those who violated them, it was also free to summarily punish anyone who, regardless of their actions, in general conversation seemed inimical to the cause. Furthermore, the Council was authorized “to take and seize, where it may be needful, provisions and other necessities, for the army or the inhabitants” and “in general regulate the prices of such articles as they may think necessary, and compel a sale thereof where the same shall be wanted.” The members of the Council were also vested with the

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<sup>198</sup> Samuel Hazard, ed., *The Register of Pennsylvania: Devoted to the Preservation of Every Kind of Useful Information Respecting the State*, 7 vols., (Philadelphia, 1828-1831), 3:200. Note that, though these “evil-minded persons” are so numerous as to require the creation of such a council to control them, the British are still held to be the “common” enemy of the people.

<sup>199</sup> Hazard, *The Register of Pennsylvania*, 3:200. (Emphasis added)

power “to call to their aid all officers and other persons, civil and military,” to assist them in executing their decisions.<sup>200</sup> The people’s supposed constitutional rights to “public trial, by an impartial jury of the country,” to “hold themselves...and possessions free from search and seizure” except by warrant, and “to freedom of speech”<sup>201</sup> were all disregarded. More so than perhaps any other moment in the history of the Revolution, the door was opened for an official and authorized “reign of terror” against those who would not support the cause. That very few loyalists and dissenters were in fact executed speaks to both the weakness of the state government and its hesitancy to fully deploy the coercive powers at its disposal.<sup>202</sup>

This reluctance also harkens back to the earlier phases of the Revolution when the committees that enforced non-consumption expressed a similar unwillingness to fully exercise their capacity to inflict punishments on the disaffected. A deeper evaluation of revolutionary enforcement must take into consideration the winter and spring that followed the capture of Philadelphia, but here it is worth noting that the same assumption of a unified “people” that drove the enforcement of the non-consumption and militia movements and which at times threatened to strip dissenters of basic governmental

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<sup>200</sup> Ibid.

<sup>201</sup> Constitution of the Commonwealth of Pennsylvania (1776), Declaration of Rights, art. IX, X, & XII.

<sup>202</sup> Anne M. Ousterhout has tabulated, to the extent possible from extant records, the punishments inflicted on those accused of disloyal acts in Pennsylvania during the revolution. See Ousterhout, “Controlling the Opposition in Pennsylvania during the American Revolution,” *The Pennsylvania Magazine of History and Biography* 105, no. 1 (January 1981): 18-23; Francis Jennings provides a scathing indictment of Pennsylvania’s radical government, its violation of its own Declaration of Rights, and the potentially tyrannical powers of the Council of Safety, see Jennings, *The Creation of America: Through Revolution to Empire* (Cambridge: Cambridge University Press, 2000), 180-92.



protections, could also mitigate the severity and extent of patriotic oppression. In order to truly carry out the sort of extensive and systematic “purge” which the Council of Safety’s authority made possible, the Patriots would first have to accept the notion that their society was not merely afflicted with self-interest and lethargy and perhaps infected with a handful of treacherous souls, but was truly divided into warring camps: that the revolutionary struggle was, at heart, not one of a united “people” struggling against a foreign oppressor but a civil war that pitted one faction of the people against another. Both the committees’ desperate attempts to display unity, even while punishing disaffection, and the Council of Safety’s hesitancy to fully embrace the powers it had been granted demonstrate that, in 1777, this was not a perspective the revolutionaries were willing to adopt. In early December, as the shock of the invasion passed and the two armies prepared to settle into winter quarters, the Council of Safety was abolished by the Supreme Executive Council.<sup>203</sup>

### **“nothing but the neighbourhood of the Army”: Choosing Valley Forge**

The Continental Army’s position as the coercive force behind Pennsylvania’s revolutionary government was just beginning, however. Its vital role in this respect became apparent as Washington began considering where and how to deploy his troops for the duration of the winter. In a council of general officers on November 30, the commander-in-chief put the question before his fellows and requested their advice.<sup>204</sup> It appears that three primary alternatives were under consideration: the army could retire to

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<sup>203</sup> Ousterhout, *A State Divided*, 297

<sup>204</sup> Editors notes in *PGW*, 12:444-445.

the interior of the state, assuming a position between Lancaster and Reading, relatively far from the occupied capital; the army could take up a post at and around Wilmington, close to Howe's lines; or the Continentals could not go into winter quarters at all, but instead pursue a winter campaign against the British and possibly dislodge them from Philadelphia. The response he received to these alternatives, not only from the generals but from the civilian governments as well, is telling.<sup>205</sup>

After sorting through many pages of correspondence, Washington concluded that "the general sentiment" of his commanding officers was that the army should fall back toward the Pennsylvania interior where it might best recover from its losses and prepare for the next year's campaign.<sup>206</sup> The advocates of this position were strongly of the opinion that caring for the army itself must be the highest priority, outweighing any concerns about the political vulnerability of the local revolutionary regime. Brigadier General Johann de Kalb explained that "Rest, recruiting & Cloathing" the army were of the highest necessity and that "more tranquility & safety could be expected between Lancaster and Reading."<sup>207</sup> Major General Henry Knox concurred that "[t]he ease and safety of the troops" were "the greater objects and all inferior ones should give place to them."<sup>208</sup> The young Marquis de Lafayette advocated placing winter quarters deep in the

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<sup>205</sup> For the best description of Washington's choice of winter quarters, including a detailed analysis of the political implications, see Wayne Bodle, *The Valley Forge Winter*, 55-73. The brief overview here owes a tremendous debt to Bodle's narrative and analysis.

<sup>206</sup> Bodle, *The Valley Forge Winter*, 57.

<sup>207</sup> "To Johann Kalb," Dec. 1, 1777, *PGW* 12:464

<sup>208</sup> "From Henry Knox," Dec. 1, 1777, *PGW*, 12:465

backcountry; “there” he argued “we schall be quiete.”<sup>209</sup> These generals and their like-minded counterparts recognized that this course of action would leave the region around occupied Philadelphia open to the British. Nonetheless, they believed that the fate of the Revolution hinged first and foremost on the survival of the Continental Army, and that army required time to rest and recover. The worst-case scenario would be one in which the British were able to force the army into a winter campaign that would further sap its already depleted strength. The Patriots of Pennsylvania would have to look out for themselves over the winter. Knox optimistically suggested that “the militia of the state...will cover the Country” around the British lines. Notably, these advocates were almost entirely men from outside Pennsylvania and had little understanding of the fragility of the revolution in the state.

Alongside this “general sentiment,” Washington also heard “powerful advocates” for placing the army at Wilmington, or some other nearby location, where it would be able to far more effectively cover the surrounding region and maintain revolutionary authority.<sup>210</sup> This was the position advocated by the majority of the Pennsylvanians. Their justifications for this choice reveal that they were not only motivated by a desire to protect as much as their home state as possible but also by the dire political consequences of withdrawing the last vestige of revolutionary force from the region. “The Disaffection of the Country, Distress of the Whigs, recruiting & refreshing the British Army – a general Despondency & above all, a Depreciation of the Currency stare me in the Face as

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<sup>209</sup> “From Major General Lafayette,” Dec. 1, 1777, *PGW* 12:466-68.

<sup>210</sup> Bodle, *The Valley Forge Winter*, 255-56.

a Consequence of Retirement to distant Quarters,”<sup>211</sup> warned Joseph Reed, who clearly had little faith that his fellow Pennsylvanians would maintain the revolutionary struggle in the absence of the army. Should Washington fall back toward Reading, he predicted that the population around Philadelphia would “seek Protection, take the Oaths, & throw themselves under the Enemy’s Government. A Circle of 30 Miles at least including Jersey will be under the Command of the Enemy.”<sup>212</sup> James Irvine also worried that “to leave so large a proportion of the most valuable part of the state uncovered...may have a very unhappy effect upon the minds of the inhabitants.”<sup>213</sup> He predicted that the result would be a further reduction in the number of Pennsylvanians willing to fight for the Revolution, not only with regard to the militia but in the Continental line as well. John Cadwalader’s analysis sought to take into consideration the youth of the new nation; “[t]he situation of the american states is very different from that of a nation whose independence is acknowledged and established,” he explained. “It requires great management to keep up the spirits of the well-affected & to subdue those who have taken a part against us.” Like Reed he predicted that if the Continentals withdrew “the inhabitants, within this great Circle...must swear allegiance to the King, & deliver up their arms.”<sup>214</sup> Doing Irvine one better, Cadwalader not only predicted a future reduction in manpower, but warned Washington that, if he failed to adequately cover the region,

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<sup>211</sup> “From Joseph Reed,” Dec. 4, 1777, *PGW* 12:548-552.

<sup>212</sup> *Ibid.*

<sup>213</sup> “From James Irvine,” Dec. 1, 1777, *PGW* 12:463-464.

<sup>214</sup> “From John Cadwalader,” Dec. 3, 1777, *PGW* 12:507-510.

“[t]hose men who are to compose a very considerable part of your army the next Campaign will be engaged against you.”<sup>215</sup>

The state and Continental legislatures, both of which had long been residing in Philadelphia, were staunchly on the side of the Pennsylvania officers and adamant about keeping a revolutionary military force in the region. Congress dispatched Robert Morris, Elbridge Gerry and Joseph Jones to meet with Washington and impress upon him the desirability of “carrying on a winter's campaign with vigour and success.”<sup>216</sup> This pitted the politicians directly against the majority of Washington’s generals, who believed that such a campaign would spell disaster for the army, whatever its benefits to the revolutionary spirit in the Delaware Valley. Having interviewed a number of officers and observed the near confrontation between the two armies at Whitemarsh in early December, Congress eventually conceded that a winter assault on Philadelphia was impractical, but remained committed to covering the area around the city.<sup>217</sup>

The Pennsylvania state government, which arguably knew its people even better than Congress did, was driven to panic when it received erroneous information that Washington had chosen to pull the army out of the region for the duration of the winter. In a “Remonstrance of Council and Assembly to Congress,” the legislators openly confessed the “melancholy truth, that too many of our People are so disaffected already

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<sup>215</sup> Ibid. Cadwalader goes on to list a host of ills that will befall the Revolution in Pennsylvania should Washington fail to adequately support it with his army; Also see “From John Armstrong,” Dec. 1, 1777, *PGW* 12:455.

<sup>216</sup> *JCC*, 9:972.

<sup>217</sup> Bodle, *The Valley Forge Winter*, 57, 63-64; Notably, the five officers who joined Congress in advocating a winter campaign were all Pennsylvanians and four of them were from the militia, see Bodle, *The Valley Forge Winter*, 60-61.

that nothing but the neighbourhood of the Army keeps them subject to Government.” Take away that final foundation of coercive force and the authority of the regime would collapse. Furthermore, echoing Cadwalader’s dire predictions, the Assembly and Council warned that, without the army to keep them in check, “the Torys & Disaffected will gain Strength, & in many places perhaps declare openly for the Enemy.”<sup>218</sup> In short, deprived of an army, or at least an active militia, to enforce it, the Revolution in Southeast Pennsylvania would be over.

In his study of the Valley Forge winter, Wayne Bodle concludes that, though initially inclined to adopt the “general sentiment” of his officers and fall further back into the country, Washington eventually “came to see, however grudgingly, that the fears expressed by state and Continental leaders about the political implications of an army withdrawal had some foundation” and “embraced the need for the army to help secure the legitimacy of Pennsylvania’s government by serving as a symbol, if not a surrogate, for civil authority.”<sup>219</sup> The bulk of the army would assume a position west of the Schuylkill to cover the country there and block Howe’s access to the Pennsylvania interior; a detachment of Continentals would be sent across the Delaware to aid New Jersey in maintaining order and fending off British foraging parties; the area north of Philadelphia between the Schuylkill and Delaware rivers would be entrusted to the collective strength of the Pennsylvania militia, aided by a troop a Continental cavalry. The army would thus be kept partially in camp and partially in the field, poised to cover the civilian population

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<sup>218</sup> “REMONSTANCE OF COUNCIL AND ASSEMBLY TO CONGRESS, 1777,” *Pennsylvania Archives*, 1<sup>st</sup>, 6:104-105. Though undated, Bodle suggests this was written on Dec. 15 and no later than Dec. 17. See *The Valley Forge Winter*, 281, n36.

<sup>219</sup> Bodle, *The Valley Forge Winter*, 70 & 71.

but spared the rigors of a full offensive campaign and aided in their task by the state militia. It was not a decision without risk, for it placed winter quarters, such as they were, within the reach of a British offensive and “left the army’s fate tied closely, at least for the duration of the winter, to the legitimacy of the weakest and most divided state government in America.”<sup>220</sup> The months that followed proved how dangerous such a predicament could be, both for the army and for the divided and weary people who lived around it.

## **Desperate Times**

Settling the army at Valley Forge so it could keep the disaffected “subject to Government” was merely the last in a series of steps taken to counteract the troubling lack of revolutionary enthusiasm in the region around Philadelphia during the invasion. Among the earlier steps were some of the most extreme measures taken by the Patriots in the course of the war, measures which, in different circumstances, might have opened the door for the sort of tyrannical purges and mass executions carried out by later revolutions.

The severity of these measures stemmed in part from the real and legitimate dangers posed by Howe’s arrival in Pennsylvania. The political capital and agricultural breadbasket of the united colonies was under assault by the largest military force the region, and most of those living in it, had ever seen. The British commander-in-chief had consistently demonstrated his ability to out-general Washington and he continued to do so during the push toward Philadelphia. The Continental Army had failed to save the city

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<sup>220</sup> Bolde, *The Valley Forge Winter*, 64, 67.

and then failed in an attempt to retake it; the Continental Congress had taken flight; local government was in disarray. Franklin may have quipped that “Philadelphia has taken Howe” for the benefit of his French audience, but others like Nathanael Greene privately admitted that the loss was “a distressing circumstance notwithstanding we affect to despite it.”<sup>221</sup> Far too much blood and treasure was lost in the Philadelphia Campaign for us to casually accept the Patriot’s public claims that the outcome was of no great importance to them.

More threatening than the external dangers of British regulars, however, were the *internal* challenges triggered, or at least made evident, by the invasion and occupation. As T. H. Breen has argued, in the 1760s and early ‘70s the British Parliament inadvertently politicized material goods by imposing revenue-generating taxes on sugar, glass, paints, tea and other commodities. As a result, the Americans were able to use consumer choices as a means of expressing dissent toward Britain, unity amongst themselves, and the republican virtue of self-sacrifice for the community.

Looking forward into the years of war, however, one finds that the Patriots themselves vastly expanded the political importance of consumer choice and so made

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<sup>221</sup> John Adams went so far as to list the various advantages the revolutionaries would reap from having their capital occupied by the British. John Adams to Abigail Adams, August 1, 1777, *Adams Family Papers: An Electronic Archive*, Massachusetts Historical Society, <http://www.masshist.org/digitaladams/>; Nathaniel Greene To George Washington, April 25, 1778, *Papers of Nathanael Greene*, ed. Richard K. Showman (Chapel Hill, NC: University of North Carolina Press, 1976), 355-361. Greene was less worried about the military significance of the city than the impact of its loss on the people’s morale. “The real injury by the loss of Philadelphia” he wrote, “bears but a small proportion to the effect it had from the imaginary estimation given it by the public.” James Allen had voiced similar sentiments in early October, noting that “the minds of people are much changed by the loss of Philadelphia.” James Allen, “Diary of James Allen, Esq., of Philadelphia, Counsellor-at-Law, 1770-1778 (continued),” *The Pennsylvania Magazine of History and Biography* 9, (Oct., 1885), 294.



themselves vulnerable to the same sort of reversal Parliament had suffered. Just as the goods politicized by Parliamentary legislation were used to express opposition to Parliament, so too the consumer choices that had been used to demonstrate the unity of Americans could now cast the fragility of that unity in sharper relief. The exchange of goods and information between the British military and Pennsylvania's civilians would have been intensely problematic under any circumstances, but it was especially dire in light of the ideological significance the Patriots had come to place on such activities. If we accept Breen's assessment of goods as "the foundation of trust"<sup>222</sup> amongst the revolutionaries, then in the summer and fall of the British invasion, deep cracks appeared in that foundation and endangered the entire revolutionary edifice built upon it.

This threat was not wholly unexpected. Yet at the very moment of foundational instability, the Pennsylvania militia, which was simultaneously a "test of loyalty"<sup>223</sup> itself and the key coercive force that had ensured the expressed loyalty of the people generally, was also in the midst of collapse. Consequently, the revolutionary leaders turned to the Continental Army, granting Washington authority they would never have acknowledged in the king or Parliament. Simultaneously, the state government entirely discarded any pretense of tolerance or freedom of expression in a desperate attempt to enforce its authority on an obstinate people.

The invasion of Pennsylvania, then, revealed with striking clarity that the young American governments in the region as yet relied, to a great extent, on coercive force, not

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<sup>222</sup> T. H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (New York: Oxford University Press, 2004), xv-xvi.

<sup>223</sup> John W. Shy, *A People Numerous and Armed Reflections on the Military Struggle for American Independence*, Rev. ed (Ann Arbor, MI: University of Michigan Press, 1990), 237-239.

merely to defend themselves from external dangers but also to achieve and maintain the expressions of popular consent that ultimately legitimated them. The arrival of a military counterweight to their own forces and the precipitous collapse of their primary internal enforcers thus called into question their very survival and understandably provoked a panicked reaction. In many ways, it was the Patriots' very aspirations to government by consent of the governed that led them, in a moment of crisis, to embrace such desperate measures in the quest to secure that consent.

## CHAPTER 3

### LIBERTY FOR ALL MUST BE FORCED ON A FEW

The friends of the revolution excuse this tyranny by saying that liberty for all must be forced on a few by despotism.

~Captain Johann Ewald, March 21, 1778<sup>224</sup>

Early the morning of October 4, 1777, the inhabitants of occupied Philadelphia awoke to a sound like “the crackling of thorns under a pot, and incessant peals of thunder;”<sup>225</sup> the rolling echoes of musket and cannon fire swept down upon them from the village of Germantown to the north. Having failed to defend the city, Washington now strove to retake the American capital, launching a four-pronged assault on the main body of the British Army. The Battle of Germantown marked the Continentals’ only attempt to reclaim Philadelphia by force. Numerous factors contributed to their defeat, and several might be seen as harbingers of greater troubles to come.

Washington’s plans for the battle were complex, relying on the coordinated movement of four separate columns of men, determined action by the militia, cooperation from the weather, and the complicity of local civilians, at least to the extent of not alerting the British in advance. None of these factors proved to be fully reliable. Inexperience, ignorance of the local terrain, and the challenges of communicating effectively across large distances in the midst of battle all conspired to turn what was

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<sup>224</sup> Johann Ewald, *Diary of the American War: A Hessian Journal*, Trans. & Edited by Joseph P. Tustin (New Haven: Yale University Press, 1979) 122.

<sup>225</sup> Hamilton B. Tompkins, “Contemporary Account of the Battle of Germantown,” *The Pennsylvania Magazine of History and Biography* 11, no. 3 (October 1, 1887), 330; Elizabeth Sandwith Drinker, *The Diary of Elizabeth Drinker*, Edited by Elaine Forman Crane, 3 vols. (Boston: Northeastern University Press, 1991), 1:239.

supposed to be a simultaneous assault from multiple angles into a staggered series of attacks directed mostly against the British center. A thick fog covered the region and, as one participant reported, “made such a midnight darkness that great part of the time there was no discovering friend from foe.”<sup>226</sup> The militia, which made up the flanking prongs to the left and right, failed to contribute anything significant to the engagement; the militiamen from Pennsylvania provided little more than a distraction for some Hessians on the British left, while those from Maryland and New Jersey never succeeded in reaching the enemy at all. Finally, civilians did inform the redcoats of the impending American attack, though fortunately for the Continentals, the British leadership refused to take such warnings seriously.<sup>227</sup>

The attempt on Germantown cost Washington approximately a thousand men, and though the soldiers initially remained in good spirits despite the defeat, the loss signaled that the only hope of removing the British from Philadelphia before the next campaign season would be by starving them out. In pursuing that goal, the Continentals faced perils not unlike those which had thwarted their plans at Germantown. Dangerous weather, unhelpful civilians, an unreliable militia, and the constant challenge of “discovering friend from foe” in the midst of civil war continued to threaten the American cause even as the focus of the Philadelphia Campaign steadily shifted away from reclaiming territory and toward the acquisition of basic supplies. The danger of crippling shortages and potential starvation first haunted the British in Philadelphia, as Continental forces worked to isolate the city from waterborne supplies and local produce. Yet the same specter soon

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<sup>226</sup> Tompkins, “Contemporary Account of the Battle of Germantown,” 331.

<sup>227</sup> Ewald, *Diary of the American War*, 92; John W Jackson, *With the British Army in Philadelphia, 1777-1778* (San Rafael, CA: Presidio Press, 1979), 29-51.

appeared at Valley Forge, as logistical disorganization and the behavior of the surrounding populace drove the Patriot military toward a material crisis. Increasingly, through their commercial choices and pursuit of personal interests, Pennsylvania's disaffected civilians threatened to accomplish what British guns and bayonets could not (or at least *would* not): the destruction of the Continental Army. Consequently, outside the British lines, the focus of the Americans' coercive power increasingly shifted away from the British forces of occupation and came to rest on the local population. The result was a bitter and destructive spiral of disaffection and brutality that appeared, in the early Spring of 1778, to be heading toward the end of the Revolution in Pennsylvania.

### **“Money will not procure the necessities of life”: Isolating Philadelphia**

During the first months of the occupation, it still seemed possible that, in capturing Philadelphia, British commander-in-chief, General Sir William Howe, had inadvertently led his army into an elaborately set trap meant to destroy it.<sup>228</sup> “I almost wish he [Howe] had Philadelphia,” wrote an optimistic John Adams shortly after the British landed at Head of Elk, “for then he could not get away. I really think it would be the best Policy to retreat before him, and let him into this Snare, where his Army must be ruined.”<sup>229</sup> The New Englander's willingness to sacrifice Pennsylvania's capital as a poisoned pill was not widely embraced by his fellow Patriots, but when the city

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<sup>228</sup> Historian John Jackson described Philadelphia as “Howe's self-imposed prison for himself and for nearly fifty thousand civilian and military personnel.” Jackson, *With the British Army in Philadelphia*, 53.

<sup>229</sup> “John Adams to Abigail Adams,” August 29, 1777 in Abigail and John Adams, *The Letters of John and Abigail Adams*, ed. Frank Shuffelton (New York: Penguin, 2003), 206.

nonetheless fell into British hands, more than a few onlookers either hoped or feared that it would prove to be the redcoats' undoing. George Walton, Congressional delegate from the state of Georgia, wrote triumphantly to Benjamin Franklin in France of "General Howe being shut up in Philadelphia, scarce of provisions, and surrounded by conquering troops." Writing from Savannah, Georgia in late December, he confidently, if erroneously, assured Franklin that "the fate of Howe is surely determined by this time; when I came away the prevailing opinion was, that his safety depended upon his flight."<sup>230</sup> Even Washington expressed hope "that the acquisition of Philadelphia may, instead of being his [Howe's] good fortune, prove his ruin."<sup>231</sup> Among the British themselves, Lieutenant General James Grant found that a majority of his fellow soldiers believed that the city would have to be abandoned. "Quitting Philadelphia after We had once taken possession of it," he worried, would render "all the advantages which had been obtained during the campaign of no effect [and] added to the fate of the Northern army must have ruined the cause of Great Britain – What to think of it at present I know not."<sup>232</sup> With Burgoyne's northern invasion defeated, if the Continentals could now send the main British army slinking back to New York, or better yet force it to surrender for

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<sup>230</sup> "George Walton to Benjamin Franklin," December 20, 1777, *The Papers of Benjamin Franklin*, eds. William B. Willcox, Leonard W. Larabee, et. al., 40 vols., (New Haven: Yale University Press, 1986), 25:327-329.

<sup>231</sup> "To John Hancock," Sept. 23, 1777, *The Papers of George Washington*, ed. Philander D. Chase, 21 vols (Charlottesville: University of Virginia Press, 1997) (hereafter *PGW*), 11:301-302.

<sup>232</sup> James Grant, Nov. 30 1777, Letterbook 4, James Grant Papers, Army Career Series, Film 687, Reel 28, David Library of the American Revolution (hereafter DLAR), Washington Crossing, PA.

want of provisions, then the end of the war might well be nigh and America's already declared independence all but achieved.

Such a quick victory was not to be, but the revolutionaries took three crucial steps which, combined, very nearly put it within their grasp. The first was to strip Philadelphia of anything that might be of use to their enemy. Arms and ammunition, horses, carts, and all river-going vessels, bells, presses and other potential sources of metal including some lead pipes from people's homes, and, most importantly, provisions and stores were confiscated, packed onto Continental wagons or aboard departing boats, and carried away. In their turbulent wake the revolutionaries left only "what was immediately wanted for the present Use of the Inhabitants," what the ingenuity or influence of individual families allowed them to retain, and a simmering resentment in the hearts of those who stayed behind.<sup>233</sup> Not only would the British find nothing in Philadelphia to use for their own needs, they would also, almost immediately, be faced with a crisis of subsistence among the civilian population.

Having left Howe little in Philadelphia, the Patriots then sought to deny him his own provisions by cutting him off from naval support along the Delaware. In one of the war's most valiant defenses, Continental soldiers in Forts Mifflin and Mercer kept the river closed to British shipping, defying the overwhelming combined firepower of Britain's army and navy for more than a month. So long as he was cut off from his waterborne supplies, Howe could not seriously contemplate a further offensive into the Pennsylvania interior, and, as the weeks passed and repeated assaults failed to dislodge

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<sup>233</sup> *The Papers of Benjamin Franklin*, 25:328; Jackson, *With the British Army in Philadelphia*, 14-15; Robert Proud, "Letters of Robert Proud," *The Pennsylvania Magazine of History and Biography* 34, (1910), 62-63, 72-73; Drinker, *Diary*, 1:231-32 (Sept. 18-169, 1777).

the American defenders, soldiers on both sides began to question his army's ability to survive the approaching winter.<sup>234</sup> Though eventually battered into retreat, the forts' defenders effectively guaranteed that the British would only gain a foothold in Pennsylvania in 1777.

Prevented, at least temporarily, from accessing their shipborne provisions, the redcoats turned to the countryside to provide the supplies they desperately needed, both for themselves and the more than twenty thousand civilians who were now under their care.<sup>235</sup> Here again the revolutionaries moved to cut the occupied city off from material relief. On October 8, Congress declared Philadelphia and the surrounding counties to be under martial law; granted Washington complete freedom to unilaterally arrest, try by court-martial, and even execute civilians who traded with the occupation forces; and further urged him, as well as all officials and "good people of these states, to be vigilant in apprehending, securing and bringing to condign punishment all such offenders."<sup>236</sup> Two weeks later, the Pennsylvania Council of Safety stepped forward to declare that anyone carrying provisions to Philadelphia was, on that basis, "contributing as far as in them lies, to increase the distresses of their injured country" and had "wickedly joined themselves to our unnatural enemies." Further, since "it is highly unjust, and repugnant to the practice of all nations, to protect and preserve the property of their avowed

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<sup>234</sup> Wayne Bodle, *The Valley Forge Winter: Civilians and Soldiers in War*, (University Park, PA: Pennsylvania State University Press, 2002), 47-48; Grant, Nov. 30 1777, Letterbook 4, James Grant Papers.

<sup>235</sup> Jackson, *With the British Army in Philadelphia*, 275-277.

<sup>236</sup> *Journals of the Continental Congress, 1774-1789*, ed. Worthington C. Ford et al. (Washington, D.C., 1904-37) (hereafter *JCC*), 9:784-85.



enemies,”<sup>237</sup> commissioners were appointed to seize the property of all such traitors, keeping five percent of all seized goods for themselves. The exchange of goods between the countryside and the city, a commerce that had been ongoing for generations and represented the foundation of economic life in this corner of the province, was now tantamount to treason.

In order to enforce these edicts, Washington deployed the men at his disposal in a broad arc around the city, centered on Valley Forge and stretching from Wilmington in the southwest to Trenton in the east. Specific regions of responsibility were fluid during the campaign, but once the army moved into winter quarters, the lands west of the Schuylkill River were to be guarded directly by the Continental Army, primarily in the form of patrols regularly launched from Valley Forge. The region north of Philadelphia, between the Schuylkill and the Delaware, was given over to the Pennsylvania militia, anchored by detachments of Continental cavalry along the Schuylkill and at Trenton.<sup>238</sup>

Throughout October and November, the Continentals’ stranglehold on occupied Philadelphia held fast, slowly choking the life out of the forces within. “Washington keeps the army so tightly bottled up by his parties,” complained Hessian Captain Johann Ewald, “that the market people must sneak through at the risk of their lives.”<sup>239</sup> It was a risk few of them were as yet willing to take. Various writers within the city echoed Elizabeth Drinker’s distress in finding that that “the people round the Country dose not

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<sup>237</sup> Pennsylvania Council of Safety, “In Council of Safety. Lancaster, 21st October, 1777,” (Lancaster, PA: Printed by Francis Bailey, 1777), Early American Imprints, Series 1.

<sup>238</sup> Bodle, *The Valley Forge Winter*, 133, 136-137.

<sup>239</sup> Ewald, *Diary of the American War*, 104.

come near us with any thing.”<sup>240</sup> With the British military intently focused on securing control of the Delaware River, the Continental Army was largely free to impose its will on the countryside. Even in late November, Ambrose Serle noted that there was only a “very small Extent of Country at this time under our Command.”<sup>241</sup> Beyond that small patch of land, the revolutionaries proved to be remarkably successful in identifying and shoring up any weaknesses that appeared in the embargo they were imposing on Philadelphia.<sup>242</sup> Observing the effectiveness of the Continental cordon from the outside and knowing that his daughter was contained within, the Reverend Muhlenberg fretted “that the American army had occupied the passages to Philadelphia so that no food could enter the city, whether by land or by sea. Poor Philadelphia! So thine inhabitants are to be frozen and starved!”<sup>243</sup> He went on to compose a prayer for the Lord’s mercy. The need for such mercy was soon felt by the city’s elite as well as its poor, for even the wealthy could not purchase what wasn’t there to be sold. “Money will not procure the necessaries of life,” wrote Sarah Logan Fisher, “for as the English have neither the command of the river nor the country, provisions cannot be brought in.”<sup>244</sup>

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<sup>240</sup> Drinker, *Diary*, 1:245-245.

<sup>241</sup> Ambrose Serle, *The American Journal of Ambrose Serle, Secretary to Lord Howe, 1776-1778* (San Marino, CA: The Huntington Library, 1940), 265.

<sup>242</sup> See the example of Chester County in “From Joseph Reed to unknown,” Oct. 27, 1777, Joseph Reed Papers, Film 266, DLAR.

<sup>243</sup> Henry Melchior Muhlenberg, *The Journals of Henry Melchior Muhlenberg*, 3 vols. (Philadelphia: Evangelical Lutheran Ministerium of Pennsylvania and Adjacent States, 1942), 3:92, (Oct. 25, 1777).

<sup>244</sup> Fisher, “‘A Diary of Trifling Occurrences’: Philadelphia, 1776-1778,” *PMHB* 82, (1958), 454; Proud, “Letters of Robert Proud,” 62-63.

Only stealth and the cover of night allowed a meager, but crucial, trickle of supplies to reach the city. So long as Fort Mifflin was defended, few navy transports dared approach the wharves, and so military provisions were unloaded down the river and conveyed by wagon over miles of difficult and exposed terrain or laboriously guided up narrow channels in small boats before finally reaching British lines and bellies.<sup>245</sup> Well connected civilians, like Fisher, learned where small packages of butter and eggs could secretly be obtained from a handful of individuals willing to risk arrest, or worse, in order to exchange their goods for hard money, but quantities were severely limited and the price was terribly steep.<sup>246</sup> Such smuggling was all the more important for the populace because the few supplies the British were able to secure were generally retained for the use of the army.<sup>247</sup> Even the managers of the Bettering House, one of the few institutions of poor-relief still operating in Philadelphia during the occupation, were told that the military had nothing to spare for them or the people under their care.<sup>248</sup>

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<sup>245</sup> Stephen R Taaffe, *The Philadelphia Campaign, 1777-1778* (Lawrence: University Press of Kansas, 2003), 125; Jackson, *With the British Army in Philadelphia*, 89; Muenchhausen reports that four sloops attempted the run under cover of darkness one night in November; three of the four made it through unscathed. Friedrich von Muenchhausen, *At General Howe's Side, 1776-1778: The Diary of General William Howe's Aide de Camp* (Monmouth Beach, NJ: Philip Freneau Press, 1974), 43.

<sup>246</sup> Fisher, "A Diary of Trifling Occurrences," 454-56.

<sup>247</sup> Jackson, *With the British Army in Philadelphia*, 89.

<sup>248</sup> Alms House Managers Minutes, 1766-1778, Record Group 35-2.3, Philadelphia City Archives. The full text of the petition the managers sent to General Howe is copied under the entry for December 16, 1777.

## **“an abundance of provisions has been brought in”: The Embargo Collapses**

Though it cost him hundreds of men, two warships, untold quantities of munitions, and, most importantly, nearly the entirety of the remaining campaign season, Howe finally succeeded in driving the Americans from Fort Mifflin on November 15. Six days later, Fort Mercer was also in British hands.<sup>249</sup> The Royal Navy moved swiftly to rid the river of its final impediments and to deliver long-awaited provisions to the docks of the occupied city. Yet while access to the sea might offer the army a lifeline, being forced to rely entirely on imported provisions while ostensibly in the process of “liberating” one of America’s premier agricultural regions would not only be expensive, it might also prove to be politically disastrous. Depending on if and when the Delaware froze, the Royal Navy might manage to fulfill the army’s material needs for the winter, but there were more than military mouths to feed in the occupied city. Even as ships advanced up the now undefended Delaware, Captain John André worried that “we have reason to fear grave scarcity of provisions in Philadelphia this winter unless by driving off Mr. Washington the country people can be emboldened to bring in their product.”<sup>250</sup> The survival of the army would matter little if the thousands of civilians under British protection were driven out by starvation and forced to seek assistance from revolutionary authorities. If the British cause, as well as the British Army, was to endure the winter in Philadelphia, the flow of goods from the countryside to the city had to be reestablished.

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<sup>249</sup> Taaffe, *The Philadelphia Campaign*, 108-144; Jackson, *With the British Army in Philadelphia*, 53-80.

<sup>250</sup> John André, 20 November, 1777. John André Manuscript, Schoff Revolutionary War Collection, William L. Clements Library, University of Michigan.

Fortunately for the British, as early as December of 1777, significant cracks were appearing in Washington's embargo of the city; provisions and supplies were beginning to seep in from the countryside and, despite the looming threat of revolutionary retribution, commerce between the city and the surrounding region was being restored. Though seemingly insignificant at first, this initial trickle was the harbinger of a turning tide that, in the months to come, would threaten the Continental Army with the same deprivation it had hoped to impose upon the British.

For Philadelphia's civilian population, scarcity and brutally high prices were matters of constant concern, but in the waning weeks of the year, worries over the local farmers' inability or unwillingness to reach the city and remarks about the effectiveness of Washington's patrols faded away and were increasingly replaced by reports of individuals successfully crossing the lines to bring much needed, if painfully expensive, food to those under occupation. While Sarah Logan Fisher had previously waited at the river by night in hopes of obtaining a pound of butter and declared that "provisions cannot be brought in," she was now able to obtain large quantities of butter and honey from one source and pork, beef and a goose from another. "[I]f we can but be favored to get flour," she mused, "bread & honey will be an excellent substitute for many other things that we have been used to."<sup>251</sup> It's unclear whether or not Fisher found flour for sale in December, but Elizabeth Drinker did, though not for a price she was willing to pay.<sup>252</sup> Robert Morton noted that, while provisions were still scarce, he daily learned of people crossing the lines in order to pursue them. Even the pessimistic Robert Proud

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<sup>251</sup> Fisher, "A Diary of Trifling Occurrences," 458.

<sup>252</sup> Drinker, *Diary*, 263-264.

wrote to his brother that the threat of starvation “appears now in a likely way to be removed,” not only by the arrival of the British fleet but “by Reason of some Part at least, of the Country being in a much fairer Way to be speedily opened than heretofore.”<sup>253</sup>

This opening of the country seems to have begun in the region immediately north of the city and between the Delaware and Schuylkill rivers. By mid-December, Major Baurmeister was able to report that “The highways from Philadelphia to Germantown and Frankford, and the road to Trenton by the way of Jenkintown, are open to anyone” and that people, food, and intelligence flowed continually over them. The flow would increase as time passed such that a month later he found “nothing remarkable” in the news that men and women came from “the most distant parts of Pennsylvania to sell food for hard money.” His fellow Hessian, Captain Johann Ewald, reported that “an abundance of provisions has been brought in by the country people” and, as a result, “the city came to life; trade and commerce began to flourish again.”<sup>254</sup>

These same currents were also apparent to observers outside the British lines. As the new year approached, Washington increasingly found himself confronted with reports of civilians successfully reaching Philadelphia with food and other supplies. Again, the most significant breaches appeared to the north of the city in the direction of Bucks County. By mid-December, Major John Clarke, Washington’s spy-master in the region, had issued repeated warnings from Newtown that the embargo was on the verge of collapse. On the 19<sup>th</sup> he wrote the commander-in-chief to “again tell your Excellency that

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<sup>253</sup> Robert Morton, “Diary of Robert Morton,” *The Pennsylvania Magazine of History and Biography* 1, (1877), 37; Proud, “Letters of Robert Proud,” 62-63.

<sup>254</sup> Carl Leopold Baurmeister, *Revolution in America* (New Brunswick, NJ: Rutgers University Press, 1957), 134, 150; Ewald, *Diary of the American War*, 120-21.

the country people carry in provisions constantly.”<sup>255</sup> In Whitemarsh, Major John Jameson estimated that “not less than two hundred [inhabitants] a day” left the city with empty sacks and returned loaded down with meal and flour while those in the countryside made the reverse trip in order to buy salt.<sup>256</sup> During the first week of January, Christopher Marshall, having evacuated Philadelphia before the occupation began, recorded that there was “a great concourse of market folks from Bucks County, who attend the markets constantly; that this day week fifty or sixty men went inside of their [British] works at Kensington, and after some time returned back.”<sup>257</sup> Less than a week later, Brigadier General James Potter confirmed that “there is a smart trade carried on between the country and the city” and that wagons loaded with flour and other provisions were safely reaching British lines.<sup>258</sup>

Relative to the needs of city, the quantities carried by each individual were small, but as the number of inhabitants doing business with the city grew, their combined impact became increasingly significant. In late January, Colonel Walter Stewart wrote Washington from Smithfield, not far from British lines, and tried to impress upon him the extent of the problem:

I can assure your Excellency not less flour than is sufficient to maintain eight or ten thousand men goes daily to Philadelphia, carried in by single persons, wagons, horses &c. The quantities of other provisions are great

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<sup>255</sup> John Clark, Jr., “LETTERS FROM MAJOR JOHN CLARK, JR., TO GEN. WASHINGTON,” *The Bulletin of the Historical Society of Pennsylvania* 1, (1848), 25.

<sup>256</sup> “From Major John Jameson,” Dec. 31, 1777, *PGW* 13:81-82.

<sup>257</sup> Jan. 6, 1778, *Christopher Marshall Diaries*, Christopher Marshall Papers (hereafter *Marshall Diaries*), HSP.

<sup>258</sup> “From Brigadier General James Potter,” Jan. 11, 1778, *PGW* 12:202-203.

... Were these articles taken in for the use of the poor inhabitants I should think nothing of it, but from all I can learn, tis a traffick, and make no doubt that the British Army receive the greatest Benefits of any persons therefrom.<sup>259</sup>

Washington expressed surprise and alarm over the quantities involved and requested that Stewart do what he could to discover how so much material was able to get past the militia and Continental cavalry that ostensibly patrolled the roads north of the occupied city.<sup>260</sup>

### **“at last reduced to almost a cipher”: The Pennsylvania Militia**

The ineffectiveness of the militia was due, in no small part, to the remarkably poor turnout it experienced throughout the occupation. The decline in militia service which began with the British landing over the summer continued throughout the fall campaign and worsened as the winter turned into early spring. The collapse was so severe that, at several points in early 1778, the Pennsylvania militia, which the state’s revolutionaries had worked so hard to create and forcibly maintain, was practically nonexistent.

In mid-October, Washington estimated that Pennsylvania had about 1,200 militia in the field. At that time, he had been ‘astonished’ and penned a scathing letter to the state government decrying so paltry a turn-out in the face of invasion and occupation.<sup>261</sup> By late December, however, Washington had become more familiar with the disaffected

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<sup>259</sup> “From Colonel Walter Stewart,” Jan. 18, 1778, *PGW*, 13:276-77.

<sup>260</sup> “To Colonel Walter Stewart,” Jan. 22, 1778, *PGW*, 13:317.

<sup>261</sup> “To Thomas Wharton, Jr.,” Oct. 17-18, 1777, *PGW* 11:539-540.



condition of the region. Where before he had demanded at least four thousand Pennsylvania militiamen, the number called for by the Continental Congress, he now came to an agreement with the state's military and political leadership for a mere one thousand men for the winter, provided that they were "regularly reliev'd." This was a reduction from the state's earlier offer of two thousand. Washington accepted the smaller number in order to spare the state "expense & inconvenience" and, most likely, because experience indicated that two thousand was a wholly unrealistic goal.<sup>262</sup> By the winter's end, even the agreement to supply one thousand militia would reveal itself to have been hopelessly optimistic.

From the moment he took command of Pennsylvania's militia in the first weeks of 1778 through the end of the British occupation, twenty-two year old Brigadier General John Lacey was crippled by a lack of manpower. In an effort to assemble the one thousand men it had promised Washington, the state government called up seven classes of militia in early January and ordered them to join Lacey in policing the region between the Schuylkill and Delaware rivers. Additionally, to provide a more mobile force for patrolling the roads, Philadelphia and Bucks counties were ordered to contribute twenty light horse apiece.<sup>263</sup> Thomas Wharton, Jr., president of Pennsylvania's Supreme Executive Council, estimated that this would put at least fifteen hundred troops at

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<sup>262</sup> "From Major General John Armstrong," Dec. 30, 1777, *PGW*, 13:57-58; "To Thomas Wharton, Jr.," Jan. 1, 1778, *PGW*, 13:108-109; "From Thomas Wharton, Jr.," Jan. 3, 1778, *PGW*, 13:136-137; *PGW*, 11:54n1; *JCC*, 8:666-67; "Hancock to Certain States," 23 August, 1777, in Paul H. Smith, et al., eds. *Letters of Delegates to Congress, 1774-1789*, 25 volumes, (Washington, D.C.: Library of Congress, 1976-2000), 7:536. (hereafter *Letters of Delegates*).

<sup>263</sup> "Thomas Wharton, Jr. to Brigadier General John Lacey," January 9, 1778, *Register of Pennsylvania*, 3:297; "From Thomas Wharton, Jr.," January 3, 1778, *PGW* 13:137.

Lacey's disposal.<sup>264</sup> Yet by the end of the month, none of these new recruits had materialized. Lacey was left with four hundred and fifty men spread across four different posts, and nearly all of these were due to return to their homes in early February. On the fifteenth of that month, Lacey reported to Washington that his "force is at last reduced to almost a cipher. Only sixty remain fit for duty in camp." Of the fifteen hundred militiamen called for by the state government, he had as yet been joined by no more than seven individuals. Of the forty cavalry supposedly sent from Bucks and Philadelphia counties, he could report the arrival of only two.<sup>265</sup>

Unable to maintain a guard on all the roads leading into Philadelphia, Lacey's men fell back to a single post and even then struggled to keep scouts and pickets deployed for self-defense. Aware that even a small British detachment might surprise and destroy their meager force, the militia moved their headquarters to a tavern some seventeen miles from Philadelphia, a distance which, one officer concluded, "puts it out of his power the doing of any thing of Consequence."<sup>266</sup> Washington, and even Lacey himself, expressed agreement with this assessment.<sup>267</sup>

The region north of Philadelphia was thus left almost entirely bereft of revolutionary authority and, as a result, the people there were free to trade with the occupied city without fear of retribution. Major Francis Murray of the of the 13th

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<sup>264</sup> "From Thomas Wharton Jr.," 17 Feb. 1778, *PGW* 13:574.

