

T H E J O S H U A H U D D Y E R A

Documents of the American Revolution

**CATALOG OF THE
EXHIBITION**

at

**MONMOUTH COUNTY LIBRARY HEADQUARTERS
125 SYMMES DRIVE
MANALAPAN, NJ**

OCTOBER 2004

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Monmouth County Archives
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THE JOSHUA HUDDY ERA

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Facsimiles of Revolutionary War-era documents from the David Library of the American Revolution, Library of Congress, Monmouth County Archives, Monmouth County Historical Association, New Jersey Historical Society, New Jersey State Archives, Alexander Library at Rutgers University, and Salem County Historical Society.

*Curated by
Gary D. Saretzky
Monmouth County Archivist*

with research, transcription, and captions by Shane Wilson; advice of historians David J. Fowler, James Raleigh, and Richard Walling; mounts and mats for exhibit cases by Eugene Osowitz; preliminary exhibition assistance by Rutgers Public History Intern Rachel Raimondo; editorial assistance by Patrick Caiazzo; exhibit label production by Joya Anderson; curved wall design and display by the Monmouth County Art Department under the direction of Roberta Obliger.

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Foreword

This exhibition consists primarily of facsimiles of documents created during, or immediately after, the life of Joshua Huddy, a Revolutionary War soldier who became renowned through his untimely death: he was hung by American Loyalists at Highlands in 1782, months after the Battle of Yorktown, the last major military engagement of the war. Patriot outrage over Huddy's death almost scuttled the peace talks with Britain and nearly cost the life of a young British officer whose hanging in retaliation was averted by last minute French diplomacy. Through making available primary source documents, it is hoped that the exhibit will increase public understanding of the Huddy story and improve the accuracy of future published interpretations.

Although Huddy's lynching and the subsequent furor are well documented and have often been addressed by historians, there are comparatively few records of Huddy's life. He was born in Salem County, probably on November 8, 1735, to a prosperous family; his grandfather, Hugh Huddy, was a well-known judge. In his youth, Huddy began to have problems with authority. He was expelled from the Society of Friends when he was in his early twenties for dissolute behavior and he lost substantial property, sold to satisfy debts. In Salem, Huddy also proved himself to have a robust constitution; he survived a boating accident in the Delaware, during which he had to swim for three hours to survive.

With his first wife, Mary Borden, a widow whom he married in about 1764, Huddy had two daughters, Martha and Elizabeth. In 1776, he joined the New Jersey militia and became a captain of artillery in 1777. That year, he gladly pulled the rope to hang Stephen Edwards, a New Jerseyan who had been spying for the British. After the Battle of Monmouth in 1778, he and his men harassed the British after they left Freehold to make their way to Sandy Hook.

On October 27, 1778, Huddy married Catherine Applegate Hart, the widow of Levy Hart, a Jewish tavern keeper in Colts Neck who had died in 1775. Soon after his marriage, Huddy had to defend himself in a lawsuit (Van Brunt vs. Huddy, 1779) alleging that he had cast Catherine's children out of his house and sold her possessions without her permission. Huddy also was brought into Monmouth County court for assault in 1778 and for appropriating a horse carriage in 1781.

Huddy served as captain of the Monmouth militia from March to December 1779. In 1780, he sued Elizabeth Pritchard for almost 2,000 pounds for illegal British goods he claimed she owed him; whether or not he ever got the money is unknown. In August 1780, he was issued a commission to operate a gunboat, *The Black Snake*, as a privateer. A month later, he was captured at his house in Colts Neck after a prolonged gun battle in which, assisted by a servant, Lucretia Emmons, he held off dozens of Loyalist attackers led by the escaped black slave known as Colonel Tye, who soon after died of tetanus from a wrist wound. Huddy surrendered only after the British set fire to the house and he offered to give himself up if they would extinguish the blaze. Huddy's captors attempted to take him across the bay to New York but, when Patriots on the shore fired at the Loyalists, Huddy's boat capsized and, despite being shot in the thigh, Huddy swam to shore and escaped. Later in 1780, Huddy went to the New Jersey Supreme Court to force the return of a large quantity of his possessions that had been seized from him by a wealthy landowner.

On February 1, 1782, Huddy was given command of the blockhouse at Toms River that was built to protect the local salt works. On March 24, a large party of Loyalists overwhelmed Huddy's forces and burned the village. Huddy was captured and taken to New York, where the leader of the

Board of Associated Loyalists, William Franklin (the last Royal Governor of New Jersey), approved Huddy's execution. On April 12, under the direction of Richard Lippincott¹, Huddy was taken to Highlands and hung on the beach after dictating and signing his will. His executioners left a note on his breast, "Up Goes Huddy for Phillip White," in reference to a Tory who had recently been killed while in Patriot custody. It was reported that Huddy died calmly and bravely, and even shook hands with Lippincott.

Huddy's body was brought to Freehold and he was buried at Old Tennent Church. More than 400 people gathered to protest his murder and a petition was sent to George Washington demanding retribution. A young British officer, Charles Asgill, was selected by lot to die unless Lippincott was turned over to the Patriots. The British delayed by holding their own court-martial of Lippincott, who was found not guilty on the basis that he was just following orders. The unfortunate Asgill was freed in November by an Act of Congress after Asgill's mother persuaded the French foreign minister to plead his case to Washington, who was grateful for a way to spare Asgill while saving face for himself and Congress. Lippincott emigrated to Canada, where the British gave him 3,000 acres as a reward for his services.

In 1836, Huddy's surviving daughter, Martha Piatt, wrote to Congress that the nation had never expressed its gratitude to Huddy and asked for money and land for herself and her late sister's children. Although some published accounts state that she was successful, the bill was tabled and never acted upon. Huddy was largely forgotten until the Bicentennial Celebration in the 1970s renewed interest in Monmouth County's fascinating history during the Revolutionary War.

History comes alive through the documents in this exhibit, which reveal Huddy to be in some ways a prototypical, red-blooded American whose last years were marked by violent episodes. The records indicate that he was certainly strong, courageous, and willing to fight for the Patriot cause. He also was ambitious and willing to take risks to get ahead financially, as seen by his property losses in Salem (for unknown reasons, but probably as a result of risky investments or overspending), his marriages to two widows, his seizure of Loyalist property, and his commission as a privateer. Huddy's expulsion from the Quakers and his court appearances, especially the occasion prompted by his attempt to sell his second wife's property and kick her children out of the house, indicate that he was hardly a saint. He seems to have been a rough-and-tumble type of character, endearing to his friends and respected by his enemies--a man hardly suitable as a member of the Quakers. The only documented quote by Huddy--in prison shortly before his death, he boasted to his captors about his role in hanging Stephen Edwards--suggests his forthright personality and confidence, as well as perhaps a fatal flaw in not weighing the consequences of his actions and words.

Huddy's story is a reminder that the Revolutionary War continued in Monmouth as a civil war for many months after the armies stopped fighting. Patriots and Loyalists continued to attack each other, in part to retaliate for previous killings. Huddy's death, in fact, was one of the last that occurred before the Treaty of Paris in 1783. By dying, he became a hero and secured William Franklin's reputation as a villain. In the larger scope of history, Huddy's death was a tragic example of a regrettable and continuing pattern of extralegal acts of revenge that nurture enduring enmities.

¹ Although Lippincott spelled his name this way in two signatures found by historian David Fowler, records often spell his name Lippincot and in other ways. In this catalog, we have spelled the name Lippincott except where it is spelled differently in a cited document or secondary source.

