

Chapter 1

The DePeyster Tradition

During the Revolutionary War, loyalty was complicated. Often the financial, political, and familial concerns of an individual and community overlapped and created contradictions, which could be reconciled only with difficulty, if at all. In New York, this was especially true. There, the inhabitants participated in their local economy while also playing a part in the economy of the British Empire. The produce of New York found a good market in the British West Indies, where it was shipped via New York–owned ships. This economic relationship was complicated by multilayered political relationships. The great landed families of New York vied for control of the government with each other and with the great merchant families of New York City. In this contest, each side utilized their tenants and employees against each other. Another complication was that most of these families were inter-related through marriage to one another. Due to these complicated relationships, the loyalty of a person to either side of any contest was rarely such a clear-cut issue. For the DePeysters this is especially true. It is possible, however, to identify one overriding factor governing their choices throughout the war and thereafter. Decisions regarding loyalty, politics, and money were made with one question in mind: Would it be good for the DePeyster family?

The DePeysters were prominent in New York under both Dutch and English rule. Johannes DePeyster (1626–1699),¹ as the family's American patriarch, can be found in almost any history of New Amsterdam or early colonial New York. Arriving in New Amsterdam around 1647, Johannes DePeyster made his mark on the colony as a successful

import merchant and through his service to the colony under Dutch rule as *Schepen* and *Burgomaster* and later under English rule as Alderman and Deputy Mayor.²

Johannes's son Abraham (1657–1728) was likewise well known. From his father, he inherited land and the connections of business and society. Like his father, Abraham held many government positions including alderman, mayor, Supreme Court judge (and later chief justice), member of the King's Council, acting governor for a short time, and treasurer for the provinces of New York and New Jersey. In addition to the many positions he held in government, he also held the rank of Colonel and commanded the city and county militia. During his life, Abraham was one of the wealthiest merchants in his generation, known particularly for wine importation.³

Abraham also associated with the elites of colonial society. Among his particular friends were the Earl of Bellomont, governor of New York and Massachusetts, and William Penn, proprietor of Pennsylvania. In 1695, while serving as the mayor, Abraham built the DePeyster mansion in the heart of the merchant community, near the East River, on Queen Street (later renamed Pearl Street). As demand for space grew, New Yorkers filled in the waterfront, pushing the DePeyster mansion farther from the docks. The area, however, remained socially desirable until after the Revolutionary War. The house itself stood until 1856. The house boasted spectacular gardens, which encompassed a large area, part of which were later donated to the city for the building of City Hall. The grounds likewise included detached buildings that housed stables, kitchens, and slave quarters. The mansion itself was 59 by 80 feet and three stories tall, not including the attic area. It boasted double-arched windows across the front as well as a balcony that extended the full length of the house. The home soon became a favorite gathering spot for political dignitaries and the social elite. In fact, colonial governors would review their troops from the balcony of the DePeyster mansion. As was common at the time, the mansion also contained an office for Abraham's merchant activities.⁴

In addition to Abraham's political positions, his siblings, children, nephews, and nieces also furthered the interests of the family by intermarrying with the other elite families of New York City. Soon

the DePeysters were related by marriage and blood to families like the DeLanceys, Axtells, Jays, Schuylers, Beekmans, Hakes, Bayards, DuBoises, Reades, Clarksons, Ogdens, Hammersleys, Charltons, and Livingstons, just to name a few. These types of connections provided succeeding generations with a readymade network to establish themselves in both society and business. After families Anglicized, younger generations were expected to utilize these contacts to build their own fortunes; those who could not, were not usually trusted with as large a share of inherited wealth. This was contrary to Dutch traditions where all children, including females, inherited equally. This is, however, typical of New York merchant families who wanted to safeguard the family wealth and status.⁵

Near the end of his public career, Abraham DePeyster served the colonies of New York and New Jersey as treasurer; however, in 1721 he suffered a mental breakdown, the specifics of which are not recorded, which prevented his further participation in public life.⁶ His son Abraham Jr. (1696–1767) then took over the position of treasurer for New York as well as the family's shipping interests at the age of 25. Unlike his father, Abraham Jr. did not pursue a variety of political positions; apart from being treasurer, he held no other political positions. This did not detract from the family's standing. In fact, throughout Abraham Jr.'s lifetime, the family's status and prestige continued to grow. Abraham Jr. expanded his shipping interests to include smuggling and privateering and was consistently listed among the wealthiest inhabitants of New York.⁷ Smuggling at this time was more or less socially acceptable; people knew who did it and purchased their goods, but generally did not go so far as to speak of it in polite company.⁸