<sup>265</sup> "General Lacey to Council," Jan. 24, Feb. 2, and Feb. 15, 1778, *Register of Pennsylvania*, 3:298, 305.

<sup>266</sup> "From Colonel Walter Stewart," Jan. 28, 1778, *PGW*, 13:371-72.

<sup>267</sup> "To Brigadier General John Lacey," Feb. 8<sup>th</sup>, 1778, *PGW*, 13:477-478; "Lacey to Thomas Wharton, Jr.," *Pennsylvania Archives*, 1st Ser., 6:226.

Pennsylvania Regiment, who was visiting his family in Newtown, was surprised to find that his neighbors had fully reestablished commercial relations with Philadelphia, trading just as they had before the occupation commenced. He blamed this on “there being no guards on the Road between here and the City,” though it also reflected the people’s general stance toward the Revolution.<sup>268</sup> This same absence of revolutionary forces, combined with the constant flow of goods and information between Newtown and Philadelphia, helps to explain why, less than a week after penning these words, Murray was captured and made prisoner by a detachment of provincial cavalry from the city.<sup>269</sup>

This near-total collapse of the Pennsylvania militia can be traced to a continuation, or even acceleration, of forces first seen during the early weeks of the invasion. The continued presence of a strong British force in and around the city, along with the increasingly apparent weakness of the revolutionary government, led to what Major General Armstrong called a “very infamous falling off of the Militia which may with great justice be called desertion.”<sup>270</sup> This, in combination with the scheduled departure of men who had completed their term of service, steadily sapped away Lacey’s strength, while an ever-increasing hesitancy and at times total refusal of new classes of militia to turn out prevented his numbers from being restored.

Throughout the winter and early spring, Pennsylvania’s inability to convince its militia to march became ever more apparent. From within Philadelphia, Hessian Major Baurmeister noticed the disappearance of enemy posts and estimated that “less than a

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<sup>268</sup> “From Major Francis Murray,” Feb. 13<sup>th</sup>, 1778, *PGW*, 13:522-23.

<sup>269</sup> “From Brigadier General John Lacey, Jr.” Feb. 19<sup>th</sup>, 1778, *PGW* 13:392.

<sup>270</sup> Bodle, *The Valley Forge Winter*, 50.

third of the new militia” had actually taken the field.<sup>271</sup> The much oppressed Colonel Richard McAllister, whose York County militia were supposed to provide two of the seven classes ordered to support Lacey in January, reported that “the Militia of this County seems determined not to march” and, further, that “it is allmost Impossable” to find anyone, including the local law enforcement officers, who would assist him in collecting fines from those who refused to serve. McAllister told Thomas Wharton, Jr. that the primary explanation provided by the people who would not serve was that the militia were not being paid, though he himself felt that this only “afoards to those Called an Excuse.”<sup>272</sup> The Reverend Muhlenberg inadvertently helped to provide other men with excuses. Immediately following the state’s effort to raise a larger force in early January, Muhlenberg was confronted by a number of parents who desired him to look up their son’s baptismal records and thus confirm their birthdates. These boys were generally just slightly too young to qualify for militia service, and it seems likely that their parents wanted proof of their ineligibility.<sup>273</sup> Others who lacked good excuses escaped service or punishment by seeking shelter within Philadelphia. Somewhat ironically, among the few people Lacey’s crippled force was able to apprehend on their way to the occupied city in mid-February were three “young fellows” who “were flying to escape their fines in the militia.”<sup>274</sup> By late February, the state’s failure to field an effective militia had become so well established that Anthony Wayne, seeking to castigate the people of New Jersey for

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<sup>271</sup> Baurmeister, *Revolution in America*, 134.

<sup>272</sup> “R. M’Calester to President Wharton,” 1778, York Town, Janr. 22d, 1778, *Pennsylvania Archives*, 1<sup>st</sup> Series, 6:196

<sup>273</sup> Muhlenberg, *Journals*, 3:119.

<sup>274</sup> “From Brigadier General John Lacey, Jr,” Feb. 20, 1778, *PGW* 13:611.

their refusal to turn out, could think of no better insult than to claim that they were “(if possible) more toriesetically inclined than those in the State of Pennsylvania.”<sup>275</sup>

### **“So great is their love for money”: The Economic Imbalance**

Absent a powerful coercive force to restrain and control their behavior, the people were free to follow their own interests and inclinations. Enthusiastic loyalists and revolutionaries sought to advance their respective causes, but the disaffected looked instead to their own profits and security. Increasingly, this led them to look toward Philadelphia. Though the revolutionary governments were sometimes quick to condemn civilians who traded with the British or the Philadelphia markets as traitors and enemies, the military officers who dealt with and tried to stop such individuals rarely attributed their actions to political motivations or allegiance. Far more often, they concluded that the root causes of this illicit traffic were economic.<sup>276</sup> As General Howe’s aide succinctly put it, the farmers of Pennsylvania “take all sorts of food to the market for *the sake of*

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<sup>275</sup> “From Brigadier General Anthony Wayne,” 26 Feb. 1778, *PGW* 13:677-78.

<sup>276</sup> The distinction suggested here, between economic motivations and political ones, was held loosely by contemporaries, a fact that was especially apparent earlier in the Revolution, as the revolutionaries struggled to justify their resistance to and eventual departure from the British Empire. Economic motivations could be rebranded as political in order to present a stronger argument for independence or, in this case, to legitimate a harsher response to disaffection. For many, however, at a time when the concepts liberty was closely tied to the possession of property and *independence* was cast as the opposite of material *dependence*, the line between material interest and political or constitutional legitimacy could be fuzzy. For a recent exploration of the economic foundations of the Revolution and how they were presented/interpreted by the revolutionaries and others, see the roundtable in the October, 2011 issue of the *William and Mary Quarterly*, particularly Staughton Lynd and David Waldstreicher, “Free Trade, Sovereignty, and Slavery: Toward an Economic Interpretation of American Independence” (597-630) and Barbara Clark Smith, “Beyond the ‘Economic’” (639-643).

*profit.*” Ewald believed that the people “braved all dangers” to trade with the city, not out of loyalty, but “to collect our guineas.”<sup>277</sup> After investigating why it was that “even those who pretend to be our best friends, hide their Stocks from us,” Major General Stirling wrote to Washington that he had finally settled on “what I really believe [sic] to be the true Cause of it, vizt from the Enemy they are sure to get hard Money for it.”<sup>278</sup>

The movement of produce from countryside to city was a familiar and reliable part of life in the Delaware Valley. As Richard Buel argues in his study of America’s revolutionary economy, Philadelphia was a “gateway” city, a grand entrepôt that absorbed and exported the excess harvest of the Pennsylvania countryside, transforming it into precious imported and manufactured goods which were dispersed back into the country. Like the mouth of a great commercial river, Philadelphia was the point to which overrunning streams of flour and produce, springing from a thousand farms and pooling briefly at inland depots, naturally flowed. By the early 1770s, more than half of the wheat and flour being exported by North America departed from its wharves.<sup>279</sup> The reemergence of trade with Philadelphia in early 1778 was not indicative of any particular

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<sup>277</sup> Muenchhausen, *At General Howe’s Side*, 49 (emphasis mine); Ewald, *Diary of the American War*, 121.

<sup>278</sup> “Memorandum sent with a letter from Major General Stirling to Washington”, Dec. 26, 1777, *PGW* 12:10-11; See also “From Brigadier General James Potter”, Jan. 11, 1778, *PGW* 13:202-203; Major John Clark wrote to Nathanael Greene that even the Quakers could be persuaded to supply information to the Continental Army if they would only be released from militia requirements and allowed to return to their practices of trading produce with the markets in Philadelphia. “From Major John Clark, Jr.,” Jan. 10, 1778, Nathanael Greene, *The Papers of General Nathanael Greene*, ed. Richard K Showman, 2 vols. (Chapel Hill: Published for the Rhode Island Historical Society [by] University of North Carolina Press, 1976), 2:249.

<sup>279</sup> Richard Buel, *In Irons: Britain’s Naval Supremacy and the American Revolutionary Economy* (New Haven: Yale University Press, 1998), 12, 107-113.

affection for the forces occupying that city, but rather speaks to the popular indifference of the people who, when not restrained from doing so, promptly took up their traditional pursuits with little concern over who controlled the port.

Struck by Pennsylvanians' hesitancy to serve with the redcoats but their willingness to trade with them, one Hessian officer in Philadelphia concluded that "if any people worships money, it is the Americans, for everyone is in business."<sup>280</sup> The Americans might have disagreed with this assessment, but some of those from other regions developed their own harsh critiques of the people living near Philadelphia. New Englander Israel Angell recorded a humorous story told around the camp at Valley Forge which, he claimed, showed "in what manner Some people live in this part of the Country." The tale told of Pennsylvania farmers who raised turkeys and sold them to the army, but when asked how to dress the birds for roasting replied that they did not know, for they never ate turkey themselves but sold every last one for cash. "So great is their love for money," Angell concluded.<sup>281</sup> It may have been that the people of the Delaware Valley were unusually avaricious, but a more likely explanation for this impression is that the disaffected people of the region put personal profit over patriotism, not from an over-abundant love of the former but from a relative deficit of the latter.<sup>282</sup>

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<sup>280</sup> Baurmeister, *Revolution in America*, 150;

<sup>281</sup> Israel Angell, "The Diary of Colonel Israel Angell Commanding Officer, 2nd Rhode Island Regiment, Continental Army" ed. Edward Field and Norman Desmarais, Digital Commons, Providence College, (1899) <http://digitalcommons.providence.edu/primary/2>.

<sup>282</sup> The problem of illicit trade across the lines also plagued the longer British occupation of New York City where, as Judith Van Buskirk notes, "a number of citizens put the profit motive or family survival above civic virtue." Many of the same factors that drove Americans to trade with occupied Philadelphia, including the depreciation of Continental money, the traditional system of trade between city and country,

Even as the British put increasingly scarce gold and silver within reach of the civilian populace, the Continental currency, already on the decline, tumbled to unprecedented lows, driven down by repeated, unfunded emissions and a waning confidence in the revolutionary government. From an exchange rate of three-to-one against silver in the summer of 1777, it slipped to four-to-one by the end of the year and dropped to five-to-one in April of 1778. Simultaneously, even accounting for inflation, the prices of many basic necessities were on the rise as the presence of two armies increased demand and the general disruption and dislocation of war limited supply, making people especially loath to accept money that was daily losing its value.<sup>283</sup>

The immediate impact of this imbalance was readily apparent to contemporaries. Joseph Reed spent the early months of 1778 bemoaning “the baneful disease” of depreciation and warning that it threatened “to produce fruit more pernicious than that of ancient Eden.” He noted that the worst depreciation was to be found in the region immediately around Philadelphia, where the money was of so little value that even people

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disaffection toward the patriot regime, and the desire to take advantage of imported goods also pushed inhabitants toward the markets of British-held New York. Van Buskirk, *Generous Enemies*, 105-128 (quote from 108); Sung Bok Kim, “The Limits of Politicization in the American Revolution: The Experience of Westchester County, New York,” *The Journal of American History* 80, no. 3 (December 1, 1993), 883.

<sup>283</sup> As Robert Morris noted early in 1777, disheartening events, such as Congress being forced to flee the capital to avoid capture by the British, had an inflationary effect. The actual occupation of the city did not bode well for Congress’s ability to repay its debts. Anne Bezanson, *Prices and Inflation During the American Revolution; Pennsylvania, 1770-1790* (Philadelphia: University of Pennsylvania Press, 1951), 18, 35-37, 64. While Bezanson’s work represents one of the, if not the, most thorough investigations of depreciation during the war, estimates vary from source to source. Nonetheless, sources agree that a precipitous collapse in the value of the currency was underway. For one alternative tally kept by a contemporary merchant, see John F. Watson, *Annals of Philadelphia and Pennsylvania, in the Olden Time*, 3 vols., (Philadelphia: Leary, Stuart co, 1927), 2:299.



he considered “good Whigs” hid their stores of provisions from Continental commissaries in order to avoid having to accept it.<sup>284</sup> About the same time, Christopher Marshall was recording in his diary that his neighbors’ agreeable manners and “sweet countenances” changed remarkably as soon as he asked about purchasing forage or foodstuffs “to be paid for in Congress money.” “Then,” he found, “their serene countenances are all overcast, a lowering cloud spreads all over their horizon; they have nothing to say, nay scarcely to bid you farewell.”<sup>285</sup>

Poor economic policy and incompetence only aggravated the situation for the Patriots, alienating many inhabitants who did initially choose to trade with the Continentals and guaranteeing that some would, thereafter, take their goods to the British instead. Though the *de facto* rate of exchange between Continental paper and hard money rose continually throughout the occupation, Congress persisted in valuing their currency at the rate it had held over the summer of 1777. Maximum prices were fixed on a variety of goods that were needed by the army and Continental commissaries were ordered to enforce them. The politics of the revolution, rather than the needs of the market, became the decisive factor in determining what goods were worth. As one quartermaster callously quipped, “if the farmers does not like the prices allowed them for this produce let them choose men of more learning and understanding the next election.”<sup>286</sup> So long as Washington was able to isolate the occupied city and cut off demand from Philadelphia’s markets, such enforcement was feasible; producers were forced to choose between selling

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<sup>284</sup> January 7 and February 1, 1778, Joseph Reed Papers.

<sup>285</sup> Jan. 22, 1778, Marshall Diaries, HSP.

<sup>286</sup> Bezanson, *Prices and Inflation During the American Revolution*, 35-37.

at fixed prices or not selling at all. However, once the embargo on Philadelphia began to fail, those who were close enough to the British lines had another option: to smuggle their goods to the occupied city.

In addition to further incentivizing trade with occupied Philadelphia, revolutionary price controls created problems for Continental officers trying to purchase goods in Pennsylvania. Washington's Commissary of Prisoners, Elias Boudinot, was charged with purchasing flour for Patriots held as prisoners by the British, but discovered that Pennsylvania's fixed price of £2/5 per cwt. was so far below the going rate of £6 that no one would sell to him. He was eventually forced to look for flour in New Jersey, where he could offer more for it, though even there he faced the challenge of finding wagons and drivers willing to work for what he was able to pay. Congress relieved him of this challenge by empowering him to forcibly press wagons into Continental service.<sup>287</sup>

To make matters worse, even those who were willing to accept (or at least found themselves unable to refuse) the revolutionaries' fixed prices did not always receive what little they were promised. Both armies foraged heavily throughout the region, giving the former owners of what they confiscated certificates to be exchange for payment at their respective headquarters. As the Continentals learned, bad faith on the part of army commissaries could have a profound effect on the sentiments of certificate-holders and drive them to the enemy. Writing from Radnor, Major General Stirling warned Washington that, while the British were paying debts in hard currency,

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<sup>287</sup> Elias Boundinot, *Elias Boudinot Letterbook, 1777-1778*, (microfilm edition, 1978), State Historical Society of Wisconsin, Film 567, DLAR; George Adams Boyd, *Elias Boudinot: Patriot and Statesman, 1740-1821*, (Princeton, NJ: University of Princeton Press, 1952), 49.

when our Certificates are produced to the Commissary of purchase & forage Master Genl at Camp, they are treated with the Utmost Contempt. the people are told to Call again & again 'till tired of making further application & in despair of payment they go home with a ditermination [sic] to Sell to the Enemy rather than to us.<sup>288</sup>

From the other side of the Schuylkill, Major Jameson also complained that the commissaries were not paying for receipts his officers were handing out in exchange for provisions, while Colonel Stewart blasted them as “in General Stupid good for Nothing fellows” and blamed them for the continued flow of goods into Philadelphia.<sup>289</sup>

Though the redcoats also occasionally reneged on their certificates, this system of payment often served British interests by giving a number of farmers, who might have initially been alienated by the foraging parties, an incentive to enter Philadelphia if only to be paid for what they had already lost. Having once made the trip past the lines and returned home with hard currency in their pockets, they may well have been more inclined to make the trip again later, this time bringing more goods with them.<sup>290</sup> Historian Wayne Bodle has suggested that British foraging parties, particularly the massive force Howe led across the Schuylkill in late December, may have further prompted the collapse of the Continentals' containment efforts “as farmers hurried to town with their goods, on the pragmatic calculation that they would be better

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<sup>288</sup> “Memorandum sent with a letter from Major General Stirling to Washington”, Genl. Potter's Qrs [Radnor, PA] Dec. 12, 1777, *PGW* 12:10-11.

<sup>289</sup> “From Colonel Walter Stewart,” Jan. 18, 1778, *PGW* 13: 276-77.

<sup>290</sup> One of Watson's interviewees recalled that farmers from Chester County, who had had goods taken from them while the British were advancing up from Maryland, came to the city to present their certificates and were duly paid in full. They then spent much of their new wealth in the city's stores before leaving. Such exchanges eased some of the suffering in the city by promoting the local circulation of hard currency. Watson, *Annals of Philadelphia*, 2:285.

compensated for property voluntarily tendered than for items forcibly seized by either side.”<sup>291</sup> If forced to sell, it was better to sell for coin than for paper, but reaching the city markets and selling by choice was better still.

### **“women in particular”: Women Crossing the Lines**

One peculiar challenge Washington faced in his attempts to isolate the city lay in the revolutionaries’ inability to recognize women as a threat. Despite the fact that non-consumption and the movement toward homespun gave new political weight to the actions of colonial women, many of the Revolution’s men still struggled to recognize female choices and actions as important enough to be potentially dangerous to their cause. A male who brought provisions to the British-held city was to be “considered and treated as an enemy and traitor to these United States,” fit to be arrested, court-martialed, and potentially executed, but a female caught in the same role was apt to simply be labeled “a poor woman” and sent off with most of her goods intact and possibly with money in her pocket.<sup>292</sup> This blindness toward the significance of their actions allowed women to more freely defy the edicts and military forces of the Revolution by slipping past sentries and through the lines, possibly becoming, at times, the primary conveyors of provisions and intelligence between the countryside and British-held Philadelphia.<sup>293</sup>

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<sup>291</sup> Bodle, *The Valley Forge Winter*, 111.

<sup>292</sup> JCC, 9:784-85; Angell, “The Diary of Colonel Israel Angell.”

<sup>293</sup> Women also featured prominently among those who illegally trade with British-occupied New York City. See Van Buskirk, *Generous Enemies*, 121.

Throughout the early months of 1778, Washington was repeatedly informed by officers in the field that “the intercourse [between the country and the city] is chiefly carried on by women.”<sup>294</sup> Henry Muhlenberg’s journal records a steady stream of women, alone or in small groups, passing his home in Trappe on their way to or from Philadelphia, often carrying correspondence or packages of provisions. Much of Christopher Marshall’s information about conditions in the occupied city came to him through women who ventured out for food and other goods.<sup>295</sup> The American Commander-in-Chief responded in early February by identifying “women in particular” as responsible for the “pernicious consequences” that had resulted from people freely passing Continental lines. Such consequences ostensibly included not only the conveyance of goods and information but also the loss of manpower, as the women were supposedly sent to “intice the soldiers to desert.” Washington ordered his men to immediately stop giving passes to women headed into the city and to apprehend those who attempted to come near the Continental camps.<sup>296</sup>

One officer theorized that women and children were specifically chosen to drive carriages full of provisions into the city because “they think indulgence will be allowed

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<sup>294</sup> “From Brigadier General John Lacey,” Jr. Jan. 26, 1778, *PGW* 13:351-52; Major John Jameson (*PGW* 13:351-52) reported that the people caught going to the Philadelphia markets were “mostly women.” Somewhat later, Capt. Stephen Chambers (*PGW* 14:279-281) declared that “most of the people taken now are old Men & Women.”

<sup>295</sup> For a few examples, see Muhlenberg, *Journals*, 3:121, 134, 147, and 151-52, and Nov. 6, 1777 and Jan. 6, 1778 Marshall Diaries, HSP.

<sup>296</sup> “General Orders,” February 4, 1779, *PGW* 13:455, 455-56n1; Angell, “The Diary of Colonel Israel Angell.”

on account of sex and age.”<sup>297</sup> In a great many instances it seems that they were right. Major General John Armstrong, of the Pennsylvania Militia, found that his patrols tended to arrest and detain the men they intercepted carrying goods into the city, but women caught in the same predicament “were dismissed by the parties who intercepted them.” Colonel Israel Angell not only released a women caught carrying a load of meal and flour, along with multiple turkeys and other fowl, but “lett her have the greatest part of her truck, and paid her for the remainder.”<sup>298</sup> Certain that the commerce between the city and countryside was undermining the Revolution, Joseph Reed desired that a proclamation be issued to the inhabitants that “under some severe Penalty they should not go into the City on any Pretence whatever without Leave” and that such Leave “be granted to no Men on any Pretext” unless directly in the service of the cause. However, when it came to women seeking passes and crossing the lines, Reed’s language softened considerably and he weakly suggested that the officers involved “must act according to their Discretion.”<sup>299</sup> Such “discretion” at times took a darker turn. One young woman apprehended on her way into Philadelphia was told by her militiaman captor that, “if she would permit him to use certain freedoms with her (which her modesty and virtue would not admit of) he would let her pass to the enemy with the provisions.” In this particular instance, the militiaman may have been surprised to discover that his captive was one of Clarke’s spies and that word of his conduct moved rather swiftly up the chain of

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<sup>297</sup> “From Major John Jameson,” Feb. 1, 1778, *PGW*, 13:437; “From Major General John Armstrong,” 26<sup>th</sup> December, 1777, *PGW*, 13:2-3.

<sup>298</sup> Angell, “The Diary of Colonel Israel Angell.”

<sup>299</sup> “Joseph Reed to [not addressed],” Feb. 1, 1778, Joseph Reed Papers.

command to Washington himself.<sup>300</sup> We cannot know how many similar, unrecorded propositions were made to women who lacked such official connections.

In at least a few instances, the revolutionary soldiers not only neglected to apprehend or stop women carrying on commerce with the occupied city but actively assisted them in their work. In December Major Baurmeister was amused to discover that, upon encountering them along the road, “the rebel light dragoons frequently carry the women’s packages [of foodstuffs bound for Philadelphia] on their horses as far as their vedettes.” It seems that, in addition to bearing such burdens, the dragoons also grew to be rather chatty with their female companions, for Baurmeister noted that it was “from these [women] we receive most of the news about the rebels.”<sup>301</sup> Such practices persisted well into the new year. In late January, Colonel Walter Stewart wrote Washington to complain that the militia were “too well acquainted with the girls and people from the Town” and were “Seizing flour &ca from one person, and delivering it their favorites.”<sup>302</sup>

Patriots who *did* recognize women’s ability to invisibly slip past male sentries put that knowledge to use in order to gain intelligence about the British Army and to obtain supplies that were difficult to get from the countryside. On one particularly memorable occasion, a pair of women pretended to be pregnant in order to smuggle a quantity of salt and leather past the British pickets.<sup>303</sup> One unusually bold and inventive cavalry officer

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<sup>300</sup> Clark, “LETTERS FROM MAJOR JOHN CLARK, JR., TO GEN. WASHINGTON,” 23-24. It’s unknown what, if any, punishment was issued in response to this indecent proposal.

<sup>301</sup> Baurmeister, *Revolution in America*, 134.

<sup>302</sup> “From Colonel Walter Stewart,” Jan. 28, 1778 *PGW*, 13:371-72.

<sup>303</sup> Ewald, *Diary of the American War*, 119.

hoped to take advantage of the soldiery's tendency to overlook women by disguising himself in a dress when he went to meet an informant from the city near British lines.<sup>304</sup>

### **“the most immediate & Coercive Measures”: The Continental Crackdown**

The army's inability to isolate and starve Philadelphia was deeply distressing to the revolutionary leadership, both civil and military, as was the population's obstinate commitment to trading with the city in spite of all orders to the contrary. The flow of goods toward British lines not only sustained the occupying forces and contributed to the crippling shortages experienced at Valley Forge, but also undermined claims that the people of Pennsylvania were responsible and consenting citizens of the new Republic. As the occupation continued, the state and Continental authorities' attempts to end trade with the city and secure provisions for the revolutionary military became increasingly desperate and brutal.

As early as mid-December, when the first signs began to appear that the embargo was failing, the Continental Congress wrote to Washington, urging him to take more drastic steps. Reminding the commander-in-chief that they had authorized him to confiscate “all goods and effects which may be serviceable to the enemy” and to arrest, try, and even execute those carrying supplies past British lines, they now pushed him to exercise this authority more aggressively. Tactfully attributing “his forbearance in exercising the powers vested in him by Congress ... to a delicacy in exerting military authority on the citizens of these states,” they explained that this was “a delicacy, which

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<sup>304</sup> This is one of the “Revolutionary Exploits of Colonel Allen McLane” recorded in Waton's *Annals of Philadelphia*, 2:322.



though highly laudable in general, may, on critical exigencies, prove destructive to the army and prejudicial to the general liberties of America.” Henceforth, he was encouraged to strip the country around Philadelphia of anything that might be of use to the British, to take “from all persons without distinction,” and to leave behind only what was “necessary for the maintenance of their families.” What he lacked the manpower or equipment to confiscate, he was to simply destroy. Furthermore, Congress suggested that he order the people of the country to assist him in confiscating their produce by promptly threshing all their grain so it could be more easily collected by the quarter-masters and commissaries.<sup>305</sup> Since the British had not been driven from the state during the fall campaign, Congress also voted to extend the period of martial law through April 10 of the following year. About the same time, Brigadier General James Mitchell Varnum wrote Washington with similar sentiments, arguing that, although “it will make your Excellency unhappy,” the time for maintaining “virtuous Principles,” with regard to securing provisions was past.<sup>306</sup> For the foreseeable future, at least, it seemed that “the general liberties of America” were to depend upon the unflinching and indiscriminate exercise of military power over the people and their possessions.

Early in the year, Continental forces were often uncertain of how to handle civilians intercepted on their way to the city. Some of those captured had their goods confiscated, others were simply turned around and sent home, while still others were

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<sup>305</sup> *JCC*, 9:751, 784, 1013-1015; “From Brigadier General James Mitchell Varnum,” December 22, 1777, *PGW* 12:675.

<sup>306</sup> *JCC*, 9:1068.

arrested and brought before courts-martial.<sup>307</sup> When Matthias Tyson, of Bucks County, was apprehended carrying eggs and butter into Philadelphia, the militia confiscated his goods, tied him to a tree, and spent a jolly afternoon bombarding him with his own merchandise. They then dismissed him, bruised and sticky perhaps, but otherwise unhurt.<sup>308</sup>

By mid-January, Washington began to take up the recommendations of Congress and put aside his “delicacy” regarding the army’s treatment of civilians. In response to one expression of uncertainty about what means were open to the military, he wrote that in order to prevent “a Continuation of Intercourse between the City & Country” the troops were “hereby instructed to take the most immediate & Coercive Measures ... I must repeat my desire that you will adopt the most rigorous Means (if nothing less will do) to put a Stop to this practice.”<sup>309</sup> The parenthetical qualifier expressed a lingering hesitation which would not last.

Before the month had ended, Washington began to accept that, given the limited manpower available, stopping the flow of supplies headed to Philadelphia was a goal that “perhaps with the utmost vigilance cannot be totally effected.”<sup>310</sup> If it was not possible to apprehend all, or even most, of those who violated the embargo, then the punishment

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<sup>307</sup> “From Brigadier General James Potter,” Jan. 11, 1778, *PGW*, 13:202; There also appears to have been confusion over precisely which goods were to be confiscated and who was entitled to keep them. See “General Armstrong to General Lacey,” April 21 and May 5, 1778, *Register of Pennsylvania*, 3:341, 343.

<sup>308</sup> John A Nagy, *Spies in the Continental Capital: Espionage across Pennsylvania during the American Revolution* (Yardley, PA: Westholme, 2011), 104.

<sup>309</sup> “To Brigadier General James Potter,” Jan. 12, 1778, *PGW* 13:209.

<sup>310</sup> “To Brigadier General John Lacey, Jr.,” Jan. 23, 1778, *PGW* 13:323-24.

inflicted on those were caught had to be particularly severe. Washington became increasingly convinced that this was the best, and perhaps the only, way to discourage commerce with the city and in letter after letter he began calling for “proper objects to make examples of” in order “that the rest may be sensible of a like Fate should they persist.” A “proper object” would be a man, caught in the act, against whom witnesses could be found. In such a case, and given a guilty verdict from the court-martial, the condemned was not to face mere confinement or confiscation but, according to Washington’s orders to General Lacey, execution.<sup>311</sup>

In the event, neither Washington nor Lacey officially executed many, if any, civilians solely for trading with Philadelphia. At first, Washington may have hoped that the threat alone would be sufficient, and on more than one occasion he went out of his way to make certain that the military’s authority to execute civilians was made public.<sup>312</sup> Achieving a guilty verdict at all was often challenging; the constant arrival and departure of new militiamen and the widespread refusal of the civilians to testify against each other made it all but impossible to bring witness testimony before the court.<sup>313</sup> The most

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<sup>311</sup> “To Colonel Walter Stewart,” Jan. 22, 1778, *PGW* 13:317; “To Brigadier General John Lacey, Jr.,” Jan. 23, 1778, *PGW* 13:323-24; “To Brigadier General John Lacey, Jr.,” Jan. 23, 1778, *PGW* 13:323-24; “To Israel Angell,” Feb. 1, 1778, *PGW* 13:433-34; “To Major John Jameson,” Feb. 1, 1778, *PGW* 13:437; George Walton, Congressional delegate from Georgia, left Pennsylvania in the fall of 1777 under the impression that “it was declared death to be caught in carrying any thing into the City.” “George Walton to Benjamin Franklin,” December 20, 1777, *The Papers of Benjamin Franklin*, 25:327-329.

<sup>312</sup> Lacey was told to make certain his powers were “known to the people that they may again have warning.” See “To Brigadier General John Lacey, Jr.,” Jan. 23, 1778, *PGW* 13:23-24; See also “To John Hancock,” Oct. 10, 1777, *PGW* 11:473-475; “From John Hancock,” Oct. 14, 1777, *PGW* 11:504.

<sup>313</sup> For example, see “From Brigadier General John Lacey, Jr.,” January 26, 1778, *PGW*, 13:351 and “To Brigadier General John Lacey, Jr.,” March 2, 1778, *PGW* 14:32-33.

common sentence for those found guilty was a number of lashes, ranging somewhat haphazardly from twenty five to two hundred and fifty, the number apparently more dependent on who sat on the court than on the severity of the offense. In addition to corporal punishment, the courts-martial imprisoned some civilian offenders and sentenced others to forced labor or to service in the Continental Army. Terms of confinement and labor were generally limited to however long the British remained in Pennsylvania. Philip Kirk was found guilty of supplying the British with cattle and, in addition to being imprisoned while the enemy remained in the state, was to have all his property, both real and personal, taken from him. Though he approved everything else the court had done, Washington exercised his authority to suspend this last punishment, expressing his continued discomfort with the powers he had been granted and his opinion that such “confiscation of property is a matter not cognizable by martial Law.”<sup>314</sup>

Though he continued to call for “proper objects to make examples of” throughout the winter and spring, by the end of February, Washington was willing to admit that the current regimen of punishments was ineffective. “I don’t well know what to do with the great numbers of people taken going into Philad[elphi]a,” he wrote to Lacey in early March, “I have punished several very severely, fined others heavily and some are sentenced to be imprisoned during the War,” and still the trade with the city continued and even expanded.<sup>315</sup> Facing renewed pressure from Congress to stop shipments of flour from reaching Philadelphia and aware that he lacked the manpower to place guards on all

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<sup>314</sup> The court martial of civilians appears in the General Orders of February 8, March 1, April 13 and April 18, 1778. *PGW* 13:475, 14:1-3, 491-493, 544. Also see “From Brigadier General John Lacey, Jr.,” April 9, 1778, *PGW* 14:435.

<sup>315</sup> “To Brigadier General John Lacey, Jr.” March 2, 1778, *PGW* 14:32-33.

the roads, Washington took another step away from the “delicacy” that had previously restrained his actions and ordered that all the mills within easy reach of Philadelphia be disabled or destroyed. This measure may well have made it more difficult for the British to obtain flour from the countryside, but it also presented dire challenges to the civilian population that had long relied on those same mills. When word of the destruction reached Philadelphia, one perplexed redcoat noted that the loss of the mills “does not hurt us very much because we are always sure of provisions from England, while they ruin their own country by such acts.”<sup>316</sup> The indiscriminate nature of the destruction and the collateral damage associated with it distressed some of Washington’s own officers. The Commander-in-Chief made it clear that his orders must be kept secret, not only from the British but also from revolutionaries whose friends or families relied on the mills. Only the officers directly involved in the plan were to be made aware of it, and they “should be such who have no connections in the part of the Country where the Mills are.”<sup>317</sup> Even Major Jameson, who sympathized with Washington on the need for desperate measures to stop the trade with Philadelphia, expressed qualms about disabling the mills of those who had already pledged not to do business with anyone from the occupied city. Nonetheless, he dutifully agreed to carry out the orders he was given.<sup>318</sup> New and more desperate strategies followed.

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<sup>316</sup> Muenchhausen, *At General Howe’s Side*, 47; Peebles also reported on the destruction of the mills at Frankford, see “John Peebles Journal, 1776-1782,” Feb. 14, 1778, Microfilm, n.d. DLAR.

<sup>317</sup> “To Major John Jameson,” Feb. 1, 1778, *PGW* 13:437.

<sup>318</sup> “From Major John Jameson, Feb. 2nd, 1778, *PGW* 13:440; Beginning on February 8, Jameson and Lacey began destroying the mills. By the 11<sup>th</sup>, their task was complete. “From Brigadier General John Lacey, Jr.,” February 11, 1778 *PGW* 13:510-11.

In order to induce the men “to be more active and zealous in the execution of their duty,” Washington granted them the right to keep for themselves whatever they confiscated from civilians trading with Philadelphia. The revolutionary soldiery now had a personal financial stake in apprehending as many traders as possible. This new incentive was first granted to the militia east of the Schuylkill, but by mid-March it had been extended to the rest of the army as well. Washington was painfully aware that this policy opened the door for rampant abuse, and with every mention of it worried that it would be “made a pretext for plundering the innocent inhabitants.” To check this tendency, he ordered that a commissioned officer always be present during confiscations, but given the desperate shortage of manpower, especially in the militia, such a requirement was not always feasible.<sup>319</sup> As Washington had feared, this step only further alienated the civilian population, who accused the military, and particularly the militia, of indiscriminate plundering. General Armstrong decried the confiscation policy as “a step undoubtedly wrong in every point of view,” but others, like Joseph Reed, argued that while there were many instances of abuse, they were only a “partial evil” in comparison to the “Extensive Mischief” of the illicit trade they were intended to stop.<sup>320</sup>

Continental soldiers and militiamen also took upon themselves the task of carrying out harsher punishments while patrolling the roads. Circumventing the challenge of winning a court martial conviction, officers increasingly rendered their own verdicts in

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<sup>319</sup> “To Brigadier General John Lacey, Jr.,” Feb. 8, 1778, *PGW* 13:477-78; “To Capt. Stephen Chambers,” Feb. 27, 1778, *PGW* 13:679-80; “General Orders,” March 7, 1778, *PGW* 14:81.

<sup>320</sup> “General Armstrong to General Lacey,” May 5<sup>th</sup>, 1778, *Register of Pennsylvania*, 3:343; “Joseph Reed to [not addressed],” Joseph Reed Papers.

the field and issued sentences for lashes and, occasionally, death.<sup>321</sup> Rumors that revolutionary forces were summarily shooting civilians caught carrying goods to Philadelphia began early in the occupation, but it wasn't until the desperate months of February and March of 1778 that such practices were given official approval.<sup>322</sup> A severely vexed Washington wrote to General Lacey that "the communication between the City and country, in spite of every thing hitherto done still continuing, and threatening the most pernicious consequences," the militia patrols were henceforth empowered to determine for themselves whether or not those they intercepted with provisions intended to trade with the occupied city. If so, and the patrols deemed it necessary, they were now authorized "to fire upon those gangs of mercenary wretches who make a practice of resorting [to] the city, with marketing."<sup>323</sup> At the time this order was given, Lacey's numbers were so reduced that they could do little more than huddle around their distant headquarters and await reinforcements, but when the militia ranks briefly swelled to several hundred the following month, the young general quickly acted on his new authority. In orders to his scouting parties, Lacey vividly described the message he wanted his men to send to the local populace:

If your parties should meet with any people going to market, or any persons whatever going to the city, and they endeavor to make their escape, you will order your men to fire upon the villains. You will leave such on the roads, their bodies and their marketing lying together. This I

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<sup>321</sup> "To George Washington," Feb. 15, 1778, *PNG*, 285.

<sup>322</sup> John André, 20 Nov., 1777, John André Manuscript, Schoff Revolutionary War Collection, William L. Clements Library, University of Michigan; Jackson also records the occasional killing of farmers by American pickets. Jackson, *With the British Army in Philadelphia*, 163.

<sup>323</sup> "To Brigadier General John Lacey, Jr.," Feb. 8, 1778, *PGW* 13:477-78.

wish you to execute on the first offenders you meet; that they may be a warning to others.<sup>324</sup>

Both Washington's persistent desire to "make an example" out of a handful of individuals and Lacey's willingness to leave bodies piled in the road as a "warning," speak to a continuing evolution in the nature and methods of the Revolution. In the face of an enemy they could not beat militarily nor compete with economically and in the midst of a population that was largely indifferent to their cause, the revolutionary army, like many militant forces before and after, found itself increasingly resorting to terror as a means of controlling the countryside and the people who lived there.

### **"like Pharaoh I harden my heart": Securing Provisions for the Revolution**

An increasing acceptance of extreme and violent action marked the Continentals' attempts to procure supplies for their own use, as well as their efforts to keep them from the British. In late January, Washington considered competing with the economic lure of Philadelphia's markets by creating a market of his own near Valley Forge. He called for his officers and "the most intelligent Country-men" to create a plan for the operation of said market and the establishment of its prices. On January 30, Washington issued a proclamation outlining the prices and announcing that the market would begin operation the second Monday in February. The language he chose for this advertisement is telling,

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<sup>324</sup> "General Lacey's Orders to His Scouting Party," March 19, 1778, *Register of Pennsylvania*, 3:308.



reflecting both the connection he saw between allegiance and commerce and his awareness that the army had hitherto done much to alienate the local population.<sup>325</sup>

Life between the lines had given these people a number of legitimate concerns when it came to trading with the military and Washington sought to address these head on by assuring the prospective marketers that they would be protected “from any kind of abuse or violence that may be offered to their persons or effects,” that “their carriages and cattle shall not be impressed or otherwise detained,” and that they would actually be paid for the articles provided to the army. Aware that, for some, the soldiers from New England were only a shade less foreign than those from Britain, he promised that the clerk of the market, who was in charge of protecting the people who traded there, would be a Pennsylvanian. Finally, Washington expressed his hope that “all persons well affected to their country” would take this as an opportunity to “manifest their zeal” for the cause.<sup>326</sup> Here again was the belief that commercial choices represented political affections.

Problems began almost at once. The day before the market opened, no clerk had been appointed to look after the marketers’ rights; the officer in charge of the local piquet guard received last minute orders to enforce the regulations. Washington worried that few people would come.<sup>327</sup> Greater challenges to the army’s détente with the local farmers loomed just ahead. The opening of the Continental market came just as several factors,

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<sup>325</sup> “General Orders,” January 20, 1778, *PGW* 13:286-87; “Proclamation on Market at Valley Forge,” Jan. 30, 1778, *PGW* 13:415; I owe a debt to Wayne Bodle for highlighting the significance of the specific wording of this proclamation. See Bodle, *The Valley Forge Winter*, 165.

<sup>326</sup> “Proclamation on Market at Valley Forge,” Jan. 30, 1778, *PGW* 13:415.

<sup>327</sup> “General Orders,” Feb. 8, 1778, *PGW* 13:476.

including poor management, bad weather, local disaffection, and insufficient transportation conspired to plunge the Continental Army into one of the worst logistical crises it would ever experience. Washington wrote that what had once been “occasional deficiencies in the Article of provisions ... seem now on the point of resolving themselves into this fatal crisis – total want and a dissolution of the Army.”<sup>328</sup> The situation no longer allowed for the development of amiable relations with the local populace based on voluntary and mutually beneficial commerce at the new marketplace. The times had become exceedingly desperate and the revolutionaries’ response would be no less so.

Less than a week after the Continentals’ market opened for the first time, Washington drafted orders for Nathanael Greene to carry out a massive and unprecedentedly merciless foraging expedition. Washington wanted the area between the Schuylkill and Brandywine rivers, stretching as far as twenty miles inland from the Delaware, entirely stripped of livestock and provisions. No distinction was to be made between friends and enemies of the cause. As Bodle notes, this was the first time Washington’s orders “omitted his customary injunctions to leave friendly residents with at least enough resources to sustain their families.”<sup>329</sup> What Greene could not safely carry off he was to destroy. Those who lost goods to the army because of this expedition were to be given special certificates which could one day be used to apply for payment, but the specifics of when that day would be, where the certificates could be turned in, and to whom, were still yet to be determined as Greene and his men began their mission. Given

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<sup>328</sup> “To William Buchanan,” Feb. 7, 1778, *PGW* 13:465.

<sup>329</sup> Bodle, *The Valley Forge Winter*, 165.

the Continental Army's poor reputation for honoring its debts in the region, these mysterious pieces of paper were likely of little solace to those who watched as the last of their horses, cattle, sheep and provender were taken from them.<sup>330</sup>

Over the course of the following weeks, Greene's expedition drained the countryside of what little supplies and good will remained. The Continental officers themselves struggled with the severity of the duty set before them. "The inhabitants cry out and beset me from all quarters," Greene wrote to Washington, "but like Pharaoh I harden my heart ... I [am] determin[ed] to forage the Country very bare. Nothing shall be left unattempted."<sup>331</sup> Though he took all that he found, Greene found that there was little left to take from these people who had for some months been trapped between the lines of two hungry armies. "The face of the Country is strongly marked with poverty and distress," he reported, and "has been so gleaned that there is but little left in it."<sup>332</sup> As word of the foraging expedition and its methods spread, the people's pleading gave way to desperation and subterfuge. Those who could rushed to get their goods to markets in Philadelphia before all was lost to the Continentals. Others carted their provisions and drove their livestock and wagons off into the wilderness to conceal them. Greene

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<sup>330</sup> "To Major General Nathanael Greene," Feb. 12, 1778, *PGW* 13:514.

<sup>331</sup> "To George Washington," Feb. 15, 1778, *PNG*, 285.