TABLE OF CONTENTS

Huddy Disowned as a Quaker, November 28, 1757
Sole Survivor, October 28, 1771
Guilty of Assault, 1778
Huddy Marries Catherine Hart, October 27, 1778
By Means of Threats or Blows, 1779
... and Eleven Pence, January 1780
The Black Snake, August 5, 1780
A Narrow Escape, September 1780
Five Feather Beds, November 6, 1780
A Certain Chair, April 1781
Collateral Damage, 1783 and 1788
Up Goes Huddy for Phillip White, April 12, 1782
Shortly to Depart This Life, April 12, 1782
The Law of Nature. . . Points to Retaliation, April 14, 1782
An Early Case of Excessive Force? April 15, 1782
The Firmness of a Lyon, April 15, 1782
To Save the Innocent, I Demand the Guilty, April 21, 1782
Very Improper Language, April 25, 1782
Several Acts of Cruelty and Barbarity, May 1, 1782
Clinton Is Reduced to Great Straits, May 1, 1782
The Disagreeable Necessity of Retaliating, May 3, 1782
All the News That's Fit to Print, 1780 and 1782
Instances of Cruelty. . . Particularly in Monmouth County, May 6, 1782
My Life . . . An Atonement for the Misdemeanours of Others, May 30, 1782
Common Sense, May 31, 1782
Loyalty Has Been Bleeding at Every Vein, May 3 to June 22, 1782
British General Appeals to Washington's Cooler Judgment, August 13, 1782
Extremely Delicate Footing, August 19, 1782
My Son. . . An Object of Retaliation!, July 18, 1782
To Deliver Mr. Asgill from the Fate Which Threatens Him, July 29, 1782
The Affair Comes to a Close, November 13, 1782
Art Imitates Life, September 25, 1785
Without the Least Token of Gratitude, January 21, 1839
They Never Scairt Josh Huddy, 1906
Photographs, 1992 and 2004
End Notes

HUDDY DISOWNED AS A QUAKER

Excerpt from the minutes of a Society of Friends meeting in Salem, New Jersey, November 28, 1757

During the American Revolution, committing to the Patriot cause meant sacrificing normalcy and risking life and limb; not everyone was cut out to be a rebel. Indeed, many of the marks of a good revolutionary – a brazen attitude, a willingness to fight, a loathing for arbitrary authority – were anathema to peacetime social convention.

Thus the very same personality traits that got Joshua Huddy expelled from the Society of Friends in 1757 may well have brought him success as a revolutionary leader 25 years later. The Friends, commonly known as Quakers, charged that Huddy “Suffered himself to be Lead [*sic*] . . . into Evil and Loose Company and the Corruptions of the world,” tarnishing his reputation and “Raising Scandalous Reports.” Precisely what Huddy did is unknown, but he apparently refused to face the consequences; instead he “Absconded . . . in a Disorderly manner.” Seeing no other recourse, the Salem Quakers disowned their prodigal son.

Huddy might have been the victim of the rising conservatism of the Quaker Reformation, which began in the 1740s and called for more stringent enforcement of the Quaker code of behavior.¹ But even if he had made amends, he would have eventually been disowned anyway: during the Revolution, New Jersey Quakers expelled anyone who fought for either side.²

Salem County Historical Society

From our Monthly Meeting Held at Salem the 28th day of the 11th month of 1757

Whereas Joshua Huddy of Salem haveing had a Christian Education amongst us and by Birth of our Society but not Living up to the Pure Principle of Light and Life in himself and Disregarded the Advice and Counsell of his friends Suffered himself to be Lead by the Enemy of the Welfair of our Souls Pease and our Present welbeing into Evil and Loose Company and the Corruptions of the world to the Raising Scandalous Reports; and Unchristian Behavior Concerning him; and in stead of Clearing of himself hath Absconded and left the place in a Disorderly manner Contrary to our known and Christian practice —

Therefore for the Clearing of Truth and our Holy Profession that Shall Stand good and Truth Stil Remain the Same notwithstanding the unworthyness of its Professors wee Disown the Said Joshua Huddy as a member of the Society of the People Called Quakers and Testify against him and all his Disorderly Practices untill by a Sincear and hartly Repentance gives Reason for his Exceptance again which are our Desires if it may so please the Lord in mercy to Extend the visitation of Love to bring him to a Sence of his Evil ways and Repentance again,

Signed in and on behalf of Said meeting by Joshua Thompson Clk. this time

SOLE SURVIVOR

Article from the Pennsylvania Packet, No. 1, October 28, 1771

Little is known about Joshua Huddy’s life prior to the Revolutionary War; historians who recount Huddy’s later exploits usually gloss over this period. What has been established is that Huddy, the grandson of a prominent judge and the oldest of seven brothers, spent most of his life in Salem,³ where he owned a 300-acre plantation until the county sold it off to settle his debts.⁴ Around 1764 he married the widow Mary Borden, with whom he had two daughters. Then, sometime in the

1770s he moved to Colts Neck, where he married his second wife, the widow and tavern-owner Catherine Hart.⁵

Against this sketchy background, the story of Huddy's near-drowning, presented here in a Philadelphia newspaper, appears all the more striking, the first in a series of larger-than-life adventures. The physical prowess that allowed Huddy to survive alone in the water for three long hours served him well in his career as a captain in the militia and the commander of a privateer, the *Black Snake*. His experience with aquatic escapes no doubt also came in handy in 1780, when he swam to freedom after being captured and taken aboard a Loyalist boat.

Archives of the State of New Jersey, first series, vol. XXVII
Ed. William Nelson (Paterson: The Press Printing & Publishing Co., 1905), 617-8

PHILADELPHIA, October 28. A few days ago, a small sail boat was overset, by a flaw of wind, on her passage from this city to Salem; by which accident Richard Hacket, Samuel Smith, and a lad were unfortunately drowned. Joshua Huddy, another passenger, after being in the water about three hours, got to shore in a small canoe. Hacket and the lad are since found. Both the deceased men were married and left a number of small children.

GUILTY OF ASSAULT

State v. Huddy (1778), Monmouth County Court of Oyer and Terminer, Minutes

By 1778, Huddy was the captain of a militia artillery company, taking a leading role in the fight against the British.⁶ Yet apparently he also found time for fisticuffs of a less political sort. As these extracts from Monmouth court records show, Huddy pled guilty to an indictment for "Assault &c [i.e., etc.]," probably perpetrated against one Charles Gillmore, the State's first witness. Extant records do not indicate who Gillmore was or why Huddy assaulted him, but Huddy's admission of guilt – and his payment of a £10 fine – lend credence to the idea that despite the romanticized portrait sketched by later historians, the real Huddy was a man of rough edges for whom violence was not limited to the battlefield.

New Jersey State Archives

The Grand Jury came into Court and being called over appeared and presented the following Bills--

<i>The State</i>	<i>Indictmt for Assault, &c</i>
<i>Vs</i>	<i>Process [?] The Defendant being Charged</i>
<i>Joshua Huddy</i>	<i>Plea, Guilty &c</i>

HUDDY MARRIES CATHERINE HART

Marriage record, October 27, 1778, Old Brick Church Marriage Book

Although Protestants, Catherine Applegate and her sister Hannah both married prosperous Jews in Monmouth County. Catherine married Levy Hart (died 1775), whose inn at Colts Neck may explain why "Jewstown" appears on a British Revolutionary War map of Monmouth County.⁷ Huddy's second marriage in 1778 to the widow Catherine secured him financial stability, as she was the heir

to Levi Hart's estate, including the inn that was near today's Colt's Neck Inn at the intersection of Routes 34 and 537. In all likelihood, Huddy moved into Catherine's house; he also operated the inn when he was not busy fighting the British. In September 1780, Huddy was captured at his house by a Loyalist raiding party but subsequently escaped.