In 1722, Abraham Jr. married Margaretta Van Cortlandt, daughter of Jacobus Van Cortlandt, former mayor of New York City. Together they had eleven children, five of whom lived into adulthood. Their oldest surviving son, James (1726–1799), followed his father into shipping. James DePeyster was also known as James Abraham, James A. or Jacobus. There is very little relating to James DePeyster in the DePeyster Collection at the New-York Historical Society; it could be that his documents fell victim to servants' fires, that he destroyed them during the Battle of Long Island, or that he simply was not a "saver." Either

way, it makes determining his relationships with his children difficult. While Abraham was known for importation, smuggling, and privateering, James focused primarily upon the latter two activities and owned, in part or whole, a large fleet of vessels for those purposes.⁹ The shift in shipping tactics makes sense, given the time in which James operated. With Great Britain and the colonies involved in a series of wars encompassing both Europe and the Americas, there was ample opportunity for privateers and smugglers to operate profitably.¹⁰

James's marriage in 1748 to Sarah Reade, daughter of Joseph Reade and member of the King's Council, brought another change to the family as they moved their membership from the Dutch Reformed Church to Trinity Episcopal.¹¹ This is not too surprising as "Anglicanism was a faith based on nationality," and the Reades were conspicuously English.¹² Additionally, according to Dutch tradition, the groom would take on the religion of his bride. This is part of the reason Dutch traditions persisted so long in New York after the English took over. While the Dutch Reformed Church maintained a large amount of influence in New York City and probably ranked second to the Anglican church in the wealth of its parishioners, the dilution of the Dutch community and the splitting of the congregation over which language to hold services indicated its declining importance. Trinity was the church of New York's political elite, and it attracted the affluent and influential; the DePeysters' move to Trinity had the potential to benefit more than just their souls.¹³

James and his wife Sarah continued to live in the house on Queen Street with his father and mother,¹⁴ but he also built a country house called *Ranelagh* (located at what today is Broadway and Worth Street) for his family to retire and entertain "dignitaries of state and celebrities from abroad."¹⁵ The house was castle-like and handsomely furnished, and it contained a large library of rare and valuable books. The gardens were extensive, with groves and wooded walks, lawns, and flower gardens.¹⁶ James was known as a gentleman of leisure during this time, despite his shipping interests, and took little interest in politics. The couple's family grew rapidly; out of thirteen children, nine lived into adulthood. The family's wealth allowed the children of James and Sarah to have an ideal childhood. Reminiscences of the siblings from later

in life depict idyllic carriage rides through tree-lined roads and along river banks, long walks with “pals,” and the family’s good company.¹⁷

This idyllic situation changed, however, when James’s ships were swept from the seas as casualties of the French and Indian War. While some of his ships undoubtedly fell prey to the French Navy, James also faced losses from the British Navy, which aimed to put an end to illegal trade with the French West Indies. In *Defying Empire*, Thomas M. Truxes described some of the problems James ran into during the French and Indian War. For instance, when an informant turned him in for loading flour without the proper certificates, for loading ships with naval stores bound for neutral ports, and for importing French goods disguised as British goods, James and his partner faced fines and criminal charges for subverting the law and supplying the enemy in a time of war.¹⁸ This is the specific reference to the observed illegal activity; however, Truxes returns to the incident throughout the book, including the report and arrest of James DePeyster and his partner as well as their revenge upon the informant. The revenge on the informant extended beyond just James DePeyster and his partner; just about everyone involved with merchant activities in New York, including investors, participated in ruining the reputation and life of the informant, George Spencer. This elite group roused the rabble against the informer, trundling him through the streets in an open wagon while the populace threw vegetables and insults at the man. When that torment proved insufficient to deter Spencer, the group conspired to buy one of his debts and then threw him in jail when he failed to pay. Spencer’s credit, name, and reputation were ruined in New York City, but rather than back down from his accusations, Spencer persisted in hopes of a reward. The trial turned into a bit of a farce as the jury of DePeyster’s peers refused to convict. This type of trade and smuggling could be considered treason under the Treason Act of 1351, which prohibited providing “aid and comfort” to the enemy; however, officials rarely prosecuted these cases as such because the Act also required proof of intent to secure the enemy’s victory.¹⁹ Many prominent New York City residents were involved with this type of trade, “the mayor, several aldermen, the families of Supreme Court justices, in-laws of two lieutenant-governors, members of the provincial assembly and the Governor’s Council” as

well as the merchant elite.²⁰ Additionally, the difficulty of obtaining testimony against members in these groups forced British officials to level lesser, but still severe, charges for trading with the enemy. Regardless of the method of loss, by the end of the war James was left a debtor. With incessant demands from creditors mounting in the postwar depression, Abraham Jr. took out a series of loans, some quite large, from friends and family to cover his son's debts.²¹ Backed by his father, James's shaky financial situation seemed well-secured. Consequently, very little changed for the DePeysters immediately.