<sup>332</sup> "From Major General Nathanael Greene," Feb. 16, 1778, *PGW* 13:557-558; The severity of Greene's measures caught the attention of at least one officer in Philadelphia. Major Baurmeister recorded that "the rebels are devastating the land and carrying off everything," that "the whole country around Valley Forge is devastated," and that revolutionaries were "always looking for [those bringing goods to Philadelphia] and maltreat those they catch." Baurmeister, *Revolution in America*, 157.

followed, sending his men “to search all the Woods and swamps after them.”<sup>333</sup> Farmers who tried to hide their property from the Continentals were to be arrested, while those caught trying to make it to British lines were severely whipped. Aware that dire circumstances at Valley Forge required that Greene maintain his ‘hardened heart’ and committed to the hope that brutally punishing a few might yet terrorize the many into obedience, Washington did what he could to steel Greene’s resolve along the way, urging him to “make severe examples” of anyone who tried to reach the occupied city and assuring him that “our present wants will justify any measures you can take.” Greene assured his commander that “examples shall not be wanting to facilitate the business I [am] out upon.”<sup>334</sup>

### **“dwindled away to nothing”: Success and Failure**

The Continental crackdown on trade with Philadelphia and the new foraging policies implemented in February were met with some success. As the revolutionaries began to embrace more rigorous and coercive means of stopping farmers en route to the occupied city, the effects were soon felt by the British and their allies. Ewald noted that Washington had begun “to make the highways around Philadelphia so unsafe with parties from his fortified camp at Valley Forge that the country people no longer dared to bring provisions to market.” This brought an end to the period of “sweet tranquility” he had

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<sup>333</sup> “From Major General Nathanael Greene,” Feb. 17, 1778, *PGW* 13:569-70.

<sup>334</sup> “To George Washington,” Feb. 15, 1778, *PNG*, 285; “To Major General Nathanael Greene,” Feb. 16, 1778, *PGW* 13:556-57); “To George Washington,” Feb. 16, 1778, *PNG* 2:286-87.

been enjoying throughout the first weeks of the year.<sup>335</sup> Again, in February, when Lacey's militia received authority to open fire on civilians along the road, Ewald noticed that trade with the city dipped noticeably. He concluded that the execution of farmers bringing food to the city, several of whom were reportedly "bound to the tails of horses and lost their lives in this sad way," terrified the people into submission.<sup>336</sup>

Washington also took steps to address the pitiful state of Lacey's militia forces east of the Schuylkill. Dividing the responsibility for isolating Philadelphia between the Continental and state troops had been intended to free Washington from the hassle of micromanaging the entire region and, perhaps more importantly, to let the state have some visible role in its own defense. Yet as Lacey's force withered away to almost nothing, the division increasingly proved to be untenable. Though he remained steadfast in his demand that the militia, not the army, control the region north of Philadelphia, Washington eventually found himself in the awkward position of chastising Pennsylvania's political leadership on behalf of its own militia officers. After Lacey's repeated pleas to the Supreme Executive Council for more men went unanswered, the Commander-in-Chief stepped in. In a letter to council president Thomas Wharton, Jr., Washington painstakingly reviewed his past agreements with the state and reminded

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<sup>335</sup> Ewald, *Diary of the American War*, 117.

<sup>336</sup> Ewald, *Diary of the American War*, 121. Ewald doesn't provide a source for this report, but in terms of influencing trade with the city, the perception that it *could* be accurate matters more than whether it really was. Muenchhausen and Baurmeister also recorded the danger faced by the local populace in the late winter and early spring. See Muenchhausen, *At General Howe's Side*, 49 and Baurmeister, *Revolution in America*, 157. Robert Proud also described how "the Vigilance of the Rebel Party by Means of the Country Militia, supported by Washington's Army has on every Side distressed the Inhabitants of this City to a high Degree, by preventing Provisions coming in from the Country." Proud, "Letters of Robert Proud," 70-71.

Pennsylvania's leadership that they had pledged a force of at least one thousand men which "should be regularly kept up." He then explained that, despite these promises, the militia had "by some means or other dwindled away to nothing."<sup>337</sup> A chagrined Wharton wrote back with a litany of explanations and excuses, but assured the Commander-in-Chief that well over a thousand men would soon arrive to strengthen Lacey's force.<sup>338</sup> Though Lacey never came close to commanding a thousand militiamen, following Washington's intervention his command did return from the brink of extinction and in March his numbers crept above six hundred, allowing him to redeploy closer to the occupied city and participate in the increasingly ruthless effort to isolate Philadelphia.<sup>339</sup>

Such episodes of success were not to last, however. Whenever the revolutionaries' crackdown on trade began to place too much pressure on Philadelphia, the British and their allies responded in force to protect their access to local provisions. British and Provincial patrols took to the roads, providing armed escorts for farmers enroute to the city. At times the country people themselves took up arms to protect their wagons from Continental and militia soldiers who might try to take their produce, or possibly their lives, for trading with Philadelphia. In March, when the Patriots' campaign against the populace was at its most terrifying, Howe's aide-de-camp recorded that every day saw the deployment of "small and sometimes strong commands against the enemy parties in support of the peasants who bring in food." Eliza Farmar's small family depended upon "poor folks who got thro the lines and got flower at the Mills ... tho they

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<sup>337</sup> "To Thomas Wharton, Jr.," Feb. 12, 1778, *PGW* 13:519.

<sup>338</sup> "From Thomas Wharton Jr.," Feb. 17, 1778, *PGW* 13:574.

<sup>339</sup> "Lacey to Armstrong," April 28, 1778, *Register of Pennsylvania*, 3:342; "General Lacey to Council," March 11, 1778, *Register of Pennsylvania*, 3:307-08.

frequently had it taken from them by the Americans.” However, as she also recalled, “when the spring came on we were a little better off for the Ridgment of Queens Rangers were Posted on the River side opposite our house.”<sup>340</sup> The close proximity of the Rangers not only eased the pressure on those attempting to carry flour toward the city but also protected the Farmers from being plundered or threatened by the Patriot militias. Greene found that the mounted provincial units, like the Queen’s Rangers, who were more familiar with the countryside and the people in it than were their British counterparts, were particularly effective.<sup>341</sup> Due in part to such patrols, the Continental crackdown was never able to recreate the provisions crisis that had threatened the British hold on Philadelphia at the end of 1777 and the continuation of trade between the city and the countryside remained a constant source of irritation and concern. Prices remained high in the city and the civilians occasionally complained of shortages in one sort of good or another, but the tone of desperation never returned and the army in particular was able to enjoy a season of relative plenty and relaxation. Yet not only did the British response thwart Washington’s efforts to isolate Philadelphia, it also allowed the redcoats to take on a protective role, defending the commercial interests and liberty of the local populace against the dictates and requisitions of the revolutionary regime.<sup>342</sup>

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<sup>340</sup> Eliza Farmar, “Letters of Eliza Farmar to Her Nephew,” *The Pennsylvania Magazine of History and Biography* 40, no. 2 (1916), 207.

<sup>341</sup> Ewald, *Diary of the American War*, 117; “From Colonel Walter Stewart,” Jan. 18, 1778 *PGW* 13:276-77; Muenchhausen, *At General Howe’s Side*, 49; Bodle, *The Valley Forge Winter*, 175; John Graves Simcoe, *Simcoe’s Military Journal: A History of the Operations of a Partisan Corps, Called the Queen’s Rangers* (New York : Bartlett & Welford, 1844), 27-28, 34-36.

<sup>342</sup> Simcoe, *Simcoe’s Military Journal*, 34-37.

As the trade continued despite all the vigilance and violence the revolutionaries could muster, despair set in. By April Lacey and Washington had each come to suspect that trying to control the farmers' trade through coercion was a doomed effort; short of physically restraining the entire population, there was little to be done.<sup>343</sup> Congress's choice not to once again renew the resolution declaring martial law when it expired on April 10 suggests a similar degree of discouragement from that quarter.<sup>344</sup> In desperation, some revolutionary officers drew up a bold but impractical plan for forcibly evacuating all inhabitants who lived within fifteen miles of the occupied city. Civilians who learned of the scheme decried it, not only as materially impossible but cruel.<sup>345</sup> Before the outcry could spread, Washington explicitly swatted the idea down; sympathizing with the planners' motivations, he nonetheless explained that "the horror of depopulating a whole district, however little consideration the majority of the parties concerned may deserve from us, would forbid the measure."<sup>346</sup>

Washington's success in revitalizing the Pennsylvania militia also proved to be short-lived. Lacey's numbers peaked in early March as the surge of militia, such as it was, originally called for in early January finally arrived. From that point forward he experienced a steady decline due to defection, desertion, casualties, and the state's inability to replace the lost. By early April, he was reduced to half of his peak strength;

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<sup>343</sup> "From Brigadier General John Lacey, Jr.," Feb. 27, 1778, *PGW*, 13:683); "To Brigadier General John Lacey, Jr.," April 11, 1778, *PGW*, 14:476; "Lacey to Pres. Thomas Wharton, Jr." *Register of Pennsylvania*, 3:307.

<sup>344</sup> "To Brigadier General John Lacey, Jr." April 11, 1778 *PGW* 14:476.

<sup>345</sup> "From Brigadier General John Lacey, Jr.," Mar. 29, 1778, *PGW* 14:352-353.

<sup>346</sup> "To Brigadier General John Lacey Jr.," Mar. 31, 1778, *PGW* 14:638.



by the end of that month, the Pennsylvania militia had once again “dwindled away to nothing.” As of the 27<sup>th</sup>, Lacey reported a mere 57 men fit for duty; the five classes called up the previous month had never materialized. Just as he had in February, Lacey abandoned the roads to the British and collected his meager force together at a single post.<sup>347</sup>

As this second collapse was in progress, Congress obviously passed a new resolve giving Washington the authority to command even more militia forces. Despite the fact that Pennsylvania was then struggling to maintain a force of three hundred militiamen in the field, on April 4 Congress empowered the command-and-chief to call up a force of five thousand from Pennsylvania, Maryland and New Jersey.<sup>348</sup> This suggests an alarming disconnect between Congress’s perception of recent events and the actual situation in the field. For his part, Washington politely thanked Congress for his expanded powers before letting some of his frustration slip out in suggesting that perhaps assembling so many militiamen might be impractical,

to evince which, I need only recur to the experience of last Campaign on similar occasions – and to remind you, that it was not possible to obtain 1000 Men, nor sometimes even one hundred from this state, although the former number was required, and promised, for the purpose of covering, during the winter, the Country between Schuylkill & Delaware.<sup>349</sup>

Though Washington had learned better than to expect five thousand militiamen, he did use the Congressional resolve to try one last time to get the one thousand men

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<sup>347</sup> *Pennsylvania Archives*, 1<sup>st</sup> Series, 6:390-91; “From Brigadier General John Lacey, Jr.,” April 20, 1778, *PGW* 14:569; “Lacey to Armstrong,” April 28, 1778, *Register of Pennsylvania*, 3:342.

<sup>348</sup> *Pennsylvania Archives*, 1<sup>st</sup> Series, 6:399.

<sup>349</sup> “To Henry Laurens,” April 10, 1778, *PGW*, 14:459.

Pennsylvania had promised him. Presenting his new authority to the state's supreme executive council, he demanded that a "Body of one thousand to be sent into the field as expeditiously and for as long a time as possible." Wharton admitted that in the past the militia "have not turned out to my wishes" and somewhat ambiguously promised to give "such orders as I hope will answer your Excellencies expectations," though almost in the same breath he began suggesting excuses for why they might not turn out this time either.<sup>350</sup>

The question of whether the Pennsylvania militia would ever be able to cover the country north of Philadelphia received a decisive answer from the British in early May. For the past months, Lacey's men had continuously pestered, threatened, and otherwise alienated much of the local civilian population. Those same civilians, often engaged in trade with Philadelphia, were well positioned to inform the British of the militia's strength and location. It was a perilous situation for so small a force to be in and on May 1 Lacey's good fortune, such as it was, ran out. Having received word from the inhabitants that the militia was camped near Crooked Billet, the British chose to finally rid themselves of that particular irritant. In the early morning, a column of British light infantry and dragoons, not incidentally aided by locally raised provincial troops, surprised and demolished Lacey's camp. The militia suffered heavy casualties and reports soon circulated of atrocities committed against the dead and dying.<sup>351</sup>

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<sup>350</sup> "To Thomas Wharton, Jr.," April 11, 1778, *PGW*, 14:482; "From Thomas Wharton, Jr.," April 13, 1778, *PGW*, 14:506.

<sup>351</sup> "General Lacey to General Armstrong," May 7, 1778, *Register of Pennsylvania*, 3:343; "General Lacey to General Washington," May 2, 1778, *Register of Pennsylvania*, 3:342-43; John Montresor, "Journal of Captain John Montresor, July 1, 1777 to July 1, 1778, Chief Engineer of the British Army (continued)," *The Pennsylvania Magazine of History and Biography* 6, No. 2 (1882), 202-203;

The raid on Crooked Billet all but eliminated the Pennsylvania militia as an effective force for the remainder of the season and forced Washington to finally abandon goals he had been doggedly pursuing throughout the winter and spring. No longer seeing the point in repeatedly demanding the thousand men he had been promised but never given, he now requested that the state do its best to scrape together a mere four hundred. Those troops would be aided by, and implicitly subject to, a force of Continentals; on May 7 the task of covering the region between the Schuylkill and Delaware was handed over to Brigadier General William Maxwell. The attempt to leave the state in direct control of at least some portion of the embargo was given up.<sup>352</sup>

### **“a fearful increase of disaffection”: Alienation and Effective Loyalty**

Though it never succeeded in isolating Philadelphia from the surrounding countryside, much less in forcing the British to choose between starvation and retreat, the Continental crackdown in 1778 did have a profound, if unintended, effect on the local populace. The confiscations, destruction, arrests, imprisonment, whippings, and executions carried out by the Continental Army and the Pennsylvania militia began to slowly but steadily alienate more and more civilians in the Delaware Valley. Though perhaps no more firmly attached to Great Britain than they had been previously, the

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Baurmeister, *Revolution in America*, 168-169; Jackson, *With the British Army in Philadelphia*, 223-225; Taffe, *The Philadelphia Campaign*, 188; Simcoe, *Simcoe's Military Journal*, 56-60.

<sup>352</sup> “To President Thomas Wharton, Jr.,” May 11, 1778, and “To Brigadier General William Maxwell,” May 7, 1778, *The Writings of George Washington from the Original Manuscript Sources, 1745-1799*, ed., George Fitzpatrick. 39 vols. (Washington, DC: US Government Print Office, 1931-1944), 11:357-358, 369-370; Bodle, *The Valley Forge Winter*, 232-33.

disaffected grew increasingly wary of and hostile toward the revolutionaries who strove to control them. More alarming still, previously committed revolutionaries began to abandon the cause, unable to reconcile their prior devotion with the coercive acts carried out by their fellow Patriots and the commercial benefits of re-engaging with the British-Atlantic trade via the occupied city.

Observers on both sides took note of these shifting political affections, though few Patriots captured the effect so clearly as did Joseph Reed. “The intercourse between the Country & the Town has produced all the consequences foreseen by many in the beginning of the Winter,” he fretted. Yet it was not the supply of provisions to the enemy that so concerned him; indeed, he counted such material losses to be “the least pernicious” of those the cause was suffering. It was not simply the war for independence but the Revolution itself, John Adams’ “true Revolution” of hearts and minds, that Reed saw collapsing in the face of a persistent British presence and the people’s ability to take advantage of it. He despaired that “the Minds of the Inhabitants are seduced, their Principles tainted & opposition enfeebled – a familiarity with the Enemy lessens their abhorrence of them & their Measures. Even good Whigs,” he worried, “begin to think Peace at some Expense desirable.”<sup>353</sup> While Reed blamed the ongoing trade with the city, others recognized dangerous consequences arising from the actions of the revolutionaries themselves. In the eyes of J.B. Smith, it was “the conduct of the different departments” and “the impositions & irregularities of some of the agents” that were responsible for “the body of the people, especially of this state losing their confidence in the Commander in Chief.” Yet more was at stake than the popular perception of Washington and it was more

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<sup>353</sup> “Joseph Reed to [not addressed],” Camp Valley Forge, Feb. 1 1778, Joseph Reed Papers.

than “irregularities” that drove the people away. He suggested to Reed that “if it were possible avoid seizures & except in particular cases acts of force, many disaffected persons, more of the indetermined[sic], & all real Whigs would be with us.” Yet whether they held that trade itself or the revolutionaries’ harsh and ineffective attempts to stop it were responsible, both agreed that “by the present system of conduct, we suffer a fearful increase of disaffection.”<sup>354</sup>

The British also registered the change. Even Major General James Grant, who had at first decried Pennsylvania as “more inimical than any [province] we have yet been in,” came to believe that, had it not been for Burgoyne’s defeat at Saratoga, events surrounding the occupation of Philadelphia

must have put an end to the Contest, for tho’ factious leaders may be unwilling to part with the power they have got into their hands, individuals are tired of the business, & tho’ they have no attachment to Great Britain they would be glad to rescind Independency if they knew what terms they are to expect. They see their interests but dare not declare their opinions.<sup>355</sup>

The British Commander-in-Chief also took note of the changing sentiments and, like Grant, came to believe that by the Spring of 1778, whatever revolutionary fires had once burned in the Delaware Valley were now all but extinguished. Yet as Howe informed Parliament, “this favorable disposition ... did not appear immediately. An equivocal neutrality was all I at first experienced.” As time passed he watched as the flow of provisions and information to the city not only strengthened his position but also steadily undermined his opponents’. “The difficulties of the Congress in raising supplies and in recruiting Mr. Washington’s army,” he wrote, “then indeed became real, and had the

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<sup>354</sup> “J.B. Smith[?] to Joseph Reed,” Feb. 21, 1778, Joseph Reed Papers.

<sup>355</sup> Grant, January 22, 1778, Letterbook 4, James Grant Papers.

appearance of being insurmountable.” All this he “could not but attribute ... to the possession of Philadelphia.”<sup>356</sup>

This shift in political affections came as the result of a self-reinforcing cycle of disaffection which was initially triggered by two crucial imbalances between the revolutionaries and the British. The first and primary imbalance was economic: British wealth and access to hard currency allowed them to offer prices the Patriots could not afford to match. Combined with this was a second, ideological imbalance: the revolutionaries, much more than the British, relied on expressions of popular consent and popular participation to legitimate their rule. They had, consequently, placed tremendous and at times coercive pressure on the population in an effort to elicit demonstrations of consent. The result was a sizable population that, even absent any particular affection for British rule, had developed a distaste for revolutionary edicts and which mimicked patriotic behavior, not from a strongly felt commitment to the cause, but in order to avoid persecution. Taken together, these imbalances meant that, when the British army successfully established a foothold in Pennsylvania and crippled the revolutionaries’ ability to exercise control over a large region, a multitude of previously acquiescent colonists were primed to forsake their prior compliance with the patriotic program, abandoning revolutionary activities and rhetoric and embracing a remunerative but, in the eyes of some, disloyal trade with the occupied city. This alarmed and surprised the

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<sup>356</sup> “Sir William Howe’s Defense (Before a Select Committee of the House of Commons) of his Conduct as Command-in-Chief of the British Forces in the War of Independence” Henry Strachey Papers, Box 2, Folder 51. William Clements Library, University of Michigan. As it was composed to help defend his choices in America, Howe’s report on the progress of the war likely contained a self-serving bias. However, the general trend he notes here reflects a common sentiment felt by British and Hessian officers.

patriotic regime and triggered a series of increasingly brutal punishments and confiscations, meant to preserve both the material survival and the legitimacy of the Revolution. These crackdowns, in turn, only further alienated the political affections of the people and provided them with greater incentives to get their produce to the Philadelphia markets as quickly and surreptitiously as possible.<sup>357</sup>

Meanwhile, because local farmers were voluntarily bringing their goods to the occupied city, the British were allowed to reduce the extent and frequency of their own foraging expeditions. This not only let them limit the amount of negative interaction between their own soldiers and the civilian populace but increasingly encouraged the people to view the British patrols as their defenders, shielding them and their goods from Continental foraging parties.<sup>358</sup> Terrified by Greene's desperate foraging efforts in February and Lacey's lethal "examples" in March, civilians outside the city began crying out to the redcoats for help as soon as revolutionary forces drew near their homes. Lacey complained that, as his patrols approached the towns and farmsteads near Philadelphia,

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<sup>357</sup> Unsurprisingly, this same vicious cycle of mandated participation, increased disaffection, and brutal crackdown was apt to emerge wherever the population's lack of ideological enthusiasm was deemed a threat to the cause. See, for example, Sung Bok Kim, "The Limits of Politicization in the American Revolution: The Experience of Westchester County, New York," *The Journal of American History* 80, no. 3 (December 1, 1993), 868–89.

<sup>358</sup> Wayne Bodle suggest a similar cycle in *The Valley Forge Winter*, 164 & 177; Captain John André was quick to recognize that the British and Revolutionaries responded to the commercial choices of the populace differently. While the patriots declared trade with their enemy to be treason and even threatened the traders with death, André noted that "we on our part hold forth no such punishment to offenders against us." He at first believed that this was a mistake and encouraged the British to adopt equally harsh policies so that the populace would be "[r]educ[ed] to the agreeable alternative of choosing by whom they would be hanged." John André Manuscript, Philadelphia Camp, 20 Nov. 1777, Box 2, Schoff Revolutionary War Collection, William L. Clements Library, University of Michigan.

the inhabitants took to their horses and “repair directly to the city with the intelligence that the rebels are in the neighborhood.”<sup>359</sup> By the end of March he despaired that “but few real friends to America [are] left within ten miles of Philadelphia.”<sup>360</sup> Reed’s wife, Esther de Berdt Reed, feared for her husband’s safety whenever he remained at home for more than a day. “There are so many Disaffected to the cause of their Country,” she explained to a friend, “that they lay in wait for those who are active in it.”<sup>361</sup> From within the city, Joseph Galloway, who had long since believed Pennsylvania was eager to embrace a renewed allegiance to the crown, interpreted the people’s behavior as a vindication, declaring that “there is no Place in America where the Persons attached to Government are so numerous, where there are so many good Intelligencers, guides and faithful refugees.”<sup>362</sup>

In his enthusiasm and desperate desire to keep the British in Philadelphia, Galloway no doubt exaggerated. The most explicit and direct evidences of a people being “attached to government,” declarations of loyalty and service in that government’s defense, never emerged in great numbers from the people in or around the occupied city. Throughout the entire course of the occupation, a mere two thousand of the city’s civilian inhabitants stepped forward take the oath of allegiance to the king. They were joined by an approximately equal number of Continental and militia deserters who took the oath in

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<sup>359</sup> “General Lacey to Council,” March 11, 1778, *Register of Pennsylvania*, 3:307-08.

<sup>360</sup> “From Brigadier General John Lacey, Jr.” March 29, 1778, *PGW* 14:352-353.

<sup>361</sup> “Esther de Berdt to [Mary Jarvis?],” Norrington, Feb. 23, 1778, Joseph Reed Papers.

<sup>362</sup> Joseph Galloway, 1778 June 17, “Reason against abandoning Philadelphia & the Province of Pennsylvania”, Sir Henry Clinton Papers, 35:46, William L. Clements Library, University of Michigan.



order to escape punishment.<sup>363</sup> Galloway had hoped that the loyalists of Pennsylvania would be so numerous and committed that, once the threat of the Continental Army was countered, they would rise up, overwhelm their revolutionary neighbors, and restore the province to the empire on their own. Even Howe had hoped to raise a force of at least five thousand provincials while the army was at Philadelphia.<sup>364</sup> Like their revolutionary counterparts, who also looked to the people of Pennsylvania to voluntarily and enthusiastically offer up their devotion and service, they were met with disappointment.

Yet while it did not raise the grand army of provincial soldiers that some British leaders desired, the growing popular disaffection toward the Revolution did much to empower the British army at the expense of the Continentals. Though they had no compelling affection for the empire, the disaffected were thus often loyalist in effect, if not in sentiment, and this “effective loyalty” was sufficient to sustain the British occupation of the American capital through the winter of 1777/78, to rob Washington of a considerable part of his military strength, and to constantly challenge the Patriots’ depiction of the war as a defensive struggle for liberty.

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<sup>363</sup> “An Account of the number of Persons who have taken the Oath of Allegiance at Philadelphia from the 30<sup>th</sup> September 1777 to the 17<sup>th</sup> June 1778, being nearly the time the British Troops were in possession of Philadelphia, with an Account of the number of Deserters from the Rebel Army and Fleet, that came in during that time, properly distinguished, viz.”, June 1778, George Germain Papers, William L. Clements Library; “An account of the number of Deserted Soldiers, Galley-men &c from the Rebel Army and Fleet, who have come in to Philadelphia and taken the Oath of Allegiance – with a particular account of the places in which they were born.” George Germain Papers, vol. 7.

<sup>364</sup> Joseph Galloway, “Proposal for covering and reducing the Country as the British Army shall pass through it,” Sir Henry Clinton Papers, 35:47; Howe to Germain, Oct. 21, 1777, George Germain Papers, vol. 6; Smith, *Loyalists and Redcoats*, 47; *Pennsylvania Evening Post*, Mar. 6, 1778.

Despite Washington's earlier attempts to keep the Continental Army from wholly dominating Pennsylvania's defense, by the spring of '78, as trade with the occupied city flourished, the state militia ceased to function, and the people suffered under a brutal revolutionary policies, the conflict looked less and less like a simple defensive struggle which pitted the inhabitants against would-be conquerors from Britain. Rather, it became increasingly apparent that not one but two militant forces, one only slightly less "foreign" than the other, were struggling to conquer the region around Philadelphia and to secure its resources and people for their respective nations. Each could claim allies amongst the local populace; neither could achieve explicit, broad-based support without resorting to coercion. As the year advanced and a new campaign season approached, the economic and ideological vulnerabilities of the revolutionaries, which were especially crippling in the midst of a disaffected population, steadily pushed the material support and the political affections of the region into British hands.

## CHAPTER4

### THE JAWS OF A LION

If I must be enslaved let it be by a King at least, and not by a parcel of upstart lawless Committeemen. If I must be devoured, let me be devoured by the jaws of a lion.

~Samuel Seabury, 1774<sup>365</sup>

From the perspective of outside observers, particularly those who stood firmly behind the revolutionary cause, the presence of the British Army in Philadelphia grew progressively more disastrous for the Patriot efforts to secure American hearts and minds. British Commander-in-Chief Sir William Howe firmly believed that, if given a safe opportunity to do so, the American colonists would shake off the new revolutionary governments and embrace a peaceful return to the empire. As the occupation dragged on, the Pennsylvania Militia evaporated, the provisions trade favored the British, and the revolutionaries were pushed toward increasingly desperate, brutal, and terrifying measures in order to control the populace; it seemed as though Howe's beliefs would be validated. As the new year unfolded, Joseph Reed wailed that "the Minds of the Inhabitants are seduced, their Principles tainted & opposition enfeebled... even good Whigs begin to think Peace at some Expense desirable."<sup>366</sup> His concerns reflected the realities he bore witness to, but his perception of events in the region was incomplete and his perspective skewed.

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<sup>365</sup> Samuel Seabury, *Free Thoughts on the Proceedings of the Continental Congress, &c.* (New York, 1774), 36.

<sup>366</sup> "Joseph Reed to [not addressed]," Camp Valley Forge, Feb. 1 1778, Joseph Reed Papers, Film 266, Reel 2, David Library of the American Revolution (hereafter DLAR).

Reed posited that the people's "familiarity with the Enemy lessens their abhorrence of them & their Measures." This formulation may have been true for those outside the British lines, whose "familiarity" with the British, aside from the occasional instance of foraging and plunder, was primarily economic and light-handed. The British were a desperately needed source of specie at a time when paper currency was undergoing dizzying inflation. Able to reach but unable to secure areas beyond the immediate boundaries of Philadelphia, the British shattered revolutionary control of such communities but could not enforce their own edicts or demands on the inhabitants. The people's "familiarity" with the occupiers was thus distant and highly selective.

Those most familiar with the British Army and its measures resided inside the city itself. The members of the army and the civilian inhabitants of Philadelphia each developed weighty expectations of what the occupation would mean for the war, for the future of America, and for themselves personally. Even as events in the surrounding countryside told a story of alienation from the revolutionary cause and acceptance of the British, the inhabitants of occupied Philadelphia lived out a very different tale of destruction, disaffection and profound disappointment.

### **"no difficult task": British Expectations**

The British came to Pennsylvania expecting to find a province eager to shake off an oppressive revolutionary minority and rise up in support of the imperial cause. For more than a year before the invasion, Howe and his fellow officers had heard a constant stream of reports about the fragility and vulnerability of the Revolution in the region of Philadelphia. These accounts, carried primarily by loyalist refugees such as William Allen and, in particular, Joseph Galloway, assured the British that there were "great

Divisions prevailing among the People at Philadelphia, and that strong Parties are forming against the Congress and their independent System.” Allen was “positive that three fourths of the People are against Independency,” “that the Force of opposition was breaking ... that the Congress was much declined in the Opinions of the People at large ... and that there is no Doubt of their making a formal Renunciation, when the Army shall advance to support them.”<sup>367</sup>

Howe had long since believed a more conciliatory approach was needed toward most Americans, that the revolutionaries made up only a small minority of the populace, and that the loyal majority would eagerly support the restoration of British authority.<sup>368</sup> Reports from Pennsylvania buttressed Howe’s existing beliefs about the nature of the

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<sup>367</sup> The regularity of these reports comes across strongly in Ambrose Serle’s journal. See Ambrose Serle, *The American Journal of Ambrose Serle, Secretary to Lord Howe, 1776-1778*. ed. Edward H. Tatum, Jr. (San Marino, CA: The Huntington Library, 1940), 130, 135, 163-64, 165, 180; William Howe, *The Narrative of Lieut. Gen. Sir William Howe in a committee of the House of Commons, on the 29th of April, 1779, relative to his conduct during his late command of the King's troops in North America: to which are added some observations upon a pamphlet entitled, Letters to a nobleman*, (London: H. Baldwin, 1781), 60-61. (hereafter *Narrative of Howe*); Ira Gruber notes that accounts of loyalist strength highlighted not only Pennsylvania, but Virginia and New York as well. The Patriots’ difficulties to recruiting troops from Pennsylvania made it a particularly appealing target. See Ira Gruber, *The Howe Brothers and the American Revolution*, (University of North Carolina Press, 1972), 205.

<sup>368</sup> Stephen Conway, “To Subdue America: British Army Officers and the Conduct of the Revolutionary War,” *The William and Mary Quarterly* 43, (Jul. 1986), 384-85. Conway demonstrates that many officers of lower rank held similar conciliatory sentiments, though there also existed a strong contingent of ‘hard-liners’ who believed a harsh response was needed in order to bring rebellious America to its knees. Regrettably for the conciliators, the latter group tended to leave the deepest and most lasting impressions in the minds of American civilians.

Revolution and helped determine how he would deploy his forces in 1777.<sup>369</sup> News coming down from the north combined with Howe's own experience in Boston to convince him that the militia companies of New England were too numerous and too determined to risk returning the seat of war to that region. In Pennsylvania, however, Howe believed "the prospect was very different. The increase of force which that country could afford Washington was small in comparison." Though the region was well populated and, indeed, home to America's largest city, he strongly suspected that the Pennsylvanians would be slow to oppose him. Furthermore, Philadelphia was one of, if not the, only objective Howe believed Washington would risk an open and general engagement to defend. If the American army was to be destroyed, and Howe believed that its destruction was "the surest road to peace," then an assault on Philadelphia would not only force that army to fight but force it fight in hostile territory.<sup>370</sup>

As the summer of 1777 approached, Howe increasingly came to believe that the people of Pennsylvania would not only fail to rally to Washington's aid, but, in time, would take up arms and fight alongside the British. In Philadelphia in particular he expected to find supporters "so numerous and so ready to give every aid and assistance in their power, that it will prove no difficult task to reduce the more rebellious parts of the province."<sup>371</sup> In his biography of the Howe brothers, historian Ira Gruber suggests that

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<sup>369</sup> Andrew Jackson O'Shaughnessy, *The Men Who Lost America: British Leadership, the American Revolution, and the Fate of the Empire* (New Haven: Yale University Press, 2013), 90, 98, 105.

<sup>370</sup> Howe, *Narrative of Howe*, 17-18; Howe to Germain, 20 December, 1776. George Germain Papers, v. 5, William L. Clements Library, University of Michigan, Ann Arbor, MI. (hereafter Germain Papers).

<sup>371</sup> "Copy of a Letter from General Sir William Howe to General Sir Guy Carleton, dated New York, 5th April, 1777," *The Parliamentary Register; or, History of the*

invading Pennsylvania and rallying the loyalists of the Delaware Valley “grew to an obsession” for the general, who saw it was a way of justifying his deployment of troops along the Delaware in ’76 which ultimately led to the defeats at Trenton and Princeton.<sup>372</sup>

The general was not alone in holding such expectations. A mere two months before the invasion was launched, Germain wrote from Britain to inform Howe that,

If we may credit the accounts which arrive from all quarters relative to the good inclinations of the inhabitants, there is every reason to expect that your success in Pennsylvania will enable you to raise from among them such a force as may be sufficient for the interior defense of the province and leave the army at liberty to proceed to offensive operations.<sup>373</sup>

The British had but to deliver Philadelphia from what Galloway styled “the iron Dominion of the Rebels” and then, once under the protection of the army, the loyalists would arise as militias and provincial regiments. With their help, Britain would swiftly crush the rebellion in the other parts of Pennsylvania and march on to a final victory in America.<sup>374</sup>

### **“the great relief of the inhabitants”: American Expectations**

For their part, the inhabitants’ expectations of the British were diverse and often uncertain. The most ardent Patriots, Congressmen, and others who, regardless of their politics and involvement in the Revolution, feared living under the British military fled

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*Proceedings and Debates of the House of Commons in Seventeen Volumes*, (London: Wilson and Co., 1802,) 10:389.

<sup>372</sup> Gruber, *Howe Brothers*, 222-223.

<sup>373</sup> Germain to Howe, May 18, 1777, Germain Papers, vol. 6.

<sup>374</sup> Serle, *American Journal*, 180; Howe to Germain, April 2, 1777, Germain Papers, vol. 6.

the city well in advance of the redcoats. The stream of evacuees began to flow when fleeing Continentals brought word of Washington's defeat at Brandywine and crested in the pre-dawn hours of September 19 when a misinterpreted missive from Lieutenant Colonel Alexander Hamilton and rumors of British horsemen along the Schuylkill led many to believe that the enemy's arrival was imminent. Congress scattered and confusion reigned to the consternation of some and the amusement of others.<sup>375</sup> Left behind were the loyalists, many of the disaffected, women, children, the poor and others, some of them Patriots, who could not (or simply *would* not) abandon their homes and businesses. In all perhaps a third of the city, nearly 10,000 souls departed. Many would return in the months that followed.<sup>376</sup>

Even those who chose to remain in the city did not meet the army without some fear and uncertainty. The Hessians, in particular, put some of the residents "in great fear." One young observer later recalled how the drums which accompanied the Hessian grenadiers seemed to sound a steady beat of "– plunder – plunder – plunder –," a rhythm

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<sup>375</sup> Elizabeth Drinker found "Great Numbers" of soldiers come from the Brandywine battlefield the day after the battle and recorded that "Great Confusion" accompanied their arrival. By the 15<sup>th</sup> she reported "Carriages constantly passing with the Inhabitants going away." Elizabeth Sandwith Drinker, *The Diary of Elizabeth Drinker*, ed. Elaine Forman Crane (Boston: Northeastern Press, 1991), 1: 228, 230; From his house in Trappe, Muhlenberg recorded coaches, chaises, and wagons, loaded with fugitives, passing without intermission" as early as the 14<sup>th</sup>, Henry Muhlenburg, *The Journals of Henry Melchior Muhlenberg*, trans. Theodore G. Tappert and John W. Doberstein, (Philadelphia: The Muhlenberg Press, 1958), 3:74; James Allen beheld a scene which "exceeded all description" as members of Congress and other Philadelphian Whigs fled past his abode in Northampton on their way to Lancaster, James Allen, "Diary of James Allen, Esq. of Philadelphia, Counsellor-at-Law, 1770-1778 (continued)," *Pennsylvania Magazine of History and Biography* (hereafter *PMHB*) 9, no. 3, 290; Drinker, *Diary*, 1:232; Fisher, "A Diary of Trifling Occurrences," *PMHB* 82:4, 448; Jackson, *With the British Army in Philadelphia*, 13-14.

<sup>376</sup> Jackson, *With the British Army in Philadelphia*, 277.



he found “dreadful beyond expression.”<sup>377</sup> Robert Morton, whose sympathies lay decidedly with the king’s soldiers, nonetheless fretted about the practical implications of military occupation and “the dreadful consequences of an army however friendly.”<sup>378</sup>

Yet alongside such fears there was also considerable hope, particularly among those inclined through politics, religion, or Patriot oppression to look upon the British as liberators more than occupiers, as the sixteen-year-old Morton neatly summarized in his diary on the day the redcoats took the city. He recalled that Lieutenant General Charles, Second Earl Cornwallis arrived,

to the great relief of the inhabitants who have too long suffered the yoke of arbitrary Power; and who testified their approbation of the arrival of the troops by the loudest acclamations of joy ... we had some conversation with the officers, who appeared well disposed towards the peaceable inhabitants, but most bitter against, and determined to pursue to the last extremity the army of the U. S. ... This day has put a period to the existence of Continental money in this city. *Esto Perpetua*.<sup>379</sup>

Morton looked to the redcoats to provide “great relief” from “the yoke of arbitrary Power,” which he felt the Patriots had been imposing upon the people. Such sentiment was more than mere partisan hyperbole. In the months and years that preceded the occupation, the revolutionary governments had taken steps to control private purchases and consumption, demanded near-universal military service in the militias, outlawed opposition speech, mandated oaths of allegiance to their newly formed states, imposed

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<sup>377</sup> Sept. 25, 1777, “A Journal of Sundry Matters happening during the Stay of the Enemy at Germantown,” in the Joseph Reed Papers; John F. Watson, *Annals of Philadelphia and Pennsylvania, in the Olden Time*, 3 vols. (Philadelphia: Leary, Stuart Co., 1927), 2:282-83;

<sup>378</sup> Robert Morton, “The Diary of Robert Morton,” *PMHB* 1:1, 8.

<sup>379</sup> Morton, “Diary,” 7-8.

martial law, and threatened those who opposed, or even simply tried to ignore, them with ostracism, imprisonment, exile, and death. Morton's own step-father, James Pemberton, had been among the nineteen men the revolutionary government had arrested, denied *habeas corpus*, and condemned, without trial, to banishment from the state. Elizabeth Drinker's husband had also been exiled, and though she lacked Morton's explicitly loyalist sympathies, she too found some comfort in the arrival of British vanguard, supposing that the orderly and peaceful entry of the soldiers would be of great satisfaction "to our dear Absent Friends, could they but be inform'd of it." Her husband's business partner, Abel James, soon brought his family into the city, "thinking it more safe to be here" than amongst the revolutionary forces that dominated his previous residence in Frankford.<sup>380</sup> Robert Proud wrote to his brothers that he had lived "almost as a Prisoner now for several years," "scarcely ever departing above two Miles from my Place of Abode" for fear of drawing the attention of the Patriot regime. He had looked on in horror at the arrest and banishment of Pemberton, Drinker, and their fellow exiles and believed that only "the Arrival of the Royal Army prevented further Proceedings of this kind."<sup>381</sup> Having faced the "arbitrary Power" of the Patriots, the remaining inhabitants of Philadelphia now dearly hoped that the British would be different.

Several early signs were promising. Morton found the British officers "well disposed towards the peaceable inhabitants." The grenadiers exchanged greetings with the onlooking civilians, calling out "'How do you do, young one – how are you, my boy – in a brotherly tone" to one young man and shaking his hand, as he later recalled, "not

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<sup>380</sup> Drinker, *Diary*, 235-237.

<sup>381</sup> Proud, "Letters of Robert Proud," *PMHB* 31:1, 63, 64, 70.

with an exulting shake of conquerors, as I thought, but with a sympathizing one for the vanquished.”<sup>382</sup> In some quarters cheering crowds lined the streets as the army processed by, while in others “Everything appeared still & quiet.” Yet whether jubilant or somber, the city suffered little violence as it was first taken by British and, though several fences quickly fell victim to the army’s need for fuel, there were no reports of plundering, circumstances which led Sarah Logan Fisher to call for “great humility & deep gratitude.”<sup>383</sup>

Initially, at least, the British placed a far lighter burden of loyalty on the populace than did the revolutionaries, with their oaths and mandatory militia service. No sooner had Howe landed at head of Elk than he issued a proclamation to “assure the peaceable inhabitants of the province of Pennsylvania” that he was “desirous of protecting the innocent” and was committed to “the preservation of regularity and good discipline.” He extended his protection, not only to loyalists and neutrals, but also to revolutionaries who served “in subordinate stations,” asking only that they peacefully return to their houses. Even those actively bearing arms against the empire were offered “a free and general pardon.” Continental and militia units were encouraged to surrender themselves to the nearest British detachments, but the only essential requirement Howe placed on his enemies was that they stop fighting and go home.<sup>384</sup> Howe renewed the proclamation shortly after taking possession of Philadelphia, having already instructed the inhabitants

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<sup>382</sup> Watson, *Annals of Philadelphia*, 2:282-83.

<sup>383</sup> Fisher, “A Diary of Trifling Occurrences,” 450.

<sup>384</sup> The same leniency was even extended to British defectors, provided they voluntarily returned to the service before December 1. These proclamations were issued August 27, September 28, and October 8, 1777. All three were reprinted in the *Pennsylvania Evening Post*, Oct. 11, 1777.

of the city, through Thomas Willing, that he they had only “to remain quietly and peaceably in their own dwellings and they should not be molested in their persons or property.”<sup>385</sup> To many Pennsylvanians who were weary of the Patriots’ constant demands for consent and seeming eagerness to declare fellow colonists “enemies to the liberties of America,” such an offer must have sounded refreshingly easy and open.

In the days immediately following Lord Cornwallis’s entry into the city, a new sense of order and stability prevailed, at least for those not affiliated with the revolutionaries. Drinker described the early days as being ones of “great quiate,” Jacob Mordecai recalled that “Great order was preserved in the city, the inhabitants were not interrupted, the officers were polite & the soldiers civil,” and Proud went so far as to proclaim that the city had “not had so much good order and Tranquility these several years, as we have had since the British Forces came hither.”<sup>386</sup>

With the bulk of the army stationed in and around Germantown and nearly six hundred empty homes in the city, abandoned by those who had fled to the countryside, the British could initially afford to accommodate the preferences of various inhabitants when it came to quartering their officers. Deborah Norris wrote that her mother’s house had been selected as the residence of Lord Cornwallis, but when Mrs. Norris found herself entirely overwhelmed by the general’s guards, baggage, servants and aides, Cornwallis “behaved with great politeness to her, said he should be sorry to give trouble, and would have other quarters looked out for him.” He and his men were gone by the end

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<sup>385</sup> Morton, “Diary,” 7.

<sup>386</sup> Drinker, *Diary*, 257; Jacob Mordecai, “Addenda to Watson's Annals of Philadelphia: Notes by Jacob Mordecai, 1836,” *PMHB* 98:2, 164; Proud, “Letters of Robert Proud,” 73.

of the day. Elizabeth Drinker also managed to repeatedly turn away officers looking for a place to stay and was given hope that at least those women who were living without their husbands present, of whom there were many in the early days of the occupation, would be spared the trial of military boarders.<sup>387</sup>

Morton also rejoiced in the arrival of the British because their coming “put a period to the existence of Continental money in this city.” For more than two years, Congress had been promoting this new currency which funded the war effort. Those with political or religious objections to the Revolution were hesitant to take up such bills, but so were those who foresaw the inflationary effects of a newly established government attempting to finance a war via printing-press. By the summer of 1777, the bills issued by Congress had already lost at least half their value, beginning the steady decline that would eventually see them fade into utter worthlessness in 1781.<sup>388</sup> Nonetheless, the revolutionary government interpreted any reluctance to accept the currency as an open assault on itself, the Revolution, and the people of America. As early as January, 1776, Congress resolved that anyone “so lost to all virtue and regard for his country, as to ‘refuse to receive said bills in payment,’ or obstruct or discourage the currency or circulation thereof... shall be deemed, published, and treated as an enemy of his country and precluded from all trade or intercourse with the inhabitants of these colonies.”<sup>389</sup> The

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<sup>387</sup> Watson, *Annals of Philadelphia*, 207, 284; Jackson, *With the British Army in Philadelphia*, 25; Drinker, *Diary*, 248, 265-68.

