Were the Loyalists persecuted by the Patriots during the Revolutionary War?

Viewpoint: Yes. Patriot leaders used violence, intimidation, confiscation of property, banishment, and political, economic, and social ostracism to persecute Loyalists.

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"A Tory," according to one Patriot, "is a thing whose head is in England, and its body in America, and its neck ought to be stretched." This colorful quote illustrates the divisive nature of America's War of Independence (1775-1783) and the hostilities it generated between American Patriots and Loyalists. For this reason, among others, historians have correctly labeled the American Revolution as the nation's first civil war. Although estimates on Loyalist strength are imprecise, partly because so many Americans shifted their allegiance depending on the fortunes of war, a substantial number of white Americans (perhaps as many as one-fifth) remained loyal to Great Britain and actively opposed independence.

Interestingly, Loyalists and Patriots held to a similar political ideology. Most Loyalists, like their opposites, objected to parliamentary policies, particularly that of taxation, and pushed for constitutional reform. They also believed in the natural rights of man—life, liberty, and the pursuit of happiness. However, the Loyalists, unlike the Patriots, were convinced that independence would destroy these rights by promoting anarchy.

Quickly, however, the revolutionary movement evolved from a political fight to a military one. Nearly fifty thousand Tories fought for the British cause during the war; many more either served as spies and informers or provided food and supplies to the British. In short, the Loyalists, despite their lack of intercolonial unity and organization, posed a real threat to the American independence movement. At first, Patriot leaders tried to convert, or at least neutralize, the Loyalists through reason and social and economic pressure. When these mild measures failed, revolutionary governments passed harsher decrees that were often carried out by unmanageable mobs. Fueling Patriot vengeance against the Loyalists was their view of them as more than just enemies; they were traitors who did not deserve protection against excessive cruelties usually inflicted on formal military opponents.

However, it is important to place the Patriot treatment of Loyalists in both a contemporary and an historical context. The Patriots were fighting a war with the mightiest military power in Europe; the Loyalists provided valuable assistance to Britain in its attempt to crush the rebellion. Patriot leaders were therefore justified in attacking and persecuting British supporters and sympathizers. One may only argue whether this persecution was relatively harsh or lenient. Additionally, the Americans did not treat the Loyalists any more severely than the British had treated the Scots after Culloden (1746) or...
the Irish after their 1798 uprising. In the final analysis, though, the severity and leniency of the treatment of Loyalists is in the eye of the beholder. Those Tories who were tarred and feathered, banished, and had their property confiscated must have felt Patriot vengeance was unjust and cruel. On the other hand, Patriot leaders, many of whom would have received similar, if not harsher, treatment by the British had the United States lost the war, believed their attacks on American Loyalists were deserved and necessary. Today, with the emotions surrounding this issue largely subsided, perhaps one can make a more accurate judgment regarding how fairly or unfairly the Patriots treated the Loyalists.

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On the evening of 19 September 1778 a large party of Loyalist refugee families reached the safety of British lines along the northern reaches of Lake Champlain. Their leader was a merchant, innkeeper, and justice of the peace from Schenectady, New York. The twenty or so people under his charge had been evicted from their homes by New York's Commissioners for Detecting and Defeating Conspiracies. Rebel banishment proved the denouement in a series of indignities—economic boycott, intimidation, mob violence, arrest, imprisonment, and property forfeiture—meted out to Loyalists. Upon his arrival at Fort St. John, the deportee leader wrote a lengthy memorial to the governor of Quebec describing his continued attempts to quell the insurrection. He purposely omitted details about his recent hardships because of assurances that a wide circle of influential people had knowledge of his many misfortunes.