Monmouth County Historical Association

“...BY MEANS OF THREATS OR BLOWS”

Van Brunt *v.* Huddy (1779), *Monmouth County Court of Common Pleas*

This unusual lawsuit reveals a strange episode in the domestic life of Joshua Huddy. Huddy's second wife, Catherine Hart (née Applegate), was a widow who inherited a popular tavern in Colts Neck upon the death of her first husband, the Jewish entrepreneur Levy Hart.⁸ As a result, when Catherine married Huddy in 1778,⁹ she was almost certainly far wealthier than her new spouse, whose checkered financial history included the foreclosure and public auction of his 300-acre Salem plantation as well as a stint in jail as an insolvent debtor.¹⁰ He ran afoul of the law again in 1778, pleading guilty to assault and paying a £10 fine.¹¹ Apparently having cause to suspect that Huddy's irregular behavior extended to his family life, Monmouth County Sheriff Nicholas Van Brunt, operating either in his official capacity or as a Colts Neck neighbor, induced Huddy to enter into a bond with two conditions.¹² First, Huddy could not sell off any of Catherine's personal possessions without her consent; second, he had to allow Catherine's three children from her first marriage to continue to live with him and their mother. If Huddy simply satisfied these conditions, he would not have to pay anything; otherwise, he would be liable for a staggering £15,000, far beyond the reach of a man of such meager means.

According to Van Brunt's allegations in this case, Huddy promptly violated both conditions, selling Catherine's property and casting her children onto the street – “by means of threats or blows.” But Huddy apparently disputed the very existence of the bond and refused to pay anything. The final outcome of the case is unknown, but it suggests that Huddy's heroic reputation might not have matched his private behavior.

Monmouth County Archives

Monmouth Inferior Court of Common Pleas, October Term in the Year of our Lord one thousand Seven Hundred Seventy nine

Monmouth County Court Ss.

Joshua Heddy, late of the County of Monmouth Gentn Was Summoned to answer Nicholas Vn Brunt Esqr of a Plea that he render to him fifteen thousand Pounds lawful Money of this State which to him he owes and from him Unjustly detains &c. And thereupon the sd Nicholas Van Brunt by Richd. Howell his Attorney complains that Whereas the said Joshua Heddy at the County of Monmouth afsd by his Certain Writing Obligatory did acknowledge himself to be held and firmly bound unto the said Nicholas in the afsd fifteen thousand Pounds to be paid when thereunto afterwards he Should be required with a Condition to the said Writing Obligatory Subscribed that if, among other things not to be done by the said Joshua, He the said Joshua should not dispose of, or alien any Goods or chattels formerly the Property of the sd Catharine his Wife & Since become the property of the said Joshua by Marriage, but by her Consent & for her Use And should not prevent by any Manner of Means the Several Children of the said Catharine from living and continuing with them the said Joshua & Catharine then the said Writing Obligatory to be void otherwise to be and remain in full force & Virtue And the said Nicholas in fact saith that the said Joshua at

Monmouth County afsd on the Tenth Day of August in the Year of our Lord One thousand seven hundred and Seventy nine did dispose of or alien certain Goods or chattels formerly the property of the said Catharine his wife & Since become the property of the said Joshua by Marriage without her Consent And the said Nicholas also in fact saith that the said Joshua at the County afsd on the Tenty Day of August afsd in the Year last afs. by mean of threats or Blows prevented as well Rebecca Longstreet as Jacob Hart & Ebenezer Hart children of the said Catharine from living & continuing with him the said Joshua & Catharine And this and the fact last before averred he is ready to verify & prove when &ca. Whereby the writing obligatory afsd became forfeited & by reason of which Premises an Action accrued to the said Nicholas to require & have of the said Joshua the afsd. fifteen thousand Pounds Nevertheless the said Joshua altho' thereunto often required the afsd. fifteen thousand Pounds to the Said Nicholas Hath not paid but him for the same in any wise to content hath refused and still doth refuse to the Damage of the said Nicholas twenty Pounds & therefore he bringeth Suit &ca.

“...AND ELEVEN PENCE”

Huddy *v.* Pritchard (1780), *Monmouth County Court of Common Pleas*

Life in Revolution-era New Jersey could be hard, but it also offered unique opportunities for enterprising – and unscrupulous – individuals. With the British army and its Loyalist allies firmly ensconced in New York even after the war’s official end, some New Jersey merchants found great profit in trade with the enemy, a practice as illegal as it was lucrative. To combat this treasonous commerce, the New Jersey legislature declared that anyone who seized illegal goods and brought them before a justice of the peace would be entitled to their full market value. In this case, “full market value” amounted to a painstakingly enumerated 1,980 pounds, seven shillings, and eleven pence, which Joshua Huddy claimed Elizabeth Pritchard owed him for British goods she was supposed to forfeit. The princely sum at stake shows that patriotic duty was not the only motive for military service: access to illicit Loyalist property was a valuable perk.

It is unknown if Huddy ever got the money he demanded; Pritchard apparently refused to pay because her appeal of the original forfeiture ruling was still pending in the New Jersey Supreme Court. Notably, however, a similar case involving seized Loyalist property ended with the Court declaring part of the law unconstitutional, setting an important precedent that the U.S. Supreme Court later followed by enshrining judicial review in *Marbury v. Madison*.¹³

Monmouth County Archives

Common Pleas *Of the term of January in the Year of our Lord One thousand Seven hundred and Eighty*

Monmouth Ss: Elizabeth Pritchard late of Shrewsbury in the County of Monmouth was Summoned to answer Joshua Huddy of the Same place who as well for the State of New Jersey as for himself in this respect prosecuteth of a plea that She render unto them the Sum of one thousand nine hundred and eighty pounds Seven Shillings and Eleven pence which to them she oweth and unjustly doth detain &c. And whereupon the said Joshua who as well &c. by Wm. Willcocks his Attorney doth complain that the said Elizabeth Pritchard after the Eighth day of October in the Year of our Lord one thousand Seven hundred and Seventy eight to wit on the [blank] day of [blank] in the Year of our Lord one thousand Seven hundred and Seventy nine at Shrewsbury in the County aforesaid and within the Jurisdiction of this Court did attempt to convey from within the lines or some place in the possession of the Subjects or troops of the King of Great Britain certain goods wares and merchandize of the value of One thousand nine hundred and eighty pounds seven shillings and Eleven pence which Said Goods wares and merchandize by the Consideration of [blank]

Esquire one of the Justices of the peace in and for the County of Monmouth were adjudged to be forfeited As by the record and proceedings thereof now here in Court may more fully and at large Appear, which said Judgment still remains in its full Strength force and Effect not...vacated or annulled. Whereby an Action hath accrued to the said Joshua who as well &c. to demand and have of the said Elizabeth the said sum of One thousand nine hundred and eighty pounds seven shillings and Eleven pence being the value of the goods Wares and merchandize aforesaid. Nevertheless the said Elizabeth although often required hath not yet paid the said sum of One thousand nine hundred and Eighty pounds seven shillings and eleven pence to the said Joshua who as well &c. Wherefore the said Joshua saith that he is the worse and hath damages to the value of one hundred pounds. thereof he bringeth suit &c.