The same could not be said for New York. The years following the French and Indian War were politically tumultuous for the colonies, and New York City was no exception to this phenomenon. The chaotic atmosphere exacerbated tensions already present in politics. In the 1750s, two leading factions in New York politics were represented as the "country party" and "court party."²² The priorities of the groups were markedly different. The country party was concerned about maintaining their holdings, and focused on strengthening New York through greater settlement of the colony and the proliferation of farms. They emphasized the "power of the elected assembly" over that of the "governor and council."²³ The city-based court party believed that trade was the key, and, as a result, they could count much of the merchant community among their supporters.²⁴ They emphasized the legitimacy of the governor and the prevalence of government officials within their ranks.²⁵ The court party had yet one more title, the "Episcopal Party," as many constituents were also members at Trinity Church.²⁶ Given the divergent aims of the parties, the court and the country parties jockeyed for position within the government of colonial New York.²⁷

When the British government passed the Sugar and Stamp Acts, the merchants of New York, many of whom belonged to the Court party, protested the measures because they feared the Acts would harm business. Many of those who signed these protests, and indeed some of whom even served initially as delegates to the Continental Congress, turned away from the radical direction some colleagues were taking toward armed rebellion. For Loyalists it was one thing to protest a measure formally that they thought unfair; it was quite another to take extra-legal steps to remedy the situation. This point in particular

became a matter of pride for the Loyalists in Canada after the Revolution who, despite their points of contention with the government, never resorted to armed resistance to make their point. Although New York was not the most radical in its protest, it has been described as the “loudest,” both in 1764 and thereafter, up until the actual Declaration of Independence.²⁸ Given New York’s economic dependency on Atlantic trade, both with Great Britain and other nations, many found it was in their best interest for the relationship with their parent country to remain the way it was prior to the French and Indian War. That does not mean that they desired separation from Great Britain, but rather that they may have wanted simply a return to normalcy. Michael Kammen states that while New York may not have been the “cockpit” for the Revolution like Massachusetts, its self-interest in—and reactions to—the issues made it a fulcrum.²⁹ For example, New York’s initial protest resulted in the calling of the Stamp Act Congress in 1765 at New York City from October 7th to the 22nd. After the Stamp Act Congress adjourned, the situation in New York quickly deteriorated for traditional leaders and elites. As the general populace became involved in the various protests, traditional leadership eroded and found itself forced to compromise more and more with radical elements who wanted more decisive action. The leading families attempted to restrain the crowds to prevent unprincipled actions, but they did so to the detriment of their own influence.³⁰ Nevertheless, the residents of New York City, never the easiest group to deal with due to their diversity, mostly shied away from radical action. If separation with Great Britain occurred, or the port was heavily restricted, the financial loss would affect everyone. The result was that during the ensuing months, radical leaders rarely got their way either. For the most part, the activities of the mobs in New York were fairly tame as mob activities go, taking out more wrath on effigies than on actual persons or properties. One exception to this was the destruction of Major Thomas James’s house. This incident terrified the traditional leadership into a more conservative position, favoring paper protests to more popular protests.³¹

Major Thomas James was the commander of the British Artillery at Fort George in New York and future son-in-law of James DePeyster.³² Major James made himself particularly obnoxious to the protestors

when he announced that he would “cram the Stamps down their throats.”³³ Rumors circulated that should violence break out, Major James “was to be buried alive.”³⁴ When the riots finally did break out on October 31, 1765, the mob did not bury the Major but made its way to his newly renovated estate near *Vaux Hall*, on the outskirts of town.³⁵ The mob carried off what treasures they could, including liquor, books, clothes, and linens. What they did not want or could not carry, they destroyed. The mob cut open beds, smashed glass and china, and built a fire on the grounds to burn other items.³⁶ The house itself they “beat to Pieces all the Doors, Sashes, Window Frames and Partitions in the House, leaving it a mere Shell.”³⁷ To the city’s elites, this action was a blatant destruction of property, and they feared their property might be next. Thus, many of New York’s elites reconsidered their association with the more radical elements, and party affiliation became fluid. In other words, class now played a more significant role in determining what side individuals chose.³⁸

Two years after the Stamp Act Riots, Abraham Jr. passed away. His will is simplicity in itself. He directed that all of his “just debts” be paid, and the rest of the estate go to his wife until her death, after which his children would share equally, as was the Dutch tradition.³⁹ Despite the simplicity of his will, Abraham Jr.’s estate was large. He owned a great deal of property including about half of the northern side of Wall Street. Despite his vast land holdings, Abraham Jr.’s executors soon found his estate owed £50,000 to the Colony of New York. Upon the death of Abraham Jr., the Council of New York undertook an audit of his office’s accounts. The figure of £50,000 comes from the records of the colonial government of New York during their deliberations on how to proceed with the estate of Abraham Jr. and whether or not they would allow creditors to take the separate estates of both his wife and son as well.⁴⁰ As Treasurer for the Province, Abraham DePeyster Jr. was personally responsible for collecting the import duties of the colony. If he failed to collect, the fees were to come out of his personal funds.⁴¹ At least part of Abraham Jr.’s debt came from unpaid duties. Another part of the debt came from uncollected quitrents, but what percentage they represented of the total £50,000 is unknown.⁴² After the estate of Abraham DePeyster Jr. was divided and sold,⁴³ £30,000 still remained