The magistrate's conviction that informed contemporaries were aware of Loyalist adversaries arising from their stalwart defense of King and country stands juxtaposed against revisionist attempts to mitigate republican oppression of political opponents during the American Revolution (1775-1783). Modern historians have advanced three deceptive arguments exculpating Patriot leaders for their organized persecution of Loyalists. First, they have blamed the victims. Colonists not marching in lockstep with the revolutionary agenda were labeled "Tories," a pejorative term alluding to those who believed in the royal prerogative and the established Church, who were at odds with mainstream society because of their dependence upon a corrupt metropolitan administration. Second, historians have obscured the enormity of the Patriot crimes committed against Loyalists by reasoning that there were not many Crown sympathizers in America. Finally, they stress the benevolence of postwar state governments, arguing that the legislative lifting of sanctions against dissidents proves that republican officeholders were lenient individuals who were magnanimous in victory. Simplistic bromides, however, cannot alter the historical record nor minimize the fact that intense persecution cowed many colonists into neutrality and drove 100,000 Americans to new homes in Canada, Nova Scotia, the West Indies, and the United Kingdom.

Contrary to popular belief, Loyalists were not an elite fringe group since they reflected all elements of provincial society's diverse ethnic, economic, and social mix. A majority considered themselves fortunate to be subjects of a nation that provided its inhabitants with unparalleled economic and religious freedom. While not all agreed with imperial fiats proceeding from Whitehall, they refused to support revolutionary designs to break ties with a government that provided so many benefits. It is important to realize, moreover, that their community identity as Britons had been forged as an antithesis to the despotic courts of the Bourbon and Habsburg dynasties. Such Manichaean dualism precluded a third alternative between these rival ideologies: the establishment of a successful New World republic independent from the old European political orders. Thus approximately 20 percent of white inhabitants, almost 480,000 people, intimated support for the royalist cause. Their greatest concentrations were located astride back-country borders, particularly in the South, as well as in various pockets throughout New York and New Jersey. To these calculations one must also add a substantial number of Amerindian groups who feared rebel expropriations of their lands, together with African American slaves freed because of military service to the Crown.

The dividing line between opposing political camps slowly grew in the decade preceding the exchange of gunfire at Lexington on 19 April 1775. Initial public support for the revolutionary cause was orchestrated by extralegal committees of correspondence originally formed to protest imperial revenue measures during the mid 1760s. They were reconstituted by late 1772 as precursors to the First Continental Congress, which endorsed a Continental Association designed to boycott trade with Britain in Octo-
Local revolutionaries created county committees to enforce the boycott, reproving those who purchased or consumed products imported from Britain. Soon, other extralegal bodies were inquiring into more than just individual purchasing habits; they now required all adult males to sign manifestos pledging support of Congress's activities while decrying the policies of George III and his ministers. Such associations, as the documents were called, rapidly became litmus tests of political allegiance. Failure to endorse these affidavits inevitably drew the ire of the local inquisition now operating as a shadow government parallel to the provincial legislatures and judiciary.

Enforcement committees used a wide variety of methods to ferret out and silence those perceived inimical to the Rebel cause. Naturally, community leaders were first targeted for vigilante justice by black shirts misnamed "sons of liberty." Favorite coercive techniques included tarring and feathering, carting, riding the rail, or beatings, in conjunction with other acts of public humiliation. In Charles Town, South Carolina, for example, revolutionary leaders created a public exhibition designed to excite the people against the local "King's men." To that end, they constructed a large, movable stage-like frame and furnished it with effigies representing the Pope, Lords Grenville and North, and the Devil. Early one morning in April 1776, this "uncommon spectacle" was placed in an active site between the public market and St. Michael's Church. A large crowd soon gathered around the apparatus, wondering about its purpose. Their queries were soon answered, for no sooner did a royal official or an individual suspected of loyalist sentiments pass by, than the Pope immediately bowed with proportioned respect to them; the Devil at the same moment hurled his dart at the Pope's head, causing the crowd to convulse with laughter. The stationary effigies of Grenville and North, portrayed as attendants of the Pope, drew jeers from the people for the oppressive acts against Americans that they had steered through Parliament.