<sup>388</sup> Anne Bezanson, *Prices and Inflation During the American Revolution*, (Philadelphia: University of Pennsylvania Press, 1951), 18, 35-37, 64; Watson, *Annals of Philadelphia*, 2:299.

<sup>389</sup> *Journals of the Continental Congress, 1774-1789*, ed. Worthington C. Ford et al. (Washington, D.C., 1904-37), 4:49. (hereafter, *JCC*)

threat was not idle. Before the month was out the Philadelphia committee of inspection and observation pounced on John Drinker, and Thomas and Samuel Fisher for refusing to accept Continental bills. Dismissing the accused's defense that they did not support the war and, therefore, should not have to accept the money that funded it, the committee decried the trio as working "to subvert the most essential rights and liberties of their fellow citizens" and daring "to expose their lives and properties to unavoidable ruin."<sup>390</sup> The following year, as the currency began to falter, Congress moved again to reinforce it, this time focusing on those "enemies of American liberty" who, aware of its declining worth, accepted the Continental currency only at a discount. No longer content to merely ostracize and boycott offenders, Congress now demanded that they "forfeit the value of the money so exchanged, or house, land, or commodity so sold or offered to sale."<sup>391</sup> If the currency could not stand on its own or rest on the patriotism of the people, it would be upheld by force. The coming of the redcoats eliminated such threats and ended the circulation of Congress's money.

Across the ideological spectrum from the Continental bills, and complicating the currency in Pennsylvania, was what remained of the paper money issued, under royal sanction, by the colonial government prior to the outbreak of war. In striving to uphold the value of its own issue, the revolutionary government had hoped to suppress the earlier bills and, by the end of 1777, was moving to make them "utterly irredeemable" by law.<sup>392</sup> Rejected by more ardent Patriots, these bills had accumulated in the possession of the

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<sup>390</sup> *Pennsylvania Gazette*, Feb. 14, 1776.

<sup>391</sup> *JCC*, 7:36-37.

<sup>392</sup> *JCC*, 9:990.

loyalists and disaffected, who held them in “full confidence, that the money which had received a royal sanction would be restored to its proper value” upon a British victory in the war.<sup>393</sup> The sight of redcoats marching through Philadelphia led many to expect that such a restoration would happen immediately and that the old “legal paper money,” as they called it, would soon “be of equal value with gold and silver.”<sup>394</sup>

In the opening weeks of the occupation, it seemed these expectations would be met. Howe approved the circulation of the old currency. Some British commissaries and officers accepted it, both for their own use and for paying the soldiery.<sup>395</sup> A listing of the currency’s value relative to a various coinages was published in the newspapers only days after Cornwallis’s troops arrived, suggesting that hopeful preparations had been underway beforehand. By the end of October, the money was, at least for the moment, declared to be “generally current.”<sup>396</sup> Even in Chester County, outside the British lines, groups began banding together to reject the continental money and return to the older colonial currency.<sup>397</sup> With the support of the army, it seemed as though it would be only a matter of time before the “legal paper money” was once again the common currency of the land, a vindication for all those who had hoped for, or simply expected, an eventual reconciliation with Great Britain.

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<sup>393</sup> *Pennsylvania Evening Post*, Nov. 27, 1777.

<sup>394</sup> Morton, “Diary,” 32-33.

<sup>395</sup> *Pennsylvania Evening Post*, Nov. 27, 1777.

<sup>396</sup> *Pennsylvania Evening Post*, Oct. 11 and Nov. 6, 1777.

<sup>397</sup> Joseph Reed to [unaddressed], Oct. 27, 1777. Joseph Reed Papers, DLAR.

Though loyalists rejoiced at the coming of the redcoats and many among the disaffected felt a cautious sense of relief, no group saw the British army as a force of “liberation” quite so clearly and literally as did the men and women held as slaves by the revolutionaries. Even before the war, slaves in America began to suspect that, should violence break out between their masters and the empire, British forces would offer freedom to bondsmen who revolted.<sup>398</sup> When Lord Dunmore, the besieged royal governor of Virginia, declared free all slaves and servants able and willing to bear arms on his behalf, he only reinforced the expectation that the British were a force of liberators.<sup>399</sup> Shortly thereafter, the *Pennsylvania Evening Post* reported that, in the streets of Philadelphia, “a gentlewoman ... was insulted by a Negro” who, upon being reprimanded, warned the white onlookers that a “black regiment” of formerly enslaved men, now free, would soon come and put an end to his subjugation.<sup>400</sup>

The slaves’ expectations of liberation at the hands of British or loyalist forces were so high, and spread so rapidly, that revolutionary slaveholders were driven to combat them through what historian Benjamin Quarles has called “psychological

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<sup>398</sup> James Madison, “To William Bradford,” Nov. 26, 1774 and “From William Bradford,” Jan. 4, 1775, *The Papers of James Madison*, ed. William T. Hutchinson and William M.E. Rachal (Chicago: University of Chicago Press, 1991), 1:129, 132.

<sup>399</sup> Virginian slaves had volunteered to fight under Dunmore in exchange for freedom even before the proclamation was issued and their eagerness may have encouraged the governor to take the fatal step. See “Deposition of John Randolph in Regard to the Removal of the Powder,” in “Virginia Legislative Papers,” *Virginia Magazine of History and Biography* 15 (Oct., 1907), 150; Lieutenant General Thomas Gage, British commander in Boston, had expected such a move from Dunmore since May of 1775. The Virginia House of Burgesses had longed expressed concern about “a Scheme, the most diabolical...to offer Freedom to our Slaves, and turn them against their Masters.” See Benjamin Quarles, *The Negro in the American Revolution*, (Chapel Hill: University of North Carolina Press, 1961), 22.

<sup>400</sup> *Pennsylvania Evening Post*, Dec. 14, 1775.



warfare.” On the heels of Dunmore’s proclamation came efforts to convince the slaves that the offer of freedom was a sham and that those who fled to the British expecting a better life would be cruelly disappointed. England was the true enemy of freedom, the slaves were to be told, because it refused to end the slave trade. The British would sell those who joined them to the West Indies as soon as the war was over, and in the meantime they would reject any who could not bear arms, “leaving the aged and infirm, the women and children, to bear the brunt of the shorn master’s anger.” The slaves’ lives would be better under the care and protection of colonial masters, “who pity their conditions, who wish in general to make it as easy and comfortable as possible.”<sup>401</sup>

Muhlenberg neatly captured the failure of such efforts to contain slave expectations, recording a conversation he overheard between two slaves owned by Patriots fleeing Philadelphia in the days before the British captured the city. The slaves, he reported, “secretly wished that the British army might win, for then all Negro slaves will gain their freedom.” Muhlenberg suspected that “this sentiment is almost universal among the Negroes in America.”<sup>402</sup> The months that followed lent credence to this suspicion as enslaved men and women from around the region sought sanctuary and freedom with the British army in or enroute to occupied Philadelphia.<sup>403</sup>

Thus, in the opening days and weeks of the occupation, Philadelphians of many stripes looked upon the British with a mixture of fear, hope and confusion. Ardent

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<sup>401</sup> Quarles, *Negro in the American Revolution*, 24. Quotations from the *Virginia Gazette*, Nov. 17 and 24, 1775.

<sup>402</sup> Muhlenberg, *Journals*, 3:78.

<sup>403</sup> *Pennsylvania Evening Post*, July 25, 1778; *Pennsylvania Ledger*, Feb. 11, 1778; *Pennsylvania Gazette*, July 7, 1779, February 24, 1779.

Patriots fled or fretted in the face of the redcoats, but loyalists, the disaffected, and others who were more open to a positive interpretation of events developed, or brought with them, a set of key expectations about the intentions of the occupying forces. They looked to the British to reestablish peace and order, to relieve those who had suffered at the hands of the revolutionaries, to restore economic stability and reward those who held colonial currency, and to grant freedom to those the so-called “sons of liberty” held in chains. Though at first it seemed that many of these expectations would be fulfilled, the people of the occupied city soon entered a long season of surprise and disappointment.

### **“the oath of allegiance to his majesty”: The Burden of Loyalty**

Howe’s initial proclamation upon landing at Head of Elk, repeated immediately after the army took Philadelphia, represented an open offer of security and protection for the inhabitants and a free pardon for all rebels, even those actively in arms. As the population began to respond to his offer, however, Howe altered this policy. Having observed the flow of people back towards their homes and the first trickle of defectors from the Continental lines, the British commander now deemed it “both reasonable and necessary that all such persons, as a proof of the sincerity of their intentions to return to their due allegiance...should take the oath of allegiance to his majesty.” Those who refused to do so would forfeit the promised security and protection of the army, no longer be covered by Howe’s general pardon, and “be considered as persons out of his majesty’s peace, and treated accordingly.”<sup>404</sup> Hemmed in on one side by Pennsylvania’s Test Act and on the other by Howe’s oath of allegiance, it now seemed that those who hoped to

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<sup>404</sup> *Pennsylvania Evening Post*, Oct. 14, 1777.

avoid participating in the conflict would be left with no place to hide. Whatever course they took, an army stood ready to strip them of their rights and declare them enemies and traitors; silence on the question, rather than sparing them, threatened to raise the ire of both combatants.

In practice, the redcoats paid little attention to who had and had not taken the oath, reserving it for select individuals and defectors. Over the course of the occupation, just over two thousand civilians swore allegiance to the king, suggesting that even committed loyalists preferred to avoid an act that would so obviously mark them as targets for revolutionary retribution. The overwhelming majority of civilians who did take the oath did so in October, when those previously affiliated with the revolution faced the greatest threat of arrest and before events made it so abundantly clear that swearing allegiance to the king did little to stay the hands of the king's men when it came to plunder.<sup>405</sup>

### **“shameful and unsoldierlike behavior”: Plundering and Destruction**

Acts of plunder and destruction had marked the campaign almost from the moment the British stepped ashore in Maryland. Howe's belief in the peaceable and loyal

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<sup>405</sup> “An Account of the number of Persons who have taken the Oath of Allegiance at Philadelphia from the 30<sup>th</sup> September 1777 to the 17<sup>th</sup> June 1778, being nearly the time the British Troops were in possession of Philadelphia, with an Account of the number of Deserters from the Rebel Army and Fleet, that came in during that time, properly distinguished” June, 1778, George Germain Papers, William Clements Library, University of Michigan, Ann Arbor, MI; Joseph Casino has suggested that adding the oath requirement may have been Howe's way of justifying the destruction and plunder which he knew the army would inevitably engage in. See Casino, “British Counterinsurgent Policy and Civilian Loyalties, 1776-1777, Part One: Promises and Plunder,” Philadelphia Center for Early American Studies Seminar, March 5, 1982.

nature of most Delaware Valley inhabitants and his fears of alienating them encouraged him to crack down harshly on soldiers who stole or damaged private property. Yet, despite the general's explicit and threatening orders to the contrary, the troops under his command immediately descended upon the largely vacant homes and farmsteads around their landing site and began pillaging.<sup>406</sup> Before the day was out, the army had executed at least one of its own for plundering and whipped several others.<sup>407</sup> Such punishments failed to reform the soldiery. William Rawle later recalled Howe's march toward Philadelphia as "the path of one of those tornados which, between the tropics, traverse the country in dreadful fury, and leave a mournful picture of devastation and destruction."<sup>408</sup> If, as observers like Drinker and Fisher reported, the arrival of the British in Philadelphia was free of plundering and theft, it represented an exceptional and carefully constructed performance. Cornwallis led only a select group of soldiers through the streets; Howe kept the bulk of his forces at Germantown and forbade any "Woman or follower of the Army" from attempting to reach the city.<sup>409</sup>

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<sup>406</sup> This situation mirrored that in the region around New York City. The British Army consistently failed to embrace the restrained and respectful relationship with civilians that its leaders desired. See Gruber, *Howe Brothers*, 145-146; Francis Downman, *The Services of Lieut.-Colonel Francis Downman, R.A. in France, North America, and the West Indies, Between the Years 1758 and 1784*, Ed. F.A. Whinyates (Woolwich: Royal Artillery Institution, 1898), 30.

<sup>407</sup> Serle, *American Journal*, 245; Baurmeister, *Revolution in America*, 99

<sup>408</sup> William Brooke Rawle, "Plundering by the British Army during the American Revolution," *The Pennsylvania Magazine of History and Biography*, Vol. 25, No. 1 (1901), 114.

<sup>409</sup> Stephen Kemble, et.al., *The Kemble Papers*, (New York: New York Historical Society, 1884), 1:504.

Germantown immediately suffered at the hands of British forces and Philadelphia's peaceful respite soon came to an end.<sup>410</sup> The grim tale of stolen property, produce, and livestock, of fear and destruction, echoes not only through civilian letters and journals but also in the multitude of orders and proclamations the British leadership issued in its attempt to keep the soldiery in check. On November 7, Howe issued a proclamation admitting that numerous inhabitants in and around Philadelphia had complained of being "injured in their property by disorderly persons" and promising to inflict "the most exemplary punishment" on those engaged in plundering.<sup>411</sup> The same proclamation was reprinted five times in the following months and joined by others focused on protecting the people's farmland, produce, and livestock.<sup>412</sup> In March a separate edict broadly forbade taking "the property of any of his majesty's well affected subjects without their consent," a rule many might have thought would have gone without saying.<sup>413</sup> Fences, being readily available sources of firewood, were particularly enticing targets and were repeatedly singled out, both in Howe's orders forbidding theft and in civilian accounts of plundered property.<sup>414</sup> The ineffectiveness of such proclamations was apparent in the general orders of December 18:

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<sup>410</sup> "A Journal of Sundry Matters happening during the Stay of the Enemy at Germantown...", Joseph Reed Papers, Film 266, Reel 2, DLAR.

<sup>411</sup> *Pennsylvania Evening Post*, Nov. 8, 1777.

<sup>412</sup> *Pennsylvania Evening Post*, Dec. 27, & Dec. 30, 1777, Jan. 3, Jan. 6, Feb. 19, Mar. 11, & May 8, 78.

<sup>413</sup> *Pennsylvania Evening Post*, Mar. 23, 1778.

<sup>414</sup> *Pennsylvania Evening Post*, Mar. 11 & May 8, 1778; Fisher, "A Diary of Trifling Occurrences," 455-456, 463; Morton, "Diary of Robert Morton," 8, 24.

Notwithstanding the repeated orders that have been given against plundering and depredation, the Commander-in-Chief continues to receive daily complaints from the inhabitants on that head; he is very much mortified at being again under the necessity of calling upon the commanding officers of corps for their exertion to suppress such shameful and unsoldierlike behavior.<sup>415</sup>

Patrols were ordered to keep an eye out for “straggling soldiers or disorderly persons,” but given the crowded nature of the city, maintaining strict discipline was all but impossible. Philadelphia became home to as many as fifty thousand souls during the occupation. Remaining and returning inhabitants, refugees from the countryside, and merchants from abroad brought the civilian population back to its pre-invasion levels of approximately thirty thousand. Late in the occupation, these men and women shared the city with more than fifteen thousand British soldiers, sailors, and camp followers.<sup>416</sup>

Most of the more ardent Patriots having fled and not returned, the victims of theft and looting within the city were primarily loyalist and disaffected. Yet many found it particularly disturbing that even on the outskirts and at Germantown, where the allegiances of the inhabitants were more mixed, British plundering appeared to be at best indiscriminate and at times to fall hardest on those who had supported the imperial cause. Fisher complained that the army “was plundering & ruining many people” regardless of their affiliations; Drinker noted that “a number of friends of government about the country have lately been plundered and ill used by the British troops;” and Morton

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<sup>415</sup> General Orders, Philadelphia, Dec. 18, 1777, “Lord Mahon and the American War,” *Colburn's United Service Magazine and Naval and Military Journal* (London: Colburn & Co, 1852), 338.

<sup>416</sup> O'Shaughnessy, *The Men Who Lost America*, 111; “State of the Rank and File fit for Duty &ca,” Sir Henry Clinton Papers 35:1, May 20, 1778, William L. Clements Library, University of Michigan.

recorded that the British had “abused many old, inoffensive men.”<sup>417</sup> Even revolutionary observers noticed the redcoats’ casual disregard for expressed loyalties. Solomon Bush, a militiaman wounded at Brandywine, was recovering at this home near Germantown when a detachment of British soldiers passed by. Bush wrote to a friend that the redcoats “treated our family with the utmost respect: they did not take the least trifle from us.” However, he observed, “our neighbors, the poor Tories lost every thing.”<sup>418</sup> One of Robert Morris’s correspondents wrote him from north of Philadelphia to report that the British were freely destroying the property of pacifist Quakers alongside that of outspoken revolutionaries. He snidely, but accurately, added that “this is a kind of proceeding that was not expected from friend Howe.”<sup>419</sup>

The darkest moments came in late November and early December. On the morning of November 22, the chimney of the Reverend Henry Muhlenberg’s house in Trappe caught fire, prompting a frantic scramble of activity to put it out before the roof ignited. Though the chimney was extinguished without incident, later that same day Muhlenberg’s attention was once again captured by the flickering lights of an unexpected conflagration. Staring perplexedly toward the east, he and his companions “saw high flames in the direction of Philadelphia” and pondered what ill fate had befallen the people there. Other eyes were also drawn toward the lights as across the occupied city the

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<sup>417</sup> Fisher, “A Diary of Trifling Occurrences,” 458-59; Drinker, *Diary*, 261; Morton, “Diary of Robert Morton,” 37.

<sup>418</sup> Solomon Bush to Henry Lazarus, Chestnut Hill, 15 Nov. 1777, Fritz Hirschfeld, *George Washington and the Jews* (Newark: University of Delaware Press, 2005), 115.

<sup>419</sup> Tench Tilghman to Robert Morris, HQ in Whitemarsh, 29 Nov. 1777, “Letters to Robert Morris,” Revolutionary Papers, Vol. 1, *Collections of the New-York Historical Society for the Year 1878*. (New York: Printed for the Society, 1879), 433.

inhabitants turned their attention toward the smoke and flames that had suddenly erupted in Germantown. Deborah Logan's family gathered on the roof of her mother's house in Chestnut Street to watch in horror as British soldiers set homes and outhouses ablaze. They counted seventeen fires that day, doing their best to determine which buildings were being consumed, and experienced an especially painful shock when they saw the flames take Fairhill, a country seat built by Logan's own grandfather.<sup>420</sup>

The soldiers' attempts to justify the destruction by claiming that the houses provided shelter to revolutionary marksman who harassed their picket lines met with little sympathy from the people. Many were shocked to discover that no distinction had been made between the homes of loyalists and Patriots. More astonishing still, at least to Morton, was "their burning the furniture in some of those houses that belonged to friends of government, when it was in their power to burn them at their leisure." Logan mourned the loss of not only the house and furniture but also the substantial library that had been at Fairhill.<sup>421</sup> When Muhlenberg finally learned the cause of the flames, he castigated

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<sup>420</sup> Muhlenberg, *Journals*, 3:107; "Facts of the American Revolution by Mrs. D. Logan," in John F. Waston, "Historical Collections" (Am 3013), HSP, 145-148; Robert Morton secured a clear prospect of the fires by climbing to the top of Christ Church steeple. See Morton, "Diary of Robert Morton," 31; John F. Waston. "Historical Collections," Supplement, (Am 3013), 1823, HSP; Nov. 22, 1777, "A Journal of Sundry Matters happening during the Stay of the Enemy at Germantown," in the Joseph Reed Papers, DLAR, Film 266, Reel 2.

<sup>421</sup> Tench Tilghman to Robert Morris, HQ in Whitemarsh, 29 Nov. 1777, "Letters to Robert Morris," Revolutionary Papers, Vol. 1, Collections of the New-York Historical Society for the Year 1878. (New York: Printed for the Society, 1879), 433; Drinker, *Diary*, 256-257; Morton, "Diary of Robert Morton," 30. "Facts of the American Revolution by Mrs. D. Logan," 145-148. John F. Waston. "Historical Collections," Supplement, (Am 3013), 1823, HSP.



Britain as an abusive parent: “O Mother, Mother! How wretchedly dost thou deal with thy children!”<sup>422</sup>

Two weeks later, the city’s attention was once again drawn to the ominous sight of burning houses. Frustrated British and Hessian soldiers, drearily returning from yet another tiring and anti-climatic attempt to achieve a decisive engagement with Washington’s Continentals, vented their aggression on the civilian structures they passed. The villages of Cresheim and Beggarstown, northwest of the city, suffered repeated burnings as each wave of passing soldiers selected their own set of houses to ignite. High winds whipped at the flames, pushing them from house to house and generating a firestorm that nearly prevented the British rear guard from making it through the town. Hessian Captain Johann Ewald was horrified by the spectacle and grimly recorded “the cries of human voices of the young and old, who had seen their belongings consumed by the flames.”<sup>423</sup> Once again, as Fisher observed, “those who had always been steady friends to government fared no better than the rest.” Once again, the residents were given no time to collect their belongings or save their treasures from the inferno. And once again, no convincing justification was offered for the destruction. Indeed, it seemed to Morton “as if the sole purpose of the expedition was to destroy and to spread desolation and ruin.”<sup>424</sup> Many began to wonder just where the destruction would end.

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<sup>422</sup> Muhlenberg, *Journals*, 3:107. In labeling Britain a bad parent, Muhlenberg was tapping into a well established vein of patriotic rhetoric previously deployed by Franklin, among others. David Waldstreicher, *Runaway America: Benjamin Franklin, Slavery, and the American Revolution* (New York: Hill and Wang, 2004), 140-142.

<sup>423</sup> Ewald, *Diary of the American War*, 109.

<sup>424</sup> Fisher, “A Diary of Trifling Occurrences,” 458-9; Morton, “Diary of Robert Morton,” 34-35.

The sudden and indiscriminate nature of these burnings prompted fears that the army might, with little notice, put whole swaths of territory to the torch. Drinker heard rumors that the British planned to create a no man's land around the city by burning every house within four miles of the lines. One Germantown resident was so convinced that the entire village would be destroyed that he spent two days carting his most valuable possessions away for safe-keeping.<sup>425</sup> The British officers did little to put such fears to rest. Captain John André actively believed that the army needed to engage in harsher measures, both to match the coercive steps taken by the revolutionaries and as a way of forcing the rebellion, and perhaps all of America, to its knees. "Have we not fire as well as the sword," he asked suggestively, "a horrid means yet untried!"<sup>426</sup> Major Nesbit Balfour, one of Howe's aides, freely suggested in front of civilians that all of Germantown and everything for twelve miles around it might be destroyed in retaliation for Washington's surprise attack there. Ironically, he asserted that the widespread destruction of homes and livelihoods would be justified because the people had failed to assist the British Army in its mission "to preserve the liberties and properties of the peaceable inhabitants."<sup>427</sup>

In the early days of the occupation, many Philadelphians, remembering the sad and suspicious fate of New York, had been consumed with fears that the revolutionaries

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<sup>425</sup> Drinker, *Diary*, 256; Nov. 25 & 26, 1777, "A Journal of Sundry Matters happening during the Stay of the Enemy at Germantown," in the Joseph Reed Papers, DLAR, Film 266, Reel 2.

<sup>426</sup> Philadelphia Camp, 20 Nov., 1777, John André Manuscript, Schoff Revolutionary War Collection, Clements Library, University of Michigan, Ann Arbor, MI.

<sup>427</sup> Morton, "Diary of Robert Morton," 15.

would burn the city to the ground rather than see it occupied by the redcoats.<sup>428</sup> In late September, men patrolled the streets into the wee hours of the morning, keeping a lookout for potential Patriot arsonists.<sup>429</sup> As the year waned, however, those same anxious souls began to worry that the British, not the Patriots, might burn down the entire region even as they held possession of it.

### **“He makes Whigs wherever he marches”: Losing Hearts and Minds**

Such acts of plunder and destruction severely undercut British attempts to win the hearts and minds of Pennsylvanians and deeply disappointed those who had hoped the occupation would bring greater peace and security to the area. The more sensitive officers recognized the damage being done to their cause, though they struggled to remedy it. “We have been going too far and have done infinitely more to maintain the rebellion than to smother it,” wrote Baurmeister, “These excesses, though we gain but little by them, may have very serious consequences.”<sup>430</sup> Writing to James Pemberton, who had been exiled to Virginia by the revolutionary government, Thomas Parke listed off a series of outrages committed by British and Hessian troops. Having considered moral objections to

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<sup>428</sup> Charles Stedman, *The History of the Origin, Progress, and Termination of the American War*, 2 vols. (Dublin, 1794), 1:330.

<sup>429</sup> E.G. Fisher, “A Diary of Trifling Occurrences,” 450; Proud, “Letters of Robert Proud,” 73; Drinker, *Diary*, 235; Morton, “Diary of Robert Morton,” 7.

<sup>430</sup> Baurmesiter, *Revolution in America*, 139.

their behavior, he pragmatically added that “it is certainly bad Policy & must be detrimental to their Cause.”<sup>431</sup>

Wherever the army set foot it seemed to spread destruction and alienation. Observing the effect of British foraging expeditions from outside the lines, Jedidiah Huntington observed that “[Howe] makes Whigs wherever he marches.”<sup>432</sup> Yet if the mere passage of the army left a trail of disaffection, its extended presence did even more to sour whatever loyalist sympathies its hosts had once possessed and to dissuade the disaffected from embracing the British cause. Not only were those within the occupied city witness to repeated instances of bad behavior by the British military, they also became intimate enough with the army to recognize the arbitrary nature of the destruction. Morton’s joy at seeing the revolutionary regime removed from power had initially given him a limited tolerance for some degree of unofficial confiscation by the British soldiery, but this steadily evaporated as he came to understand that the army often had no real need for the goods it plundered and was quite capable of compensating victims but regularly refused to do so. He predicted that, “had the necessities of the army justified the measures, and they had paid a sufficient price for what they had taken, then they would have had the good wishes of the people, and perhaps all the assistance they

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<sup>431</sup> Thomas Parke to James Pemberton, 10 Nov. 1777, Pemberton Family Papers, 31:16, HSP.

<sup>432</sup> Jedidiah Huntington to Jonathan Trumbull, HQ, 16 miles from Philadelphia, 24 Oct., 1777, “The Trumbull Papers, Part III”, *Collections of the Massachusetts Historical Society*, 7th Series (Boston: Published by the Society, 1902), 2:171; Solomon Bush made almost exactly the same assessment a short time later. Solomon Bush to Henry Lazarus, Chestnut Hill, 15 Nov. 1777, Hirschfeld, *George Washington and the Jews*, 115.

could afford.” Instead, however, British confiscations appeared to serve no purpose except “to dispose the inhabitants to rebellion by despoiling their property.”<sup>433</sup>

Inhabitants in the city were also exposed to the futile and seemingly endless series of orders and proclamations which forbade plundering and threatened to punish those who engaged in it. In composing these edicts, Howe sometimes demonstrated a surprising insensitivity toward the public. The oft-reprinted proclamation of November 7, which began by acknowledging the “complaints from the inhabitants,” immediately moved on to blame those same inhabitants by declaring that the theft and destruction of civilian property was “encouraged by citizens purchasing from the soldiers” and that anyone who purchased stolen merchandise would be subject to the same “exemplary punishment” as the plunderers. Whatever limited reassurance these edicts may have initially brought, their ineffectiveness eventually became a source of even greater frustration and fostered a sense of betrayal amongst the inhabitants. Civilians who recorded incidents of destruction often referred to these pledges of protection and how they were being violated. Even John Adams noted that the victims of British destruction had been made even more “angry and disappointed because they were promised the Security of their Property.”<sup>434</sup> For his part, Robert Morton grew increasingly incensed over the army’s routine failure to keep its word. His descriptions of British wrongdoing were soon peppered with sarcastic

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<sup>433</sup> Morton, “Diary of Robert Morton,” 23-24, 34-35.

<sup>434</sup> Thomas Parke to James Pemberton, 10 Nov. 1777, Pemberton Papers, 31:16, HSP; Diary entry for September 16, 1777, John Adams, *The Works of John Adams, Second President of the United States*, Edited by Charles Francis Adams, Volume 2, (Boston: Charles C. Little and James Brown, 1850), 437.

references to “the gracious proclamation of his Excellency” and “the General's candor and generosity.”<sup>435</sup>

The extensive burning of Germantown forced Morton to reevaluate his earlier comparisons between imperial and revolutionary forces. Though he had derided the Patriots as “a liscentious mob,” a “deluded multitude,” and a “lawless power,” he now confessed that this was “an instance that Gen'l Washington's Army cannot be accused of. There is not one instance to be produced where they have wantonly destroyed and burned their friends' property.”<sup>436</sup> The revolutionaries were quick to conflate neutrality or disaffection with enmity and could be ruthlessly intolerant toward such perceived enemies, but their violence was not so indiscriminate, nor so seemingly pointless, as that carried out by the redcoats. Where the Patriots harassed the population with incessant demands for consent and allegiance, the British seemed to be wholly indifferent to the loyalties of the people. When the occupation first began, Morton had rejoiced that, at last, the inhabitants would be able to escape “the yoke of arbitrary power.” As the year came to a close however, it seemed that many had only escaped the frying pan to find themselves, quite literally, in the fire.<sup>437</sup>

### **“tis hardly safe to leave the door open a minute”: Crime and Punishment**

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<sup>435</sup> Morton, “Diary of Robert Morton,” 23-24.

<sup>436</sup> Morton, “Diary of Robert Morton,” 30.

<sup>437</sup> Morton, “Diary,” 7-8.

In addition to acts of plunder and outright destruction, crimes of other sorts continually plagued the city.<sup>438</sup> Accusations of burglary, rape, and assault, sometimes carried out by soldiers, sometimes by civilians, run throughout the period. Theft, in particular, was rampant and the newspapers almost always contained new descriptions of stolen items. Drinker worried that “these are sad times for thieving and plundering, tis hardly safe to leave the door open a minute.”<sup>439</sup> Courts-martial assembled regularly to try and punish offenders, both military and civilian. The only civil courts permitted to operate were those of the Magistrates of Police, which were under the direction of the military-appointed Superintendent General.<sup>440</sup> Yet the army’s attempts to restrain and punish criminals occasionally succeeded only in farther alienating the victimized populace.

Sentences meted out by the courts-martial were generally brutal and public. Penalties for plundering or theft ranged from five hundred lashes to death by hanging. Desertion was most often punished with one thousand lashes. Striking an officer was generally treated as a capital offense. Civilians were executed and whipped alongside military offenders, but were also subject to special punishments including impressment and various public shaming rituals.<sup>441</sup> Wagoners Robert Brown and John Dillion were

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<sup>438</sup> See Jackson, *With the British Army in Philadelphia*, 189-196; Oct. 1, 1777, John Peebles Journal, 1776-1782, Film 440, DLAR.

<sup>439</sup> Drinker, *Diary*, 263.

<sup>440</sup> Frederick Bernays Wiener, *Civilians Under Military Justice: The British Practice Since 1689, Especially in North America*, (Chicago: University of Chicago Press, 1967), 147.

<sup>441</sup> See Great Britain, War Office, Judge Advocate General’s Office, Court Martial Proceedings and Board of General Officer’s Minutes, Film 675. DLAR (hereafter GB.WO).

convicted of raping two servant girls. Each was sentenced to suffer one thousand lashes, be drummed through town to the “rogue’s march” with a noose around their necks, and then be expelled from the city. Sixteen year-old Mary Fygis was convicted of perjury against a British captain. The court deemed itself merciful in banishing her from Philadelphia and threatening her with time in the pillory and prison should she attempt to return home. James Duncan, master of the private ship *Rose*, was one of several men accused of trying to poach British seamen from the *HMS Zebra* for his own crew. Duncan confessed and was merely charged a fine of twenty pounds per sailor he had approached. His boatswain, Thomas Buck, refused to confess and, in a reversal of the criminal scheme, was compelled to take up service in the Royal Navy.<sup>442</sup>

The army took few, if any, steps to shield the city’s inhabitants from the more gruesome aspects of military justice. A “public place of execution” was established in the courtyard behind the State House, in the very center of the city, but floggings and hangings could be witnessed in various places.<sup>443</sup> Returning home from surveying the destruction British soldiers had wreaked on Israel Pemberton’s estate, Robert Morton’s company passed the grisly sight of corpse hanging from the gallows. Morton had no knowledge of what the man’s offense had been.<sup>444</sup> Corporal William McSkimming, of the 15<sup>th</sup> Foot, was convicted of assaulting a commissioned officer and hanged behind the

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<sup>442</sup> On Brown and Dillion see GB.WO 71/85/203; On Mary Fygis see GB.WO 71/85/442; On Duncan and Buck see GB.WO 71/85/284-85.

<sup>443</sup> See the entry for Oct. 29, 1777 in “Orderly Book of Sergeant Major Richards, Oct. 26 – Dec. 17, 1777.” Orders, Returns, Morning Reports, and Accounts of British Troops, 1776-1781. Film 9. DLAR. (hereafter, “Orderly Book of Sergeant Major Richards”); Jackson, *With the British Army in Philadelphia*, 173.

<sup>444</sup> Morton, *Diary of Robert Morton*, 9-10.



State House on the morning of November 1<sup>st</sup>. His body was labeled “Condemned for Mutiny” and left to sway in the breeze until sunset.<sup>445</sup>

The level of brutality deeply disturbed some inhabitants. The Quakers, in particular, were distressed by the violence, even when they themselves had been the victims of the condemned criminals’ actions. Morton’s family estate outside the city was robbed and damaged by a group from the British 16<sup>th</sup> Light Dragoons who were, shortly thereafter, identified and caught. After learning that the men were to be “severely punished,” Morton approached their commanding officer, Colonel William Harcourt, to plead for mercy on their behalf. Harcourt had no interest in discussing the matter with Morton beyond making certain that he would testify against the men at the trial. Morton’s mother, Phebe Pemberton, also attempted to secure a more lenient punishment for the soldiers that had robbed her. The officer responded to her with more gentility but no less resolve, assuring her “that he could not admit her application as the orders of the General must be obeyed, and that the soldiers were not suffered to commit such depredations upon the King’s subjects with impunity.” Morton’s diary entry for the day bitinglly follows this pronouncement with a reminder that not only had the family’s house been ransacked but British troops had also lately made off with a large quantity of their hay without leaving any money or receipt. Mary Pemberton petitioned General Howe to mitigate the death sentence issued against the soldier who had broken into her house.<sup>446</sup> Young Rebecca Franks interceded to spare the life of Corporal John Fisher, of the 28<sup>th</sup> Foot, who was sentenced to hang for the rape of nine-year-old Maria Nicholls. It’s

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<sup>445</sup> October 29 & 31, 1777, “Orderly Book of Sergeant Major Richards”; For McSkimming’s court-marital records see GB.WO 71/84/401.

<sup>446</sup> Morton, “Diary of Robert Morton,” 9-11.

unclear whether Franks's pleas for mercy influenced Howe's decision, but Fisher was granted a pardon "in consideration of his Youth, and the very good Character given of him by the Field Officer of his Regiment."<sup>447</sup>

British courts-martial records also shine a spotlight on troops engaging in various activities which likely offended the sensibilities of their civilian hosts. Violent altercations between soldiers were common, as were attempts to desert and seek a new life in the Pennsylvania countryside, a crime the courts punished quite severely. A standard defense against charges of desertion was that the accused had simply been deliriously intoxicated. Their having crossed the lines without a pass or plotted to desert with others was attributed to the wayward wanderings and senseless babblings of a drunk. This line of defense sometimes failed and sometimes succeeded, but its ubiquity and the fact that the court often made unsolicited inquiries as to the sobriety of the accused indicates how seriously drunkenness was an issue for the soldiery within the lines.

The court-martial of Lieutenant Nathaniel Fitzpatrick of the Queen's Rangers highlights another common vice of idle soldiers confined to the city. Fitzpatrick was officially charged with "behaving in a scandalous infamous manner such as is unbecoming the character of an officer and a gentleman," meaning in this case, that he had been instrumental in the spread of venereal disease to his fellow soldiers. The Lieutenant, who was the first in his unit to acquire the disease, was accused of having slept with and thus knowingly infected one Mary Duche, a girl known to live with and "belong to" Captain Murray, also of the Queen's Rangers. Murray was himself infected

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<sup>447</sup> Eyre Coote, March 24<sup>th</sup>, 1778, "Eyre Coote Papers - Orderly Book", n.d., Clements Library; March 24, 1778, John Peebles Journal; on Fisher's court-martial see GB.WO 71/85/290.

shortly thereafter. Testimony during the trial revealed that Duche in fact slept with a great many of the Queen's Rangers throughout the occupation. Fitzpatrick avoided a formal conviction but was ordered to publicly apologize to his fellow officers. For her part, Duche received nothing from Fitzpatrick, aside from the disease, and it seems that the court chose to view her as a dangerous seductress rather than a victim.<sup>448</sup>

The city's inhabitants were increasingly confronted with such distasteful scenes following the army's transfer from Germantown toward Philadelphia itself in mid-October.<sup>449</sup> Over the following weeks, as the campaign season came to a close and the weather grew steadily colder, more and more men sought semi-permanent quarters in the increasingly crowded city. Many Philadelphians, particularly women, who had been led to believe they could maintain the privacy of their homes, soon found themselves forced to accept military boarders. Elizabeth Drinker's steadfast efforts kept her home free of British guests until the final days of December, but in the end she too came to see the necessity as inevitable. Drinker had the good fortune of housing a single officer who, aside from some late-night revelries, was generally well-behaved.<sup>450</sup> Others were not so lucky. Norris's mother had managed to persuade Cornwallis to leave her property in peace, but he was soon replaced by two artillery officers she could not so easily dissuade. Shortly thereafter two additional gentlemen from Lord Admiral Howe's staff arrived to

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<sup>448</sup> GB.WO 71/86/291.

<sup>449</sup> Oct. 19, 1777, John Peebles' Journal; Friedrich Ernst von Muenchhausen, *At General Howe's Side, 1776-1778: The Diary of General Howe's Aide de Camp* (Monmouth Beach, NJ: Philip Freneau Press, 1974), 40.

<sup>450</sup> Drinker, *Diary*, 276, 282;

fill her home's remaining space.<sup>451</sup> Many officers damaged or destroyed their hosts' property and confronted homeowners with threats, insults, and others sorts of "very rude and impudent" behavior. Drinker's friend, Mary Eddy, was forbidden from using her own front door and forced to come and go through a back alley in order to avoid the rooms her resident officer had claimed as his own. She was further scandalized when her guest invited his mistress to move in with him.<sup>452</sup> The soldiers' tendency to simply take over whatever space seemed most desirable to them prompted a reprimand from Howe in mid-December. Even then, however, he demanded only that the officers seek the permission of their military superiors, not of the inhabitants, before they occupied a dwelling, office, or outbuilding.<sup>453</sup>

In the first days of the occupation, when only Cornwallis's chosen troops were present in the city streets, observers like Drinker and Proud had praised the "great quiete" and "good order and Tranquility" that accompanied British Army. It is hard to imagine that such sentiments long endured as the rest of the army and its legion of followers descended upon the Quaker City that winter.<sup>454</sup>

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<sup>451</sup> Watson, *Annals of Philadelphia*, 284.

<sup>452</sup> Drinker, *Diary*, 266-68; For several other examples of officers taking up residence in the homes of reluctant inhabitants see John F. Waston, "Recollections of the occupation of Philadlephia by the British forces in 1777 and 78," "Historical Collections" (Am 3013). 1823. HSP.

<sup>453</sup> General Orders, Head Quarters, Philadelphia, Dec. 14, 1777, "Lord Mahon and the American War," 338.

<sup>454</sup> Mordecai, "Addenda to Watson's Annals," 164; Proud, "Letters of Robert Proud," 73.

## **“Hard to pass the paper money”: The Downfall of Colonial Currency**

The changing seasons and the arrival of new faces not only cost inhabitants control over their homes but also threatened the value of their money. Hopes that the army would oversee a reestablishment of the old Pennsylvania currency were also soon dashed. Though October had witnessed the disappearance of Continental bills and the promising rise of the older colonial currency, November brought change. The Patriots' early success in cutting the British off from the countryside and in maintaining the river forts led to inflated prices regardless of the currency offered, but concern over the army's ability to hold the city seems to have also led to a wavering of the “legal paper money's” value relative to specie.<sup>455</sup> Several prominent civilians had anticipated this eventuality and already taken steps to prevent it. As early as October 3, only a week after the British first arrived in the city, activists were traveling throughout Philadelphia requesting that prominent citizens sign a pledge to “engage to each other and to the public, that we will not ask or receive, in our dealings, for any commodity whatever, a greater sum in the said legal paper money than in gold or silver.”<sup>456</sup> Within a month more than six hundred of the most prominent civilians remaining in the city had signed. When the value of the currency first began to tremble in early November, its supporters, in a move which echoed the earlier tactics of the revolutionaries, had the names of all subscribers published in the newspapers, a reminder to the public and to the subscribers themselves

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<sup>455</sup> Joseph Reed to Thomas Wharton, Nov. 4 1777, Joseph Reed Papers.

<sup>456</sup> Morton, “Diary of Robert Morton,” 12; *Pennsylvania Evening Post*, Oct. 11, 1777.

of their commitment.<sup>457</sup> Bolstered by such efforts, the old bills continued to circulate for a time, but greater challenges were soon to come.

On November 15 the revolutionaries finally evacuated Fort Mifflin on the Delaware River, bringing an end to one of the war's most valiant defenses in which some four hundred Continentals held out for a month against the overwhelming firepower of the British Army and Royal Navy. Though eventually battered into retreat, the resolve of the fort's defenders had effectively guaranteed that Howe's invasion of Pennsylvania would not progress far beyond Philadelphia in 1777. With the river finally clear of American defenses, the navy advanced to the docks of Philadelphia itself, bringing long-awaited and desperately needed supplies to impatient British commissaries. In its wake came a separate flotilla of merchant vessels from New York and Britain, eager to do business with the occupying forces and to reconnect Pennsylvania's capital to the Atlantic trade network and to the empire of goods the revolutionaries had dared to reject. With no investment in the colonial money and unbound by any pledge to uphold its value, these "merchant-strangers," as Joseph Stansbury called them, paid little heed to the local community's posted rates of exchange.<sup>458</sup> Hesitant to risk their profits on a currency which was valued in only one city and which, should the British withdraw, might soon become entirely irredeemable, they rejected paper money altogether and set their sights squarely on the hard currency and bills of exchange held by Philadelphia's elites and, more importantly, by the British army. Though their economic reasoning was sound, the

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<sup>457</sup> *Pennsylvania Evening Post*, Nov. 6, 1777.

<sup>458</sup> Joseph Stansbury "The Petition of Philadelphia to Sir William Howe", *The Loyal Verses of Joseph Stansbury and Doctor Jonathan Odell Relating to the American Revolution*, ed. Winthrop Sargent, (Albany, NY: J. Munsell, 1860), 17-19.

foreign merchants' choices spelled disaster for the civilians' efforts to reestablish the "legal paper money," restore their fortunes, and secure a common medium of exchange in the occupied city.

The civilian leaders responded with a furious and desperate campaign to uphold the old currency's value and to isolate the "merchant-strangers" who threatened it. Desperate to win the support of the army, they not only presented their case in terms of public utility and economic justice but also of allegiance. Just as the Continental Congress had conflated rejection of their new money with treason, so now the elite loyalists of occupied Philadelphia struggled to transform the old colonial bills into symbols of loyalty toward Great Britain and the old colonial government.