outstanding to the colony.⁴⁴ Up until his death, Abraham DePeyster Jr. was considered one of the wealthiest men in New York and was certainly a man of great consequence. This changed upon his death when Abraham Jr.'s executors were forced to turn the estate, lock, stock, and barrel, over to the Colony of New York. However his wife, Margaretta, was allowed to keep her considerable dowry.

To complicate the settlement of Abraham's estate, his son James, named as an executor, was also deeply indebted to the estate. Prior to his death, Abraham Jr. took out a number of sizable loans for James from family and business partners. In 1770, the Assembly decided to enforce the codicil of Abraham Jr.'s will, which stated that acting as an executor did not cancel any debt owed by that person to the estate. James, despite being described as an "insolvent debtor" in 1768, was responsible for the loans Abraham Jr. took on his behalf from friends and family.⁴⁵ James could not repay his debt to his father's estate, much less claims from other creditors, and as a result he was forced to seek relief through bankruptcy. James was ordered to turn over a complete inventory of his estate, including books and china, to the Assembly. He was allowed to keep from the inventory any bedding and clothing for his family.⁴⁶ James's reputation suffered as a result of the liquidation. Although still a member of the elite socioeconomic circles of New York by virtue of blood and familial relations, James's family lost considerable respect within those circles.

Evidence of this can be seen in the marriage of James's daughter Margaret to Colonel (formerly Major) Thomas James of the Stamp Act Riots. Colonel James did not come from a family of similar social status; rather, his respectability came from his military career and the fortune he acquired in that profession. Had the family maintained their status after Abraham Jr.'s death, Colonel James would not have been considered a suitable match since Margaret would have been paired with someone from one of New York's other leading families who had status, wealth, and family respectability. However, given the family's change in circumstance, Colonel James was considered a "good" match for this DePeyster daughter. Of James's other daughters, Ann (also known as Nancy) did not marry, and the other two, Mary Reade and Elizabeth, married respectable men, but not necessarily men of elite status. The

same patterns are also present with James's sons: Joseph Reade married the daughter of the sheriff for Jamaica, Long Island, certainly respectable but of no money and nowhere near the status of the DePeyster family. James Jr. never married, focusing instead on a military career. Frederick's first marriage to Helen Livingston Hake also reflects this aspect in some respects. Because Helen carried the "right" familial names, this assertion requires some explanation. Helen's mother was a Livingston; however, her great-grandfather, Robert Livingston, was a disgraced member of the family. While his son Robert Gilbert, Helen's grandfather, did much to restore honor to his branch of the family, his father's disgrace lingered like a bad stench in the air. This taint would most likely have been forgotten but for the fact that Helen's father, Samuel Hake, who, despite an impressive English lineage, was a ne'er-do-well whom people would have preferred to ignore but for his wife and children (for a fuller description of his activities, please see chapter 2). Abraham seems to be the only one of James's sons to make a match that would have been considered "good" prior to change in status: he married Catherine Livingston, whose father was John Livingston, a Tory who, during the British occupation of New York, remained in the city rather than fleeing to Livingston Manor to take refuge as so many of the Livingstons did.

Despite the bankruptcy and their reduced circumstances, the DePeysters still had some resources to draw on. Although not explicitly stated, James's wife Sarah had a separate estate, part of which was the estate in Jamaica, Long Island, to which the family moved after the unhappy proceedings.⁴⁷ It was common practice for both the Dutch and the wealthy in general during this late colonial period to preserve familial wealth through separate estates. Although not a legal term, the documents refer to these types of estates as "dowry estates." This was the case with Abraham Jr.'s wife Margaretta and other female members of the DePeyster line who made out individual wills separate from their husband's estates. This practice was displayed again in the next generation when Frederick DePeyster's wife, Helen Hake, died prior to her husband and left her "dowry estate" to be divided among their children. However embarrassed or upset extended family members were over James's financial demise, they remained supportive of his

wife and children. In the years immediately following the bankruptcy, several relatives remembered James's children in their wills, although not always equally. As individuals without children of their own, or with their children already provided for by their husband's wills, those family members were thus able to dispose of their wealth without restriction, and in so doing, displayed their preference for certain individuals or their displeasure with others. Family members with the same name were often thus favored as were individuals with pleasant dispositions, while troublemakers and those who did not bother to flatter were excluded.⁴⁸