THE BLACK SNAKE

Privateer's commission issued to Joshua Huddy, August 5, 1780

Though best known for his exploits on land, Joshua Huddy also supported the revolutionary cause on water as a privateer, attacking and seizing British ships both to hamper enemy operations and to earn the great sums of prize money awarded in exchange for the seized property. In this privateer's commission, the Continental Congress authorizes Huddy to “set forth...in a war-like manner” against the British in “the Armed boat called Black Snake.” Weighing in at a mere ten tons, with a single swivel gun and 14-man crew, the *Black Snake* was far below average size for an American privateering vessel, some of which could be as heavy as 500 tons, carry as many as 20 guns, and employ crews of 100 or more. How much success Huddy had with his “armed boat” is unknown; admiralty court records from the period, which would indicate his earnings, no longer exist. But his willingness to go up against the world's greatest naval power with a single swivel gun speaks to his Patriot passion – or perhaps his foolhardy character.¹⁴

Papers of the Continental Congress, 1774-1789

...The Condition of this Obligation is such, That whereas Joshua Huddy, Master and Commander of the Armed boat call Black Snake belonging to James Randolph, Joshua Huddy and Company mounting one swivel gun, and navigated by fourteen men, who hath applied for and received a Commission, bearing date with these Presents, licencing and authorizing him to fit out and set forth the said Armed boat in a warlike manner, and by and with the said Armed boat and the officers and crew thereof, by force of arms to attack, subdue, seize and take all ships and other vessels, goods, wares and merchandizes, belonging to the Crown of Great-Britain, or any of the subjects thereof. . . .

A NARROW ESCAPE

Letter from Nathaniel Scudder to Joseph Scudder, September 11, 1780

“Many and strangely romantic are the stories told” about Joshua Huddy, wrote William S. Stryker; perhaps the strangest and most romantic is the tale of Huddy's near-capture by Loyalist raiders in September 1780, recounted in this letter from Nathaniel Scudder to his son.¹⁵ All summer long, Loyalists had wreaked havoc throughout Monmouth County, burning barns, plundering homes, and kidnapping military officers, often under the leadership of Colonel Tye, an escaped Monmouth slave whose courage and ability earned his enemies' grudging admiration. Soon Tye and his men set their

sights on Captain Huddy, an especially appealing target because of his fearsome reputation for meting out bloody, extralegal “justice” to unfortunate Loyalists.¹⁶

An hour before dawn, raiders crept up to Huddy’s home in Colts Neck and smashed a window, planning to get in and out as quickly as possible. But the noise of the breaking glass woke Huddy, who quickly devised an unusual plan of defense: with the assistance of his servant Lucretia Emmons, he loaded and fired muskets from multiple locations in the house, convincing the Loyalists that they were up against far more than a single foe. This tactic held off perhaps 70 raiders for several hours, but ultimately Huddy was forced to surrender when they began to burn down his house. But Huddy was not done yet: as the raiders attempted to board their boats and return to the British lines, a party of Patriot militiamen opened fire. Huddy exploited the confusion – and his capsizing boat – to jump overboard and swim to safety, taking a bullet from his own rescuers in the process.¹⁷ Colonel Tye fared worse – wounded in the wrist, probably by Huddy himself during the initial skirmish, he died from tetanus.¹⁸

Nathaniel Scudder, the letter writer, was a prominent figure in New Jersey, at various times a doctor, a Continental Congressman, a state legislator, and a colonel. Coincidentally, he died about a year later in another Loyalist raid, at the very spot, Black Point, where Huddy made his escape.¹⁹ His son Joseph, the recipient of the letter, went on to become Monmouth’s second County Clerk (1793-1807).

New Jersey Historical Society, Nathaniel Scudder Letters

Hides-Town Sept. 11th. 1780

Dear Son,

I this Moment received your Letter of Saturday, & am happy to find that the Southern Affair, 'tho' bad, is not so distressing as your last represented it.

We have received the Box with it's Contents safe and sound, the Quality of the Articles pleases, but the Price, the Price!!!!

your Mama remains poorly, but is slowly recovering. She with the others of the Family send Love to you. Our Friends in the Neighbourhood are generally well, Mr. Wikoffs & Colo. Covenoven's particularly. Mrs. General Forman is not very well.

On Sunday Night a Party of Refugees came as high as Colt's Neck and took off Capt. Huddy with the Loss of one of the Party killed there, & it is said Colo. Tye being wounded in the Wrist. their Design was to surprise our Guard at Colts Neck, or to come on and burn the Court House & Town of Freehold, where we were prepared to have given them a warm Reception.

I hear this Day that a party of our Middle Town Militia waylaid the Enemy on their Retreat, and fired on them in their Boats with such Effect that a considerable Number at least 8 or nine were killed, and one of their Boats overset in which Capt. Huddy happened to be, by which Means he made his Escape, and swam on Shore, having however received a Ball from our People in his thigh. I have this only from Report, therefore cannot vouch for it.

You will deliver the enclosed as soon as convenient.

Remember me in a proper Manner to all Friends, and accept the Blessing of an indulgent & affectionate Father,

Nath. Scudder

“FIVE FEATHER BEDS”

Huddy vs. Longstreet, Writ of Replevin, November 6, 1780

Just two months after he was captured at his house in Colts Neck and escaped from American Loyalists, Huddy brought suit in the New Jersey Supreme Court against John Longstreet, Esq., a judge and major landowner in Freehold and Shrewsbury, for unjustly seizing a large quantity of his property: “three horses, two cows, eight hogs, twenty bushels of Indian corn and several acres of other grain still in the ground, five feather beds & sundry other articles of household furniture.” The loss of these items probably made it quite difficult for Huddy and his wife Catherine to operate their inn. While it is not known why Longstreet took this action other than that it was “against sureties and pledges,” it is one of several examples of legal difficulties that Huddy had on a regular basis in the last years of his life. This writ orders Sheriff David Forman to return Huddy's goods if he gave “sufficient security.” On the back of the document, Forman wrote that he had executed the writ, so Huddy did get his property returned.

*NJ Supreme Court Case File 16820
New Jersey State Archives*

New Jersey Ss: The State of New Jersey to the Sheriff of the County of Monmouth Greeting; we Command you, if Joshua Huddy shall give you sufficient security to prosecute his suit & to make return, if return shall be adjudged, that you replevy & deliver unto the s[ai]d. Joshua Huddy the goods & chattels of the sd. Joshua, to wit, three horses, two cows, eight hogs, twenty bushels of Indian corn, & several acres of other grain in the ground, five feather beds & sundry other articles of household furniture which John Longstreet Esq. has taken & unjustly detains against sureties & pledges &c and al[so] that you summon by good summoners the sd. John Longstreet so that he be & appear before the Justice[s] of the Supreme Court of Judicature at Trenton on the second Tuesday in November instant to answer unto the sd. Joshua Huddy wherefore he took & unjustly detains the sd. goods & chattels against the sd. Joshua & his pledges: and have you then there the names of those summoners & this writ. Witness His Excellency William Livingston Esq. Governor, Captain General & Commander in Chief in & over the State of New Jersey Chancellor & ordinary in the same at Trenton af[oresai]d. that sixth day of November in the year of our Lord one thousand seven hundred & eighty.