The first, subtle, connections between the older currency and the British cause emerged even before the river forts fell. In October, as the initial subscription papers were being passed around the newly occupied city, the promoters of the "legal paper money" never missed an opportunity to remind their readers that this currency had "been emitted by acts of assembly, and has received the royal sanction."<sup>459</sup> Following the arrival of the merchant-strangers, they became far more explicit. A public letter published in late November explained that the people had "continually negotiated off their continental money for legal paper, at a considerable loss" because "in their hearts they adhered to the old constitution." Moreover, they argued, the money itself, combined with Congress's attempts to eliminate it, turned the people who held it into "friends of government" by necessarily tying their fortunes to a British victory.<sup>460</sup>

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<sup>459</sup> *Pennsylvania Evening Post*, Oct. 11, 1777.

<sup>460</sup> *Pennsylvania Evening Post*, Nov. 27, 1777.

The same authors were also quick to execrate the newly arrived merchants as well as local traders who had begun refusing or discounting the old currency in the face of foreign competition. Such men, they cried, were “characters of so selfish and cruel a temper, that they would starve the widow and orphan, and sacrifice a whole country to rise upon their ruin.” Knowing that Congress desired the extinction of the “legal paper money,” these misers nonetheless took steps which advanced that goal and so put themselves in the service of the revolutionaries. Worse still, if the old paper ceased to be of any value, all commerce in the city would have to be done in specie, which would inevitably leak out to the countryside and into the hands of the rebels, leading to consequences “which every Frenchman, who imports arms and ammunition for the use of the congress, can readily explain.” Selfish and treacherous, they were also defeatists. Loyalist writers interpreted the merchants’ concern that the colonial money might turn out to be irredeemable as “declaring to all the world that they are doubtful of the success of the English arms, and that with an army and a fleet around them they will not risque a farthing of their property upon the issue.” “Does it not speak the language of distrust and despair?” asked one anonymous author, “Does it not disgrace the men under whose very banners they import their goods?”<sup>461</sup>

On the other hand, argued the same advocates, “if paper should be restored to its old credit ... in defiance of all penal laws of either assembly or congress it would be received by the farmer in preference to continental dollars,” accelerating the inflation of the Revolution’s currency and driving the empire’s enemies toward bankruptcy. A symbol and creator of loyalty, a much-needed medium of exchange, and now a weapon to

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<sup>461</sup> *Pennsylvania Evening Post*, Nov. 27, 1777.



be wielded against the Congress and the Revolution, the currency of colonial Pennsylvania became all these things in the words of those who were desperately trying to defend it. For these reasons they were “determined to support its credit, at every hazard.”<sup>462</sup> Yet in so doing they necessarily embraced the perspective of their revolutionary opponents: that money and loyalty were inextricably linked, that the rejection of a bill and treachery against the nation were, in the final analysis, two sides of the same coin.

In this arena as well, then, the neutral ground was quickly vanishing beneath the feet of anyone who hoped to avoid taking sides in the imperial conflict. Already hemmed in by demands for oaths of allegiance from both the revolutionaries and the British, Philadelphians now found all their mediums of exchange likewise tainted with loyal or treasonous import. Only specie could be traded without inciting the wrath of the one party or another. By embracing the rhetoric of the revolutionary opponents, the advocates of the colonial paper suggested that all those who retained the old currency had already implicitly chosen the British side in the war. In so doing they also implied that the British had a duty to support them and their newly symbolic wealth. The fate of the “legal paper money,” and the loyalty it symbolized, would ultimately rest on the decisions of the British Army.

Supporters of the old currency came to borrow the revolutionaries’ tactics as well as their rhetoric. Just as the Continental Association of 1774 had required signatories to “break off all dealings” with “the enemies of *American Liberty*” who dared to violate its edicts and the local committee of inspection and observation had attempted to preclude

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<sup>462</sup> *Pennsylvania Evening Post*, Nov. 27, 1777.

John Drinker and the Fishers “from all TRADE or INTERCOURSE with the inhabitants of these Colonies” when they rejected continental bills, so now a new association was created in the Coffee House in which men pledged

to each other, and to the public, upon our Honor, that we will not directly or indirectly deal with any person or persons whatsoever, who shall refuse to take the said [colonial] paper money in their payments, or make any difference between the value thereof and gold and silver.<sup>463</sup>

Though the signatories of this latter association were not published, it seems to have been an extension of the earlier subscription effort pledging participants to accept colonial paper at par with specie. If so, then this also was a purely masculine association. Yet women had played an essential role in the patriotic boycotts of years past and the importance of their participation had not been forgotten by the paper money advocates. Shortly after the announcement of the new subscription effort, another association was formed, this one made up entirely of “the ladies of the city” and likewise committed to cutting off dealings with anyone “that shall presume to make a difference betwixt hard money and legal paper currency.”<sup>464</sup>

The similarity between these strategies and those of the Continental Association, which had inflicted a series of patriotic impositions and tribulations on the loyalist and disaffected, was not lost on these new “associators,” and yet they struggled mightily to shake off that legacy. “Let it not be said this is reviving the spirit of the unlawful

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<sup>463</sup> *Pennsylvania Gazette*, February 14, 1776; *Pennsylvania Evening Post*, Nov. 25, 1777. James Drinker was among those who added his name to the initial currency subscription in October.

<sup>464</sup> Morton, “Diary of Robert Morton,” 32; *Pennsylvania Evening Post*, Nov. 29, 1777.

associations established by congress!” cried “The Supporters of the Old Legal Money” in the *Post*. On the contrary, they argued,

It is the very reverse. It is a virtuous resolution to adhere to the old established laws of the land, confirmed by our most gracious sovereign. It is acting as guardians of the widow and orphan. It is befriending the industrious poor, who have most of them scraped together a little of the old money, which now keeps them from starving and who have suffered too much by the sinking of continental money in their hands to have the same game played with their own legal paper.<sup>465</sup>

The “unlawful associations” had been illegal, or at least *extra*-legal, organizations which imposed new laws on the people; these new associations, so the argument ran, were on the side of the already established laws, defending the “*legal* paper money,” restoring what was lost rather than creating something new. Yet it is difficult not to see the same roots of protest behind both movements.

Other, perhaps more substantial, differences between the two associations also emerged. Whereas the non-importation and consumption movements had been remarkable for their ability to extend participation across class lines, the effort to preserve the colonial currency appears to have been a pursuit for the elites. Though it was claimed that the initial subscription papers were “almost universally signed,” the ladies’ association emphasized the participation of women “of the first rank,” while the men’s association and most of the supportive letters published in November describe “the industrious poor” as the beneficiaries of, not participants in, the campaign.<sup>466</sup>

More significantly, the effort to uphold the value of the old Pennsylvania currency lacked the key element that ultimately lay behind survival of the Continental dollar: the

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<sup>465</sup> *Pennsylvania Evening Post*, Nov. 27, 1777.

<sup>466</sup> *Pennsylvania Evening Post*, Nov. 25, 27, 29, 1777.

support and coercive power of government. Howe never rescinded his permission for the provincial bills to circulate within the city, but neither did he make any move to support them. Pulled on the one side by local civilians who wanted to see the currency reestablished and on the other by the “merchant-strangers” who wanted the freedom to reject it, the British commander eventually sided with the latter. Though not averse to issuing economic proclamations in general, Howe chose not to make the provincial currency legal tender in the city. Shortly after the opening of the river, it seems, the officers of the army and navy, now supplied by the fleet and able to avail themselves of the newly arrived merchants, also stopped accepting the provincial currency, to the great disappointment of the local populace.

Some, such as Joseph Stansbury, cautiously suggested that Howe’s decision was shaped by his personal financial involvement with certain merchants, though the charge remains unproven.<sup>467</sup> However, other, more pragmatic factors also argued against establishing of the “legal paper money.” The local inhabitants had warned that, if the paper currency was not supported, gold and silver would inevitably leak out into the countryside and into the hands of the revolutionaries. Yet as the British officers were well aware, it was primarily the availability of specie that convinced the largely disaffected population dwelling outside the British lines to bring their produce to Philadelphia and to withhold it from the Continental Army. Baurmeister captured the double-edged nature of the currency’s decline in consecutive lines in his journal, writing that, “if the English merchants would accept the accredited English paper money, trading [within the city] would be greatly facilitated. People come from Jersey and the most distant parts of

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<sup>467</sup> Stansbury and Odell, *The Loyal Verses of Joseph Stansbury*, 17-19, 128-129.

Pennsylvania to sell food for hard money.”<sup>468</sup> The advocates of the provincial currency had also argued that support for their cause was linked to one’s confidence in the army’s ability to hold Philadelphia and expand its lines deeper into Pennsylvania. This connection may well have worked against them with regard to the British commander-in-chief. As the campaign to establish the provincial currency reached its peak near the end of 1777, Howe himself seems to have lost confidence in his ability to break out of his lines around the occupied city. On October 22 he had, in fact, written to Lord Germain requesting permission to resign his command.<sup>469</sup> Confirmation of Burgoyne’s defeat in New York only further convinced Howe that the army was incapable of simultaneously pressing further into America and maintaining its current possessions. This belief was finally cemented when Howe attempted one last time to provoke Washington into a general engagement near Red Bank in early December, an attempt which resulted in little more than an awkward and ultimately pointless series of maneuvers followed by a disheartening march back to the city. Greater conquests in Pennsylvania would require the abandonment of New York or Rhode Island, actions which Howe believed “would operate on the minds of the people strongly against his majesty’s interests.”<sup>470</sup> Given his doubts about the future, simple prudence dictated against forcing the merchants to accept provincial currency or encouraging his own offices to receive it.

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<sup>468</sup> Major Carl Baurmeister, Bernhard A. Uhlendorf, and Edna Vosper, “Letters of Major Baurmeister during the Philadelphia Campaign, 1777-1778,” *The Pennsylvania Magazine of History and Biography* 60, no. 1 (January 1, 1936), 50.

<sup>469</sup> William Howe to George Germain, Philadelphia, 22 October, 1777, George Germain Papers, Vol. 6, No. 15.

<sup>470</sup> Jackson, *With the British Army in Philadelphia*, 107-115; William Howe to George Germain, Philadelphia, 30 October, 1777, George Germain Papers, Vol. 6, No. 18.

Bereft of official support and faced with intransient merchants from abroad, the value of the provincial currency crashed to near zero by the end of the year. From the first days of December, Washington's spies within the occupied city were able to report that "Money is very ill to be got. Numbers of people in town will take no paper money of any currency," and that there continued to be "great confusion and dissensions among the citizens."<sup>471</sup> Morton's diary entries for the month chart the steady collapse of the "legal paper money," a decline he blamed on "a deficiency of public virtue". By the eighth the boycott and subscription efforts were failing and there was "No prospect of the paper money being established." Four days later it had become "Hard to pass the paper money" at all and provisions were scarce. On the fourteenth Morton reported "Paper money entirely dropt, and not passable."<sup>472</sup> Other residents and observers presented similar chronicles of woe throughout December.<sup>473</sup>

The new year brought some relief to the supporters of the provincial currency, as they had hoped it would. The occupation had reconnected local merchants with their suppliers in Britain and opened the door for a revival of trans-Atlantic commerce. Once it seemed certain that Howe would hold the city for the foreseeable future, orders filed long before but delayed by the war were finally filled and shipped, and though such shipments

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<sup>471</sup> Jonathan Clark, Jr, to George Washington, Dec. 3, 1777. "LETTERS FROM MAJOR JOHN CLARK, JR., TO GEN. WASHINGTON: Written during the Occupation of Philadelphia by the British Army." Historical Society of Pennsylvania, *The Bulletin of the Historical Society of Pennsylvania*, vol. 1 (1845-1847) (Philadelphia: Merrihew & Thompson, 1848), 21-22.

<sup>472</sup> Morton, "Diary," 32-33, 37.

<sup>473</sup> E.G. See Fisher, "A Diary of Trifling Occurrences," 458, 460; Drinker, *Diary*, 262-264; Proud, "Letters of Robert Proud," 65; Clark, "LETTERS FROM MAJOR JOHN CLARK, JR.," 22.

could not come as quickly as the “merchant-strangers,” who followed at the heels of the fleet, they did come eventually.<sup>474</sup> As early as mid-January, advertisements appeared from local merchants offering to sell imported goods for “legal paper money.”<sup>475</sup> More offers followed, continuing into April, as the local businessmen and holders of provincial currency took upon themselves the task of forcing their paper back into circulation. No further petitions or cries for official support were made, suggesting that the inhabitants were resigned to the army’s disinterest in their cause.

Their success was partial and short-lived. The majority of those willing to accept paper money did so only as partial payment for their goods, requiring specie for the remainder, or else specified only a subset of their wares as purchasable with paper.<sup>476</sup> The very fact that such sellers bothered to advertise their willingness to accept paper is indicative of how rare and exceptional such offers were, and the general impression of the inhabitants continued to be that “no Paper Money passes here.”<sup>477</sup> The advertisements expressing a willingness to accept provincial currency disappeared from the papers by the end of April as rumors began circulating about the army’s impending withdrawal.

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<sup>474</sup> *Pennsylvania Evening Post*, Nov. 27, 1777.

<sup>475</sup> E.G., see the ads from John and Chamless Hart, Jonas Philips, and Francis Jeyes in *The Pennsylvania Evening Post*, Jan. 10 & 20, 1778 and *The Pennsylvania Ledger*, Jan. 21, 1778, respectively.

<sup>476</sup> E.G., in addition to the advertisements from January, see the ads from William Sitgreaves, and Jones, Backhouse and Foulke, *Pennsylvania Ledger*, February 7 & 21, 1778, and from James Butland and Samuel Dellap *Pennsylvania Evening Post*, Feb. 17 & Apr. 8, 1778.

<sup>477</sup> Robert Proud, “Letters of Robert Proud,” *The Pennsylvania Magazine of History and Biography* 34, no. 1 (1910): 69, 70; Baurmesiter, *Revolution in America*, 150. Thomas Willing to Robert Morris, Apr. 3, 1778, in Thomas Willing, *Willing Letters and Papers: Edited with a Biographical Essay of Thomas Willing of Philadelphia* (Philadelphia: Allen, Lane and Scott, 1922), 76.

Whatever vestige of value the inhabitants had managed to instill in their bills over the preceding months was immediately destroyed by the British ministry's decision to abandon the city. The last mention of the currency in the *Post* came from bookbinder William Trickett, who offered to sell the holders of the "legal paper money" a chart with which they could calculate what their paper was theoretically worth. Trickett himself never offered to accept the currency in payment for the chart or anything else.<sup>478</sup>

### **"Beggary and Ruin": Poverty and Suffering**

The collapse of the local currency, the plundering and destruction carried out by British soldiers, the dogged persistence of the revolutionaries defending Fort Mifflin, and Washington's limited success in isolating the city all combined to make the closing months of 1777 truly desperate for the civilians who remained in the occupied city. By November, even resolute revolutionary Christopher Marshall sympathetically recorded that "the poor inhabitants of Philadelphia are in a dreadful situation for the want of provisions and firewood."<sup>479</sup> From within the city, Muhlenberg's daughter, Margareta Kunze, informed her father that her family was "now living on potatoes and bread" and praised God that, unlike others, she still had those. "It is a good thing, in these times," she added, "not to have a large family."<sup>480</sup> In a letter to his brother, dour Quaker Robert

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<sup>478</sup> *Pennsylvania Evening Post*, May 1, 1778.

<sup>479</sup> Nov. 2, 1777, Christopher Marshall Diaries, Christopher Marshall Papers (hereafter Marshall Diaries), HSP.

<sup>480</sup> Muhlenberg, *Journals*, 3:108.



Proud neatly summed up the fate of his fellow inhabitants in two words: “Beggary and Ruin.”<sup>481</sup>

Faced with such dire prospects, the people turned to the army for assistance, assuming that his majesty’s forces would provide for his American subjects living under military occupation.<sup>482</sup> The officers of the army, however, thought otherwise. Lieutenant Loftus Cliffe acknowledged that thousands of civilians were in need of provisions, but held that relief for them would have to somehow come from the countryside, past the Continental patrols, for “our shipping are only to supply us.”<sup>483</sup> As supplies of food and fuel dwindled, the army steadfastly asserted that its own needs must be met first; the people under its protection would, with few exceptions, simply have to make do on their own.<sup>484</sup>

Before and after the war, colonial Philadelphia was home to an unusually large number of organizations designed to combat the effects the poverty. In addition to the Alms House and publicly funded out-relief system, the city boasted any number of private societies focused on relieving particular subsets of the poor, such as widows, prisoners, sailors, and immigrants. With few exceptions, these private relief organizations

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<sup>481</sup> Robert Proud, “The Letters of Robert Proud, The Historian, 1777-1778,” *Pennsylvania Magazine of History and Biography* 34 (1910), 72-73, 70.

<sup>482</sup> Clark, “LETTERS FROM MAJOR JOHN CLARK, JR., TO GEN. WASHINGTON,” 5; Drinker believed that the officers sent out to record the number of inhabitants, houses, and shops were doing so “that in case provisions should be scarce each may draw in proportion with the Army.” This was, more likely, simply part of the army’s effort to find suitable quarters for its officers. See Drinker, *Diary*, 238.

<sup>483</sup> Loftus Cliffe, Journal, Nov. 23, 1777, Loftus Cliffe Papers, William L. Clements Library, University of Michigan.

<sup>484</sup> Joseph Reed to [unaddressed], Norristown, Nov. 30, 1777, Joseph Reed Papers; Clark, “LETTERS FROM MAJOR JOHN CLARK, JR., TO GEN. WASHINGTON,” 10-11.

ceased to function during the occupation. Their disappearance placed a terrible burden on the already strained sources of poor relief that remained, making assistance that much harder to get.<sup>485</sup> Consequently, no inhabitants were in more desperate need of military assistance than those residing in the city's Alms House, and yet none were more cruelly rebuffed when they reached out to the British for aid.

The Alms House continued to operate throughout the occupation, but it was struggling to keep up with rising poverty even before the British took over the city. The war had entirely disrupted attempts to raise money to support the poor; only a single tax had been levied for that purpose in the two years preceding the occupation, and that had been only partially collected. The Overseers of the Poor ceased to operate while the British controlled the city, leaving the managers of the Alms House without an organized way of collecting additional funds. In December of 1776, the Continental army had taken over the east wing of the house to serve as a military hospital, forcing the managers to relocate all their charges to the west wing, which was known as the House of Employment. The east wing continued to house sick and wounded soldiers during the British army's stay in Philadelphia.<sup>486</sup>

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<sup>485</sup> On the expansive relief network of eighteenth-century Philadelphia, see Carl and Jessica Bridenbaugh, *Rebels and Gentlemen: Philadelphia in the Age of Franklin* (New York: Reynal and Hitchcock, 1942). For references to the closing of various philanthropic societies see John K. Alexander, *Render Them Submissive*, 66, 127-129. The minutes of all the British benevolent societies in Philadelphia also show that they closed during the Revolution. See Society of the Sons of Saint George, *Constitution and Meeting Minutes 1772-1949*, HSP; Saint Andrew's Society of Philadelphia, *Minutes, 1749-1776, 1786-1833; and Treasurer's accounts, 1759-1843*, The American Philosophical Society.

<sup>486</sup> *Alms House Managers Minutes, 1766-1778*, Record Group 35-2.3, Philadelphia City Archives. For the reassembling of the Overseers of the Poor after the occupation see *Ground Rents Due the Overseers of the Poor, Minutes March 1774 to May 1782*, Record Group 35-1.1, Philadelphia City Archives.

Conditions in the Alms House grew increasingly desperate as winter approached. In late November the managers sent a petition to General Howe explaining that in spite of their “utmost exertions in borrowing and begging money” they had “not more provisions than will sustain them [the poor in the house] three days.” The treasurer, who carried this petition to the general, was at first informed that Howe was too busy to attend to him. He returned the next day, and the next after that, only to be similarly rebuffed each time. Finally, after four days of waiting, the treasurer was given an audience with the general. Howe expressed concern for the city’s poor, but quickly passed the man off to the commissary, where he was informed that the British army had nothing to spare for the residents of the Alms House. Worse still, the treasurer’s repeated requests seem to have drawn the army’s attention to the Alms House as a potential resource for the troops. Two nights later, the British Barracks Master approached two of the house managers and informed them that he would be commandeering the entirety of the Alms House the following day. All the managers met together early the next morning to oppose such a move, but despite their objections, the poor were hurriedly relocated to the Free Mason’s Lodge, the Friend’s Meeting House, and Carpenter’s Hall.<sup>487</sup>

On December 17<sup>th</sup> the managers assembled to reevaluate their situation. By this time they had long since exhausted their supplies of meat and bread for the poor; desperate action was called for. Citing “the peculiar Hardships to which the Poor are likely to be reduced to if they continue in this City,” the managers agreed to “discharge a number of them who are most likely to be able to provide for themselves.”

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<sup>487</sup> *Alms House Managers Minutes, 1766-1778*, Record Group 35-2.3, Philadelphia City Archives. The full text of the petition sent to General Howe appears in the entry for December 16, 1777.

Approximately 40 men and women, about a third of the poor on public relief, were discharged and presumably encouraged to look for work or assistance outside Philadelphia. Winter in Pennsylvania was a bad time to be seeking employment; with the ground and river frozen there was little demand for agricultural labor or dockworkers, and the cold weather could be lethal for those without shelter. Nonetheless, in the winter of the occupation, the managers of the Alms House apparently felt that the city's impoverished would be better off searching for a subsistence on their own than they would be if they remained on public relief in the city.<sup>488</sup> These refugees were merely one of many groups who made an exodus from the city. Beginning in November, observers in and around Philadelphia reported the flight of many other poor people who, while they had not previously been so destitute as to end up in the Alms House, now found themselves desperate for food and warmth and without hope in Philadelphia.<sup>489</sup>

### **“the Royal Army appear to be in want of nothing”: Life for the Army**

For its part, the army was largely protected from the “beggary and ruin” taking place around it. The paper currency's collapse, which so devastated many of the city's inhabitants, worked to the advantage of the British soldiers, who found that their access to hard currency and bills of exchange was more valuable than ever. Though forced to live off preserved rations until the river fortifications were taken, the army never suffered

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<sup>488</sup> *Alms House Managers Minutes, 1766-1778*, Record Group 35-2.3, Philadelphia City Archives.

<sup>489</sup> Muhlenberg, *Journals*, 3:106 & 108; Clark, “LETTERS FROM MAJOR JOHN CLARK, JR., TO GEN. WASHINGTON,” 10-11; Joseph Reed to [unaddressed], Norristown, Nov. 30, 1777, Joseph Reed Papers.

the level of distress felt by the civilians.<sup>490</sup> Once the Delaware and countryside were opened as sources of supply, many British officers found themselves living quite well. The demand for provisions created by the army allowed sellers to maintain their high prices and continue to demand specie for payment. As a result, inhabitants found themselves continually unable to take full advantage of the goods and produce that began to fill up the market stalls in the spring of '78. Even as Robert Proud worried that "most of the Capital I have is in that [colonial] Currency; so that I, as well as many others, am in a very great straight, for present spending Capital," the better off members of the occupying forces cheerily commented on the wide array of fresh meats and vegetables now available to them and how far their shillings would stretch in the market.<sup>491</sup>

Having recorded the shortages experienced by their civilian hosts, Hessian captain Johann Ewald added that "one must not conclude that the army suffered want because of the dear prices of provisions." On the contrary, he boasted, "never in this world was an army as well paid as this one during the civil war in America. One could call them rich." Though he would not have called himself "rich," Lieutenant Loftus Cliffe "established a sober, comfortable mess" with his fellows, including a steady supply of port. "[I] want nothing to make me completely contented," he declared in late January, "but the title of Captain and a more frequent correspondence from my friends at home." Considering the situation of his men generally, Lieutenant General James Grant wrote home that "we have been well and plentifully supplied," despite the sometimes high prices, and that

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<sup>490</sup> Clark, "LETTERS FROM MAJOR JOHN CLARK, JR., TO GEN. WASHINGTON," 16.

<sup>491</sup> Sir Henry Strachey, ALS to Lady Jane Strachey, Philadelphia, December 26, 1777, Henry Strachey Papers, William L. Clements Library, University of Michigan; Baurmesiter, *Revolution in America*, 150.

“every body is in good humor & the men in great health, equal to any thing which should be expected from their numbers.” Grant’s only concern was for his junior officers who, unoccupied by military distractions, threatened to bankrupt themselves through extravagant drinking, entertaining, and gambling.<sup>492</sup>

The dichotomy between the experience of the British and their hosts was not lost upon the Americans in and around the city. The wintertime refugees from Philadelphia who passed by Christopher Marshall reported that “Howe lives there in great plenty.” From the reports that reached him, Washington concluded that “British Army is well supplied with almost every Article.” Robert Proud’s account of the economic hardships suffered by civilians was accompanied by the bitter observation that “the Royal Army appear to be in want of nothing.”<sup>493</sup>

Conditions within the city would improve substantially for civilians as 1778 wore on, the Continental embargo collapsed, and ships brought supplies up the Delaware. Help for the poor would eventually come from loyalist Joseph Galloway, newly appointed Superintendent General of Philadelphia, who oversaw the raising of private, civilian funds to benefit them in the opening months of 1778. Beginning in February of that year, money started to trickle into the Alms House coffers. Several of the managers had personally gone into debt trying to keep the paupers they had not discharged from

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<sup>492</sup> Johann Ewald, *Diary of the American War*, trans. Joseph P. Tustin (New Haven: Yale University Press, 1979), 117-118; Loftus Cliffe, ALS to Bartholomew Cliffe, Philadelphia, Jan 20, 1778, Folder 14, Loftus Cliffe Papers, William L. Clements Library, University of Michigan; James Grant, Philadelphia 22 January & 25 March 1778, James Grant Papers, Army Career Series. Letterbook 4, Film 687, Reel 28, DLAR.

<sup>493</sup> Jan. 6, 1778, Marshall Diaries, HSP; “To Major John Jameson,” Feb. 1, 1778, *PGW* 13:437; Proud, “The Letters of Robert Proud,” 70.

starving. They had been able to secure supplies of beef and flour only by promising payment in increasingly costly gold or silver. The funds raised by Galloway helped pay off these debts in April of '78.<sup>494</sup>

Yet by that time the inhabitants' distress and the British Army's response to it, or lack thereof, had already soured the affections of many Philadelphians. Not only had the army left the civilians to fend for themselves, forcing the most vulnerable to seek sustenance in the cold Pennsylvania countryside while the officers lived comfortable and even extravagant lives, but these weeks of deepest desperation coincided with the most horrifying and pointless acts of destruction carried out by the king's men. In late November, Margaretta Kunze might have supped on her scant supply of bread and potatoes by the light of the homes burning in Germantown.

### **“all Negroes, Mollatoes, and other Improper Persons”: Slavery and Freedom**

Runaway slaves who fled to occupied Philadelphia also encountered sights which challenged their more optimistic expectations about the British Army. Many were no doubt encouraged by the sight of bands of blacks serving with the army, such as the Black Pioneers, a black fatigue unit established by British General Sir Henry Clinton, dressed in new, British-issued clothing and paid approximately the equivalent of what their white comrades received.<sup>495</sup> Even if such units were more likely to be armed with

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<sup>494</sup> *Alms House Managers Minutes, 1766-1778*, Record Group 35-2.3, Philadelphia City Archives.

<sup>495</sup> Todd Braisted, “The Black Pioneers and Others: The Military Role of Black Loyalists in the American War for Independence,” in *Moving On: Black Loyalists in the Afro-Atlantic World*, ed. John W. Pulis (New York: Garland Pub., 1999), 11-12.

shovels than with muskets, they still sufficed to strike terror into the heart of white colonials like Muhlenberg, who expressed fears that such units were “fitted for and inclined toward barbarities, are lacking in human feeling, and are familiar with every corner of the country.” Fleeing slaves would also have found some comfort in encountering other runaways, all seeking the same freedom and security, all with similar tales of escape from servitude. Yet those who, like the fugitives Muhlenberg overhead, believed a British victory would mean that “all Negro slaves will gain their freedom” must have been sorely disappointed with their early experiences in Philadelphia.<sup>496</sup>

Though British policies toward runaway slaves changed over the course of the war, at least one truth remained relatively constant: those owned by masters not in opposition to the king were excluded from any offers of liberty.<sup>497</sup> Though the slaves of loyalists, neutrals, and the disaffected would continue to run away throughout the occupation, the British gave them no protection from recapture. Runaway ads for slaves appeared in Philadelphia newspapers at a rate of approximately 1.6 per month, excluding repetitions, while the British controlled the city, down from an average of 2.4 per month from the beginning of 1776 to the beginning of the occupation. The decline may reflect

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<sup>496</sup> Braisted, “The Black Pioneers and Others,” 12; Muhlenberg, 3:78, 104-105.

<sup>497</sup> Through much of the war, British policies toward enslaved Americans were ambiguous and uncertain. In the summer of 1779 Sir Henry Clinton, then the commanding British general in America, would issue a new decree from his headquarters in Phillipsburg, NY firmly declaring that slaves who abandoned *rebel* masters and sought protection from the British Army would find freedom and protection there. More than that, Clinton went on to “promise to every NEGROE Who shall desert the Rebel Standard, full Security to follow within these Lines, the Occupation which he shall think proper,” thus eliminating the requirement that runaways work for or serve in the army, a prerequisite which had limited some past offers of freedom, such as Dunmore’s. When the British took control of Philadelphia in October of 1777, such official promises of “Refuge” and “Security” had yet to be made. See “Proclamation,” *Royal Gazette*, page 4, February 2, 1780.



the number of slaves removed from the city by fleeing Patriot owners; the civilian population of Philadelphia had declined by roughly 30% by the time general Howe took his census of the occupied city, and many of those who remained behind would have been Quakers. None of the ads published in the city during the occupation mention the possibility that the runaways might be found with the army, implying that the slaves of loyalists knew better than to seek safety there.<sup>498</sup> Some may have fled to the countryside, hoping that their masters' reach would be limited outside the besieged city. Others found work on warships and merchant vessels filling the Delaware. Still others, like Samuel Hudson's slave Tony, chose to remain within the lines, hoping that the crowd of unfamiliar faces would help him disappear. Tony was eventually captured and returned to servitude; he would try to escape again, but not until after the British army left the city.<sup>499</sup>

The thoughts and emotions of those still enslaved because of their masters' loyalty must have been deeply conflicted at the sight of runaways flocking to the city. Well dressed house servants, both black and white, saw their liberty denied them while

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<sup>498</sup> My count of slave ads is limited to those who ran from masters in or immediately around Philadelphia. For the period of the occupation, the *Pennsylvania Evening Post*, *Pennsylvania Ledger* and *Royal Pennsylvania Gazette* were my sources for ads. For the period prior to the occupation I searched the *Pennsylvania Evening Post*, *Pennsylvania Ledger*, and *Pennsylvania Packet*. My population estimates come from Billy Smith's "Life and Death in a Colonial Immigrant City: A Demographic Analysis of Philadelphia," *The Journal of Economic History* 37, no. 4 (Dec., 1977), Table 1, 865, and Howe's census data as quoted in J. Thomas Scharf and Thompson Westcott, *History of Philadelphia, 1609-1884*, 3 vols. (Philadelphia: L.H. Everts & Co., 1884), 1:367.

<sup>499</sup> Many of the runaway ads published in Philadelphia, both before and during the occupation, explicitly forbade "masters of vessels" from harboring slaves and threaten legal action against those who do. The details of Tony's attempted escape in the winter of 1777/78 appear in a runaway ad posted in the *Pennsylvania Evening Post* when he attempted another escape after the occupation in September of 1778. See *The Pennsylvania Evening Post*, Sept. 4, 1778.

rough field hands and country-bred slaves celebrated newfound freedom. As Judith Van Buskirk asks of loyalist slaves held in occupied New York, what did such individuals feel “when friends and neighbors who were enslaved before the occupation returned to town as new people, simply by dint of the political persuasion of their former masters?” The question may also be reversed: what must the runaways have thought upon seeing that the British had no intentions of extending such freedom to their friends and neighbors held by loyalists in the city? This becomes terribly significant when one remembers that, since few slave owners in Philadelphia owned more than one or two slaves, the few slave families that existed were spread out among multiple owners. A husband belonging to a Patriot who had fled the city might run back to Philadelphia and find that his wife and children were still the slaves of a loyalist master.<sup>500</sup>

This strange confluence of newfound freedom and continued servitude was underscored by the continuation of slave sales in the city. The average number of slaves advertised for sale in the local papers each month actually increased slightly during the period of the occupation. Slaves primarily brought up to labor in the fields were of little use to loyalist masters trapped inside Philadelphia. Some were retrained to learn new skills, such as driving coaches or waiting tables, others were simply added to the many being sold “for want of employ.” Philadelphian Andrew Duche advertised the sale of his female slave in the *Pennsylvania Evening Post*. Though he assured perspective buyers that she was familiar with “both town and country work,” Duche’s advertisement

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<sup>500</sup> Judith Van Buskirk, *Generous Enemies: Patriots and Loyalist in Revolutionary New York* (Philadelphia: University of Pennsylvania Press, 2002), 139; Billy G. Smith and Richard Wojtowicz, *Blacks Who Stole Themselves: Advertisements for Runaways in the Pennsylvania Gazette, 1728-1790* (Philadelphia: University of Pennsylvania Press, 1989), 8-9.

admitted that the slave “has chiefly been used in the country, and for which she would be of most service.”<sup>501</sup> Other slaves were sold because their owners were leaving the city altogether and liquidating their assets. Thus in March of 1778, “a stout negro man” was offered for sale because his owner was “going to England, [and] has no farther occasion for him.” Duche made no mention of why he was selling his slave, but the fact that his ad appeared in the final weeks before the British withdrawal and that he was also selling a house and lot implies that he intended to leave the city.<sup>502</sup>

Perhaps the most distressing sight for runaway slaves expecting to find an army of liberation was that of British officers buying and selling Africans alongside their loyalist allies. In December of 1777, Hessian officer Carl Leopold Baurmeister wrote to inform Baron von Jungkenn, a compatriot in Germany, that he would be sending him a special souvenir from America: “a negro boy about thirteen years old,” tutored in “the German language and also in the Christian religion.” The evacuation of the city made shipping the slave problematic, but Baurmeister wrote to von Jungkenn again in the final days of the occupation to assure him that “if we return to New York there will still be an opportunity to send him.”<sup>503</sup>

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<sup>501</sup> Based on a tally of advertisements from the *Pennsylvania Evening Post*, *Pennsylvania Ledger* and *Royal Pennsylvania Gazette* during the occupation and from *Pennsylvania Evening Post*, *Pennsylvania Ledger*, and *Pennsylvania Packet* prior to the occupation; Duche’s ad appears in the *Pennsylvania Evening Post*, May 20, 1778.

<sup>502</sup> *Royal Pennsylvania Gazette*, March 20, 1778.

<sup>503</sup> Carl Leopold Baurmeister, *Revolution in America: Confidential Letters and Journals 1776-1784 of Adjutant General Major Baurmeister of the Hessian Forces*, trans. Bernhard A. Uhlendorf (New Brunswick, NJ: Rutgers University Press, 1957), 131, 171-172.

Though welcoming enough to runaways who would deplete the labor supply of their enemy, the British had no compulsions against actively pursuing their own slaves when they tried to escape from bondage. When George fled from Capt. Smyth of the Queen's Rangers, his owner immediately placed an advertisement in the *Pennsylvania Ledger* offering a reward his capture. The surgeon of the 16<sup>th</sup> Regiment of Light Dragoons also offered a reward for the return of his runaway slave, William, and a valuable case of lancets that William had carried off.<sup>504</sup>

Those runaways who did find refuge with the British in Philadelphia soon began the search for a secure place in the occupied city and a chance to earn a living. With outrage over Lord Dunmore's proclamation and the fear of black units still echoing across the colonies, some slaves no doubt ran to Philadelphia looking for a chance to join the army and fight alongside the soldiers of Britain. Yet in Philadelphia they found an army not at all eager to increase the number of black men in its service. The Black Pioneers raised by Clinton expanded its ranks only slightly during the occupation, and a separate, smaller unit with the same named disbanded while in the city. Seven months before the army took Philadelphia, Howe had ordered that "all Negroes, Mollatoes [sic], and other Improper Persons who have been admitted into these [provincial] Corps be Immediately discharged" and instructed the Inspector General of Provincial Forces to prevent the recruitment of such individuals in the future. Howe's motivation in issuing such decrees lay in his desire to see the provincial regiments "put on the most respectable Footing." It was his intention that such units "be composed [only] of His Majesty's Loyal American Subjects," and thus slaves and their ilk must be expelled. Independently

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<sup>504</sup> The advertisement for George appeared in the *Pennsylvania Ledger*, May 6, 1778. The advertisement for William appeared in the *Pennsylvania Evening Post*, Dec. 12, 1777.

formed loyalist regiments were not under as severe restrictions in recruiting blacks, but neither were they so well paid or supplied. They too came to fear that the inclusion of blacks resulted in a loss of respect from the British regulars and began to expel former slaves from their ranks.<sup>505</sup> Rather than carrying the fight to their former masters, the black men who remained in British service spent the occupation attending to tasks white soldiers found distasteful. In March the Black Pioneers were assigned the duty of “removing all Newsiances [sic] being thrown into the Streets.”<sup>506</sup>

Employment outside the army could also be elusive. The constant arrival of runaways and refugees from the Pennsylvania countryside, all looking for work, and the economic disruptions caused by the occupation severely depressed the market for hired labor, particularly once the British completed their line of fortifications. The number of employers actively seeking servants and willing to accept free blacks plummeted during the occupation.<sup>507</sup>

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<sup>505</sup> The Black Pioneers raised by Clinton increased its numbers from 172 to 200 during the occupation, though a smaller company also called the Black Pioneers and commanded by Capt. Robert Richard Crowe dissolved or was disbanded in the city. Nash, *Forging Freedom*, 49; Brasisted, “The Black Pioneers and Others,” 4, 14 & 23; Howe’s orders to remove African Americans from provincial units appear in “General Orders 16<sup>th</sup> March 1777 For his Majesty’s Provincial Forces,” King’s American Regiment Orderly Book, 1776-1777, William L. Clement Library. Also see Quarles, *The Negro in the American Revolution*, 147.

<sup>506</sup> Orders of March, 22 1778, see Braisted, “The Black Pioneers and Others,” 12; Quarles, *The Negro in the American Revolution*, 135.

<sup>507</sup> My count of advertisements in Philadelphia papers seeking to hire servants, and desiring or willing to accept blacks or mulattos, shows only half as many, on average, during the occupation as compared with the same period the year before. Papers searched include *The Pennsylvania Evening Post*, *The Pennsylvania Ledger*, *The Pennsylvania Packet* (through August, 1777, when it moved to York), and the *Royal Pennsylvania Gazette*.

Howe's reference to former slaves as "Improper Persons," who damaged the propriety of the provincial corps and were not among "His Majesty's Loyal American Subjects," was symptomatic of a widespread disrespect, or even disdain, many officers felt toward the escaped slaves in their midst. The Hessians, in particular, often looked upon the runaways with a sense of wry amusement. Carl Leopold Baurmeister and his fellows found their slave boy so intriguing that they were sending him home to Germany. As the army continued to strip the surrounding countryside of provisions, Private Johann Döhla chuckled at the sight of blacks driving the commissary wagons "with a solemn expression while under the left arm they carried one or two young pigs."<sup>508</sup> When the British prepared a massive and elaborate fete to celebrate the Howe brothers upon their departure from America, black participants were made to don "Oriental dresses, with silver collars and bracelets," and ordered to bow humbly before and serve the ladies and officers in attendance. The former slaves had a place in even the most romantic of British imaginings, but only as the submissive and decorated servants of the elite.<sup>509</sup>

Such mockery could easily give way to disdain and antipathy, especially when the army felt stressed. Later in the war, Ewald would describe the runaways that sought shelter with the British in Virginia as an "Arabian or Tarter horde," and compare them to "a swarm of locusts." As more and more former slaves flooded into occupied New York, a general there began ordering his subordinates to keep out the women and children, for fear that they would become "a burden to the town." Not all British officers shared these

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<sup>508</sup> Johann Conrad Döhla, *A Hessian Diary of the American Revolution*, ed. Bruce E. Burgoyne (Norman, OK: University of Oklahoma Press, 1990), 68.

<sup>509</sup> Nash, *Forging Freedom*, 56.

views, but those who did doubtless left an impression on the former slaves who waited at their tables, tended their horses, and cleaned the streets under their command.<sup>510</sup>

### **“wit, beauty & accomplishments”: Elite Indulgences**

The hardships and disappointments that accompanied the occupation were not felt equally by all Philadelphians. Select outspoken loyalists benefited greatly from the presence of the army. Men like Joseph Galloway were elevated to positions of immense power and prestige, and all loyalists were now protected from the rage and retribution of their revolutionary enemies.<sup>511</sup> Even disaffected residents and refugees, such as James Allen, appreciated not having to constantly be on their guard lest a poorly timed criticism of the revolutionary regime or a lack of patriotic enthusiasm endanger their liberty or property. Though he had confessed to being equally disgusted by Britain’s “despotic” policies and the Patriots’ revolutionary “madness,” within the occupied city Allen nonetheless found “an ease, security & freedom of speech” that he had sorely missed living outside the lines.<sup>512</sup>

At least a few canny and politically flexible businessmen found ways to profit in spite (or even because) of the disruption and dislocation of the city. Benjamin Towne’s *Pennsylvania Evening Post* was the only English-language newspaper to continue Philadelphia operations before, during, and after the occupation. The arrival of the British

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<sup>510</sup> Ewald, *Diary of the American War*, 305; Buskirk, *Generous Enemies*, 136.

<sup>511</sup> In two proclamations issued on December 4, Galloway was named Superintendent General and Superintendent of Imports and Exports, making him the most powerful civilian in the city. See *Pennsylvania Evening Post*, Dec. 4, 1777.

<sup>512</sup> Allen, “Diary of James Allen, Esq., of Philadelphia, Counselor at Law, 1770-1778,” *PMHB* 9:4 (1886), 435.

Army had scattered the Patriot printers and the withdrawal of that same army banished the loyalist presses that had sprung up under its wings; only the *Evening Post* endured, its printer deftly pirouetting to politically align himself with whatever power ruled the city. Consequently, the pages of the *Post* received not only a steady stream of official declarations from various branches of the military administration, but also a flood of commercial advertisements as change and dislocation roiled the marketplace. Newly arrived merchants from New York, Britain, and other imperial ports struggled to make their presence known; many resident traders relocated to newly abandoned shops in better parts of the city and needed to announce both their continued residence and their change of address; businessmen of all stripes clamored to inform the residents, refugees, soldiers and sailors of their wares and prices. Out of the chaos came a host of other advertisements as both residents and newcomers lost, found, and sought after goods, people, and employment. All these voices sought the amplification, volume and reach that only print could provide. The result was a “heyday of commercial newspaper advertising” and a surge of prosperity for men like Benjamin Towne.<sup>513</sup>

For wealthier Philadelphians, the British possession brought a different kind of opportunity: not for material gain or power but for the sort of lavish, luxurious lifestyle that the British Empire made possible and that the Revolution denounced and threatened to destroy. Alongside advertisements for fine consumables from Europe and the West Indies, sellers offered “HATS, CAPS, CLOAKS, BONNETS, &c. in the newest fashion,” silver and ebony place settings, china dishes, shoes and buckles.<sup>514</sup> Young Rebecca

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<sup>513</sup> John Jackson, *With the British Army in Philadelphia*, 47.

<sup>514</sup> *Pennsylvania Evening Post*, Dec. 9, 1777, Jan. 10 and Feb. 24, 1778; The surge of clothing in “the newest fashions” during the occupation marked only one point in the



Franks wrote excitedly of new hair styles with a “great quantity of different coloured feathers on the head at a time besides a thousand other things. The Hair dress'd very high,” while a less approving Elizabeth Drinker recorded encountering “the highest and most ridiculous headdress that I have yet seen.”<sup>515</sup> The reign of British fashion left a deep enough impression that returning revolutionaries made a point of ridiculing it as part of the following Independence Day celebrations.<sup>516</sup> As the army lingered idly in the spring of 1778, the officers set about creating the many engagements of high society found in the metropolis: balls, concerts, gambling, races, and theatrical performances.<sup>517</sup>

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larger, ongoing debate over proper attire, and the symbolism behind it, in Revolutionary America. As the largest port city in British America and the political capital of the new nation, Philadelphia was often a pivotal site in this debate. See Kate Haulman, “Fashion and the Culture Wars of Revolutionary Philadelphia,” *The William and Mary Quarterly* 62:4 (Oct., 2005), 625-662.