Patriots also delivered messages to Loyalists in much more violent ways; even lesser officials and ordinary people were targets of Patriot vengeance if they expressed any public distaste for the de facto revolutionary government or failed to sign the associations. One unfortunate man who unwisely denounced the Patriots was George Walker, the royal gunner at Fort Johnson in Charles Town. Patriots there gave Walker a "new suit of Cloathes" made of tar and feathers for openly uttering the "most bitter curses and imprecations" against the American rebellion. Afterward a mob of about five hundred people, most of them newly recruited soldiers, carted Walker through town for five hours while pelting him with rocks. The mob made many stops during this cruel procession to
present the burned, bloodied, and nearly blind gunner to the home of every leading Tory as an example of what awaited them if they opposed Whig authority in any way. In a final act of sadism, the Patriots then pumped water on and into Walker for an hour before throwing him off Beale's Wharf into the harbor. More fortunate dissidents were simply rounded up, brought before tribunals, and held in custody until they either averred support for revolutionary actions or posted substantial bonds to remain neutral. These arbitrary courts provided grist for the Loyalist press. The anonymous Westchester Farmer could not help but remark, "If I must be enslaved, let me be by a KING at least, and not by a parcel of upstart lawless Committee-men. If I must be devoured, let me be devoured by the jaws of a lion, and not gnawed to death by rats and vermin."

Trenchant criticism such as that leveled by the Westchester Farmer made members of the Anglican communion special objects for suspicion since they acknowledged George III as temporal head of their denomination. They, in good conscience, could not participate in activities undermining the King’s authority that transgressed solemn vows of allegiance. Other Rebel interference with church liturgy, such as censoring routine prayers for the royal family's well-being or compelling participation in religious exercises to support further political reforms, seemed equally iniquitous at a time when agitators still claimed to be only aggrieved subjects. Dereliction of clerical duties on these public occasions or any imimical words about Congressional proceedings spoken during the homily often resulted in church closure, forfeiture of salary, and rough treatment. Lay members also were forbidden to observe routine celebrations marking the King’s accession or birthday. Patriot leaders forcefully quashed and arrested those participating in festivities indicating persistent fealty to Augustan monarchs.

Failure of metropolitan officials to stop the insurrection at its inception by a massive deployment of regular regiments animated Patriots to bolder measures. Patriots confiscated property belonging to Loyalist merchants for use in their growing military effort against the redcoats. Continental soldiers were billeted in the homes or taverns of known British sympathizers so that those residents bore the cost of maintaining their oppressors for months at a time. Men who refused to take up arms against the King’s Men by enlistment with Rebel militias faced severe monetary sanctions and confinement. When finally paroled upon a promise of good behavior, these conscientious objectors were not allowed to return to former livelihoods unless they had sworn allegiance to the new order. Financial pressures of this magnitude brought many to heel simply because they could not bear to see their loved ones destitute.

Incorrigibles not converted by the horrendous living conditions in overcrowded local jails were often sent to detention centers deemed beyond the reach of the British military. Prisoners had to pay for their cartage to prison camps as well as for their food and that of the armed guards accompanying them. Those unable to bear these enormous expenses were forced to labor for their upkeep. This internal exile was rarely pleasant. Prisoners were bound by ill-fitting shackles and exposed to populist rage in communities through which the chain gangs passed. One New Englander Patriot opined in the local Connecticut Gazette, and the Universal Intelligencer in 1776 that he would "rather suffer a witch than a Tory to live." Connecticut’s notorious Newgate prison was actually an abandoned mine shaft where Loyalists were kept fettered in subterranean caverns until they recanted or escaped by desperate flight.