*Joshua Huddy
Ag[ains]t.*

John Longstreet Esq. } Writ of replevin for three horses, two Cows, eight hogs, twenty bushels of Indian corn & several acres of other grain in the ground, five feather beds & sundry other articles of household furniture directed to the Sheriff of Monmouth [?] the sixth day of November A.D. 1780 ret[urna]ble before the Justices of the Supreme Court of New Jersey at Trenton on the second Tuesday in November instant.

S.W. Stockton Atty.

J Deare [Clk?] in Chancery

*I have Executed this writ as within I am commanded
David Forman Sheriff*

“A CERTAIN CHAIR”

Burdge *v.* Huddy (1781), *Monmouth County Court of Common Pleas*

The chair sitting at the center of this legal case was no ordinary piece of furniture: it was a “Riding Chair or Chais [sic],” a two-wheeled, horse-drawn vehicle intended for one or two passengers. Richard Burdge, the chair’s former and, he claimed, rightful owner, charged that Huddy managed “craftily and subtelly [sic] to deceive and defraud” his way into possession of the chair, which “came by finding” into his hands. This legalese typically meant that the accused took something he or she thought was abandoned; when told it belonged to someone else, he or she refused to hand it over.

Regardless of whether he took the chair in good faith, Huddy likely would have had few qualms about harming a man named Burdge: although this Burdge served as a private in the Continental Army, many of his family members were Loyalist refugees or sympathizers.²⁰ In fact, during the court-martial of Huddy’s executioner Richard Lippincott, several witnesses referred to Jonathan Burdge, Richard’s brother, and James Pew, his nephew, as Loyalist victims of Patriot murder whose deaths justified Huddy’s.²¹ Given this family history, Richard Burdge probably had more to worry about than “a certain chair.”

Monmouth County Archives

Common Pleas *Of the term of April in the Year of our Lord One thousand Seven hundred and eighty one*

County of Monmouth Ss: Joshua Huddy late of Shrewsbury in the Same County of Monmouth Gentleman was attached to answer Richard Burge in a plea of Trespass on the Case. And whereupon the Said Richard Burge by William Willcocks his Attorney complaineth that Whereas the Said Richard Burge on the tenth day of March in the Year of our Lord one thousand Seven hundred and eighty one at Shrewsbury aforesaid in the County aforesaid and within the Jurisdiction of this Court was possessed of a certain Riding Chair or Chais of the value of thirty pounds as of his own property. Which said Chair afterwards to wit on the said tenth day of March in the Year aforesaid And in the county and within the Jurisdiction aforesaid came by finding to the hands and possession of the Said Joshua Huddy. Nevertheless the Said Joshua knowing the Said Chair to be the property of the Said Richard and to him of right to belong and appertain Yet contriving and fraudulently intending, craftily and Subtelly to deceive and defraud the Said Richard of the Said Chair, hath not delivered the Same to the Said Richard although often required but afterwards to wit on the Eleventh day of March in the Year place and County and Jursidiction aforesaid converted the same Chair to his own use, to the damage of the said Richard fifty pounds & thereof he bringeth Suit &c.

COLLATERAL DAMAGE

Excerpts from the pension applications of Sarah Farr and Elizabeth Kinsley, April 24, 1783, and October 16, 1788

On March 24, 1782, Joshua Huddy finally faced a challenge he could not overcome. Commanding 25 men in Toms River at a “blockhouse,” or small fort, built to defend a salt factory – salt was essential for food preservation and troop provisioning – Huddy learned that a large force of Loyalist raiders was sailing toward his post. He dispatched a scouting party to discover the enemy’s precise location, but before they could gather any intelligence it was too late: the Loyalists had reached the blockhouse. Outnumbering Huddy’s shorthanded company four-to-one, the Loyalists quickly

overpowered their foes, killing eight and taking most of the rest prisoner.²² Huddy was one of the captives, not one of the casualties; nonetheless, the battle was to be his last.

Huddy may have been the most prominent victim of the Loyalist attack, but as these documents suggest, the harm extended further. Sarah Farr, the wife of one of the blockhouse's defenders, lost not only a husband but the father of her then-unborn child. Elizabeth Kinsley also lost her husband and, like Farr, became destitute enough to seek assistance from the government pension system. The militiaman Joseph Parker managed to elude capture in the battle, but he witnessed the unsettling sight of a fellow Patriot lying "dead, he being shot in the head," and had to help bury him. Moreover, virtually all the residents of Toms River lost their homes and businesses to Loyalist torches.²³ Like any war, the American Revolution took a heavy toll on innocent civilians – and continued to do so even in March 1782, months after the official British surrender.

Monmouth County Archives, Miscellaneous Book B, 15 and 31-2

This is to Certify that John Farr an Inhabitant of the State of New Jersey Monmouth County was a listed Solder under the command of Captn. Joshua Huddy On February [blank] 1782 in the twelve-Months Service and was killed in the Blockhouse at Toms River on the 24th day of March 1782 and left a wife who since his death hath been delivered of a child which is now living as Witness my hand this 24th day of April 1783.

John Walton Capt.

New Jersey }

Monmouth } Personally appeared before me John Smock one of the Justices of the peace for the Said County Joseph Parker and being duly qualified upon his oath Sayeth that when he was a Listed Soldier under Joshua Huddy for one year there was in Capt Huddys Company one James Kinsley a private Soldier in said Company he this deponent often saw his Name in the List which said Kinsley was killed at the Block House at Toms River in the Township of Dover in the County of Monmouth State of New Jersey the 22^d day of March 1782 (as near as this deponent can remember) this deponent being at the same place upon a Reconoitring party heard the Gun and Immediately returned to the Block house and after the firing were over and the British Troops were Gone he this deponent saw said James Kinsley lay dead he being shot in the head and further sayeth that he was one of the persons that helpt bury him.

Sworn before me this 16 day of October 1788

John Smock Justice

Joseph Parker

“UP GOES HUDDY FOR PHILLIP WHITE”

Note found on Captain Joshua Huddy's corpse, April 12, 1782

When a group of Middletowners discovered the body of Captain Joshua Huddy hanging from a makeshift gallows on a spring day in 1782, an overturned barrel at his feet and a vengeful placard on his breast, they had no idea that Huddy's death would precipitate what has been called the first international incident in the then-brief history of the United States.²⁴ Huddy, an officer of the New Jersey State Troops, had been captured in a devastating Loyalist raid on Toms River and was subsequently imprisoned in Manhattan, where he expected to be eventually freed in exchange for a freed Loyalist prisoner.²⁵ The "exchange" occurred, but not as Huddy thought: with the apparent approval of the Board of Associated Loyalists, a paramilitary group established with the grudging authorization of the British commander-in-chief, Loyalist "Captain" Richard Lippincott took Huddy

from his cell and commanded a subordinate to execute him on the New Jersey coast, as 16 other Tories looked on.²⁶

The note affixed to Huddy's corpse expressed the Loyalist view that Huddy's hanging was just retribution for Patriot atrocities and in particular for the death of Philip White, a captured Loyalist raider killed under suspicious circumstances on the way to prison. However vicious their resolution to "hang man for man," the Loyalists were justified in their anger: a faction of Patriot extremists known as the Association for Retaliation had indeed been cutting a bloody swath across Monmouth County, terrorizing Tories and perpetuating a cycle of revenge and counter-revenge on which Huddy's death, sadly, was not the last word.²⁷

Papers of the Continental Congress, 1774-1789
Roll 171, Item 152, vol. X, 507

We the Refugee's having with Grief Long beheld the cruel Murders of our Brethren & findg nothing but Such Measures Daily carrying into Execution.