<sup>515</sup> Rebecca Franks, “A Letter of Miss Rebecca Franks, 1778,” *PMHB* 16, no. 2 (July, 1892), 217; Drinker, *Diary*, 264-65.

<sup>516</sup> *Pennsylvania Evening Post*, Feb. 3, 1778; Drinker, *Diary*, 314. Susan Klepp explores the wider significance of this instance of “rough music,” noting that the ridicule carried class, gendered, and (in later descriptions) even racial messages about what was to be acceptable in the new republic. See Susan Klepp, “Rough Music on Independence Day, Philadelphia, 1778,” in *Riot and Revelry in Early America*, ed. William Pencak, et. al. (Penn State University Press, 2002), 156-176.

Returning to the city in the wake of the British evacuation, even Joseph Reed, who had once worried so fervently about the ill-effects commerce with the city was having on the surrounding populace, brought an extensive shopping list of hitherto difficult to acquire goods from Europe, including cheeses, wines, linens and china. He urged his wife to send him any other requests the family might have so he could search for it among what was left in the shops and market stalls. See “Joseph Reed to Mrs. Reed,” Philadelphia, June 18, 1778, Joseph Reed Papers.

<sup>517</sup> Most overviews of the British possession devote a section to this subject. A sample of the literature focused on this topic specifically would include Helen Yalof, “British Military Theatricals in Philadelphia During the Revolutionary War.” Ph.D. dissertation, New York University, 1972. Darlene Emmert Fisher, “Social Life in Philadelphia During the British Occupation.” *Pennsylvania History* 37, no. 3 (July 1970): 237-260. Randall Fuller, “Theaters of the American Revolution: The Valley

Such entertainments were all the more significant because of the status of the men and women who attended. Philadelphia's elite did not merely attend concerts, balls and plays; they did so alongside peers of the realm, mingling and sharing concerns with men of far higher social position than were customarily at their disposal. In letters to his wife, Sir Henry Strachey, Admiral Lord Richard Howe's secretary, reflected on the "great pride" Philadelphians took in playing host to the military elite, observing particularly that when serving high ranking officers tea in china cups with silver spoons the mistress of a Philadelphian house "thinks herself a very eminent personage."<sup>518</sup> Nowhere was this more apparent than at the oft remembered and much reviled eruption of opulence that was the Meschianza. Here the elite young women of Philadelphia, dressed and regarded as princesses from foreign lands, watched as the elite officers of Britain's army, literally dressed as knights in shining armor, fought on their behalf, proclaiming their "wit, beauty & accomplishments." There followed a lavish banquet and ball. In all, recalled British commissary Charles Stedman, "This entertainment not only far exceeded any thing that had ever been seen in America, but rivaled the magnificent exhibitions of that vain-glorious monarch and conqueror, Louis XIV of France."<sup>519</sup> The Meschianza was a once

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Forge "Cato" and the Meschianza in Their Transcultural Contexts." *Early American Literature* 34, no. 2 (1999): 126-146. Meredith H. Lair, "Redcoat Theater: Negotiating Identity in Occupied Philadelphia, 1777-1778." In *Pennsylvania's Revolution*, edited by William Pencak. University Park, Pa: The Pennsylvania State University Press, 2010. Fred Lewis Pattee, "The British Theater in Philadelphia in 1778." *American Literature* 6, no. 4 (January 1935): 381-388. Thomas Clark Pollock, "Notes on Professor Pattee's "The British Theater in Philadelphia in 1778." *American Literature* 7, no. 3 (November 1935): 310-314.

<sup>518</sup> Sir Henry Strachey to Lady Jane Strachey, March 24, 1778, Henry Strachey Papers, Box 1, William L. Clements Library.

<sup>519</sup> John Peebles, "John Peebles Journal, 1776-1782," May 18, 1777. Microfilm, n.d. David Library of the American Revolution; Charles Stedman, *The History of the*

in a lifetime opportunity for a colonist in Philadelphia to fully embrace, and be embraced by, the power, grandeur, and wealth of the world's preeminent empire.

### **“his majesty's mild government”: Disappointed Expectations**

Yet such opportunities for power, wealth, and luxury proved to be more the exception than the rule within occupied Philadelphia. Though the presence of the British Army made loyalism safe within the lines, the actions of that army guaranteed that few would commit themselves to the loyalist cause. Though some Philadelphian businessmen and outside merchants found profit amidst the chaos, their stories of success are overwhelmed by the many complaints of poverty, shortages, and stagnation experienced by their fellow inhabitants and witnessed by outside observers. Though the restoration of British trade brought fashion and opulence to the elite, the ostentatious displays and extravagant performances may have alienated as many as they charmed in the Quaker City and certainly excluded the majority. Drinker decried the “Scenes of Folly and Vanity” that surrounded the Meschianza, and British Commissary Charles Stedman recalled that it “did not escape the severest satire, both in private conversation and in printed papers.”<sup>520</sup>

For most inhabitants, the occupying army brought neither the security, nor the stability, nor the prosperity, nor the liberty they had expected or dared to hope for. Howe's stated goal in controlling American territory was “to afford protection to the

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*Origin, Progress, and Termination of the American War*, 2 vols., (London, 1794), 1:385-386; Downman, *The Services of Lieut.-Colonel Francis Downmam*, 60-62.

<sup>520</sup> Drinker, *Diary*, 1:306; Stedman, *The History of the Origin, Progress, and Termination of the American War*, 1:385-386.

inhabitants, that they might experience the difference between his majesty's mild government, and that to which they were subject from the rebel leaders."<sup>521</sup> Yet the distinction was not one that always worked in his majesty's favor, and it seems strange that Howe thought military occupation would be interpreted as "mild government." As Colonel James Murray dryly remarked in early 1778, "it has not been generally observed that any quarter was endeared to an army by six months' possession"<sup>522</sup>

In place of a revolutionary regime which seemed at times obsessed with expressions of consent and declarations of support, the city was now ruled by an occupying force that, at least in practice, often seemed not to care where the allegiances of the people lay and did little to relieve those who suffered beneath the chaos and destitution wrought by the war. All too often the 'friend of government' fared no better than the rebel at the hands of the British plunderer or arsonist. Promises of protection failed, crime and brutality were rampant, civilian poverty was laid bare alongside military opulence, and the reality of British liberty often fell short of expectations for those who needed it most of all.

Furthermore, as the occupation continued, the disaffected found themselves with less and less space for neutrality and disengagement. Both sides now demanded oaths of allegiance; all paper currency was tainted by political affiliation and obligation; and

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<sup>521</sup> "Sir William Howe's Defense (Before a Select Committee of the House of Commons) of his Conduct as Command-in-Chief of the British Forces in the War of Independence" Henry Strachey Papers, Box 2, Folder 51. William Clements Library, University of Michigan.

<sup>522</sup> Sir James Murray to Elizabeth Smyth, March 5, 1778, in Ray W. Pettengill, ed. *Letters from America 1776-1779: Being Letters of Brunswick, Hessian and Waldeck; Officers with the British Armies During the Revolution* (Whitefish, MT: Kessinger Publishing, 2006), 54.

liberty and security were promised only to those who aligned themselves with one side against the other. Though from a distance the British Army appeared to offer hope and shelter to the Revolution's disaffected, those who lived in the midst of it soon learned otherwise. The coming of the British Army to Philadelphia brought despair for its enemies, profound disappointment for those who might have become its friends, and, for all peoples, the destruction which inevitably surrounded the seat of war.

The British too found a mixture of promise and disappointment in Philadelphia. Howe's prediction that the Pennsylvania militia would do little to augment Washington's forces was borne out, as were reports about divisions among the people and opposition to the revolutionary governments. Such opposition, however, was not the product of latent loyalist sympathies but of a widespread ambivalence toward the Revolution and a distaste for the policies and persons that governed it. The British general grew concerned even as the army disembarked amidst the abandoned farms at Head of Elk. Pleased though he was to find no opposition, he had been led to believe that the people would rally to his standard. Undeterred, Howe's loyalist guides continued to assure him that he would find the populace "more and more loyal, as [he] advanced towards the Capital of Pennsylvania." "This information," Howe later reflected, "proved equally false."<sup>523</sup>

Attempts to transform the disaffected population into loyal soldiers faltered badly. In October Howe ordered enough clothing for some five thousand provincials so that he could equip "the new levies expected to be raised in this and the neighboring provinces." Yet despite repeated calls for recruits, offers of land bounties, and "the most indefatigable exertions, during eight months," by the time of Howe's departure for Britain the army

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<sup>523</sup> Howe, *Narrative of Howe*, 56.

had failed to raise even one thousand men from Pennsylvania. The redcoats even struggled to secure volunteers for non-combat service, such as the construction of fortifications around the city.<sup>524</sup> This was a frustration Washington and Howe shared: each experienced shock, anger, and finally discouragement in the face of a people who expressed little enthusiasm for either side in the imperial dispute and were obstinately determined to avoid involvement in the war.

The British invasion broke the power of the revolutionary regime in the region and created a lucrative market for provisions. Outside the lines, where the influence of British specie and the newfound liberty from the dictates of the Patriots was not spoiled by constant exposure to the British army, political affections may well have shifted toward the British cause and potentially spelled disaster for the Revolution. Yet that shift along the periphery came at great cost to the affections of the people within Philadelphia itself. The high prices and strong demand which persuaded so many country farmers to shun Continental commissaries and sell their goods to city markets existed, in large part, because the army had failed to otherwise secure provisions for the civilian inhabitants and refused to uphold the old Pennsylvania currency, which those same inhabitants clung to as a repository of their wealth and a symbol of their loyalty. The poor behavior and, perhaps more importantly, apparent indifference of the British military only further undermined any chance Howe might have had to capitalize on weakness of revolutionary sentiment in Pennsylvania and translate popular disaffection into active loyalism.

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<sup>524</sup> Howe to Germain, Oct. 21, 1777. Germain Papers, vol. 6; Howe, *Narrative of Howe*, 53-54; Jackson, *With the British Army in Philadelphia*, 99-100; Enlistees were offered 50 – 200 acres of land, free from quit-rents for 10 years. Gruber, *Howe Brothers*, 244.

A British victory in the 1778 campaign would have to come at the hands of the redcoats themselves, without assistance from the thousands of provincial soldiers Howe had expected to secure. Given the rising antipathy toward the Continentals in the countryside and the relative health of the British Army, such a victory still seemed possible as late as April. Instead, however, 1778 would deal a crushing defeat to the British in the war for the hearts and minds of Americans, undo all the gains of the previous campaign, and convince more than a few participants and observers that the struggle for American independence had, effectively, been won.

## CHAPTER 5

### I NOW LOOK UPON THE CONTEST AS AT AN END

I now look upon the Contest as at an End. No man can be expected to declare for us, when he cannot be assured of a Fortnight's Protection. Every man, on the contrary, whatever might have been his primary Inclinations, will find it his Interest to oppose & drive us out of the County ... Nothing remains for him but to attempt Reconciliation with (what I may now venture to call) *the United States of America*.

~Ambrose Serle, May 22, 1778<sup>525</sup>

The morning of June 18, 1778, a handful of military officers and their personal servants rose from their beds in Philadelphia to discover that the British army, *their* army, was gone. After having held the city for nearly nine months, the British had quietly withdrawn their forces from the American capital; the occupation was over. The last of the redcoats marched out in the early hours of the 18<sup>th</sup>, the bulk of the army having departed the day before. Those few unfortunates, who had “inquired too late about the last orders” and lingered too long “in the houses of their tender acquaintances,” awkwardly crept across the waking city, attempting to dodge the revolutionary forces that had arrived, almost literally, on the heels of the departing British column. As an unsympathetic Hessian officer recalled, these late-risers “played Bopeep” with the Continental light horse through the streets of Philadelphia; “a few were taken.”<sup>526</sup>

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<sup>525</sup> Ambrose Serle, *The American Journal of Ambrose Serle, Secretary to Lord Howe, 1776-1778* (San Marino, Calif: The Huntington Library, 1940), 295-96.

<sup>526</sup> Carl Leopold Baurmeister, *Revolution in America; Confidential Letters and Journals, 1776-1784* (New Brunswick, N.J: Rutgers University Press, 1957), 182; Nicholas B. Wainwright and Sarah Logan Fisher, ““A Diary of Trifling Occurrences”: Philadelphia, 1776-1778,” *Pennsylvania Magazine of History and Biography* 82, no. 4 (October 1958), 465; Loftus Cliffe to Charles Tottenham, July 5, 1778, Loftus Cliffe Papers, William L. Clements Library, University of Michigan.



The surprise and distress these men experienced upon discovering that they had been left behind by the army mirrored, in a particularly sharp and distilled way, the larger sense of shock and confusion much of Philadelphia experienced through late May and into June. Though many of the inhabitants had been severely disappointed by the army's failure to bring security, liberty, and prosperity back to the city during the occupation, the British ministry's decision to abandon Philadelphia was widely perceived as a particularly insidious act of betrayal and did irreparable damage to the people's political affections toward Britain. It demonstrated, to both American civilians and more than a few British officers, that the empire would not only fail to protect its allies and subjects, even when in a strong position to do so, but also that it lacked the resolve necessary to win the war. For the military, this revelation was simply depressing; for many of the disaffected, it proved decisive. The departure of the British army eliminated the economic incentives of defying Patriot edicts on commercial transactions and allowed the revolutionaries to once again secure a monopoly on coercive force in the region. Meanwhile, the seeming inevitability of American independence convinced many that the prudent and self-interested course was, both immediately and henceforth, to quietly acquiesce to the authority of the United States. If the poor behavior of the soldiery had kept the British army from drawing forth the popular support it desired, the evacuation of Philadelphia poisoned the well.

**“most improbable and indeed evident untruths”: Saratoga and France**

The abandonment of Philadelphia resulted from several disasters for the British war effort that had occurred elsewhere. In New York, the army commanded by

Lieutenant General John Burgoyne sustained two sound defeats near Saratoga in late September and early October, forcing it to surrender *en masse* to revolutionary forces under the command of Major General Horatio Gates. Responding to this unprecedented reversal, in February French and American negotiators on the other side of the Atlantic negotiated a long-awaited alliance, ensuring that the War for American Independence would soon become a global conflict that would compel Britain to divert resources to the defense of its many far-flung imperial holdings. News of these setbacks, in and of itself, would have been deeply distressing to the loyalists and British soldiers in Philadelphia and would have further discouraged the region's disaffected and uncertain from casting their lot with the redcoats. Yet the damage to morale and civil-military relations was made all the more severe by the British soldiery's long refusal to accept the possibility of such catastrophes and the continual assurances given to the civilian populace that reports of those events were merely revolutionary propaganda. It is essential to understand that news of the evacuation, when it came, followed on the heels of countless deceptive and mistaken reports the inhabitants had received about the likelihood of British military success. These deceptions not only encouraged the people to perceive the British as untrustworthy, but also prepared them to see the withdrawal not as an isolated setback, but as part of larger and ongoing pattern of defeat.

Though other dire and contradictory rumors continued to circulate, the inhabitants of Philadelphia received regular assurances throughout October that Burgoyne was moving triumphantly toward Albany. On October 11, the *Pennsylvania Evening Post*, which had been publishing Howe's official proclamations, reported that Burgoyne's troops had "totally routed the rebel army at Stillwater, under the command of generals

Gates and Arnold, having killed near eight hundred on the field and taken a prodigious number of prisoners.” On the 21<sup>st</sup> the editor of the *Post* claimed to have met with eyewitnesses from New York who had seen Burgoyne sweep the Patriot army out of Stillwater, south of Saratoga, and that he was preparing to march on Albany. On the 30<sup>th</sup>, the newspaper effectively announced that Albany had fallen into British hands.

Civilians struggled to weigh such assurances against contrary rumors spread by Patriot sources. On October 3, a bewildered Elizabeth Drinker chronicled, “Tis reported to day that Gattes has beat Burgoine, also that Burgoine has beat Gattes; which is the truth we know not, perhaps nither.” The same day, Robert Morton received a report that the northern army had been defeated, read a letter declaring that it had been victorious, heard a visitor from New York claim that it was nowhere to be found, and learned that a hospital was being set up in Albany to tend its wounded. On these grounds he concluded, “We may infer that there has been an engagement, but which party is successful is dubious.” Later reports increasingly led him to believe that Burgoyne had triumphed and that Albany would soon be taken.<sup>527</sup> By mid-October, Sarah Logan Fisher recorded that the British general had defeated Gates and “was on full march for Albany, where he expected to be in 24 hours.” Even outside the lines, the steadfast assurances of British victory could sway expectations. In Northampton Town, James Allen confessed that “Our accounts from the Northward are confused,” but claimed that “as far as we can collect,

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<sup>527</sup> Elizabeth Sandwith Drinker, *The Diary of Elizabeth Drinker*, ed. Elaine Forman Crane, , 3 vols. (Boston: Northeastern University Press, 1991), 1:238-39; Robert Morton, “The Diary of Robert Morton,” *The Pennsylvania Magazine of History and Biography* 1, no. 1 (1877): 16.

Gen1 Burgoyne has had an advantage over Gen1 Gates & will probably be soon at Albany.”<sup>528</sup>

For their part, the British officers were generally quick to dismiss any suggestion that events to the north might have gone against the crown’s interests. When confronted with the initial rumor that Burgoyne’s army had surrendered, Howe, who believed the revolutionaries’ “accounts of successes are in general much exaggerated,” flatly declared his opinion, “that it is totally false.”<sup>529</sup> James Grant, though admitting in late October that “we have no certain Intelligence from the Northern Army,” nonetheless regarded the notion of Burgoyne surrendering as “impossible.”<sup>530</sup> When Lord Howe’s secretary, Ambrose Serle, first heard that Burgoyne was a prisoner he merely laughed at the rebel’s desperation, writing that “their Leaders often make Triumphs of imaginary Victories, to keep up the Spirits of the deluded People.”<sup>531</sup> Captain Friedrich von Muenchhausen, General Howe’s aide-de-camp, waved away claims of Burgoyne’s defeat, but hoped that Washington and his men would be gullible enough to believe them.<sup>532</sup>

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<sup>528</sup> Fisher, “A Diary of Trifling Occurrences,” 451; James Allen, “Diary of James Allen, Esq., of Philadelphia, Counsellor-at-Law, 1770-1778 (continued),” *The Pennsylvania Magazine of History and Biography* 9, no. 3 (October 1885): 292.

<sup>529</sup> William Howe to George Germain, August 30, 1777, George Germain Papers, vol. 6, William L Clements Library; William Howe to George Germain, Oct. 22, 1777, Germain Papers, vol. 6.

<sup>530</sup> James Grant Papers, Oct. 20, 1777, Letterbook 4, Film 687, Reel 28, David Library of the American Revolution (hereafter DLAR).

<sup>531</sup> Serle, *American Journal*, 260.

<sup>532</sup> Friedrich Ernst von Muenchhausen, *At General Howe’s Side, 1776-1778: The Diary of General William Howe’s Aide De Camp, Captain Friedrich Von Muenchhausen*, (Monmouth Beach, N.J: Philip Freneau Press, 1974), 38.

After so many expressions of confidence and surety, the news of events around Saratoga was devastating when it arrived near the end of October. Serle thought it “the most fatal Blow we have yet felt” while Sir Henry Strachey, secretary to the Howes’ peace commission, was at a loss for words when it came to detailing what he simply called “the Catastrophe of Burgoyne.”<sup>533</sup> In the immediate aftermath of the news, some slipped into abject despair, asking whether there was any point in continuing the war at all.<sup>534</sup> Muenchhausen actually hoped that the ministry would take this opportunity to abandon the struggle, as he now believed that the war could not be won without an additional twenty thousand reinforcements, which he doubted Britain could afford.<sup>535</sup>

Even for less fatalistic observers, word of Burgoyne’s surrender settled like a weight on their shoulders. Lieutenant General James Grant, who had looked forward to seeing Congress brought to terms in the spring, now could “not see the least probability of accommodation and I think it is impossible for any man on this side of the Atlantic to form an opinion about the fate of America.” Strachey had believed that the near simultaneous captures of Albany and Philadelphia would have brought the war to an end immediately. Instead, he wearily informed his wife, “we must have at least another campaign....You have only Burgoyne to blame for not seeing me this Winter.” Unwilling

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<sup>533</sup> Serle, *American Journal*, 262; Henry Strachey to Jane Strachey, Dec. 2, 1777, fol. 42, Henry Strachey Collection, New Collection, William L. Clements Library, University of Michigan, Ann Arbor, MI.

<sup>534</sup> E.G. Francis Downman, *The Services of Lieut.-Colonel Francis Downman, R.A. in France, North America, and the West Indies, Between the Years 1758 and 1784*, Ed. F.A. Whinyates, (Woolwich: Royal Artillery Institution, 1898), 46; Ira D. Gruber, *The Howe Brothers and the American Revolution* (Chapel Hill: The University of North Carolina Press, 2011), 255-56.

<sup>535</sup> Muenchhausen, *At General Howe’s Side*, 42.

to even name the misfortune, Lieutenant Loftus Cliffe wrote “I confess that unlucky affair has deranged our Plan of Operations” and he worried about the troubles it would bring in the spring.<sup>536</sup> On November 8, well after the last doubters had accepted the sad truth, the *Pennsylvania Evening Post*, which had so firmly and repeatedly assured the public of Burgoyne’s successes, finally published, without comment, the terms of his surrender.<sup>537</sup>

The unexpected turn of events in New York might have made the people and presses of Philadelphia more skeptical of positive reports and more willing to admit the possibility of misfortune for the empire. Yet it seems, in many instances, such was not the case. The occupied city was exposed to numerous examples of British over-confidence, yet no message relating to the Revolution was delivered more regularly, confidently, and deliberately than that France would not enter the war against Great Britain. From October, 1777 through April, 1778, the *Post* alone ran at least sixteen issues including descriptions of declining Franco-American relations and outright assurances that no agreement had been or would be made between the American revolutionaries and the French. Beginning in January, the printer set out to dispel the “most improbable and indeed evident untruths” then circulating about an impending French alliance. Having accused the revolutionaries of propagating a “delusive tale” and fabricating evidence, he promised his readers that his analysis was “not relying upon vague reports - but upon *facts* founded on *authentic letters* and *affidavits*, to be seen by any candid enquirer.”

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<sup>536</sup> Grant, Nov. 30, 1777, Letterbook 4, James Grant Papers; Henry Strachey to Jane Strachey, Dec. 2, 1777, fol. 42, Henry Strachey Collection; Loftus Cliffe to Bartholomew Cliffe, Nov. 12, 1777, fol. 13, Loftus Cliffe Papers.

<sup>537</sup> The *Pennsylvania Ledger* published the same terms on Nov. 5, 1777.

There followed excerpts of letters and sworn statements from British gentlemen who had been to France to the effect that they were certain France did not intend to intervene in the rebellion.<sup>538</sup> As late as April 15, the *Post* continued to explicitly assure its readers that reports of pending French intervention were “intirely groundless.”

A repeated theme in these many assurances was the supposedly unhappy fate of Philadelphia’s most famous adopted son: Benjamin Franklin. In October readers learned that Franklin had been “so little satisfied with his entertainment at the French court, that he is said to be on the actual point of embarking for America.” In November it was reported that Franklin’s ship had been seized by French authorities. December brought word that Franklin was leaving France for Prussia, fearing that the French intended to arrest him and turn him over to London. On March 6 the *Post* printed a letter with the shocking claim that Franklin was dead, “and that it was supposed the late ill success of the Americans had hastened his end.” By April it was clear that Franklin was still alive, that he was desperately trying to negotiate a peace treaty with the British ambassador in Paris, and that since “France has given the strongest assurances of her pacifick disposition to the court of Britain...the agents of congress, Franklin and Dean, are totally neglected by all in France.”<sup>539</sup>

As a result of such erroneous reports, more than a few inhabitants of occupied Philadelphia, both soldiers and civilians, remained ignorant of the looming conflict until finally, on May 8, *HMS Porcupine* arrived on the Delaware bringing confirmation that the French had indeed entered into an alliance with the Americans and that war with

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<sup>538</sup> *Pennsylvania Evening Post*, Jan. 3, 1778.

<sup>539</sup> *Pennsylvania Evening Post*, Oct. 16, & Nov. 1, 1777, and Jan. 6, April 8 & 10, 1778.

France was all but inevitable.<sup>540</sup> The blow was felt immediately. Allen looked upon this turn of events as an ‘embarrassment’ for Great Britain. Muenchhausen observed that desertions from the Continental camps dried up. Meanwhile, outside the lines, observers saw a sudden and substantial shift in the economic imbalance that had so greatly favored the British over the Continentals as consumers of local provisions. Farmers, who had previously braved arrests and beatings in order to avoid having to accept Continental dollars for their produce, became “as eager for continental Money now as they were a few weeks ago for gold” and began “to sell off cheaply the stores they have been withholding.” France’s supposedly imminent involvement in the war, combined with Howe’s failure to launch a new campaign and expand British control of the state, prompted disaffected Pennsylvanians to once again reevaluate which political and commercial choices offered the most peaceful and profitable future for themselves and their families. As they had the previous autumn, when the arrival of the British Army had so fundamentally changed the balance of power in the region, they once again adapted their speech and practices to reflect the new military reality. As one rather dubious American officer recalled, “The Tories all turned Whigs.”<sup>541</sup>

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<sup>540</sup> John W Jackson, *With the British Army in Philadelphia, 1777-1778* (San Rafael, CA: Presidio Press, 1979), 231; Muenchhausen, *At General Howe’s Side*, 52.

<sup>541</sup> James Allen, “Diary of James Allen, Esq., of Philadelphia, Counsellor-at-Law, 1770-1778 (concluded),” *The Pennsylvania Magazine of History and Biography* 9, no. 4 (January 1886), 435; Muenchhausen, *At General Howe’s Side*, 52; Henry Melchior Muhlenberg, *The Journals of Henry Melchior Muhlenberg*, 3 vols. (Philadelphia: Evangelical Lutheran Ministerium of Pennsylvania and Adjacent States, 1942), 3:149; Wayne K Bodle, *The Valley Forge Winter: Civilians and Soldiers in War* (University Park, PA: Pennsylvania State University Press, 2002), 227.



### **“It is expected the campaign will soon open”: Great Expectations**

Orders to abandon the city arrived in Philadelphia on May 8, but were only gradually revealed to the soldiers and civilians. Like the surrender at Saratoga and the treaty negotiations in Paris, the Ministry’s plan to evacuate fell upon most of the inhabitants with very little warning and many were slow to accept it. The relative strength of Britain’s position in the state, the ongoing work of fortifying the city, the arrival of the Carlisle peace commissioners, and a general disbelief that the empire would so blithely surrender the capital and its people all combined to encourage soldiers and civilians alike that such an event would not truly take place. Consequently, receipt of the authentic news, when it finally came, was all the harder to bear.

Even after most of the soldiers and civilians in the city learned of the American alliance with France, they still expected the British Army to hold the capital and, in all likelihood, launch a new Pennsylvania offensive in 1778.<sup>542</sup> “It is expected the campaign will soon open,” wrote James Allen in mid-May, despite the fact that “the face of politics is much alter’d” by the coming war with France. Allen had only passed the British lines in February in order to bury his deceased brother, John, and tend to his pregnant wife in the city. He had received a pass from Continental authorities allowing him enter the city, but had been refused permission to return again to his country estate. Unable to resume his self-imposed, apolitical isolation, he found himself hoping that the redcoats would soon launch themselves toward Valley Forge, if only to make the city less crowded and decrease the demand for goods in the marketplace.<sup>543</sup> Loyalist chieftain Joseph Galloway

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<sup>542</sup> Fisher, “A Diary of Trifling Occurrences,” 462.

<sup>543</sup> Allen, “Diary, (concluded),” 429-436.

had long “deplored the Languor of [British] Proceedings” and become increasingly impatient for renewed military action. He remained confident that a firm British attack would dislodge Washington’s weakened forces and break the rebellion.<sup>544</sup>

Outside the lines, Continental Major General Nathanael Greene’s experience of the occupation winter had led him to the conclusion that Britain’s “only hope” of victory in America lay in “possessing themselves of our Capital Cities.” The growing alienation of the countryside around Philadelphia had made Greene acutely aware of how profoundly the mere presence of the British military shaped the political affections of the region. As spring arrived, he wrote to Washington that by holding Philadelphia the British

had made a deep impression upon the minds of many well affected Inhabitants who reason from the past to the future and conclude that we must be finally conquered .... Both civil and military government depend in a great measure upon opinion; therefore it is of the highest importance to give a proper bias to the public sentiment and a favourable opinion to the Army.

He emphatically declared that the Continentals “must dispossess them [the British] of some of the places they now hold” in order to “confirm the weak and wavering among ourselves, stagger the confidence of the Inhabitants now in the power of the Enemy and incline them to favour our designs.”<sup>545</sup> The idea that Britain would *voluntarily* surrender the region, forsake the inhabitants there, and give back all that had been gained the

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<sup>544</sup> Serle, *American Journal*, 287.

<sup>545</sup> Nathanael Greene to George Washington, April 25, 1778, *The Papers of General Nathanael Greene*, ed. Richard K Showman, 2 vols., (Chapel Hill: Published for the Rhode Island Historical Society [by] University of North Carolina Press, 1976), 2:355-57.

previous autumn seemed almost inconceivable. More than a few British officers agreed with him.<sup>546</sup>

Muenchhausen, Howe's own aide-de-camp, was flabbergasted by word of the impending withdrawal in late May. "It is maintained that our army will leave Philadelphia. Nobody knows why," he wrote, "for, counting heads, our army is twice as strong as the one of the rebels, and, with respect to courage, a hundred times as strong." The Hessian captain hypothesized that, perhaps, it was all part of some elaborate deception meant to secure a surprise attack on Valley Forge, though he worried that the British were not clever enough to come up with such a scheme.<sup>547</sup> Muenchhausen's incredulity was understandable. Though he exaggerated the redcoats' numerical superiority, the balance of military power in the region still strongly favored Great Britain. In early May, Washington estimated that his army in and around Valley Forge amounted to some 11,800 rank-and-file infantrymen, though to reach that number he included "such of the sick present and on command, as might be called into action on any emergency." Another 1,400 were stationed in the region, though this count also interpreted "fit for duty" in the broadest possible sense. British returns from the same month show some 14,500 effective infantry at Philadelphia. Mere numbers aside, the British force was, in general, both better trained and better equipped than the Continental Army and possessed more than a thousand armed provincials who, if not nearly so numerous as Howe had wished, would have greatly improved its knowledge of the local roads and terrain. Moreover, while the Continentals had suffered a grueling winter of

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<sup>546</sup> Jackson, *With the British Army in Philadelphia*, 254.

<sup>547</sup> Muenchhausen, *At General Howe's Side*, 54.

disease and discomfort at Valley Forge, the British, having enjoyed an almost luxurious spring in Philadelphia, were in astonishingly good health and spirits. In late April a proud Major Carl Leopold Baurmesiter found it “difficult to conceive of an army in such excellent condition and such order as the army in the city.” Other officers bestowed similar superlatives on the status of the army.<sup>548</sup> Well fed and in good order, the soldiers in Philadelphia were almost desperate to carry the war further into Pennsylvania. Captain Johann Ewald and his fellow jägers waited anxiously for the campaign to begin, at one point sending an emissary to Howe to make certain that they had not been forgotten. Major John Graves Simcoe of the Queen’s Rangers busied himself gathering intelligence on the terrain around Valley Forge, marking off the likely placement of Continental batteries and the most promising approaches for the attack he felt certain would soon come.<sup>549</sup>

### **“The face of things seems again changed”: Uncertainty and Anxiety**

Much of the uncertainty surrounding the occupation was intentionally created and maintained by the British commanders-in-chief. Beginning in late April, local residents observed the British embarking on immense new projects to strengthen their lines around Philadelphia. Hundreds of men labored to construct new redoubts, walls, and even a moat of sorts north of the city. Regular detachments were launched to survey and secure the

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<sup>548</sup> Baurmesiter, *Revolution in America*, 163; Grant, March 25, 1778, Letterbook 4, James Grant Papers; Muenchhausen, *At General Howe’s Side*, 49.

<sup>549</sup> Ewald, *Diary*, 121; John Graves Simcoe, *Simcoe’s Military Journal: A History of the Operations of a Partisan Corps, Called the Queen’s Rangers, Commanded by Lieut. Col. J.G. Simcoe, During the War of the American Revolution*, (New York: Bartlett & Welford, 1844), 60.

region around the city and Howe himself made an appearance inspecting the works. These efforts continued, largely unabated, through May and into June even as the army quietly prepared to withdraw.<sup>550</sup> These projects were intended to sow uncertainty in the minds of Continental generals and protect the army from being attacked as it marched away. However, they proved equally, if not more effective in confusing the local civilians who were anxiously fretting over the future of their city, their property, and their lives.

Within the city the people were, according to Drinker, “at a loss ... what to think of the present appearance of things amongst us.” The officer lodging in her home, Major John Crammond, could do little to lessen her confusion, for he too seemed perplexed by the simultaneous preparations for battle and retreat.<sup>551</sup> As rumors of the impending withdrawal circulated through the city, Ambrose Serle reported that “notwithstanding appearances, some of the most sensible [inhabitants] cannot credit it. Their fortifying the principal Redoubt, Bomb Proof, is certainly very remarkable.” The ongoing fortifications and strong objections of the loyalists gave him “a Gleam of Hope that this terrible measure may be averted.”<sup>552</sup> As late as June 11, less than a week before the final withdrawal, Baurmeister was still uncertain, noting in letters home that “in spite of the apparent preparations to evacuate Philadelphia, three hundred men are working in the lines every day. Our wood and hay magazines and our cultivated gardens and fenced-in meadows are being carefully guarded and kept up.” He felt certain that the army intended

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<sup>550</sup> John Montrésor, “Journal of Captain John Montrésor, July 1, 1777, to July 1, 1778, Chief Engineer of the British Army (continued),” *PMHB* 6 (1982), 201; Jackson, *With the British Army in Philadelphia*, 230, 255, 256.

<sup>551</sup> Drinker, *Diary*, 1:307.

<sup>552</sup> Serle, *American Journal*, 297-98.

to march, but could not tell whether it meant to retreat through New Jersey or assault Valley Forge.<sup>553</sup>

The coming of the peace commission only further confused the situation. Though Clinton's orders to evacuate the city were explicit and, ultimately, unaffected by their arrival, the appearance of the commissioners on the Delaware did force him to alter his timetable. Faced with the necessity of defending the city a few weeks longer than he had planned, he wearily ordered munitions and provisions returned to the city magazines; ships that had previously been loaded and made ready now found their departure suddenly postponed indefinitely.<sup>554</sup> The shift was immediately felt by the inhabitants and the loyalists desperately hoped it signaled a fundamental change in British plans. "An evident Delay is made in the Embarkation," wrote Serle on June 4, when he himself was still ignorant as to its import, "People hope for some good Reason: One supposes, from a Wish for further news from England; Another, for a sudden Expedition ag[ain]st the Rebels." The revelation that a new commission had arrived raised expectations even higher. "Spirits of the Town seem revived upon the Occasion. People conceiving a Hope, that they shall not now be abandoned."<sup>555</sup> Misinformation and confusion seemed to surround the peace delegation. They brought news that war had not yet been declared between Britain and France, but this was quickly misinterpreted as a sign that the two nations were amicably reconciled, reviving false impressions that had plagued the city for months. Due to a tragic oversight, the commissioners had not been informed of Clinton's

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<sup>553</sup> Baurmesiter, *Revolution in America*, 174, 180.

<sup>554</sup> Joseph Reed to 'Hetty,' June 9, 1778, Joseph Reed Papers, DLAR; Baurmesiter, *Revolution in America*, 179.

<sup>555</sup> Serle, *American Journal*, 304-7.

orders to evacuate the city and so came fully expecting that Philadelphia would remain in British hands for the foreseeable future.<sup>556</sup> Bewildered civilians mistook their ignorance for evidence that the ministry had changed its mind. James Allen heard that the commissioners

came critically to prevent the evacuation of this City .... War with France is not declared, nor like to take place, troops are coming over here & if Congress will not treat, as there is reason to expect, this will be an active campaign.<sup>557</sup>

Drinker too came to understand that “there is no likelihood of war with France...nor does it look so likely that the British Troops will so soon leave us.” “The face of things seems again changed,” she declared. Outside the lines, even Joseph Reed half-credited such rumors about the commissioners and came to suspect that the British might not be departing as soon as his compatriots expected. “In short,” he wrote on June 9, “Appearances are now as much for their Stay as they were against it last Week.”<sup>558</sup>

### **“only to make them miserable”: Bitterness and Betrayal**

Time eventually revealed to even the most hopeful observers that the expanding fortifications were a sham, that the commission’s arrival would only delay, not prevent, the British evacuation, and that even the delay would be a brief one. As the army’s firm intention to abandon the region and its people was steadily driven home to the

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<sup>556</sup> “William Eden to George Germain,” June 19, 1778, “George Germain to William Eden,” July 3, 1778, and “Draft of a letter to the Commissioners,” July 1778, in the George Germain Papers, vol. 7.

<sup>557</sup> Allen, “Diary, (concluded),” 436-438.

<sup>558</sup> Drinker, *Diary*, 309; Joseph Reed to ‘Hetty,’ June 9, 1778, Joseph Reed Papers.

inhabitants, men and women responded to the news and made preparations for the future in accordance with their various political affections, or lack thereof. The more committed loyalists split their time between railing against the military's betrayal of their trust and packing their possessions for transport to Britain, New York, or some other imperial outpost where they would be safe from persecution, if not from poverty. Those who lacked such strong affection for Britain, who felt they had relatively little to fear from Patriot retribution, or who simply felt greater attachment to their home than to their former empire, braced themselves for the revolutionaries' return to power.

For many of the civilians who had most closely aligned themselves with the British cause or simply come to trust in the continued presence of the king's army, the withdrawal was seen as nothing less than a betrayal, the cruel and unnecessary sacrifice of his majesty's loyal subjects to their enemies. They showed little reserve in communicating these sentiments to the departing officers. "They told us to our faces," remembered Ewald,

that the army had come only to make them miserable, They had previously concealed their true opinions from their enemies, but now their convictions had been betrayed by their association with us. Their entire reward that they now had from accepting English protection consisted in that they were unfortunate and the English lucky.<sup>559</sup>

The men who had taken up arms to fight alongside the British were no more charitable. "They grumble and swear that the army will leave Philadelphia and would rather let them be hanged by the Congress than serve England. God alone knows what will happen to them."<sup>560</sup>

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<sup>559</sup> Ewald, *Diary of the American War*, 130-31.

<sup>560</sup> Ibid.



The loyalist leadership, which had the most to lose if Philadelphia were abandoned, soon returned to the very same arguments that had persuaded Howe to invade Pennsylvania the previous summer. Up to the final day of the occupation, Galloway continued to insist that the inhabitants of the state were “anxiously desirous of being restored to their former obedience, are ready to co-operate with the king’s troops to effect that desirable purpose.” He ardently urged the army to assault Washington at Valley Forge, claiming to have a list of “above three hundred gentlemen of weight & influence” who were willing to raise provincial troops and secure the province should the Continental Army be driven away.<sup>561</sup> Serle recorded that Andrew Allen remained unshaken in his conviction that “five Sixths of the Province were against the Rebels, our Army had only to drive off Washington & put arms into the Hands of the well-affected, and the Chain of Rebellion would be broken.” The unshakable, or perhaps simply desperate, confidence such men placed in the allegiance of their fellow Pennsylvanians succeeded in once again convincing a few British officers that the region was, despite appearances, on the verge of taking up arms for the king.<sup>562</sup> It was not, however, enough to shift British policy or regain the support of a jaded General Howe, who resented the failure of Pennsylvania’s many supposed loyalists to rally to his standard in 1777.

The sad predicament of Philadelphia’s loyalists, and Britain’s role in creating their plight, was not lost upon the other inhabitants of the city. James Allen observed that Howe had already “offended all the friends of Government by his neglect of them &

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<sup>561</sup> Joseph Galloway, “Proposal for covering and reducing the Country as the British Army shall pass through it,” June 17, 1778, Sir Henry Clinton Papers, 35:47, William L. Clements Library.

<sup>562</sup> Serle, *American Journal*, 299-301.

suffering their property to be destroyed” and that now “by the late design of evacuating Philada ... every man obnoxious to the American rulers, was offered up a Victim to their resentment.”<sup>563</sup> Allen did not view himself as a loyalist and so did not, as yet, expect to be personally targeted, but he felt great sympathy for those who did. British officers also found themselves sympathizing with the men and women they would soon abandon. “Now a Rope was (as it were) about their necks,” wrote Serle, “The Information chilled me with Horror, and with some Indignation when I reflected upon the miserable Circumstances of the Rebels, &c.” Ewald confessed that “the heart of every honest man bled on hearing these people complain, who had an absolute right to do so.”<sup>564</sup> Clinton soon found himself confronted by desperate and at times heart-wrenching letters from inhabitants like Peter Miller, a former justice of the peace and notary public and father to ten children sheltering in the city. The economic woes of the past months and the collapse of the old colonial currency had all but bankrupted the Millers. In May the revolutionaries had charged Miller with treason and he was terrified that the withdrawal of the army would result, not only in the loss of his family’s remaining property, but also of his freedom and perhaps his life. He pleaded with Clinton for “relief, protection or assistance.” Preferring the surrender of his holdings to the rebels over facing them in court, Miller made plans to follow the army to New York.<sup>565</sup>

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<sup>563</sup> Allen, “Diary, (concluded),” 436-38.

<sup>564</sup> Serle, *American Journal*, 295; Ewald, *Diary of the American War*, 130-31.

<sup>565</sup> Peter Miller to Henry Clinton, May 26, 1778, Sir Henry Clinton Papers, 35:10.

The Millers were not alone in fleeing with the army. No clear account exists of precisely which, or how many, Philadelphians departed the city alongside the British forces, but contemporary estimates suggest that their numbers were considerable. Ewald heard that some fifteen hundred families were departing “and turning their backs on their property;” commissioner Eden claimed as many of five thousand loyalists went aboard the transports. Other estimates put the number closer to three thousand individuals.<sup>566</sup> It is uncertain how many of these were native Philadelphians, as opposed to the thousands of outside refugees and merchants who had come to the city during the occupation. The people’s rush to preserve their lives and their property led to no small amount of noise and chaos. Shortly before the withdrawal, Baurmeister wrote that “Philadelphia at present greatly resembles a fair during the last week of business.” Wagons piled high with personal effects clogged the streets on their way to the ships.<sup>567</sup>

Yet thousands of other Philadelphia loyalists and neutrals chose not to seek shelter with British army in New York. Many stayed behind to protect their property from being confiscated by the Patriots, including some wives, such as Grace Galloway, who remained in their homes even as their husbands fled. Those who privileged their homes, their businesses, and their families’ security over political allegiances remained, preferring Philadelphia, even in independence, to any other home the empire might offer.

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<sup>566</sup> Ewald, *Diary*, 131; Drinker, *Diary*, 311; Jackson, *With the British Army*, 260.