The Declaration of Independence (1776) marked a watershed in the struggle between Crown and Congress, when inaugural state legislatures mandated pledges of allegiance from all residents. Neutrality was no longer an option by mid 1777 with new committees formed to remove all political disidents. Inhabitants were required to publicly abjure the King and Parliament and swear allegiance to the new republic. Those who failed to do so were considered enemies of the state by authorities and expelled to British lines. Family units, however, were not regarded as inviolate. Young men or those otherwise deemed capable of bearing arms, such as male slaves, were kept to serve in the militia. Authorities also placed restrictions on the amount of portable chattel deorteues could take with them: only fourteen days of provisions together with anything they could load into two wagons. The greater part of a life’s work—homes, farms, businesses, stock, and property—were sold by the Rebels at public auctions.

Scholarly attempts to deny Loyalist persecution do so at the expense of the historical record. One cannot read through official archives, judicial evidence, personal journals, or eyewitness accounts without discovering testimony to this seamier side of the American Revolution. Public exhibitions of brutality in tandem with incarceration and persistent economic duress were the foremost weapons used by agitators to grind fellow subjects into submission. Nearly 380,000 dissidents succumbed to their draconian methods and signed oaths of allegiance to the newly created states in which they lived. Those 100,000 who continued to oppose the revolutionary governments were eventually driven from their
homes into permanent exile, leaving property and some dependents behind to languish in enemy care. It is paradoxical that Founding Fathers who espoused the natural rights of man denied those liberties to nearly 500,000 adherents of a proven constitutional monarchy.

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**Viewpoint:**
No. Although Patriots inflicted some violence against Loyalists, it was isolated and brief. Indeed, following the war, many Loyalists returned home where they recovered lost property, collected debts, and moved in Patriot circles.

Shortly before and during the American Revolution (1775–1783), colonists who did not support the struggle for independence were the targets of occasional violent mob action and legal restrictions. Patriot mobs occasionally assaulted Loyalists in the streets and ransacked their homes, but more commonly, they boycotted their businesses and passed laws requiring all citizens to take an oath of allegiance. Those who refused the oath of allegiance faced imprisonment. Although courts sternly enforced anti-Loyalist laws, they also frequently accepted petitions from Loyalists requesting leniency. And, as soon as hostilities ended, Loyalists and Patriots quickly reassorted family and friendship ties. Many Loyalists returned from their exiles in England and Canada to their former homes in America, where they integrated themselves into the new republican society.

Although spontaneous popular protest against Loyalists sometimes led to cruel assaults, prewar cultural differences were often a more important cause for mistreatment than political differences. Captured by angry Patriot mobs, Tories were subjected to painful tarring and feathering or were made to take a rough "ride on a rail horse." Of course, such treatment was brutal, but it pales in comparison to the bloody Jacobin Terror (1793–1794) of the French Revolution. In New York, where the hostility between Patriots and Loyalists was most bitter, only fifteen Loyalists were executed. There was also little violence against Loyalists in the other Mid-Atlantic states or in the settled areas of the South. New England Patriots—pre-Revolutionary Boston mobs excluded—rarely physically attacked Loyalists. Often friends and neighbors warned the intended target of Patriot wrath, allowing them to flee to safety. For example, in May 1775, Patriot leaders in Charles Town, South Carolina, considered John Stuart, the superintendent of Indian affairs for the Southern colonies, so "obnoxious and dangerous" that they made plans to arrest him. Upon learning of this scheme, Stuart fled from his Charles Town sickbed (he was suffering from malaria) to his Lady's Island plantation, barely escaping the "fury of a merciless and ungovernable Mob." Some people even intervened to stop mob attacks already under way. Further inhibiting excessive violence against Loyalists were official orders requiring militia to treat women and children properly. However, those Loyalists who had been unpopular before the war were far more likely to be stripped, tarred and feathered, and paraded through the streets. In Pennsylvania, for example, the Revolution intensified traditional hostility toward Quakers, whose pacifism irked many Patriot leaders. Indeed, Quakers were sometimes convicted of treason on flimsy evidence and executed.