We therefore Determine not to suffer without takg Vengeance for numerous Cruelties and thus begin and have made use of Capt Huddy as the first Object to present to your Views, and further Determine to Hang Man for Man as Long as a Refugee is Left Existing.

Up Goes Huddy
for
Phillip White

"SHORTLY TO DEPART THIS LIFE..."

Will of Captain Joshua Huddy, April 12, 1782

Cold-blooded and premeditated, the Loyalist hanging of Joshua Huddy inspired revulsion in high places: Washington called it an "instance of Barbarity,"²⁸ while British General Sir Henry Clinton viewed it as an "audacious ... breach of humanity."²⁹ Yet in one respect, Huddy's executioners were peculiarly civilized – they allowed their victim to dictate his last will and testament just moments before his death. "Expecting shortly to depart this life" – an expectation no doubt influenced by the noose around his neck – Huddy bequeathed equal shares of his scant wealth to his two daughters (and none to his second wife). According to some accounts, he signed his will on the head of the very barrel "from which," as one writer put it, "he was to make his exit."³⁰

New Jersey Historical Society, Revolutionary Era Collection, Call No. MG4

In the Name of God, Amen.

I Joshua Huddy of Middletown in the County of Monmouth being of sound Mind and Memory, but expecting shortly to depart this Life, do declare this my last Will & Testament. First, I commit my Soul unto the Hands of Almighty God hoping he may receive it in Mercy. & Next I commit my Body to the Earth, I do also appoint my trusty Friend Samuel Forman to be my lawful Executor, and after all my just Debts are paid, I desire that he do divide the rest of my Substance, whether by Book Debts, Bonds, Notes, or any Effects whatever belonging to me equally between my two Children, Elizabeth & Martha Huddy. In Witness whereof I have hereunto signed my Name this twelfth Day of April in the Year of Our LORD, One Thousand Seven Hundred and Eighty Two.

Joshua Huddy

“THE LAW OF NATURE...POINTS TO RETALIATION”

Petition from the people of Monmouth County to General George Washington, April 14, 1782

News of Captain Huddy’s execution spread quickly through Monmouth, inflaming Patriot passions and raising a cry for retaliation. Just two days after Huddy’s death, an assembly of “upwards of Four hundred reputable Inhabitants” convened in Freehold to demand action from “his Excellency George Washington.” After explaining the circumstances of “the horrid and almost unparalleled Murder,” the citizens made their wishes clear: Washington must “bring a British officer of the same Rank to a similar End.” The petition argued that only by responding to Huddy’s murder in kind could the Patriots deter future misdeeds; more viscerally, it contended that proportional retribution was only logical – an eye for an eye, a captain for a captain. If the government failed to honor that retaliatory logic, the petitioners warned, the people might take justice into their own hands and, “in vindicating themselves, open to view a scene at which humanity itself may shudder.”

Crying out for enemy blood, the petitioners stood on shaky rhetorical ground. On the one hand, they condemned Huddy’s execution, wholly devoid of due process, as “barbarous in the Extreme, and most certainly” apt for “redress”; on the other, they maintained that the best form of redress was execution without due process. Indeed, their call for “a similar End” sounded quite similar to the vengeful language of the Loyalist placard pinned to Huddy’s corpse. Nevertheless, the “Monmouth Manifesto” did not fall on deaf ears. Horrified by the facts laid out before him, General Washington took the first steps toward retaliation.

Papers of the Continental Congress, 1774-1789
Roll 171, Item 152, vol. X, 479 and 483

To his Excellency George Washington Esqr. Commander in Chief of the Combined Armies of America, and France acting in North America &c &c &c —

The Inhabitants of the County of Monmouth, being assembled on account of the horrid and almost unparalleled Murder of Captain Joshua Huddy, by the Refugees from New York, and as we presume, by the approbation if not by the express command of the British Commander in Chief Sir Henry Clinton, hold it as our indispensable duty, as well to the United States in general, as ourselves in particular, to shew to your Excellency, that the aforesaid Captain Joshua Huddy, late commanding the Post at Toms River, was, after a very brave and gallant defence, made a Prisoner of War together with fifteen of his Men by a party of Refugees from New York on Sunday the twenty fourth of March last past. That five of the said Captain Huddys Men were most inhumanly murdered after his surrender...

[The Loyalists left Huddy hanging with] the Paper hereunto annexed, pinned upon his breast – at which time a party of the Inhabitants, having been informed of the cruel Murder, went to the place of his Execution and cut the unhappy Victim from the Gallows.

These being a state of indubitable facts, fully proven, We do as of right we may look up to your Excellency as the Person in whom the sole power of avenging our wrongs is lodged, and who has full and ample authority to bring a British Officer of the same Rank to a similar End – for what man, after this instance of the most unjust and cruel murder, will presume to say that any Officer or Citizen, whom the chance of War may put into the hands of the Enemy, will not suffer the same ignominious death, on some such groundless & similar pretence?

And we do with the fullest assurance rely upon receiving Effectual support from your Excellency – because – First, The Act of Hanging any person without any (even a pretended) Trial, is in itself not only disallowed by all civilized people, but it is considered as barbarous in the Extreme, and most certainly demands redress – Secondly,

because the law of nature and of Nations, points to Retaliation, as the only measure which can in such cases give any degree of security...

AN EARLY CASE OF EXCESSIVE FORCE?

Affidavit by William Borden, April 15, 1782

Along with their petition for retaliation, Monmouth County residents submitted several legal documents corroborating their version of events. Most of these dealt not with Captain Huddy but with Philip White, the “veteran raider” and Loyalist refugee whose death was cited by Huddy’s killers as justification for their crime. This affidavit from William Borden, one of the militia members involved in White’s death, contends that White, who had been captured in a skirmish in Long Branch, knew the consequences of trying to escape from Patriot custody but made a run for it anyway. When White refused to heed Borden’s offer of “Quarters” – i.e., mercy – the guards had no choice but to follow their orders and kill him before he got away.

However, few contemporary historians take this account at face value. After all, Borden’s affidavit attributes almost preternatural fortitude to White: he jumps off a horse, surmounts a fence, gets shot in the back (“the Bullet ... coming out of his right Breast”), and receives a sharp blow to the head from the butt end of a rifle – yet somehow he eludes his armed and horse-mounted guards until brought down by a sword wound to the face. Further casting doubt on Borden’s story are the circumstances of White’s burial, a hasty affair conducted the same day as his death, presumably before anyone else could examine the body.³¹ White had also been a member of the raiding party that killed John Russell, Sr., the father of one of his guards, suggesting that White’s “escape” might have been invented or provoked to cover up a revenge murder.³² To be sure, Captain Huddy had no part in White’s death, having been imprisoned in New York when it occurred, but both men were paradoxically united by the cycle of violence that was tearing Monmouth County apart.