James's younger, unmarried brother Frederick (1731–1773), a snappy dresser known as the “Marquis,” generously remembered his brother and bequeathed to him a riding chair, double sleigh, and his choice of two plate pieces.⁴⁹ Frederick was called the “Marquis” partly because of his penchant for fancy clothes and partly because he inherited a sizable estate in Rouen, France, from his great-aunt, Madame Van der Hulst de Peyster. The estate did not come with a title, but the pretention of the dress and estate provoked the nickname. John Watts DePeyster reports in his autobiography that these French lands were somehow “lost” to the family, although the specifics are not given. Frederick, the Marquis, died in New York, so we simply do not know whether those lands were part of his estate at the time of his death and therefore part of his nephew's inheritance. To James's son Joseph Reade (1754–before 1803), then 19 years old, Frederick left £100, a gold watch, a silver-hilted sword, a dozen fine shirts, six pairs of laced ruffles, and two dozen neck cloths. The bulk of Frederick's considerable estate, however, went to his namesake and nephew, James's son Frederick (1758–1834), then 15 years old. Interestingly, James's oldest son, Abraham (1753–1798), then 20, was not included in the will, nor many of the others that followed. No reason is given for the exclusion of Abraham; he simply was. Reading through his correspondence, one gets the impression that Abraham had a rather imperious attitude, and that he tended to take his superiority for granted. This attitude is also present in stories of Abraham related to his military service during the Revolutionary War, particularly in the Battle of King's Mountain. During this battle, Abraham's unit was forced to surrender to the Patriots.

Unhappy that Patriot officer Colonel Campbell was not able to stop his men from firing quickly enough, Abraham refused to dismount his horse and instead called out, “Colonel Campbell, that was d—d unfair!” twice before Campbell ordered him down.⁵⁰

Female relatives were particularly generous with James’s children, establishing trusts for them, but excluding James from receiving any fringe benefits one might expect a parent to receive. Anne Chambers, for instance, sister of James’s wife Sarah, left to each of James’s daughters £500; to his son, Frederick, all her lands in Ulster County; and James Jr. (1757–1793), £200. More generally, Anne established a trust fund for all of the DePeyster children, over which James was excluded as an executor.⁵¹ A similar pattern appears in the will of Ann (Johanna) DePeyster (1701–1774), sister to Abraham Sr. Ann left a portion of her estate to her sisters and to the children of James DePeyster. Once again, James was excluded as a trust executor. At this time, executors of trusts or estates were entitled to fees for administering the inheritance. While executors were compensated for their troubles, they were also financially liable for any mishandling of the fund. Ann, however, took the matter a step further. Just to show her displeasure with her nephew, she explicitly stated that her nephew James was to receive £5 “and no more” from her estate.⁵²

Although no specific reason is stated in any of the wills for the exclusion of James DePeyster, it is probable that those mentioned earlier were among his many relations who were embarrassed by his insolvency and were themselves exposed to scandal by his downfall. If this was indeed the case, then his obvious exclusion makes sense as a way to display their dissatisfaction with his actions and the situation to which he exposed the whole family.

While the family’s circumstances were reduced as a result of James’s bankruptcy, their family name and familial relations continued to benefit the family. In fact, those social networks, and the goodwill of the extended family, were very likely more valuable to this branch of the DePeyster family after the bankruptcy than before. Consider again the marriage of James’s oldest child Margaret (1749–1819) to Colonel Thomas James, the former Major of the Stamp Act fame in 1776. Colonel James came from a family that was not of equivalent

social status to the DePeysters before the bankruptcy. This is not to say that he was of a lowly status; indeed, his commission indicates that either his family had some influence and money, or the Colonel had a patron wealthy enough to purchase his commission for him. Rather, the Colonel was not of the elite status the DePeysters were prior to the bankruptcy. Colonel James, however, was himself wealthy. The destroyed contents of his house from the Stamp Act Riots indicate wealth, and later, when the Assembly reimbursed Colonel James for the damages, they awarded him over £1,745, no small sum for the contents of a house.⁵³ For Colonel James, the marriage provided access to the close-knit elite social networks of New York. For Margaret, her social status and connections allowed her to make a respectable match despite the disruptions of war and economic concerns. Those relations were more than likely the reason Abraham, James's oldest son, secured his commission as a Captain with the King's American Regiment after the infamous "shot heard 'round the world," signaled the start of an entirely different game in 1775.