Loyalists in the Southern backcountry also experienced violent treatment. Family feuds, banditry, and murder were a part of daily life on the Southern frontier. Not surprisingly, a bitter, violent, cruel civil war erupted there between Loyalist and Patriots. Technically, this fighting was not political terrorism but rather the general fury of an isolated, uncivilized culture unchecked by institutionalized authority. But in the more settled areas of the South, as well as in the Mid-Atlantic and New England states, Loyalists were subject to relatively mild penalties. Sometimes Patriots boycotted Loyalists' businesses and ostracized them from patriotic social circles. Most of the time, however, communities tolerated their disloyal members. On those occasions when Patriots went beyond verbal abuse, it was often in reaction to specific war-related events or was focused on particular groups and individuals and not part of a general attack against Loyalists. For example, during the Stamp Act (1765) controversy, Boston Patriots tore down Governor Thomas Hutchinson's house but did not attack other royal officials.

Once fighting began, Loyalists who refused to take an oath of allegiance to the state government lost their legal rights. They could not sue for debt, sell or buy land, own a gun, or hold public office. Punishment for violating any of these provisions included imprisonment, punitive taxation, confiscation of property, or banishment. Still, prosecutors rarely asked for banishment and confiscation of property, and courts often hesitated to strictly enforce the lesser penalties. Virginia judges, for example, allowed Tories to escape imprisonment simply by promising good behavior in the future. North Carolina jailed convicted Loyalists but
appointed committees to care for their wives and children. Finally, the New Hampshire legislature generously offered Loyalists three months to leave the state.

One reason why Patriots treated Loyalists leniently during the Revolution was that loyalty had been the traditional allegiance. Not until 1776, when Congress declared American independence, were people forced to choose sides. This decision was not easy for many colonists, some of whom kept a foot in both camps in an attempt to “play it safe.” Many who chose to join the Patriots could still understand why others chose to remain loyal. Patriots did not regard loyalty as a major threat because most Loyalists were moderates who tended to be neutral and lacked a strong common ideology. Furthermore, community ties of kinship and friendship seemed to be more important to ordinary people than political ideology. Desire for community harmony and sympathy for Loyalist views contributed to the Patriots’ mild treatment of the Tories. Revolutionary leaders had similar reasons to be lenient. Although they threatened dissenters with harsh punishments in an attempt to frighten them, they thought pardons were more effective in neutralizing the Tories.

Although states banished some Loyalists and confiscated their estates, there were means available that allowed them to keep their property. A successful method of preventing the government from confiscating an estate was for a husband to leave his wife or adult children behind to protect the property. Although absentee estates were legally liable to confiscation, homes occupied by abandoned members of Loyalist families were not confiscated. Loyalists might also petition the courts for clemency or relief. Petitioners often received relief from confiscation by the courts or regained their property from a forgiving legislature. In 1776, for example, the New Jersey legislature allowed commissioners to seize and sell the property belonging to Loyalists who had fled to the British lines, but the law also required the government to give the proceeds to those exiles who returned within a year. After the war, other states showed similar tolerance toward returning dissenters. Massachusetts courts, for example, ruled that if an abandoned estate was legally confiscated and sold during the war, the previous owner could receive compensation from the state.

Indeed, when the war ended most former Loyalists were smoothly reintegrated into society and lived peacefully in their communities as they had before the conflict. With the end of hostilities, law and order were reestablished, which significantly curtailed harassment of former Loyalists. In fact, there was no broad hatred toward those who had remained loyal to the Crown, which encouraged a surprising number of exiled Loyalists to return home. Even Loyalists who had served in the British Army were able to move back into their former residences. Some regained their confiscated property, while others collected old debts. Of course, a return to normalcy varied from state to state. Returnees found the most difficult situation in New York, where courts even refused petitions of former Loyalists asking to return to the state. Not until 1788 did the Empire State repeal all anti-Tory