Papers of the Continental Congress, 1774-1789
Roll 171, Item 152, vol. X, 503

County of Monmouth Ss.: Wm Borden of full age having duly sworn deposeth That he with a certain John North and John Russell, were ordered to guard a certain Phillip White mentioned in an address to His Excellency General Washington to Freehold. That the Guard was ordered to shoot him if he attempted to escape, of which the said Phillip was informed. That on their way the said Phillip jumped off his Horse and in passing a fence next to the Woods, the Deponent fired and shot him through the body, the Bullet entering his back and coming out of his right Breast. That the said Phillip at first fell but recovered again and attempted to get into the Woods about two hundred yards distant. That the Dept. having leaped the fence on Horse back, intercepted him in the way to the Woods, upon which he turned and threw himself into a Bog, where the said John North met him and gave him a stroke with his sword. That as the said Phillip White turned the Dept. struck him with the butt end of his Carabine and he still continued to run till he was struck by the said John North as aforesd. That this Dept. three or four times called to him, White give up and you shall have Quarters yet. That Capt Joshua Huddy was not one of the Guard now in Company but the Dept. understood and has no reason to doubt but that he was then a prisoner in New York. That the above happened between Daniel Grandin’s and Samuel Leonard’s in a field adjoining the Woods and through which the Brook next to the said Leonard’s did run – on saturday the thirtieth of March last.

“THE FIRMNESS OF A LYON”

Affidavit by Daniel Randolph, April 15, 1782

Daniel Randolph's affidavit, sent to General Washington along with the Monmouth Manifesto, quickly became the standard account of Captain Huddy's death for contemporaries as well as for later historians. Randolph, a Justice of the Peace and staunch Patriot, was among the Toms River citizens who petitioned the State Legislature for Huddy's services in defending their small, ramshackle fort, or blockhouse, from British and Loyalist attack. Just a few months later, on March 24, 1782, Randolph was defending the blockhouse himself, fighting alongside Huddy and a handful of soldiers and townspeople against a vastly larger Loyalist force.³³ "Capt. Huddy...did all that a Brave Man could," Randolph said, but the odds were too set against him, and he, Randolph, and others were taken prisoner as the attackers burnt Toms River to the ground.³⁴ Transferred from prison to prison in New York, Randolph, Huddy, and another captive, Jacob Fleming, were finally thrown onto a boat, put in irons, and informed that Huddy would be hanged for his ghastly murder of Philip White. Huddy and Randolph failed to convince their captors of Huddy's innocence, so on the morning of April 12th he was executed on the Jersey shore. The luckier Randolph and Fleming were soon exchanged for two Loyalists imprisoned in Freehold.

Randolph's story supplied not only the essential facts but also the necessary sentiment. Quoting Huddy's defiant declaration that he would "dye innocent and in a good cause" and a Loyalist's awed report that he "dyed with the firmness of a Lyon," Randolph made the courageous Huddy not just a hero but a martyr and galvanized Monmouth's demand for vengeance.

Papers of the Continental Congress, 1774-1789
Roll 171, Item 152, vol. X, 489

State of New Jersey
Monmouth County Ss.

Personally appeared before me, David Forman Esq., Judge of the Court of Common Pleas of the County afd., Daniel Randolph Esq. of full age who being duly sworn according to Law deposeth and saith, that he this Dep[onen]t. did reside at Toms River in the County aforesaid. that on Saturday night on the 23d. of March they the Inhabitants of Toms River afd. were informed by Capt Josua Huddy then Commanding the Guard at that Post that he the afd. Josua Huddy had information that a body of Refugees were approaching to attack that post. That this Deponent did join himself to the Guard. That just as the day began to appear on Sunday morning, Capt Huddy detached a party of his Guard to make discovery where the Enemy were and to bring him accounts. That as this Dept. expects and believe the Guards sent out as aforesd. intirely missed of the Enemy, for that soon after, viz. before it was yet broad day light the Enemy appeared in front of their small and unfinished Block House, and immediately commanded an attack without any previous demands of a surrender...

[A Loyalist told] Huddy to prepare to be hanged immediately for having murdered Phillip White as aforesd. and took off his the aforesd. Capt Josua Huddys Irons. That Capt Josua Huddy again said he was not guilty of having Killed the aforesd. White and should dye innocent and in a good cause and with uncommon composure of mind and fortitude prepared himself for his End. That they then for the first time since the capture of this Dept. and him the aforesd. Josua Huddy took him the aforesd. Capt Huddy from this Dept. That about noon of the same day the aforesd. John Tilton told this Dept. that he the aforesd. Capt Josua Huddy was hanged, and further said he the aforesd. Capt Huddy dyed with the firmness of a Lyon. Further this Dept saith that the aforesd. Capt Josua Huddy was never taken from him, this Dept untill he was taken off to be executed, and that he the aforesd. Josua Huddy

never was called to any kind of Trial or allowed to make any defence, and lastly this Dept. saith that the Corps of the aforesd. Capt Josua Huddy is now in the house of Capt James Greene and that he verily believes he came to his end by being hanged.

“TO SAVE THE INNOCENT, I DEMAND THE GUILTY”

Letter from General George Washington to Sir Henry Clinton, April 21, 1782

“Candor obliges me to be explicit,” Washington wrote to his British counterpart, General Sir Henry Clinton, his tone at once apologetic and threatening. Although he regretted having to use such uncustomarily strong language, he refused to conceal his aims: he wanted Captain Lippincott, or whoever else presided over Huddy’s execution, to be turned over to American justice – or else. Knowing that Clinton was unlikely to simply surrender one of his men – Washington himself would never do so – the American general had already solicited the opinions of his top commanders and determined that if Clinton’s response proved unsatisfactory, he would order the execution of a British captain to avenge Captain Huddy.³⁵ Hinting at this prospect, Washington wrote, “in failure of [Clinton’s giving up Lippincott], I shall hold myself justifiable in the Eyes of God and Man for the measure to which I shall resort.” In effect, 400 Monmouth citizens had imposed their will on America’s commander-in-chief. The die was cast.

Whether or not Washington designed his letter to offend Clinton, it probably did – not only because of its stark ultimatum but because the enclosed Monmouth petition accused Clinton of condoning if not commanding the execution, when in fact he abhorred it and had few kind words for the Associated Loyalists who planned it.³⁶ But even while he ordered the immediate arrest and court-martial of Captain Lippincott, Clinton had no intention of turning anyone over to the Americans.³⁷ With a heavy heart, Washington then moved toward the retaliatory “measure” he had threatened.

Papers of the Continental Congress, 1774-1789
Roll 171, Item 152, vol. X, 513-4

Head Quarters
April 21st 1782

Sir

The inclosed representation from the Inhabitants of the County of Monmouth with testimonials to the facts (which can be coroborated by other unquestionable Evidence) will bring before your Excellency, the most wanton, unprecedented, & inhuman Murder that ever disgraced the Arms of a civilized People.

I shall not, because I conceive it altogether unnecessary, trouble your Excellency with any animadversions upon this transaction. Candor obliges me to be explicit. To save the innocent, I demand the guilty. Captain Lippincot therefore, or the Officer who commanded at the execution of Captain Huddy must be given up; or, if that Officer was of inferior Rank to him, so many of the perpetrators as will according to the Tariff of Exchange be an Equivalent.

To do this will mark the Justice of your Excellencys Character – in failure of it – I shall hold my self justifiable in the Eyes of God and Man for the measure to which I shall resort.

I beg your Excellency to be persuaded, that it cannot be more disagreeable to you to be addressed in this Language, than it is to me to offer it; but the Subject requires frankness and decision.

I have to request your speedy determination as my resolution is suspended but for your Answer.