After the Battles of Lexington and Concord, local Patriots began taking steps to diminish the influence of Loyalists in their communities. This was especially true in New York City, which had long "been regarded on both sides of the Atlantic as a nursery of loyalty," even prior to 1775.⁵⁴ This does not mean that New Yorkers were submissive to any and all measures proposed by Parliament; rather, it means that New York had more to lose by parting ways with the Empire due to its dependence on trade. Therefore, New Yorkers worked harder and longer than the other colonies did to come to an equitable settlement with Parliament that would repeal those Acts that were harmful to business than did other colonies. One could argue that New Yorkers were not so much Loyalists as compromisers. Politicians and merchants were afraid that the city's heterogeneous population would unravel without the steadying hand of Empire and that a "revolution might end in chaos."⁵⁵ Those factors were some of the main reasons that New York was the last of the thirteen colonies to declare its independence in 1776. As a result of this reluctance to embrace the rebellion wholeheartedly, New York Patriots became even more determined in their efforts to marginalize the Loyalists. This was one of the reasons

that Queens County, a Loyalist stronghold, initially had been a place of heavy contestation. Supporters of the Crown counted half the city's merchants among their numbers. This group "tended to be wealthier than their patriot counterparts," and as a general rule they were also Anglican, but as in anything, they chose their sides based on individual experiences and beliefs. As a result, the dividing line between the two sides was often quite thin.⁵⁶

In January 1775, the colonial Assembly for New York adjourned, and with that, New York's colonial government ceased to be an effective, functioning body within the colony. Ad hoc revolutionary committees were already in place throughout much of the colony and took charge of as many duties as they could. In New York, however, both power structures continued for a time to operate simultaneously, although it was clear the revolutionary committees were in charge. That New Yorkers allowed both governments to continue to function points to their reluctance to join the revolutionary movement with enthusiasm. For example, on June 25, 1775, the city held simultaneous celebrations for George Washington (who recently had been appointed commander to the Continental Army) and William Tryon, the Royal Governor (who returned to the colony after a year-long absence).⁵⁷ Despite the fact that the Assembly was no longer effective, it continued with the motions of governance throughout these tumultuous years. Another example of this overlap of bodies occurred on February 14, 1776, both the Royal Assembly and the Provisional Congress met in City Hall. Members of the Royal Assembly arrived only to discover that their traditional meeting hall was occupied by the Congress. In order to hold their meeting, the Assembly simply moved 100 feet away and met in the chambers of the New York City Common Council. The Royal Government kept up the pretense until April of 1776, when Governor Tryon returned to London. At that point the Assembly quit meeting altogether, and the Courts also ceased operations.

With the Assembly in recess in January 1775, the Committee of One Hundred (as the revolutionary committee was known at the time) asserted its authority without opposition.⁵⁸ As colonial authority and the influence of the elite diminished, many prominent Loyalists fled the city, and some left the colony altogether. The Committee of

One Hundred made arrests and imprisoned those it considered public enemies.⁵⁹ By April 1775, the colony convened its first meeting of a provisional congress. Because of New York's known sympathy for the Crown (or at least its commerce), and its reluctance to declare its independence along with the other colonies, the Continental Congress recommended that pressure be maintained on the Loyalists there. Despite this, the Provincial Congress maintained "moderate" treatment of its Loyalists at this point in comparison to other colonies.

After the American Army was in full occupation of New York City in June 1775, the situation for Loyalists deteriorated. The army's presence boosted the Patriot cause, and those inhabitants suspected of Loyalist sentiments "were forced to recant in public, then tarred and feathered, ridden through town on rails, or forced to parade the streets."⁶⁰ Episcopal Churches were boarded and stripped of the monarchical trappings; prayer books were burned and clergy scattered. Local persecutions and fear flooded New York City so that by July 1776, only about 5,000 of the City's original 25,000 inhabitants remained.⁶¹

It appears that James DePeyster avoided the majority of recriminations from his Loyalist stance due in part to his location. The family's estate in Jamaica, Long Island, was a far cry from the City, and also happened to fall within the bounds of Queens County, a Loyalist stronghold.⁶² Although repeated attempts were made to bring Queens County into the Patriot fold, Queens County continued to ignore or successfully contest the demands of the New York Provincial Congress.⁶³ Despite James's location, his Loyalism did not go unnoticed. The Provincial Congress created the "Committee for the Detection of Conspiracies" to track down, disarm, and put on trial "disaffected persons" whose activities might endanger the American cause.⁶⁴ In June 1776, the Committee submitted James's name as one of fourteen inhabitants of Jamaica who fit that description. The report went on to state more specifically that James DePeyster "is said to be a dangerous Tory. His son has been pursued several times, but can't be taken."⁶⁵ One can only imagine they meant Abraham, who was the first of James's sons to serve and was the most likely to be in the service at this time; however, his other sons, Joseph Reade, James Jr., and Frederick also served with the King's forces.