**CURSE ALL TRAITORS!**

The following account describes the cruelty Patriots sometimes inflicted on recalcitrant Loyalists. It comes from a letter written by Ann Hulton of Boston, 31 January 1774:

But the most shocking cruelty was exercised a few nights ago, upon a poor old man, a tideman, one Malcolm. He is reckoned creasy, a quarrel was picked with him, he was afterwards taken and tarred and feathered. Theres no law that knows a punishment for the greatest crimes beyond what this is of cruel torture. And this instance exceeds any other before it. He was stript stark naked, one of the severest cold nights this winter, his body covered all over with tar, then with feathers, his arm dislocating in tearing off his cloaths. He was dragged in a cart with thousands attending, some beating him with clubs and knocking him out of the cart, then in again. They gave him several severe whippings, at different parts of the town. This spectacle of horror and sportive cruelty was exhibited for about five hours.

The unhappy wretch they say behaved with the greatest intrepidity and fortitude all the while. Before he was taken, he defended himself a long time against numbers, and afterwards when under torture they demanded of him to curse his masters, the King, Governor, etc., which they could not make him do, till he cried, "Curse all traitors!" They brought him to the gallows and put a rope about his neck, saying they would hang him. He said he wished they would, but they could not, for God was above the Devil. The doctors say that it is impossible this poor creature can live. They say his flesh comes off his back in stakes.

It is the second time he has been tarred and feathered and this is looked upon more to intimidate the judges and others than a spite to the unhappy victim tho' they owe him a grudge for some things particularly. . . . These few instances amongst many serve to shew the abject state of government and the licentiousness and barbarism of the times. There's no majesty that dare or will act to suppress the outrages. No person is secure.

legislation. Compared with contemporary European civil struggles, however, American treatment of Loyalists was relatively lenient. Aristocrat refugees from the French Revolution did not even have the option of returning to their home country.

In the early American Republic, returnees were able to rebuild their lives. Heartily welcomed and kindly received by old friends and foes alike, former Loyalists quickly reasserted family and community ties. Some former Loyalists and their children not only moved in Patriot circles but also participated in the political culture. Former Loyalist Sylvester Gardiner, for example, was chosen to give a Fourth of July speech in Boston, while Thomas Brattle became a founding member of the Massachusetts Historical Society. Some Tories were also elected to local offices, even in the most rabidly anti-Loyalist state of New York. As convivial, skillful, and stabilizing members of society, former Loyalists were so completely integrated into post-Revolutionary society that when they died, they were not remembered as Tories but as educated, esteemed, benevolent, and patriotic citizens.

Although white Loyalists enjoyed lenient treatment and a tolerant reception, black Loyalists, on the other hand, suffered a different experience. The British granted freedom to those slaves who fought on their side, but racial discrimination was still as virulent as ever. Following the promise of freedom, many black Loyalists left for Nova Scotia after the war. In contrast to white Tories who settled in Canada, only a few former slaves were granted land. As landless laborers they lived in poverty.

After the Revolutionary War, Americans could not have justified harsh treatment toward Loyalists who had not fled, because by remaining in the country they had passively signaled their acceptance of independence and the new political system. If family and friendship ties had been loosened by the conflict, they were reasserted with the peace. Returnees moved comfortably into post-Revolutionary society because they often had skills, education, and capital necessary to rebuild the war-torn nation. Some leaders also feared that unfair treatment would tarnish the young republic's reputation. Kin and patronage connections, additionally, made it difficult for the courts to strictly enforce confiscation of estates and personal banishment. For example, former Whigs sometimes testified on behalf of former Tories, arguing that friends or relatives had been forced into the British Army.

Violent outbreaks against Loyalists were short and isolated, and their political sins were quickly forgiven by old friends and the new state governments. A humanitarian attitude, strong community and kinship ties, and the moderate character of the Loyalists led Americans to tolerate their disloyal countrymen during the Revolution and to welcome them home to a new diverse nation after the war.

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