<sup>567</sup> By some accounts, no fewer than 4,000 refugees sought protection with the British in Philadelphia. “A State of the Circumstances of Philadelphia when the British Troops took Possession, &ca.” George Germain Papers, Vol. 6; Carl Leopold. Baurmeister et al., *Letters from Major Baurmeister to Colonel von Jungkenn during the Philadelphia Campaign, 1777-1778*, (Philadelphia: The Historical society of Pennsylvania, 1937), 61; Ewald, *Diary*, 131; Johann Conrad Döhla, *A Hessian Diary of the American Revolution*, 1st ed (Norman: University of Oklahoma Press, 1990), 74.

The previous nine months, and particularly the evacuation itself, called into question Britain's ability and inclination to care for its American subjects. Consequently, even some who were known to have openly aligned themselves with the empire decided it was better to risk the wrath of the Patriots than to put themselves in a position of dependence on British mercies. Historian John Jackson's study of the occupation found that only a minority of those proclaimed as traitors chose to depart, the rest preferring to take their chances with the revolutionaries.<sup>568</sup>

A similar split emerged amongst the black inhabitants of the city. Debra Newman's examination of the "Inspection Roll of Negroes" taken out of New York in 1783 demonstrates that at least seventy-five blacks, including twenty-seven women, left Philadelphia with the British army. The Black Pioneers continued to operate with the redcoats in New York and elsewhere. The British promise of freedom was a powerful lure; the threat of re-enslavement by the Americans, a dreadful threat. Those who had found remunerative work serving the needs of the empire's officers had strong economic incentives to follow their employers, and the slaves held by British officers and fleeing loyalists often had no alternative to departing.<sup>569</sup>

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<sup>568</sup> Jackson, *With the British Army*, 266.

<sup>569</sup> Debra Newman, "They Left with the British: Black Women In the Evacuation of Philadelphia, 1778," *Pennsylvania Heritage* 4, no. 1 (1974): 20-23; The course of the Black Pioneers after Philadelphia is followed in Braisted, "The Black Pioneers and Others," in *Moving On: Black Loyalists in the Afro-Atlantic World*, ed. John W. Pulis, (New York: Garland Pub., 1999), 14-18. When the British evacuated New York in 1783, a record was kept of all blacks who left the city. For many of them, their city of origin and status, slave or free, was noted. For the entire list, see "Inspection Roll of Negroes, Taken on Board Sundry Vessels at Staten Island and Bound for Nova Scotia," Papers of the Continental Congress, roll 9, National Archives, Washington D.C.. For a subset of this list that relates to Pennsylvania, see "List of Negroes belonging to Citizens of Pennsylvania carried away by the British," Aug. 9, 1786, Records of the Supreme Executive Council, Records of Pennsylvania's Revolutionary

Yet others, including runaway slaves, reflected upon their situations and experiences and chose to take different paths. Mike High, former slave of one J. Bolton of Maryland, parted ways with the army to fend for himself as a hired laborer in New Jersey. Peg and James, once owned by Persifor Frazer and David Crane, respectively, both chose to remain in Philadelphia, hoping to disappear into the crowds and confusion that filled the streets when the Patriots returned.<sup>570</sup> For many runaway slaves, their first months of freedom had fallen short of their expectations. The liberty they had been given was precarious, granted only because it suited British interests and denied to the slaves of loyalists. Those who had been unable to secure employment or support in the lean winter months would have learned that freedom from slavery did not mean freedom from suffering. Having had the opportunity to examine the attitudes of their liberators, they may have seen little reason to believe that things would be any better in New York than they had been in Philadelphia. The evacuation itself was perhaps the clearest sign that the liberty and security offered by the British was an uncertain foundation upon which to build their hopes and aspirations.

Though not threatened with enslavement, the Quaker population that remained in Philadelphia wrestled with its own particular concerns on the eve of the evacuation. Having already been targeted for daring to express “a disposition inimical to the cause of America,” many Friends experienced “endless worries...expecting an unbearable fate”

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Governments, 1775-1790, reel 27, frs. 17-24, Pennsylvania State Archives, Harrisburg. For a published version of the entire list, see Graham Russell Hodges, eds., *The Black Loyalist Directory: African Americans in Exile After the American Revolution* (New York: Garland Publishing, Inc., 1996).

<sup>570</sup> *Pennsylvania Evening Post*, July 25, 1778; *Pennsylvania Gazette*, July 7, 1779; *Pennsylvania Gazette*, Feb. 24, 1779.

when the revolutionaries retook the city.<sup>571</sup> Lutheran Reverend Henry Muhlenberg, who had little sympathy for the religious groups that had dominated the politics of pre-Revolutionary Pennsylvania, noted that such “so-called *Tories*” were “again in a predicament,” having come to expect that the British would “protect these sects in their former liberties and accumulated possessions,”<sup>572</sup> protections the returning revolutionary leadership had no intention of offering to the dissenters and the disaffected. When she first learned of the coming evacuation, Quaker matron and loyalist Sarah Logan Fisher lamented that “we may expect some great suffering when the Americans again get possession.” The coming of the peace commission briefly and vainly raised her hopes, but these were soon dashed and she returned to her reflections on how “the apprehensions of again coming under the arbitrary power of the Congress are very dreadful.” Elizabeth Drinker, who had less invested in the British presence, also noted that many of her fellows were “in much affliction” and that she herself felt “very forlorn” as the occupation neared its end.<sup>573</sup>

### **“Things go ill, and will not go better”: Despair**

As the loyalists despaired and the civilians in general prepared themselves for the return of revolutionary control, British and Hessian officers took the opportunity to reassess the state of the war and Revolution in light of the past year’s reversals. For

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<sup>571</sup> James Donald Anderson, “Thomas Wharton, Exile in Virginia, 1777-1778”, *Virginia Magazine of History and Biography* 89:4 (Oct. 1981), 427; Baurmesiter, *Revolution in America*, 174.

<sup>572</sup> Muhlenberg, *Journal*, 3:158

<sup>573</sup> Fisher, “A Diary of Trifling Occurrences,” 462-3; Drinker, *Diary*, 1:308-10.

many, the evacuation was a culminating event. More than simply the latest in a series of setbacks, it was interpreted as a final straw, a signal that the British cause in America was not simply suffering but that it had, for all practical purposes, been lost.

“I now look upon the Contest as at an End,” wrote Serle when rumors of the evacuation were finally confirmed. In the evacuation, and the betrayal it symbolized, Serle and others among the army bid farewell to any hope of a loyalist uprising and, with it, any hope of British conquest in the north. “No man can be expected to declare for us, when he cannot be assured of a Fortnight’s Protection,” Serle explained, “Every man, on the contrary, whatever might have been his primary Inclinations, will find it his Interest to oppose & drive us out of the County.” Serle’s journal entry for the day included a telling shift in terminology, referring to his revolutionary opponents not as ‘the rebels’ or ‘the rebellious colonies’ but, for the first time, as “the United States of America.”<sup>574</sup>

Serle’s fatalistic outlook was not unique. On the eve of the withdrawal, a despondent Captain Nesbit Balfour attempted to convey the army’s sad state in a letter to Strachey, who had by that time already sailed for England. “I am sure you will pity us here, insulted & ridiculed by the Americans, disgusted & unhappy amongst ourselves ... Tomorrow we leave town & bid adieu to America as masters.” Like Serle, Balfour recognized that the abandonment of so many loyalists and potential loyalists shattered any hope Britain had of winning the hearts and minds of the American people, and in that loss of political affection, more than in the loss of a strategic post, he saw the loss of America. “Since you left us,” he continued, “no American has been fool enough to delay one moment of submitting to the States ... there can be no doubt their government will be

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<sup>574</sup> Serle, *American Journal*, 295-96.

first immediately much firmer than ever ours was.”<sup>575</sup> General Sir William Erskine declared that “this Abandonment of the Town, so void of all Honor, Spirit & Policy, made him miserable in himself & ashamed of the name of Briton.” He and a group of fellow officers, including Major General Charles Grey, spent a mournful evening in early June sharing their “strong Resentment of the Disgrace, wch was arising to their Country & to the British Arms” from the decision to evacuate.<sup>576</sup> The weight of the evacuation followed the army as it retreated across New Jersey. “I am most heartily tired of this cursed business,” wrote a weary and depressed James Grant from his new quarters in New York, “and gave up the Game the moment we were ordered to leave Philadelphia.” He believed the British capture of the American capital had been most effective blow Britain had struck in the war. Its abandonment finally led him to conclude that the effort to conquer the colonies “is now over, and the sooner the army is withdrawn the better.”<sup>577</sup>

The new British commander-in-chief in America, General Sir Henry Clinton, expressed similar emotions as his army prepared for departure in late May and early June, confessing that he would “have wished to avoid the arduous task of attempting to retrieve a Game so unfortunately circumstanced.” Though he had initially held out some hope for achieving renown as the foremost general in America, Britain’s decision to abandon Philadelphia convinced him that his command was “very unenviable indeed ... full of difficulty, and perhaps danger, without the least prospect of reputation to alleviate the

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<sup>575</sup> Nesbit Balfour to Henry Strachey, June 17, 1778, Henry Strachey Papers, New Collection, fol. 50.

<sup>576</sup> Serle, *American Journal*, 301-2.

<sup>577</sup> Grant, Oct. 12, 1778, Letter Book 4, James Grant Papers.



weight.”<sup>578</sup> The arrival of the peace commissioners in June only deepened Clinton’s depression, prompting him to complain that “it is surely my fate to be thrown into the most extraordinary situations, such is the case at present ... my fate is hard; forced to an apparent retreat with such an Army is mortifying.” He scoffed at the notion that Britain could simultaneously surrender the American capital and expect the revolutionaries to give up their cause. “What?” He asked rhetorically, “Is it expected that America in her present situation will agree to terms when the Army is avowedly retiring?” He soon found himself envying his predecessor and wishing he too could abandon the war and return home.<sup>579</sup>

For their part, the members of the new peace commission, William Eden, George Johnstone, and the fifth Earl of Carlisle, were surprised to learn the city to which they had been sent was on the verge of being abandoned. The discovery was a source of both anger and embarrassment. Eden penned a furious letter to Lord Germain, accusing the ministry of entirely failing to support the commission and describing the “mortifying” spectacle of the army evacuating Philadelphia. “I have only to struggle as well as I can thro’ the embarrassment in which I never deserved to be involved.” He added that he would “take care not to incur or deserve any personal disgraces,” but strongly implied that the surrender of Philadelphia was a national disgrace that he and all Britons would have to endure.<sup>580</sup> Johnstone, who took up the task of communicating with Congress, soon found that the revolutionary leadership would not even consider his proposals and

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<sup>578</sup> Henry Clinton to Henry Fiennes Pelham-Clinton, May 28, 1778, Sir Henry Clinton Papers, 35:4.

<sup>579</sup> Memorandum by Sir Henry Clinton, June 6, 1778, Sir Henry Clinton Papers, 35:34.

<sup>580</sup> William Eden to George Germain, June 19, 1778, George Germain Papers, vol. 7.

that the congressmen thought him “irrational” for imagining that they would be willing to consider Britain’s terms when she appeared so weak militarily.<sup>581</sup> The commissioners were not immune to the effects of the army’s plummeting morale. “Things go ill, and will not go better,” wrote Carlisle several days after reaching Philadelphia. “We have done our duty, so we ought not to be involved with those who have *lost* this country.”<sup>582</sup>

It would take several years before the British government finally agreed that the country had truly been lost. 1779 would witness of new British assault on the American south, driven in part by the same belief in a latent, widespread loyalism that had persuaded Howe to take Philadelphia in 1777. That effort too would eventually founder on misconceptions about American loyalties, priorities, and commitments, though there the story would be horribly complicated by the ever present influence of racial slavery, guerrilla warfare, and active military intervention by France. Never again would Britain seriously attempt to reconquer an American state north of Virginia. The British military would continue to occupy Newport through most of 1779 and would remain in New York until the war came to an official conclusion in 1783, but these posts soon became defensive citadels, isolated islands of the empire, rather than footholds that set the stage for offensive operations.

The evacuation was also a pivotal moment for Pennsylvania’s disaffected, transforming their world as drastically as had the British invasion nine months before.

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<sup>581</sup> George Johnstone to Henry Laurens, June 10, 1778 and Henry Laurens to George Johnstone, June 14, 1778, Sir Henry Clinton Papers, 35:45.

<sup>582</sup> Earl of Carlisle to George Selwyn, June 10, 1778, in William Bradford Reed, *Life and Correspondence of Joseph Reed: Military Secretary of Washington, at Cambridge, Adjutant-General of the Continental Army, Member of the Congress of the United States, and President of the Executive Council of the State of Pennsylvania*, 2 vols. (Lindsay and Blakiston, 1847), 1:380.

The occupation had taught the inhabitants in and around Philadelphia three important lessons. First, that despite the optimistic claims of the local loyalists, the return of British authority did not restore the relative peace, prosperity, and stability that had existed before the rise of revolutionary violence. Though the proximity of the redcoats offered some protection from the demands of the new Patriot regimes, the brutality, criminality, unpredictability, and indifference of the occupying army meant that its presence was, at best, a mixed blessing for all but the most elite loyalists. In matters of currency, liberty, and military strategy, among others, the high expectations of civilians crashed headlong into the reality of life under occupation. For many, there now seemed less to be gained from a British victory than they had once thought.

Secondly, it was now clear that much could be lost by openly supporting Great Britain. The seemingly resolute presence of the British Army had encouraged a number of citizens, who had previously avoided committing themselves to either side in the war or even acted as Patriots, to align themselves with the redcoats. Some did so through active service, others by taking oaths, and still others by simply expressing sentiments they would never have dared to utter while the revolutionaries controlled the city. The protective shield of neutrality or passive consent they had once sheltered beneath, an aura that had been extraordinarily hard to maintain in the face of the revolutionaries' constant quest for explicit acts of support, was gone forever. Hundreds were, or soon would be, accused of high treason against the state and threatened with death. Such men and women did not bear this betrayal quietly, and all those in and around the city were regularly reminded of Britain's unreliability and treachery over the occupation's final weeks.

Finally, the army's inability or unwillingness to hold the American capital, or even to stand and fight for it, convinced many who might have previously doubted the revolutionaries' chances of success that American independence was a *fait accompli*. Like the British officers trudging their way across New Jersey, Pennsylvanians now struggled to see how Britain could ever possibly regain sovereignty over a region it had so brazenly abandoned and which had now maintained its own independent government for two years. The independent state government that had fled Philadelphia the previous year had only just succeeded in truly grasping the reins of power; the corpse of the previous body politic had still been warm, its denunciations of the insurgent regime as illegitimate and tyrannical still ringing in the people's ears. The Patriots returned in 1778 to fill a power vacuum, were now the only established government left in the state, and were supported by the only remaining military force. All who hoped for law, order, and security in Pennsylvania had no choice but to look to them.

### **“that Brilliant Revolution is accomplished”: Changes**

Thus, in one sense, the plight of Pennsylvania's dissenters and the disaffected was once again as it had been before the British army had arrived in 1777, yet on a deeper level, the context of their decisions had been radically and permanently altered. As had been the case prior to the invasion, nominal support for and consent to the revolutionary cause became the most reliable course for inhabitants who wished to live their lives in peace. Now, however, those who had once held back, fearing that commitments to the Patriot cause would bring about ruin should Britain win the war and restore the province to the empire, were free of such fears. The revolutionaries returned to a city stripped of

both its most outspoken loyalists and of its incentives to embrace the loyalist cause. On the issue of independence, at least, the war for hearts and minds in Pennsylvania soon became a mopping up operation. “The arduous contest for American Independence is near at an End,” declared one of Reed’s correspondents, “& that Brilliant Revolution is accomplished.”<sup>583</sup>

The crowds that gathered around Valley Forge in May and June to swear allegiance to the Patriot regime spoke to how greatly the Revolution, and the people’s perception of it, had changed over the preceding year. Many who had previously refused to do so now found themselves willing to accept the radical Assembly’s offer of protection in exchange for loyalty. They came, as Reed put it, “to sue for Grace;” they returned home as consenting citizens of the new republic.<sup>584</sup> Allen took the oath to the state while still in Philadelphia, though his unhappy references to the “mob-government of Pennsylvania & the united states” reveal continued unhappiness with the new regime to which he had pledged his loyalty. Benjamin Towne, printer of the *Pennsylvania Evening Post*, once again experienced a political transformation and, after a brief hiatus, reemerged as a printer of pro-revolutionary sentiments and Congressional declarations. Towne’s own suit for grace before the revolutionary leadership went unrecorded, but Patriot John Witherspoon satirically composed “the humble confession, declaration, recantation, and apology of Benjamin Towne” for the public’s enjoyment.<sup>585</sup> John Penn,

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<sup>583</sup> E[dward?]. Biddle to Joseph Reed, June 6, 1778, Joseph Reed Papers.

<sup>584</sup> Joseph Reed to ‘Hetty,’ June 9, 1778, Joseph Reed Papers; Bodle, *Valley Forge Winter*, 242.

<sup>585</sup> John Witherspoon, *The Humble Confession, Declaration, Recantation, and Apology of Benjamin Towne, Printer in Philadelphia*, (Philadelphia, 1778).

last proprietary governor of the colony, also pledged his loyalty to the state at this time, if only in a largely futile attempt to preserve his property. He too acknowledged that the revolutionary government, not Great Britain, would henceforth control the destiny of Pennsylvania's lands.<sup>586</sup>

As a testament to how severely loyalist faith in Britain had been shaken and how drastically the politics had shifted, even Galloway, the most prominent loyalist leader in the occupied city and hitherto a tireless proponent of the belief that the hearts and minds of Pennsylvania could yet be brought over to Britain's side, considered approaching Washington in the hope that he too might find amnesty and acceptance in the American republic. Shockingly, he was even encouraged toward this path by the Howe brothers, who were themselves deeply disheartened. Clinton, who quickly recognized that Galloway's making peace with the rebels would set a precedent which might, given the growing discouragement surrounding the British cause, trigger a mass defection of his entire provincial corps, forbade the inspector-general from seeking terms with the Continentals. Nonetheless, as according to Serle, word that the occupied city's leaders were close to giving up the struggle "was soon circulated about the Town, & filled all our Friends with melancholy on the Apprehension of being speedily deserted."<sup>587</sup> Some who heard the story came to believe the Howes' advice to Galloway was intended, not for him specifically, but for the inhabitants generally, prompting even more disaffected and

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<sup>586</sup> Allen, "Diary, (concluded)," 440.

<sup>587</sup> "Clinton's minutes of conversations with Lord Howe and with Galloway," May, 1778, Sir Henry Clinton Papers, 35:18; Charles Stedman, *The History of the Origin, Progress, and Termination of the American War*, 2 vols. (London, 1794), 1:380; Serle, *American Journal*, 295.

loyalist men to yield to the Test Act.<sup>588</sup> Though he personally refrained from treating with Washington, Galloway warned the British that others “who by their attachments to the crown have rendered themselves liable to the cruel resentment of the rebels” might feel they had no alternative. The withdrawal would “deprive them of all confidence in the British Protection, and alienate their minds from the British Government, and from necessity unite them to the rebel states.”<sup>589</sup> The severity of the situation was not lost upon those, like Serle, who recognized “that in future these People who wd. have fought for us and covered the Province are now at best neutrals, & can yield us no assistance in future, if we shd. want them.”<sup>590</sup> In evacuating Philadelphia, the army not only relinquished the region to the Continentals, it also effectively surrendered the loyalties of the people who lived there and did irreparable damage to Britain’s chances of ever again regaining it or them.

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<sup>588</sup> Allen, “Diary, (concluded),” 436-38.

<sup>589</sup> Joseph Galloway, “Reason against abandoning Philadelphia & the Province of Pennsylvania,” Sir Henry Clinton Papers, 35:46.

<sup>590</sup> Serle, *American Journal*, 302-3.

## CHAPTER 6

### FULLY RECONCILED TO INDEPENDENCY

Sir, I congratulate you on the present happy aspect of our affairs in general, as well as the particular wished for event of our repossessing of the city of Philadelphia. Its inhabitants in general, Whig & Tory throughout, appear to be fully reconciled to independency, and acknowledge their detestation of the conduct of their formerly reputed best friends the British troops.

~Timothy Matlack, July 9, 1778<sup>591</sup>

In the summer of 1778, as the British Army abandoned America's capital and crept back to New York, Timothy Matlack penned this celebratory letter to Jonathan Sergeant, rejoicing not only in the repossession of Philadelphia but in the great advances simultaneously made toward winning the hearts and minds of its people. On the eve of the British withdrawal, crowds had surrounded Washington's encampment at Valley Forge, as people hurried to pledge their loyalty to the revolutionary government, and now dozens of accused traitors were surrendering themselves to Patriot authorities and repudiating their past allegiance to Britain.<sup>592</sup> It was surely the dawning of a new day for the Revolution in Pennsylvania. What that day would bring for these repentant inhabitants was still uncertain, however. Though an unprecedented number of people were now prepared to unite themselves with, or at least peacefully submit to, the victorious independent nation, it remained to be seen whether that nation, its radicals, and

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<sup>591</sup> "T. Matlack to Jona. D. Sergeant," July 9, 1778, *Pennsylvania Archives*, 1st Series, 6:630.

<sup>592</sup> Joseph Reed to 'Hetty,' June 9, 1778, Joseph Reed Papers, David Library of the American Revolution (hereafter, DLAR); Wayne K Bodle, *The Valley Forge Winter: Civilians and Soldiers in War* (University Park: Pennsylvania State University Press, 2002), 242.



its rulers, would accept them. The period prior to the British invasion had been one of rising intolerance toward those Americans who withheld their explicit allegiance from the new governments. Yet the occupation and evacuation of Philadelphia proved to be a decisive turning point for the disaffected, altering the political terrain in which they operated, opening new avenues for incorporation, and often turning their oppressors against one another.

### **“to separate the patriot from the traitor”: Calls for Retribution**

Such changes did not come at once. Many factors combined to generate tremendous animosity toward all those who had remained in the city while it was held by the British and all who had, in any fashion, dealt with the occupiers. The region had suffered tremendous devastation over the preceding year; thousands had been made refugees in their own lands, forced to flee the city because of their political beliefs, poverty, or the destruction of their homes and businesses; and some sections of the American capital were left almost in ruins. Churches had been desecrated and turned into stables for the British cavalry, their pews taken as firewood, their property destroyed. Homes, public buildings, and even the streets were filled with noxious filth that bred unending swarms of flies. The State House, which had been converted into hospital, was left in such a “filthy & sordid situation” that Congress could not reconvene there but moved to the College of Philadelphia. Prize orchards, groves, and fences had been converted into firewood or building materials, and personal property within private

residences had been vandalized, confiscated, or simply stolen. The total effect was overwhelming.<sup>593</sup>

Much of this damage was the inevitable and expected result of so many humans and animals living in such crowded conditions for so many months. Yet the most offensive acts of destruction and defilement appear to have been committed suddenly, in the closing weeks of the occupation, after the army learned of its impending evacuation. Many of the horrors recorded in late June and July are absent from accounts written in April and May and so disturbing that it seems unlikely that the inhabitants would have long endured them without remark. This may have merely reflected a lack of concern for a region they were soon to depart, or it may be that the redcoats intentionally fouled their former homes in order to vent their frustration at being forced to withdraw or as an act of spite against the returning Patriots. Loftus Cliffe believed that his fellow soldiers “left Philadelphia extremely dissatisfied that it was not consumed.”<sup>594</sup>

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<sup>593</sup> June 23-26, 1778, Christopher Marshall Diaries, Christopher Marshall Papers (hereafter Marshall Diaries), Historical Society of Pennsylvania (hereafter HSP); Henry Melchior Muhlenberg, *The Journals of Henry Melchior Muhlenberg*, 3 vols. (Philadelphia: Evangelical Lutheran Ministerium of Pennsylvania and Adjacent States, 1942), 3:167-169, 171; John W. Jackson, *With the British Army in Philadelphia, 1777-1778* (San Rafael, CA: Presidio Press, 1979), 263-269; Peter S. Duponceau, “Autobiographical Letters of Peter S. Duponceau,” *The Pennsylvania Magazine of History and Biography* (hereafter *PMHB*) 40, no. 2 (1916), 184-85; Josiah Bartlett, to Col. Langdon, July 13, 1778, John W. Jordan and Josiah Bartlett, “Sessions of the Continental Congress Held in the College of Philadelphia in July, 1778,” *PMHB* 22, no. 1 (January 1, 1898), 114-115; Nelson Waite Rightmyer, “Churches under Enemy Occupation: Philadelphia, 1777-8,” *Church History* 14, no. 1 (March 1945), 45-6, 48

<sup>594</sup> Nicholas B. Wainwright and Sarah Logan Fisher, “‘A Diary of Trifling Occurrences’: Philadelphia, 1776-1778,” *PMHB* 82, no. 4 (October 1958), 464; Loftus Cliffe to Charles Tottenham, July 5, 1778, Loftus Cliffe Papers, William L. Clements Library, University of Michigan.

Whether vindictive or incidental, the damage done to the city and the suffering experienced by the revolutionary refugees elicited intense hostility toward the British and anyone suspected of having aided them. In the final weeks of the occupation and in the months that followed, such animosity manifested itself both in the legislature and in the street and often seemed on the verge of exploding into violence and terror against dissenters and the disaffected. In appearance, at least, the revolutionaries seemed poised to carry out a grand purge of all whose loyalty had been called into question.

In April, while the British still held Philadelphia, the state Assembly revived one of their most notorious and despised tools of enforced conformity: the Test Act. A year beforehand the government had established the Test and demanded that all adult, white, males take an oath renouncing the king, pledging themselves to “be faithful And bear true allegiance to the Commonwealth of Pennsylvania as a free and independent State,” and committing to the discovery and exposure of “all treasons or traitorous conspiracies ... formed against this or any of the United States of America.”<sup>595</sup> Despite the severe penalties proscribed for those who refused the oath, many Pennsylvanians rejected it. The act’s unpopularity and, more importantly, the subsequent British invasion of the capital crippled attempts to enforce it. Long after the initial July 1 deadline, only a minority of Pennsylvanians had taken the oath.<sup>596</sup> The revolutionary leadership hoped for better results this time. A new deadline was set on June 1, still more than two weeks before the British withdrawal, new modes of enforcement were devised, and the penalties for

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<sup>595</sup> *Pennsylvania Archives*, Series 2, 3:6.

<sup>596</sup> Anne M Ousterhout, *A State Divided: Opposition in Pennsylvania to the American Revolution*, Contributions in American History no. 123 (Westport, Conn: Greenwood, 1987), 162-63.

refusing the oath were made even more severe. The original act stripped dissenters of the right to vote, to hold elected office, to serve on juries, to transfer property, to sue for unpaid debts, and to bear arms. The revised act retained those punishments but also doubled the taxes laid on dissenters and specifically targeted men connected to education, law, medicine and trade, subjecting them to an additional fine of £500. To make the act enforceable, the revisions empowered any two justices to summon a citizen and demand that he immediately submit to the act under threat of summary fines or imprisonment. Persistent refusal to submit to the Test could now result not only in banishment, but also in the forfeiture of all of one's personal property to the state.<sup>597</sup> Lutheran Reverend Henry Muhlenberg neatly summarized the heart of the law in writing that those who rejected the oath would henceforth simply "be deprived of *all* rights."<sup>598</sup>

For a steadily growing number of inhabitants, however, even submission to the Test would not be enough. In May, 1778, the Supreme Executive Council began issuing proclamations listing traitors who had allegedly "aided and assisted the Enemies of this State and of the United States of America." The accused were ordered to surrender themselves by a given date to the courts and stand trial for high treason. Should they fail to do so, the government would simply declare them guilty by legislative fiat and have their estates seized and distributed amongst their debtors and the state. Should the accused surrender after the deadline or later be apprehended, there would be no trial; they were simply to be sentenced to death. The Council would eventually issue ten such

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<sup>597</sup> Ousterhout, *A State Divided*, 191-92. Ousterhout suggests that the specific fine targeting those associated with education would have been particularly disastrous for Pennsylvania sects, such as the Quakers, who ran their own schools.

<sup>598</sup> Muhlenberg, *Journals*, 3:158.

proclamations containing the names of nearly five hundred individuals. On June 25, Benjamin Towne would be assigned the awkward task of publishing his own name amongst a list of declared traitors. Such attempts to legislatively declare criminal guilt would later be explicitly banned by the US Constitution.<sup>599</sup>

In July the state's Chief Justice, Thomas McKean, took up a post at City Hall in Philadelphia in order to be readily available, both for those who wished to turn themselves in to the court and "to hear the charges against Tories accused of joining and assisting the British army."<sup>600</sup> Meanwhile, in the papers and the streets, some radical and outspoken Patriots demanded an immediate and harsh punishment for those they suspected of having betrayed the new nation. In the *Evening Post*, Casca issued "a HINT to the TRAITORS and TORIES" to "lower your heads, and *not stare down* your betters with *angry faces*" and warned that "the day of trial is close at hand when you shall be called upon, to answer for your *inpertinence* to the Whigs, and your *treachery* to this country." An anonymous contributor to the *Pennsylvania Packet* warned that, though the redcoats had departed, "a set of wretches, male and female, remain among us, who, having neither the honor of men nor the virtue of women, are a scandal to themselves ... Against such it becomes us to unite." He then reprinted the oath of allegiance to remind those who had taken it that they had sworn to turn all traitors over to the state.<sup>601</sup> Yet few instances of published invective compared to the long and vitriolic polemic signed by

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<sup>599</sup> *Pennsylvania Archives*, 3<sup>rd</sup> Series, 10:519-544; Ousterhout, *A State Divided*, 12-13, 23; *Pennsylvania Evening Post*, June 25, 1778; Article I, Sections 9 & 10 of the US Constitution forbid the issuing of Bills of Attainder to both Congress and the states, respectively.

<sup>600</sup> *Pennsylvania Evening Post*, July 8, 1778.

<sup>601</sup> *Pennsylvania Evening Post*, July 16, 1778; *Pennsylvania Packet*, August 18, 1778.

Astrea de Coelis, which filled the entire first page of the *Evening Post's* July 18 issue. The author denounced the so-called Tory inhabitants as "apostate citizens .... murderers, traitors, spies and thieves" and compared them to "flies upon a carcass." For this contributor and those of a similar mindset, there were no neutrals or bystanders, no middle group who wanted only to avoid the conflict. "The line between Whig and Tory is very easy to be ascertained" he declared, and it was the duty of all true, virtuous citizens "to separate the Patriot from the traitor, the man of honor from the villain, and to distribute confiscation, slavery, and death to the latter." Coelis's great fear was that the guilty would, by relying on crocodile tears and the tender hearts of Patriots, somehow evade justice. He scoffed at their "death-bed repentance; flying to the magistrate with a tender of their allegiance and fidelity," and chafed under "the formalities of law":

The law says, 'every man is to be deemed honest till convicted by trial, and suspicion of guilt is no proof of facts.' Our greatest difficulty arises from the want of sufficient evidence ... and the sacred regard we entertain for the liberties of the subject, are such as I am afraid will save many a scoundrel from the gallows.<sup>602</sup>

He concluded by calling for "an association of citizens for the purposes of collecting the necessary evidence against traitors," an appeal which harkened back to the *ad hoc* 'courts' that had been set up in taverns prior to the occupation.<sup>603</sup>

Though Coelis may not have known it, moves were already afoot to answer his call. A group of citizens, calling itself the Patriot Society and largely dominated by Philadelphia's more radical revolutionary leaders, formed in the weeks after the occupation. The members devoted themselves to discovering evidence against those

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<sup>602</sup> *Pennsylvania Evening Post*, July 18, 1778.

<sup>603</sup> *Ibid.*

“sundry persons, notoriously disaffected to the American cause, and others of suspicious characters” who remained in the city. Like Coelis and others who had contributed to the papers, they appealed to a binary and sharply defined understanding of loyalty, believing that it was their duty “to make a proper discrimination between the friends and enemies of America.” They too emphasized how the Test Act’s oath pledged one to become an informant against any fellow citizens suspected of having engaged in “traitorous” activities, worrying that the people’s “misapprehension of the duty they owe their country, and inattention to their oath of allegiance” may have led them “to suppose their appearing as witnesses against such offenders officious and dishonourable.” Nearly two hundred men had joined the society by July 25.<sup>604</sup> This would not be the only, or the last, popular committee devoted to hunting down evidence against fellow citizens.<sup>605</sup>

As had been the case in the summer and fall of 1777, when the Council of Safety had been granted nearly limitless authority to summarily punish and even execute dissenters, the stage appeared to be set for an extensive and bloody wave of revolutionary vengeance. Hundreds stood already accused of treason and hundreds more were doubtless guilty of dealing with the British army during the months of the occupation. Many would be assigned guilt without the benefit of trial, demagogues in the press cried out for blood, and dozens of men declared themselves ready to discover and finger the “traitors” in their midst.

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<sup>604</sup> *Pennsylvania Evening Post*, July 25 & Aug. 6, 1778; Steven Rosswurm, *Arms, Country, and Class: The Philadelphia Militia and “Lower Sort” During the American Revolution, 1775-1783* (New Brunswick, NJ: Rutgers University Press, 1987), 154-155.

<sup>605</sup> E.G. See a similar group assembled approximately a year later “to inquire what persons are now remaining in this city and its environs disaffected to the United States” in the *Pennsylvania Evening Post*, June 5, 1779.

### **“the general line of lenity & forgiveness”: Restraint and Leniency**

Yet, in spite of the rhetoric of revenge carried in the papers and the harsh language of the laws, the penalties actually imposed by the state on the dissenters, disaffected, and “traitors” were astonishingly limited. With a few noteworthy exceptions, state authorities and the people generally refused to carry out the program of retribution allowed by the law and demanded by the radicals. The dozens who surrendered themselves to Chief Justice McKean at city hall in the weeks after the withdrawal were almost all promptly released. Of the approximately 640 individuals accused of high treason, the majority of whom were charged by proclamation during or immediately after the British occupation, the state executed only six. Well over a hundred, Benjamin Towne among them, were simply discharged and sent home. Dozens were released when grand juries refused to indict them. Others were acquitted, pardoned, or had their charges reduced to misdemeanor offenses, and some eluded the custody of the state by fleeing the region. Of the twenty-six proclaimed persons who surrendered or were captured after the deadline set by their proclamations and who, according to the law, were to be sentenced to death without trial, only one was actually executed and he was killed by the army rather than by civilian authorities.<sup>606</sup>

This leniency resulted from choices made by ordinary citizens and by political leaders. The prosecution of suspected traitors depended on the people’s willingness to accuse one another of treason and to provide evidence of traitorous activity. When trials occurred, punishment could only come if the juries agreed to convict. To the great

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<sup>606</sup> Ousterhout, *A State Divided*, 186; Ousterhout, “Controlling the Opposition,” 17 & 23; On Benjamin Towne, see *Pennsylvania Archives*, Ser. 6, 13:477.



frustration of citizens like Casca and Coelis, the people repeatedly refused to play their part in enacting vengeance against the new nation's supposed enemies. After nine months of occupation, during which the overcrowded city witnessed constant examples of exchange and interaction between the British and the inhabitants, there should have been no shortage of evidence regarding who had aided or comforted the occupying forces. Yet, as McKean noticed during his time at City Hall, most of the inhabitants were remarkably reserved when it came to testifying against one another. When radicals petitioned the Executive Council to take more drastic action against the "concealed enemies" remaining in Philadelphia, the Council reported encountering "very great difficulties" because "there is a great unwillingness on the part of the people of the city to give the necessary information against the disaffected." The Patriotic Society, whose very existence stemmed from a widespread reticence to bring forth evidence of treason, declared that the traitors within Philadelphia were "intimidating and discouraging the good people of this State from appearing against them." How these persons were capable of such widespread intimidation at a moment of revolutionary triumph and ascendancy was left unspecified.<sup>607</sup>

The people exhibited the same leniency when serving as jurors. Anne Ousterhout's study of punishments issued for treason during the Revolution in Pennsylvania suggests that the inhabitants doubted that what the state deemed "traitorous" activity made one deserving of death. In cases where the sentence upon conviction was likely to be extreme, and particularly in cases of mandatory execution, juries tended to acquit and grand juries refused to indict. This was often true even where

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<sup>607</sup> Ousterhout, *A State Divided*, 186; *Pennsylvania Archives*, 1<sup>st</sup> Series, 6:628; *Pennsylvania Evening Post*, July 25, 1778.

the evidence against the accused was overwhelming and, in some cases, juries acquitted defendants who openly confessed to working for the British army.<sup>608</sup> Despite the vengeful rage of a vocal minority, the silent majority of citizens seemingly preferred to put the bloodshed and divisiveness of the war behind them; some simply desired peace after months of living in the seat of war; others were eager to direct their energies toward new, domestic, political conflicts that would determine how the independent nation would be governed. The same factors that had made Pennsylvania so slow to embrace revolution now made it quick to abandon revolutionary violence.

Similar sentiments stayed the hands of the revolutionary leadership. Even those who had helped pass the harsh laws against dissent and disaffection often proved hesitant to enforce them in the months and years following the occupation. The Assembly granted the state Attorney General permission to reduce treason charges to misdemeanors, extended deadlines for some of those charged via proclamation, and occasionally exempted specific individuals from punishment altogether.<sup>609</sup> Convicted offenders were pardoned, saw their fines remitted, and their sentences reduced. Such mercy was not distributed universally, but few men experienced the full weight of the law unless they had committed some particularly heinous offense against persons or property. General John Armstrong, of the Pennsylvania Militia, expressed approval for this approach, writing that he was “for the general line of lenity & forgiveness” toward those who “differed only in mere political sentiment.” He acknowledged “that a few examples ought

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<sup>608</sup> Ousterhout, “Controlling the Opposition,” 27.

<sup>609</sup> Ibid.

to be made of the more atrocious,” but made a point of emphasizing “that in the highest degree they ought to be but few.”<sup>610</sup>

This leniency in enforcement also extended to that great cudgel of enforced consent: the Test Act. In April, as the revolutionaries braced themselves for an expected British offensive into the heart of Pennsylvania, the penalties for refusing the Test had increased in severity and new mechanisms had been put in place to simplify enforcement. By late May, however, reassured by knowledge of the impending evacuation of Philadelphia and an American alliance with France, several revolutionary leaders began reconsidering the wisdom of imposing these penalties on the disaffected population. As early as May 22, Vice President George Bryan began warning state officials that, when it came to those who did not actively pose a threat to the state, “it is the wish of government not to distress them by any unequal fines, or by calling them, without special occasion happens, to take the oath at all.”<sup>611</sup> A few days later Bryan again called for a relaxed approach to enforcement, suggesting that the revised act’s power to force individuals to immediately take the oath before a justice of the peace “be reserved for persons whose character & conduct shall threaten active mischief against the State.” As for those who simply wanted to maintain their neutrality and be left alone, he pointed to the impending British withdrawal and explained that “if the enemy remove out of the State, & these ignorant people become better satisfied of the establishment of our cause, it may be expected that their objections will gradually wear away.” The Vice President went on to

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<sup>610</sup> General [John] Armstrong to V[ice] P[resident] Bryan, 1778, July 24, 1778, *Pennsylvania Archives*, 1<sup>st</sup> Series, 6:661-663.

<sup>611</sup> George Bryan to Col. John Weitzel, May 22, 1778, *Pennsylvania Archives*, 1<sup>st</sup> Series, 6:541.

urge “prudent persons ... to soften the harsh councils of some well meaning but over-zealous & imprudent men.”<sup>612</sup> Timothy Matlack requested that officials charged with seizing the estates of those who had refused the Test take a leisurely approach to their duties and, in particular, that they hold off on selling the seized property. As secretary to the Supreme Executive Council, Matlack was well positioned to recognize that body’s declining enthusiasm for the act and cautiously warned his correspondent that “applications may be made to Council for lenity, and the possibility of this ought not to be foreclosed.”<sup>613</sup>

In December, the Assembly went farther and once again revised the Test Act legislation. Eight months before, in the midst of the occupation, the act had been made more severe; now, with the British Army back in New York and the independent government securely in place, it was made even more forgiving than at its inception. Refusal to take the Test still prevented one from political participation in the state, but the threats of imprisonment, banishment, and the loss of property were removed. True *citizenship* remained a privilege of those who pledged their loyalty to the state, but now dissenters could hope to continue as peaceful and economically viable *inhabitants*. The Council followed the Assembly’s lead by issuing pardons to those who had previously been imprisoned for refusing the Test.<sup>614</sup>

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<sup>612</sup> George Bryan to John Thorne, May 25, 1778, *Pennsylvania Archives*, 2<sup>nd</sup> Series, 3:169-170.

<sup>613</sup> *Pennsylvania Archives*, 1<sup>st</sup> Series, 6:622.

<sup>614</sup> Ousterhout, *A State Divided*, 194; “Proclamation of Pardon to Prisoners Under Test Laws, 1778” *Pennsylvania Archives*, 1<sup>st</sup> Series, 7:130-131.

As groups like the Patriotic Society and the letters which appeared in the papers attest, this post-occupation leniency was not universally embraced. No less a figure than Joseph Reed, who was elected president of the Council in 1778, worried

that too easy an Ear has been given by the Ministeres of Justice to the Applications of those who are disaffected to their Country & that from a Fear of the Imputation of Rigour or giving Offence, the contrary Error of extreme Compassion & a Desire to avoid Offence has taken Place.<sup>615</sup>

Reed cautioned that such toleration of dissent and disaffection “had a Tendency to weaken Governmt, & encourage the political Sinners of this State.”<sup>616</sup> Disregarding appeals to mercy, Reed at one point went so far as to conflate compassion itself with treason, warning the council “that popular Humanity (tho not ment.[ioned] in our Treason Laws) is a species of Treason & not the least dangerous Kind.”<sup>617</sup>

Yet Reed’s concerns often went unheeded. Shortly after the British left, a group of men, composed at least in part of members of the Patriotic Society, petitioned the Supreme Executive Council to explicitly and legally established a group “with powers and directions to make a general search, to seize suspected persons, take inventories of merchandize as well as Furniture, &c.” In astonishing contradiction of the its actions the year before, the Council declared such a plan to be outside the scope of their authority, going on to declare that such a measure would

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<sup>615</sup> Joseph Reed to Thomas McKean, April 20, 1779, *Pennsylvania Archives*, 1<sup>st</sup> Series, 7:328.

<sup>616</sup> Ibid.

<sup>617</sup> Joseph Reed to Supreme Executive Council, Oct. 23, 1778, quoted in Peter C. Messer, “‘A Species of Treason & Not the Least Dangerous Kind’: The Treason Trials of Abraham Carlisle and John Roberts,” *The Pennsylvania Magazine of History and Biography* 123, no. 4 (October 1, 1999), 320.

be opposed by the best Friends of liberty as a most arbitrary exercise of assumed authority; or, if submitted to, would establish a precedent which would have the most dangerous tendency to set up in the executive branch of Government an arbitrary power destructive of the liberty and safety of the people; therefore the Council cannot think of appointing such persons or pretend to give such powers.<sup>618</sup>

The creation of the Council of Safety in the summer of the British invasion, a body with far greater powers than those the Executive Council now deemed to be excessive, seems to have been forgotten.

A similar forgetfulness would eventually ensue with regard to the Bills of Attainder the state had issued so freely during and after the occupation. By the 1780s, the Council would express concern that the practice of declaring guilt by legislation might “greatly affect the lives, liberties, and fortunes, of the Freemen of this Commonwealth,” worrying that “to take away the life of a man without a fair and open trial, upon an implication of guilt” would set a dangerous precedent for the future. Among their many queries to the courts was this: “Is such a mode of attainder compatible with the letter and spirit of the Constitution of this State, which establishes, with such strong sanctions, the right of trial by jury?”<sup>619</sup> It was telling question, one many Pennsylvanians wished had been raised six years earlier.

### **“mercy will create respect to the Rulers”: Political Calculations**

Yet the “extreme Compassion” and “popular Humanity” that Reed complained of was not the only stated justification for revolutionary leniency. Men like Bryan, Matlack,

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<sup>618</sup> *Pennsylvania Archives*, 1st Series, 6:628.