When the British finally made their appearance in early July 1776, Loyalists from New Jersey, Long Island, Manhattan, and Staten Island rushed to join their ranks.⁶⁶ Among them was Abraham DePeyster. In December, at the age of 23, he was commissioned as a captain in the King's American Regiment. Under his commanding officer, Ferguson, Abraham spent much of his time fighting in the southern colonies, most notably at the siege of Charlestown, North Carolina, and most infamously at the Battle of King's Mountain in what today is Tennessee. During this battle, Ferguson was killed and DePeyster forced to surrender. His reputation came under immediate fire for this move, and he applied for and was granted parole. After statements were obtained from witnesses and casualty reports obtained, it seems his reputation, at least among his ilk, was cleansed.⁶⁷

In 1779, William Axtell, member of the King's Council, was given the commission of Colonel and charged with the creation of a company to patrol Long Island. He was also brother-in-law to James DePeyster. Axtell was born in the West Indies and went directly from there to New York, unmarried, to settle an inheritance. While there he met Margareta (Nancy) DePeyster, James's sister, and married her. The couple had no children of their own but brought in "wards," including Elizabeth Shipton and, for a short time, James's son Frederick. At the start of the Revolution, Axtell and his household left New York City and resettled at the Axtell estate, Melrose, in Flatbush.⁶⁸ The regiment Axtell created was called the "Nassau Blues,"⁶⁹ and he recruited his nephew, Frederick DePeyster, then 18, to serve under him. Frederick went into the position as a captain-lieutenant. He served in the Nassau Blues until 1780 when he accepted a captain's commission in the King's American Regiment at age 22. An oft-repeated but undocumented story of Frederick's military service states that while crossing a river on horseback, Frederick came under fire. The bullet passed through one of his legs and the horse, and then, through his other leg. The bullet killed the horse but Frederick was able to get himself to safety.⁷⁰ Regardless of the story's veracity, it stands as an example of the way people thought of Frederick and his approach to the events in his life, with straight-forward determination, letting nothing stand in the way of his success.

DePeyster's son, James Jr., also joined the King's American Regiment and was commissioned a Lieutenant in 1776 at the age of 19. James also saw action in the southern colonies and was promoted in 1781 to captain-lieutenant, at age 24. James seems to have been ideally suited for the soldier's life and made a career out of it, staying active even after the Revolution by joining the Royal Artillery under the command of his brother-in-law, Colonel Thomas James. James's second oldest son, Joseph Reade, also fought in the king's forces, but unlike his brothers, he was not commissioned as an officer.

Throughout the war, Loyalists had little reason to believe in anything other than a complete eventual victory over the rebellious colonists. They were certain that when the final victory came, the British government would fulfill its promises to reward the honest Loyalists who took up arms for the mother country and to punish with leniency the rebels. In New York, the sons of the leading families took commissions in newly formed Loyalist regiments with the promise of land, money, and title. Middle- and lower-class New Yorkers also took up arms for the King on the promise of land. Throughout the war, the Loyalists, civilian and military, complained of maltreatment by British officers and soldiers citing among other things, property destruction, and verbal and physical intimidation.⁷¹ They endured these hardships with growing frustration but stayed the course, looking forward to their promised reward.

When the Treaty of Paris, 1783 officially ended open warfare between Great Britain and her former thirteen North American colonies, for those who had remained loyal to Great Britain throughout the Revolution it was just one more in a long series of disappointments. According to the treaty, "real British subjects . . . who have not borne arms" had the right to return without interference and reclaim confiscated property, while "persons of any other description" had one year to move freely in the United States to reclaim property and set their affairs in order. Additionally, the treaty prevented further confiscation of property, protected Loyalists from harm to body and property while in the United States, and ordered the immediate release of any Loyalist "in confinement."⁷²

The treaty, with its clauses respecting the Loyalists, caused a major upset in the newly formed United States. In New York, the legislature declared that until England offered to compensate the Americans for their losses, it would not allow the Loyalists to reclaim their lost property.⁷³ Furthermore, New Yorkers let it be known that any Loyalist attempting to return to their former homes, much less reclaim property, faced insults, tar and feathering, whippings, and other violence; when one or two Loyalists tried this, they quickly discovered the Americans were not spewing idle threats. Loyalists had placed their trust in the fact that Great Britain would win the war, and now the lack of enforcement of the provisions of the 1783 treaty regarding Loyalists was a bitter pill indeed.⁷⁴

Throughout the Revolutionary War, each state had passed some sort of restrictive legislation relating to Loyalists. In some cases, the laws were light, requiring simply an oath of allegiance to the revolutionary government. But in many other cases, the laws were compounded with stern restrictive measures. Those accused of holding Loyalist sympathies faced disenfranchisement, barring or suspension from political office, excessive taxation, property confiscation, quartering of Continental troops, banishment, and execution. Despite the treaty clauses respecting Loyalists, each of the new states refused to retract their anti-Tory legislation. They wanted to remind the Loyalists that only through their acquiescence to the new regime would their presence be tolerated. Those states with a strong or vocal Loyalist presence tended to have the harshest laws. Wallace Brown, in *The Good Americans*, presents the following breakdown: “Harshesht”—New York, South Carolina; “Harsh”—Massachusetts, New Jersey, Pennsylvania; “Light”—Rhode Island, Connecticut, Virginia, North Carolina; “Lightest”—New Hampshire, Delaware, Maryland, Georgia.⁷⁵