<sup>619</sup> Ousterhout, “Controlling the Opposition,” 30-31; *RESPUBLICA v. DOAN*, 1 U.S. 86 (1784), see: <http://supreme.justia.com/cases/federal/us/1/86/>.

and McKean pointed to the practical and political benefits of tolerating disaffection and, at times, even overlooking treason. At this transitional moment, as Pennsylvania's revolutionaries increasingly shifted their attention from achieving independence to governing the independent state, they recognized that an opportunity still existed to incorporate disengaged and dissenting inhabitants and unite the people behind the new government. Thus, General Armstrong believed that only a few harsh examples should be made with regard to "the Torie affair in Philada," not only because he supported "lenity & forgiveness," but also because he recognized "that the eyes of many will be upon Government respecting it." Bryan warned the sheriffs away from pursuing confiscations and sales because he thought such actions "may be termed rigor by people in general" and alienate them from the state. Like the extreme powers of the 1777 Council of Safety and the Bills of Attainder, the mass confiscations that had marked the period of the occupation and lost the political affections of so many in southeast Pennsylvania were something the government eventually hoped would be left behind and forgotten. There was little to be gained by provoking fresh outrage and new accusations of tyranny. "On these grounds, we wish it to be understood," Bryan explained, "that Council and Assembly desires to avoid any noise from the people." Having survived the British invasion and firmly secured their control of the government, the revolutionary regime was slowly moving toward the point at which silence could be seen as acquiescence rather than dissent.<sup>620</sup>

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<sup>620</sup> General [John] Armstrong to V[ice] P[resident] Bryan, 1778, July 24, 1778, *Pennsylvania Archives*, 1st Series, 6:661-663; V.P. George Bryan to Col. John Weitzel, May 22, 1778, *Pennsylvania Archives*, 1st Series, 6:541.

Chief Justice McKean suggested additional political benefits that could be derived from leniency. If the government showed itself willing to grant clemency to the accused and to pardon the convicted, the friends and relatives of those men would be encouraged to submit pleas and applications on their behalf, a process which would not only “create respect to the Rulers,” as McKean put it, but necessarily force those applicants to at least nominally acknowledge the authority of the state. Furthermore, when the state granted such applications for mercy, it would “reconcile & endear men to the Government.”<sup>621</sup> A handful of dedicated dissenters, like Quaker Samuel Rowland Fisher, might go so far as to remain imprisoned rather than accept the new state’s authority to pardon them, but they proved to be the exception rather than the rule and their stubbornness tended to annoy, rather than inspire, their allies.<sup>622</sup>

### **“the unfortunate John Roberts and Abraham Carlisle”: Exceptions which Prove the Rule**

The mounting pressure for leniency and reconciliation was apparent even when the state *did* follow through in officially executing alleged traitors. The trials and executions of Abraham Carlisle and John Roberts, both elderly Quakers who confessed to collaborating with the British, laid bare the tension between, on the one hand, lingering radical pressure to unflinchingly apply the full might of the new government against those who failed to support it and, on the other, a growing desire to show leniency to all but the most virulent loyalists. The attempt to save Carlisle and Roberts also revealed

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<sup>621</sup> Ousterhout, *A State Divided*, 184-185.

<sup>622</sup> Fisher recounts his ordeal in his journal. See Samuel Rowland Fisher, “Journal of Samuel Rowland Fisher, of Philadelphia, 1779-1781,” *PMHB*, 41 (1917), 145-197, 274-333, 399-457; Ousterhout, *A State Divided*, 284-285.



how, in the minds of thousands of Pennsylvanians, the British occupation and withdrawal signaled a new phase in the Revolution which necessitated a different approach to dissent and disaffection.

Neither of the two accused men claimed to be innocent of the treasonous charges brought against them. Carlisle, a carpenter who lived in Bladen's Court off Elfreth's Alley, served the British as the gatekeeper on Front Street, along the northern limits of the city near the Delaware. Roberts, a miller, performed duties as a civilian scout and was accused of encouraging others to enlist. Both men were included in the Proclamation of Attainder issued by the Supreme Executive Council on May 8, 1778, both remained in Philadelphia after the British departed, and both duly surrendered themselves to state authorities. Roberts was tried, convicted and sentenced in late July, Carlisle in late September. Both were executed on November 4. Of the one hundred and twenty-nine men who were charged with treason by proclamation and voluntarily handed themselves over to the authorities, only these two were put to death.<sup>623</sup> It remains unclear precisely why they were singled out. They were not unique in being convicted and sentenced to death, nor was their treason unusually heinous, nor did they persist in refusing their allegiance to the state after the British departed. That they were Quakers certainly counted against them in the eyes of some radical leaders, and it may be that the widespread interest in their cases and extensive outcry against their sentences steeled the resolve of those who felt that public examples of justice against traitors needed to be made.

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<sup>623</sup> *Pennsylvania Packet*, Nov. 5, 1778; Rosswurm, *Arms, Country, and Class*, 158; Ousterhout, *A State Divided*, 196; Messer, "'A Species of Treason,'" 303-304.

Opposition to the executions was breathtaking in its extent. Some seven thousand citizens, approximately a quarter of Philadelphia's total population, signed petitions calling for clemency for one or both men. The signers included every juror who had convicted Carlisle and ten of those who had convicted Roberts, as well as McKean and the other justices of the supreme court and those of the city and county courts of Oyer and Terminer. The outcry stretched across boundaries of politics, religion, and class. Carlisle was defended by conservative icons like James Wilson, and anti-constitutionalist leaders like Benjamin Rush and David Clymer signed the petitions, but so too did numerous members of the Patriotic Society and the militia's radical Committee of Privates. More than a dozen men who had been held prisoner in Philadelphia while Roberts and Carlisle worked for the British Army spoke out on their behalf.<sup>624</sup>

Though they failed to prevent Carlisle and Roberts's untimely demise, the petitions did reveal how the people's perceptions of the Revolution, and those who refused to join it, had begun to change following the British evacuation. None of the petitioners protested the convictions themselves. The jurors who decided the verdict, the judges who determined the sentence, and the people at large freely admitted "that the unfortunate John Roberts and Abraham Carlisle, most justly merit the Sentence which the Law has lately pronounced against them." Nor was compassion the sole, or even the primary, justification offered for clemency, though Christian forgiveness and charity were certainly invoked. Rather, the petitions incorporate practical and political reasons for sparing the lives of the condemned traitors, and a key component of this reasoning

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<sup>624</sup> Many of these petitions are collected together. See "Memorials in Favor of John Roberts and Ab'm Carlisle, 1778," *Pennsylvania Archives*, 1st Series, vol. 7, 21-44, 52-58; Messer, "A Species of Treason," 304-305; Rosswurm, *Arms, Country, and Class*, 158-159.

was the belief that the British withdrawal signaled the beginning a new, and permanent, period of security for the independent government. As one set of petitioners explained,

from all human Probability the British Enemy will never again visit this State, and the intestine Enemies thereof be for ever prevented doing that Mischief which a rooted and fixed Enmity to their Country would instigate them to perform.<sup>625</sup>

With the military question settled, at least for Pennsylvania, there was no longer a need to fear the secret machinations of those who showed less than total allegiance to the Revolution. Another petition echoed this sentiment, arguing that “the only ground upon which the taking of the life of an Offender can be Justified, is the necessity of making examples to prevent the Commission of like Crimes,” but since “there is no probability that the Enemy will again invade this State .... Examples in the present case are not absolutely Necessary.” Though in the midst of an invasion and occupation, it might have been justifiable to make examples of a few foes in order to terrify the rest into submission, a tactic Washington had repeatedly embraced in trying to stop trade with the occupied city, now that the military threat had passed, presumably for good, such acts of brutality could be set aside.<sup>626</sup>

In light of this new revolutionary context, the petitioners appealed to the same political logic that spurred private calls for leniency from leaders like Bryan, Armstrong, and McKean. One petition argued that “the Power and Vigour of Government” was displayed at least as much in showing mercy as in inflicting punishment and, just as Armstrong had warned that the eyes of the people would be on the government as it

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<sup>625</sup> “Memorials in Favor of John Roberts and Ab’m Carlisle, 1778,” *Pennsylvania Archives*, 1st Series, 7: 21, 22.

<sup>626</sup> *Ibid.*, 22.

responded to incidents of treason, so these petitioners hoped that granting these men a pardon would convince “the World that the Conduct of these States has not proceeded from Resentment, but from the purest Principles of Liberty and Lenity.” Another petition countered the calls for harsh examples to be made of offenders by asserting that a pardon would furnish “an Example to be pointed to on future Occasions” of the government’s humanity, which might be of more value than an example of its unyielding commitment to the law.<sup>627</sup>

Other petitions displayed a growing sensitivity to the difference between, as Bryan put it, those who “threaten active mischief against the State” and the “ignorant people” whose “objections will gradually wear away;” in short, between true loyalism and disaffection. Carlisle’s treason, claimed the petitioners, “was the Effect rather of an undue Attachment to his own Safety and Interest ... than of a Malicious and deliberate Intention to aid and assist the Enemies of the United States,” and Roberts had acted “under the influence of fear,” rather than animosity against the nation and had since “renounced his former Connections & Attachments, and ... will hereafter exert his many good Qualities in favor of the cause he has now adopted.” Though of dubious accuracy with regard to the men’s political affections toward Britain, such appeals suggest a weakening of the strict binary between friends and foes, of the belief that all opposition is essentially the same, that placed the disaffected in such an untenable position during much of the war.<sup>628</sup>

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<sup>627</sup> Ibid., 22, 55.

<sup>628</sup> Ibid., 24, 28, 55.

## **“the Monstrous head-dress of the Tory Ladies”: Women After the Occupation**

Though the vast majority of treason charges were made against men, Philadelphia's dissenting and disaffected women faced their own peculiar sorts of condemnation, and here too the pattern of initially harsh rhetoric and *de facto* leniency often defined their treatment. This was especially true for those young women who had embraced and been embraced by the exuberant social scenes of the occupied city. In tandem with the clash of arms on the battlefield, revolutionary America was locked in what Kate Haulman has called a “culture war” in which “the Whig style of politics confronted the Tory politics of style, the former repeatedly and unsuccessfully attempting to destroy the latter.”<sup>629</sup> In 1774, the Continental Association summoned forth committees to “encourage Frugality, Economy, and Industry” and to “discountenance and discourage every species of extravagance and dissipation.” Radical revolutionaries called for a republican simplicity that would free American consumers from a dependence on British trade and free American souls from the iniquities of profligacy, vanity, and wastefulness. Extravagant and luxurious dress was deemed particularly offensive, as were the evils of “all horse-racing, and all kinds of gaming, cock-fighting, exhibitions of plays, shews, and other expensive diversions and entertainments.”<sup>630</sup> In the first half of 1778, as the occupied city was flooded with luxurious imports from Britain and crowded with idle military officers, Philadelphia played host to each and every extravagant vice the radicals decried. When the revolutionaries reclaimed their capital, they came prepared to chastise

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<sup>629</sup> Kate Haulman, “Fashion and the Culture Wars of Revolutionary Philadelphia,” *The William and Mary Quarterly* 62, no. 4 (October 1, 2005), 629.

<sup>630</sup> “The Association read and signed,” *American Archives*, Series 4, 1: 914-15.

those who had so brazenly flouted their moral proscriptions. Of the many sins against simplicity, women's fashion was often the most vociferously attacked symbol of excess. In particular, the "high roll" style in which a woman's hair was, through an expensive and time-consuming process, twisted and carded together with various supporting materials and decorations until it towered a foot or more over the top of her head, was taken as a badge of dissipation.

One returning Patriot denounced this fashion as "absurd, ridiculous and preposterous ... their hair is dressed, with the assistance of wool, &c. in such a manner as to appear to[o] heavy to be supported by their necks." He grimly proclaimed that "the morals of the inhabitants have suffered vastly. The enemy introduced new fashions and made old vices more common."<sup>631</sup> Countless other Philadelphians vented their rage at such ornaments, and the women who wore them, through a popular demonstration in the city streets. On July 4, 1778, little more than two weeks after the British army left the capital, Philadelphia celebrated the second anniversary of American independence. The day was marked by a grand parade, orations, toasts, and a ball hosted by Major General Benedict Arnold, who now commanded the American occupation of the city. In the midst of these official celebrations, a sizable crowd of radicals, composed primarily of those from the lower economic strata, took to the streets in a parade of their own. The centerpiece of this demonstration was what Drinker described as "a viry dirty Woman." Though barefoot and dressed in rags, her hair was styled "with the Monstrous head-dress of the Tory Ladies ... elegantly and expensively dressed ... about three feet high and of proportional width, with a profusion of curls, &c &c &c," a style which doubtless

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<sup>631</sup> "From a Late Philadelphia Paper," *Continental Journal* (Boston), July 30, 1778.

required considerable time and expense to achieve. The display was an unambiguous critique of the women who had remained in Philadelphia during the occupation, embraced British fashion, and consorted with British officers. Yet more than a critique, the procession carried a tacit threat. The “dirty Woman” was escorted through the streets to the sound of music; the beating of drums is specifically recorded. As Susan Klepp notes in her analysis of the incident, “The drummer probably beat the ‘Whore’s March’ or the ‘Rogue’s March,’ which announced the expulsion of ‘idle’ women from military encampments.” If so, the July 4 exhibition was merely the most elaborate of many instances in which Philadelphia radicals called for “Tory” women, and particularly the wives and children of loyalists refugees, to be expelled from Philadelphia or otherwise punished. As an act of intimidation, it had some success.<sup>632</sup>

Women were targeted in more explicit ways as well. The following summer, a grand jury in Philadelphia county presented the county court with its deep concerns that “the wives of so many of the most notorious of the British emissaries remain among us” and that, through correspondence with their spouses, they were “receiving and propagating their poisonous, erroneous, wicked falsehoods here; which pernicious practice we conceive ought immediately to be inquired into and remedied.” In October, elements of the city militia announced their willingness and intention to send away “the

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<sup>632</sup> For the deepest analysis of this incident, see Susan Klepp, “Rough Music on Independence Day,” in *Riot and Revelry in Early America*, ed. William Pencak, et. al. (Pennsylvania State University Press, 2002), 156-176; Elizabeth Sandwith Drinker, *The Diary of Elizabeth Drinker*, ed. Elaine Forman Crane, 3 vols. (Boston: Northeastern University Press, 1991), 1:314; Rosswurm, *Arms, Country, and Class*, 154; Richard Henry Lee recorded that, with a few exceptions, “The Tory women are very much mortified.” See Richard Henry Lee to Francis Lightfoot Lee, July 5, 1778, in Richard Henry Lee, *The Letters of Richard Henry Lee*, ed. James Curtis Ballagh, 2 vols. (New York: Macmillan, 1911), 1:421.

wives and children of those men who had gone with the British, or were within the British lines.” In March 1780, the Supreme Executive Council stepped in to declare that the wives of loyalist refugees would be legally required to leave the state by April 15. When this failed to happen, the demand was repeated and another deadline set in June.<sup>633</sup> Even women who were not explicitly marked out by marriage to a loyalist refugee faced the threat of isolation from Philadelphia society, if not physical banishment from the city. In the second half of 1778, women who had remained in the occupied city found themselves excluded from the balls, dinners, and other celebrations hosted by the returning Patriots, including a fete thrown in honor of Martha Washington in December.<sup>634</sup>

Yet, as in other arenas so too in the revolutionaries’ response to women of questionable patriotism: threatening rhetoric rarely manifested as action and the full potential for persecution or exclusion was never realized. Instead, other divisions drew attention away from the division between Whig and Tory, distracting the revolutionary governments and weakening popular enthusiasm for maintaining that divide. The Independence Day demonstration in 1778, though perceived by some as being aimed squarely at political opponents, also spoke to divisions along lines of gender, religion, and class within the patriotic population. As Timothy Pickering noted in a letter to his

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<sup>633</sup> *Pennsylvania Evening Post*, June 12, 1779; “Statement of Charles Willson Peale,” in *Life and Correspondence of Joseph Reed*, ed. William B. Reed (Philadelphia: Lindsay and Blakiston, 1847), 423. Ousterhout, *A State Divided*, 210; Samuel Rowland Fisher, “Journal of Samuel Rowland Fisher, of Philadelphia, 1779-1781 (continued),” *PMHB* 41:3, 293-295.

<sup>634</sup> Mark Jacob and Stephen H Case, *Treacherous Beauty Peggy Shippen, the Woman Behind Benedict Arnold’s Plot to Betray America* (Guilford, CT: Lyons Press, 2012), 55-56; J. Thomas Scharf and Thompson Westcott, *History of Philadelphia, 1609-1884* (Philadelphia: L. H. Everts & Co, 1884), 2:899.



wife, high hair did not necessarily signal political allegiance and “the Whig ladies seem as fond of them [‘enormous head-dresses’] as others.” The alliance with France further complicated matters, as some radicals grew hesitant to criticize a fashion so closely associated with their new allies. At the same time, shared criticism of ostentatious dress may have helped to heal the breach between the radical Patriots and their oft-derided enemies, the neutral and disaffected Quakers. Both groups frowned upon the high headdresses, which Drinker dismissed as “that very foolish fashion,” and for at least some revolutionaries the Quakers become models of that republican simplicity to which they aspired and which they believed the nation needed.<sup>635</sup>

As Haulman notes, despite the fact that many “tried to locate people in one of two binary, political and subject positions,” the elite women of Philadelphia “refused to remain fixed, rejecting the equation of sartorial expression and political allegiance.” Even in the realm of women’s fashion, the politics of revolution demanded clear, discrete, visible separation between friends and foes, but the reality of revolutionary America was a complex hodgepodge of interwoven interests and motivations in which visible action only imperfectly corresponded to political affection.<sup>636</sup>

For most women, the threats of social exile and physical banishment proved hollow. After a brief and sporadic period of shaming, the elite young women who had remained in the occupied city were quickly reabsorbed into polite society where they mingled with their more ardent revolutionary counterparts, continental officers, and even members of Congress. The soldiers garrisoning the reclaimed capital proved especially

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<sup>635</sup> Timothy Pickering to his wife, in Scharf and Westcott, *History of Philadelphia*, 2:900; Drinker, *Diary*, 1:314; Klepp, “Rough Music,” 162, 166-67, 171.

<sup>636</sup> Haulman, “Fashion and the Culture Wars,” 625, 629, 659-60.

willing to overlook past political affiliations in the interest of securing a more lively social scene. As Mary Morris, Robert Morris's wife, observed, "our military gentlemen are too liberal to make any distinction between Whig and Tory ladies. If they make any, it is in favor of the latter." Even so outspoken a loyalist as Rebecca Franks was soon to be found socializing, laughing, and trading barbs and witticisms with generals of the Continental Army.<sup>637</sup>

With a few exceptions, attempts to expel the wives of loyalist refugees also proved fruitless. The government refused to enforce its own demands on this front and even radical leaders like Charles Willson Peale worked to prevent separate groups, such as the city militia, from taking matters into their own hands. Echoing the public and political sensitivities of other revolutionary leaders, Peale worried that any large scale roundup of Tory women and children "would cause much affliction and grief" and quickly generate widespread opposition among the people. Though some wives did depart and others, like Grace Galloway, suffered the pains and humiliation of seeing their family property confiscated, most disaffected and loyalist women were able to make their peace with the revolutionary regime and continue their lives in Philadelphia if they so chose. Judith Van Buskirk's study of disaffected women argues that a number of factors "aided the easy reconciliation that took place in elite Philadelphia even before the end of hostilities." The security of the government's position, personal relationships developed before the war, the inhabitants' general weariness with the imperial conflict, and the

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<sup>637</sup> Jacob and Case, *Treacherous Beauty*, 55-56; *Pennsylvania Packet*, Aug. 29, 1778; Scharf and Westcott, *History of Philadelphia*, 2:1692, 3:898-899; Alexander Graydon, *Memoirs of His Own Time: With Reminiscences of the Men and Events of the Revolution* (Philadelphia, PA: Lindsay & Blakiston, 1846), 469.

increasing prominence of divisions between the elite and laboring classes all encouraged a rapid reconciliation.<sup>638</sup>

### **“we are quarrelling among ourselves”: New Battle Lines**

The revolutionaries’ slowly expanding willingness to accept leniency and reconciliation with the disaffected came at a time when new political battle lines were being drawn across the state, or rather, when the relative importance of pre-existing divisions was shifting. The revolutionaries had always been conscious of divisions within their own ranks, but so long as the future of American independence itself remained uncertain and the government unstable, and particularly while the British maintained an army within the state capital, these internal disputes were often masked by the perceived passive threat of dissenters and the active threat of the redcoats. With the British withdrawn and the new regime firmly in command, the revolutionaries increasingly shifted their attention away from the battle for home rule and toward how their new, independent nation would be governed. The growing prominence of the struggle between the radicals and those who might, with some irony, be referred to as ‘revolutionary conservatives’ dramatically changed the political landscape for the disaffected in the years after the occupation.

As had been the case since the first days of the Revolution, economic choices continued to be integral facets of allegiance and division. Pennsylvania’s long year as the seat of war had a devastating effect on the local economy. The prior occupations of

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<sup>638</sup> “Statement of Charles Willson Peale,” 423; Judith Van Buskirk, “They Didn’t Join the Band: Disaffected Women in Revolutionary Philadelphia,” *Pennsylvania History* 62, no. 3 (July 1995), 308, 317, 324; Ousterhout, *A State Divided*, 210.

Boston and New York had increased Philadelphia's prominence as an Atlantic port and turned the city into a key site of military industry, creating jobs and pouring money into the region. The British invasion and occupation brought those benefits to an end. The city and county of Philadelphia suffered the loss of hundreds of thousands of pounds at the hands of the redcoats, to say nothing of the damage and destruction wrought by the Patriot forces. Though the process of rebuilding created a temporary surge of new jobs in the immediate aftermath of the withdrawal, much of the wartime employment that fled the city in 1777 never returned.<sup>639</sup> Continental inflation worsened as Congress continued to print ever greater quantities of money. Though the economic chaos sometimes encouraged the Patriots to lash out as the disaffected, assuming that they must somehow be behind anything which harmed the nation, it also served to separate revolutionaries into competing camps which increasingly saw each other as more important enemies.

In 1779, two organizations emerged in Philadelphia that became symbolic of the defining political fault line in Pennsylvania. In January, conservative opponents of the state constitution formed the Republican Society and denounced the existing government as tyrannical. A few months later, the radicals responded by creating the Constitutional Society. The two societies differed in a host of ways. The Republicans, led by men such as Robert Morris, James Wilson, Benjamin Rush, and Thomas Mifflin, tended to be

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<sup>639</sup> Rosswurm, *Arms, Country, and Class*, 164-167; Anthony Cuthbert, "Assessment of Damages Done by the British Troops during the Occupation of Philadelphia, 1777-1778," *PMHB* 25, (1901), 323-335; Hugh Jones, "Assessment of Damages Done by the British Troops during the Occupation of Philadelphia, 1777-1778 (concluded)," *PMHB* 25, (1901), 544-559; Richard Buel has written a compelling and broad description of the relationship between wartime destruction, military occupation, and the revolutionary economy. See Richard Buel, *In Irons Britain's Naval Supremacy and the American Revolutionary Economy* (New Haven: Yale University Press, 1998).

wealthier than their opponents. Quakers, Anglicans, Lutherans, and followers of various neutral sects all found a home among them. The Constitutional Society, which included Thomas Paine, Charles Willson Peale, and Timothy Matlack, was primarily composed of middling sort radicals, such as shopkeepers and the less affluent artisans, and largely dominated by Presbyterians. Pre-revolutionary leaders, both political and economic, tended to join with the Republicans while those who had previously struggled to find a voice in colonial Pennsylvania filled the ranks of the Constitutionals.<sup>640</sup> Yet both societies shared a commitment to American Independence and were led by staunch revolutionaries. As these emerging parties clashed on the political battlefield and ever more Philadelphians joined their ranks, the binary distinction between ‘Whig and Tory,’ which had trapped the disaffected in an intolerable no-man’s-land, was often replaced by the division between ‘Republican and Constitutionalist.’ Observing the new parties take shape, Silas Deane lamented that the revolutionaries in Philadelphia were “quarrelling among ourselves, and can scarcely be constrained from plunging our swords in each other’s bosoms” while their “common enemy” carried on the war elsewhere. Alexander Graydon acknowledged the distracting nature of this new struggle, contrasting “the greater contest with the mother country” with what he dismissed as “domestic broils.”<sup>641</sup>

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<sup>640</sup> Richard Alan Ryerson, “Republican Theory and Partisan Reality in Revolutionary Pennsylvania: Toward a New View of the Constitutionalist Party,” in *Sovereign States in an Age of Uncertainty*, ed. Ronald Hoffman and Peter J. Albert, (Charlottesville: University Press of Virginia, 1981), 95-133; Rosswurm, *Arms, Country, and Class*, 176-177; Ousterhout, *State Divided*, 202-203; *Pennsylvania Gazette*, March 24, 1779; Owen S. Ireland, “The Crux of Politics: Religion and Party in Pennsylvania, 1778-1789” *William and Mary Quarterly* (hereafter *WMQ*) 42, (1985), 454-56; Burton Alva Konkle, *George Bryan and the Constitution of Pennsylvania, 1731-1791*, (Philadelphia: William J. Campbell, 1922) 172-74.

<sup>641</sup> Ellis Paxson Oberholtzer, *Robert Morris: Patriot and Financier*, (New York: The McMillan Company, 1903), 56; Graydon, *Memoirs of His Own Time*, 332-33.

Beyond simply dividing their potential oppressors against one another, this rising political system eased the plight of the disaffected in other ways as well. The Constitutionals were more likely to retain the strict political dichotomy which pitted the virtuous, pro-constitution, “People” against a corrupt and muddled combination of moderates, neutrals, and loyalists, though, as seen above, even devout Constitutionalist leaders like Bryan and Matlack became more open to leniency in the wake of the occupation. For their part, the Republicans soon came to see the disaffected as a potential source of political power and actively courted them. While the Constitutionals sought to strengthen the Test Act and strip dissenters of their rights, the Republicans attempted to protect the interests of pacifists and mild dissenters in the hopes of gaining their support at the ballot box.<sup>642</sup> Republican leaders like James Wilson and William Lewis stepped forward to defend accused traitors like Abraham Carlisle. Benjamin Rush expressed hope that, since the British had failed to offer them any relief, those “men who once appeared neutral, or lukewarm in the cause” might join his party in resisting the Constitutionals, seeing it as their “only means of defending and securing themselves.”<sup>643</sup> Graydon unambiguously recorded that “to counteract the

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<sup>642</sup> E.G. Consider the mass meeting in May, 1779, led by prominent constitutionalist General Daniel Roberdeau, which seamlessly moved from denunciations of wealthy merchants, including some patriots, to condemnation of those “inimical to the interest and independence of the United States.” Roberdeau Buchanan, *Genealogy of the Roberdeau Family, including a Biography of General Daniel Roberdeau of the Revolutionary Army, and the Continental Congress; and Signer of the Articles of Confederation*, (Washington, DC: Joseph L. Pearson, 1876), 84-85; Ousterhout, *A State Divided*, 198; Robert Brunhouse, *The Counter-Revolution in Pennsylvania, 1776-1790* (Harrisburg: Pennsylvania Historical Commission, 1942), 16; Ousterhout, *A State Divided*, 190, 202-03.

<sup>643</sup> Rosswurm, *Arms, Country, and Class*, 158-59, quoting John Rush to John Dickinson, Wilmington, 20 March 1778, *John Dickinson Papers* (LCP), no. 18, Historical Society of Pennsylvania.

constitutionalists, the disaffected to the revolution were invited to fall into the republican ranks.” He was also invited to join but declined, in part because he “did not fully relish the policy of courting the disaffected, and those who had played a safe and calculating game.”<sup>644</sup>

The disaffected were also aided by the emergence and growth of further divisions among the defenders of the radical state constitution, most notably around issues of militia service and economic policy. The economic instability following the occupation, and particularly the collapse of the Continental currency, repeatedly put radicals from the lower economic strata, often led by the militia, at odds with the middling-sort radicals who dominated groups like the Constitutional Society. The militia and their allies often bore the brunt of runaway inflation and believed that neutral non-participants and those wealthy enough to hire substitutes to serve in their stead were treating them “with Indignity and Contempt.” In response, they demanded more immediate and drastic interventions than the Constitutionalist leadership, which was increasingly concerned with public perception and social stability, was willing to countenance. The failure of price controls on essential goods and the weakness of the militia laws planted a wedge between the radical leadership and their political base. The government’s unexpected leniency toward the disaffected and its refusal to wield the full retributive weight of the law also enraged many militiamen, who suspected that dissenters and pacifists were somehow behind the economic collapse.<sup>645</sup>

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<sup>644</sup> Graydon, *Memoirs of His Own Time*, 332-33.

<sup>645</sup> Steven Rosswurm traces the causes and course of this breach in the final third of his book on the Philadelphia militia. See Rosswurm, “Equality Denied: The Militia’s Retreat, 1779-1783,” in *Arms, Country, and Class*, 201-48.

Consequently, Constitutionalist leaders often found themselves unable to control their supporters in the streets, to the detriment of their own political aspirations and revolutionary unity more generally. This problem notoriously came to a head little more than a year after the British withdrawal in the infamous “Fort Wilson Riot,” an incident that highlighted both the Constitutionlists’ inability to sway the city militia and the growing significance of internal divides among the revolutionaries. Though the militia’s stated intent on October 4, 1779 was “that of sending away the wives and children of those men who had gone with the British,” an objective which implies a continued focus on the division between revolutionaries and supposed loyalists, the events of the day suggest more complicated motivations. As Steven Rosswurm notes, the militia did not in fact arrest any women or children. Instead, they apprehended a small group of men, most of whom were quite wealthy, including John Drinker and Thomas Story, whose recent offenses included violating price controls, not service to the British. Their most significant target became Republican stalwart James Wilson. Wilson had defended accused traitors in the courts, but was himself unquestionably a revolutionary, having signed the Declaration of Independence and served as a member of the Continental Congress. Though it’s entirely possible that capturing Wilson was not their original intention, the militiamen quickly warmed to the idea, going so far as to release all their earlier targets before reaching his home.<sup>646</sup>

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<sup>646</sup> Joseph Reed later had these men arrested, ostensible solely for their own protection. Thomas Story’s father, Enoch Story, had been a noteworthy agent serving the British during the occupation and fled during the withdrawal, but the son was discharged without being tried for treason. “Statement of Charles Willson Peale,” 423; Rosswurm, *Arms, Country, and Class*, 182, 212-213; Ousterhout, *A State Divided*, 205-206.



Charles Willson Peale, a noteworthy Constitutionalist, repeatedly, if futilely, attempted to obstruct the series of events that led to the violent clash at Wilson's home, joining with fellow radical leaders to "use every argument in their power to prevent any proceedings in that vain and dangerous undertaking." Joseph Reed himself, aided by Timothy Matlack, led the city's light cavalry in forcibly bringing the riot to an end, killing several militiamen in the process.<sup>647</sup> Wilson was only one of many active and noteworthy revolutionaries who found themselves in open conflict with groups of radicals. Robert Morris, Whitehead Humphreys, and Major General Benedict Arnold, all of whom, at that point, were regarded as strong advocates of Independence, were all subjected to the sorts of attacks, both political and physical, once more closely associated with so-called "Tories" and loyalists.<sup>648</sup> Incidents like the Fort Wilson Riot and the radical government's general inability to stabilize the economy alienated the electorate and enervated support for the Constitutionlists among the lower sort radicals. As a result, beginning in 1780, the tides of political power in Pennsylvania shifted decisively toward the Republicans and continued to do so through what remained of the war.<sup>649</sup>

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<sup>647</sup> "Statement of Charles Willson Peale," 424; Fisher, "Journal of Samuel Rowland Fisher," 169-73; John K. Alexander, "The Fort Wilson Incident of 1779: A Case Study of the Revolutionary Crowd," *WMQ* 31 (Oct., 1974), 601-602; Rosswurm, *Arms, Country, and Class*, 210-17.

<sup>648</sup> On the violent assault on Humphreys home, carried out in retribution for an anti-Constitutionalist essay which appeared in the *Evening Post*, see Brunhouse, *Counter-Revolution*, 74-75; Ousterhout, *A State Divided*, 200-201; *Pennsylvania Evening Post*, August 2, 1779.

<sup>649</sup> This shift is charted in detail from two strikingly different perspectives in the work of Steven Rosswurm and Robert Brunhouse. Though Rosswurm clearly sympathizes with the radical militia and Brunhouse unambiguously agrees with the conservative perspective of the Republicans, both scholars recognize the same split within the Constitutionalist Party and the rise of the conservatives beginning in 1780. See

## The Turning Point

In a number of ways, though the British occupation of Philadelphia subjected the disaffected inhabitants of the state to new heights of intolerance and oppression by the revolutionaries, the subsequent evacuation of the city marked the crucial turning point in their long ordeal. Perhaps most importantly, Britain's decision to abandon the city was widely recognized, by parties from across the political spectrum, as all but guaranteeing the eventual triumph of the revolutionaries, at least in Pennsylvania. Consequently, disaffected individuals who had long privileged self-interest and the material wellbeing of their families over political loyalties now had few, if any, incentives to withhold expressions of consent from the Patriot regime. Many who had once refrained from pledging themselves to the state because they feared imperial retribution or hoped to secure profits by trading with the redcoats now hurried to finally subscribe to the Test Act and secure the benefits of citizenship.

The relative security of the new independent governments and the absence of any competition from either British military leaders or the old colonial Assembly also made it possible for the rulers to accept these belated declarations of allegiance and to move, albeit slowly, toward seeing silent acquiescence as a sign of tacit consent rather than opposition. The same desire for a homogenous, unified people that had once prompted persecution of the disaffected could now encourage leniency and tolerance in the hope to, as Bryan put it, "avoid any noise from the people." In the absence of a truly dangerous enemy, the pressure to make "examples" of select offenders was reduced and political

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Rosswurm, *Arms, Country, and Class*, 203-248 and Brunhouse, *Counter-Revolution*, 88-155.

tools such as pardons could now be seen, not as signs of weakness, but as means to tying individuals to the state, either out of gratitude or simply by forcing those who applied for clemency to acknowledge revolutionary authority.

With the issue of home rule seemingly settled, the revolutionaries were increasingly focused on divisions within their own ranks. The ongoing economic crisis, which was due in part to the widespread devastation wrought by the campaign of 1777 and ensuing siege and occupation of Philadelphia, enflamed these divisions. Though many maintained a longstanding bitterness toward perceived loyalists, the binary divide between Whigs and Tories was now overshadowed by the dispute between Constitutionals and Republicans over how an independent Pennsylvania would be governed. Class divisions led to further fracturing, especially among the radicals, securing the eventual dominance of the more lenient conservatives and threatening to leave the lower sort radicals, in the words of Steven Rosswurm, “demoralized and depoliticized ... a simmering if inchoate mass of discontent.”<sup>650</sup> They marked the emergence of a new class of disaffected, defined by domestic politics and economic position rather than loyalty toward Britain.

The move toward greater tolerance and leniency, toward the incorporation and absorption of dissenters and the disaffected, was neither rapid nor steady. But in the years and decades to come, an expanding national mythology, the weight of history, and a growing canon of established civic texts would make it easier to justify republican government on the basis of the *tacit* consent of the people. In time, the independent governments, like the British and colonial administrations before them, would benefit

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<sup>650</sup> Rosswurm, *Arms, Country, and Class*, 203.

from their position as the established regimes in America, a place in which the disengaged and disinterested members of the population supported their continuation and legitimacy by default.<sup>651</sup> In the American capital, and the region surrounding it, that long journey began in the wake of the British occupation.

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<sup>651</sup> Francois Furstenberg's *In the Name of the Father: Washington's Legacy, Slavery, and the Making of a Nation* (New York: Penguin Press, 2006) offers an insightful explanation of how Americans in the early 19<sup>th</sup> century overcame "the particular challenge of U.S. nationalism," which was how to "reconcile consent with stability and continuity: to find a way for future generations voluntarily to give their consent" (103) once the Revolution was over.

## CONCLUSION

“The Revolution was in the minds and hearts of the people,” said Adams, and for a great many of “the people,” it was. Their conception of their “duties and obligations,” of their material interests, of the British empire, and their place in it changed in the fifteen years leading up to 1776, and that change in understanding led them to change the world. They fought, in various ways and for a variety of objectives: liberty (both political and economic), independence, wealth, power, religion, and an empire of their own in the New World. For these goals, among others, “the people” of America rose up and, at great cost, broke the chains which bound them to Great Britain and established a new nation, the United States.

That is, for so many Americans today, the essential story of our Revolution. It has been complicated in many ways over the years as we have come to realize what a diverse and divided group “the people” really were. Alongside the Patriots, who strove for independence, were the loyalists, who resisted it, whose conception of their “duties and obligations” had not changed. Interwoven and apart from these two sides were also the women and slaves of America, on whom society imposed duties and obligations of a much more immediate and intimate nature than those that bound the colonies to Great Britain. Around about them all dwelt peoples whose ancestors lived in America long before the age of British colonization. Certainly they did not all experience “The Revolution,” at least not the same Revolution, in their minds and hearts. These so-called “minorities” often carried out revolutions of their own, changes in their hearts and minds, in their understandings of their duties and obligations, and, in some cases, in their

material circumstances. Their stories were interwoven with, but still distinct from, the traditional Patriot narrative of national independence.

Yet perhaps the story of the Patriots, of those who sacrificed to secure American liberty from the empire, is itself a minority story. And perhaps it is the story of a smaller minority than we often imagine. For aside from the substantial portion of Americans (even white, male, Americans), who were openly neutral, there were some whose apparent commitment to the Revolution was only nominal, made in response to pressure or persecution. Others who stood with the Patriots in 1765 or '74, when the goal of the Revolution was liberty *within* the empire, had abandoned their ranks by 1776 and after, in the midst of a long war for freedom *from* the empire.

Pennsylvania certainly held many such people, though it took an invasion by the British Army for the full scope of its disaffection to become apparent. Before the invasion, the Patriots of Pennsylvania faced constant difficulties in creating a militia, in conforming commercial transactions to the virtuous model of republicanism, in guaranteeing politically responsible speech and writing, and even in securing a vote for independence itself. The months of the invasion and occupation proved that much of the unity and consent they had assembled was a sham. Put forward out of fear, convenience, or avarice, it melted away along with the revolutionaries' ability to forcibly control the region: the militia collapsed, the countryside rushed to trade with the enemy, and wherever the British could reach it seemed that the Patriots had no friends left.

Those months are revealing of more than just the extent of disaffection in Pennsylvania. In this environment, the revolutionaries' desire to see loyalty and commitment manifested through visible, tangible actions proved to be a double-edged

sword. Boycotts and militias could certainly demonstrate the unity of the people, giving ordinary Americans ways to express their dedication to the cause in languages everyone could understand. Such displays of unity helped to justify the Revolution and the new, independent governments it established on the basis of popular consent. Yet where commitment to the cause was shallow or primarily the result of external pressures, these displays could be deceiving. Because the Patriots so desperately needed a united, virtuous people to legitimate their Revolution, they placed tremendous and sometimes coercive pressure on their fellow colonists to join them. In so doing they inadvertently set themselves up to suffer sudden and catastrophic reversals when that pressure was removed and the people were freed to abandon the cause they had never wholeheartedly embraced. Such was the case following the British capture of Philadelphia.

The brutality of the revolutionary response, mixed as it was with accusations of high treason, demonstrates how threatening these reversals could be to a new nation that claimed to rule in accordance with the will of the people. In the attempt to preserve their vision of liberty, the Patriots at times imbued individuals and committees with tyrannical powers. Disaffection was most dangerous to the Revolution, and thus most likely to be persecuted without mercy, when the revolutionary regimes lost their monopolies on coercive force and were forced, in Washington's words, "to make examples" out of the few dissenters they could exercise power over. The British evacuation of Philadelphia, perceived as a signal that the revolutionary governments in Pennsylvania were finally secure in their control of the state, opened the door for an eventual integration of dissent and disaffection. Government by "the people" could be tolerant once the people were less threatening. The passage of time and the absence of a competing political power made

the explicit and expressed consent of the populace less important to the legitimacy of the regime and so freed the people from the worst of the pressures to consent.

The lens of disaffection also shows the awkward and at times contradictory position the British found themselves in while occupying Philadelphia. Because the region was disaffected from the Revolution, rather than truly loyal to the empire, the British were able to purchase considerable material support but unable to inspire declarations of allegiance or secure much needed enlistments in the army. Choices which won the affections of the surrounding countryside, and so threatened the Continentals at Valley Forge, could alienate inhabitants within the occupied city itself. Such was the case in Howe's refusal to reestablish the colonial paper currency and his hesitancy to launch a more forceful campaign in 1778. The local farmers benefited from the flow of specie and were freed from the worst rigors of war, while the people within Philadelphia faced bankruptcy and found themselves trapped in a besieged city with thousands of idle soldiers. Loyalists demanded a more rigorous enforcement of the oaths of allegiance, yet the revolutionaries' experience suggests that this was precisely the course of action that would have further alienated the disaffected. Though the people's indifference and antipathy severely undercut the revolutionaries' position in the state, it did surprisingly little to further the aims of the empire. The incessant plundering, burning, and brutality of the army while in the city certainly did nothing to help its situation.

Southeastern Pennsylvania, with its fragmented society and long history of pacifism, was a particularly rich site for this study. Further research is needed to determine to what extent the role of disaffection there was typical or exceptional for revolutionary America as a whole. Evidence from New York suggests it was not



unique.<sup>652</sup> The war in the south, complicated as it was by the ubiquity of slavery, a greater history of violence, and the full intervention of other European powers, may be a particularly challenging and rewarding place for an analysis of disaffection. The understudied occupation of Charleston and Britain's experience in attempting to restore civil government in Georgia are promising points of comparison. There too one finds environments where neither the Patriots nor the British could exercise complete control and times when authority, and hence the benefits of allegiance, shifted suddenly from one side to the other. This study suggests that those are the times and places where disaffection, that most quiet and elusive of affiliations, is most visible.<sup>653</sup>

The Revolution presented here is a messy affair, without the majesty of a straightforward struggle for liberty or even the clean lines of a civil war. It is a Revolution that was not just a "glorious cause" to be won, nor an "unnatural rebellion" to be defeated, but a dangerous and costly calamity that, for so many Americans, simply had to be *endured*. In that way, it is a Revolution not so different from those of our own time:

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<sup>652</sup> Sung Bok Kim demonstrates the growth of disaffection in Westchester County and how the patriot response could deepen it, Joseph S. Tiedemann shows New York to be a similarly fragmented society with similar results for the Revolution, and Judith Van Buskirk's work on occupied New York demonstrates many similarities in the movement of goods across the lines and the eventual assimilation of dissenters, among other things. See Kim, "The Limits of Politicization in the American Revolution: The Experience of Westchester County, New York," *The Journal of American History* 80, no. 3 (December 1, 1993), 868–889; Tiedemann, *Reluctant Revolutionaries: New York City and the Road to Independence, 1763-1776* (Ithaca: Cornell University Press, 2008); and Van Buskirk, *Generous Enemies: Patriots and Loyalists in Revolutionary New York* (Philadelphia: University of Pennsylvania Press, 2002).

<sup>653</sup> Michael McDonnell's work on Virginia shows strong similarities with some of my findings of Pennsylvania. See McDonnell, "Popular Mobilization and Political Culture in Revolutionary Virginia: The Failure of the Minutemen and the Revolution from Below," *The Journal of American History* 85, no. 3 (December 1, 1998), 946–981.

full of people simply hoping to come through the storm with their lives, their families, and their property intact. It is a Revolution drained of much of its romance, and yet still, perhaps for that reason, all the more human.

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