Enforcement of anti-Tory laws and the level of vigilante action varied from state to state and indeed from community to community; adherence and “Tory-baiting” tended to be most severe directly following the evacuation of the British from an area. In Massachusetts, for instance, immediately following Evacuation Day on March 17, 1776, Loyalists faced tar and feathers, beatings, and imprisonment, among other punitive measures if they remained within the state. By the time

the Treaty of 1783 was announced, Massachusetts was no longer as vigilant as it had been. Part of the reason for this was that the overall Loyalist population was, by then, so small in comparison to the larger population that the state could afford to be lenient in its enforcement of the law. David E. Maas has even argued that the introduction of the Treaty revived anti-Tory sentiment, which had largely died down in the state.⁷⁶ Pennsylvania also passed severe laws relating to the Loyalists and, after the British left Philadelphia in 1778, became the only state to actually execute Loyalists for treason.⁷⁷

In New York State, those laws that were detrimental to the lives, safety, and property of those who failed to support the Revolution were enforced rigorously throughout the war. Later, when the British withdrew from New York City, those Acts, along with a few new additions, came into force in the city as well. While New York's radical Whigs were determined to enforce the laws just as enthusiastically in the city as in the state at large, they often found this difficult. Throughout the war, so many people in New York City blurred the line of loyalty that full prosecution or even persecution was impossible. As a result, in the immediate aftermath of the war, many people were accosted for Loyalism whether they were guilty or not. Thereafter, once the precedent for harsh treatment was established, only the most obvious or obnoxious Loyalists were thus singled out. In general, if one had not actually taken up arms against the revolutionaries, and if he was willing to remain silent on the issue of his former allegiance, then he was allowed to stay. For those who had taken up arms for the King, who were too outspoken, or who had already fled, the laws were brought fully to bear.⁷⁸

The State of New York deprived Loyalists of their right to vote and hold office, allowed for the banishment of persons of suspected loyalty, and, perhaps most famously, paved the way for the confiscation of Loyalist properties. Under that same spirit, the state also passed an Act of Attainder, which declared fifty-nine leading Loyalists guilty of treason, their property and lives forfeit.⁷⁹ As Loyalist property began to accumulate in the state's hands, the legislature acted again and in 1780 authorized the sale of that property.⁸⁰ All of the attainted were Episcopalians. William Axtell, brother-in-law to James DePeyster, was

one of the fifty-nine. His Flatbush estate was confiscated and sold to Colonel Aquila Giles of the Continental Army.⁸¹

The estate was a gift to Giles's wife, Elizabeth Shipton, the adopted daughter of William and Margareta Axtell. Although on the surface this transaction appears to be one of convenience to keep the fortune in the family, upon closer inspection it is clear that it was not. Elizabeth met Giles while he was a prisoner of war, possibly at Melrose, which served for a time as a prison. When the Axtells discovered the blossoming relationship, they acted quickly to separate the two. Giles was relocated several times; each time farther and farther away from Elizabeth. The Axtells even returned to their city residence to keep the two apart. Despite these precautions, the two managed to keep up a covert correspondence. Axtell finally threatened to send Elizabeth away from New York in late September or early October 1780, and at that point she agreed to an elopement with Giles. Just a few days later, Axtell's wife Margareta died. When Elizabeth and Giles finally returned to Melrose to ask Axtell for his blessing, he turned them away. Elizabeth was disinherited and was cut out of the will and out of Axtell's life. For the remainder of the war, Elizabeth lived with Giles' family in Maryland. After the confiscation, William Axtell settled in England and never returned to his former home; he died in Surry at 75, in 1795. For \$4,500 Giles purchased the Axtell estate and enjoyed life as a prominent family for about twenty years. Eventually, the Gileses were forced to sell the estate and move to a house in the city. In 1822, Giles died followed shortly thereafter by Elizabeth.

When the state was all but certain British tenure in New York City was at an end, it passed the Citation Act (1782) and the Trespass Act (1783). The Citation Act prevented Loyalists from suing any Patriot indebted to them, while at the same time the Trespass Act allowed Patriots to sue Loyalists for damages done to their property while occupied by the British. Former residents descended upon the City expecting payment soon, and "[b]rawls and even organized attacks on [Loyalists] . . . became common."⁸²

Of the thousands who fled New York City with the British between 1782 and 1783, most were from "Connecticut, New Jersey, Pennsylvania, and other colonies."⁸³ Many New York Loyalists were able to blend