*I have the honor to be
Sir Yr Excellencys Most Obedt. & Most hum. Servant*

“VERY IMPROPER LANGUAGE”

Letter from Sir Henry Clinton to General George Washington, April 25, 1782

With palpable indignation, British General Sir Henry Clinton dashed off this response to Washington’s “Letter of the 21st Instant,” in which Washington had brazenly – or so Clinton thought – demanded that the British hand over Huddy’s executioner lest an innocent officer face retaliation in his place. Outraged by Washington’s audacity, Clinton could not “conceal [his] Surprise & Displeasure,” not only over the violation of epistolary etiquette but also over the implication that Clinton had authorized Huddy’s murder. Such an act was “contrary to the Tenor of [his] own Conduct,” Clinton declared; in fact, he had already “ordered a strict Enquiry” into the crime days before he received Washington’s message. But even while agreeing that Huddy’s killer deserved punishment, Clinton snarled that if Washington really wanted to avenge “violations of Humanity,” he would find plenty of deserving victims among his fellow rebels, whose crimes, Clinton thought, “exceed & probably gave rise to” Huddy’s murder.

*George Washington Papers at the Library of Congress, 1741-1799
Series 4, Image 583*

New York 25th April 1782

Sir,

Your Letter of the 21st Instant with the inclosed Testimonials respecting Captain Huddy’s Execution was delivered to me Yesterday. And tho’ I am extremely concerned for the Cause, I cannot conceal my Surprise & Displeasure at the very improper Language You have made Use of, which You could not but be sensible was totally unnecessary.

The Mildness of the British Government does not admit of Acts of Cruelty or persecuting Violence. And, as they are notoriously contrary to the Tenor of my own Conduct & Disposition (having never yet stained my Hands with innocent Blood) I must claim the Justice of having it believed that if such have been committed by any Persons under my Command, they could not have been warranted by my Authority...

To Sacrifice Innocence under the Notion of preventing Guilt, in Place of suppressing, would be adopting Barbarity and raising it to the greatest Height. Whereas if the Violators of the Laws of War are punished by the Generals under whose Powers they act, the Horrors, which those Laws were formed to prevent, will be avoided, and every Degree of Humanity War is capable of maintained.

Could Violations of Humanity be justified by Examples, many from the Parts where Your Power prevails (that exceed & probably gave rise to this in Question) could be produced.

In hope that the Mode I mean to pursue will be adopted by You, and prevent all future Enormities, I remain

Sir,

Your Most Obedient & Most humble Servant

H. Clinton

“SEVERAL ACTS OF CRUELTY AND BARBARITY”

Enclosure in a letter from William Franklin to Sir Henry Clinton, May 1, 1782

History is written by the winners, the old adage goes, and nowhere is this more true than in the American history of the Revolutionary War. Accustomed to thinking of Loyalists as cowards and Patriots as virtuous heroes, we may be surprised to read this list of alleged Patriot atrocities compiled by the Board of Associated Loyalists to help justify Huddy's execution. Documenting over a dozen cases of cold-blooded murder committed by the “rebels” against the Tories, mostly in Monmouth County, the Loyalists suggested that Huddy and others of his ilk essentially had it coming.

Exaggerated and one-sided as the Loyalist charges were, there was at least some truth to them, considering the numerous acts of vengeance perpetrated by the Association for Retaliation, the Patriot analogue of the Board of Associated Loyalists. Not surprisingly, Huddy comes across quite differently here than he does in Patriot testimonials, no longer a martyr for a just cause but instead a common killer “who acknowledged himself to have been active and assisting in hanging” the Loyalist Stephen Edwards. Edwards, a spy for the British, had been court-martialed and summarily executed after being taken from his bed, where he slept wearing a woman's night-cap in a vain attempt to disguise himself.³⁸ According to other Loyalist accounts, Huddy boasted that during Edwards's execution “he ... slushed (meaning greased) the Rope Well, and ... assisted in pulling the Rope hand over hand.”³⁹ If the British had defeated the upstart colonists, we would no doubt see Edwards as the martyr, Huddy the villain.

Papers of the Continental Congress, 1774-1789
Roll 171, Item 152, vol. X, 543

Extracts from the Information laid before his Excellency Sir Henry Clinton of several Acts of Cruelty and Barbarity exercised upon the persons therein named

Stephen Edwards of Monmouth of good Family and Property was taken out of his Bed in 1777 by Joshua Huddy, who acknowledged himself to have been active and assisting in hanging said Edwards.

James Pew From Middletown of respectable Family and good Character was taken Prisoner in 1778 confined for a considerable time in Freehold Goal and put to Death by the Sentry

Stephen West, Stephen Emmons, Ezekel Williams } From Monmouth were most inhumanly Murderd in 1778.
John Wood, Thos. Emmons } From Monmouth were taken in 1778 and executed at Freehold...

“CLINTON IS REDUCED TO GREAT STRAITS”

Letter from Robert R. Livingston to William Carmichael, May 1, 1782

Although this printed copy of the letter comes from a collection of “diplomatic correspondence,” Robert R. Livingston, a New York delegate to the Continental Congress, sounds more like a gossip than a diplomat in this transmission to William Carmichael, a former Maryland delegate who became an ambassador to Spain.⁴⁰ Lacking a proper “cipher” with which to discuss official business, Livingston turned to a topic with little relevance to Spain but great importance to Congress: Captain Huddy's death, already the subject of a resolution that gave Washington “the firmest support in his fixed purpose of exemplary retaliation.”⁴¹

Livingston gleefully reported that the Huddy controversy had “reduced” British General Sir Henry Clinton “to great straits,” forcing him either to turn over the Loyalist Captain Lippincott – at the risk of becoming even more “unpopular with the Tories” – or to allow the unfortunate Captain Asgill to die in Lippincott’s place – at the risk of being “execrated by the army,” which still fumed over the American execution of the spy John André in 1780.⁴² The Congress, it seems, was not interested in Huddy’s death on purely moral grounds; it also consciously exploited the tragedy to heighten tensions between factions of the enemy. The plan succeeded: by December 1782, Sir Guy Carleton, Clinton’s replacement, had dissolved the Board of Associated Loyalists.⁴³ Without British support, the Tories posed little threat to the new American nation, and gradually the fighting died down – more than a year after the war’s last major battle at Yorktown.

The Revolutionary Diplomatic Correspondence of the United States
Ed. Francis Wharton (Washington, D.C.: USGPO, 1889), 5:383-4

. . . Clinton is reduced to great straits; he has already been the means of one officer's dying on a gibbet. He would be execrated by the army should he occasion the ignominious death of another. On the other hand, he is already very unpopular with the Tories. Should he give up those of the refugee corps who are concerned into his business, which has probably been done by the direction, or at least the connivance, of their board of directors, he will be embroiled with them. . . . You will consult Mr. Jay on the propriety of publishing the affair of Huddy in the European papers; and if he shall think it may be of any use, take measures for the purpose. . . .

“THE DISAGREEABLE NECESSITY OF RETALIATING”

Letter from General George Washington to Brigadier General Moses Hazen, May 3, 1782

With the stroke of a pen, General George Washington condemned an innocent British officer to death to atone for the crimes of Richard Lippincott, the Loyalist captain whom Washington’s redcoat counterparts refused to surrender. Thinking that retaliation was the only way to deter “the Enemy” from “persisting in that barbarous line of Conduct” epitomized by Huddy’s murder, Washington ordered Brigadier General Moses Hazen to “designate, by Lot . . . a British Captain” to face American justice. Hazen assembled 13 captured captains and set them before two drummers, each of whom held a hat. One contained all the captains’ names; the other contained 13 slips of paper, 12 blank and one labeled “unfortunate.” Captain Charles Asgill, barely 20 years old, drew the marked slip.⁴⁴ “I knew it would be so,” he sighed. “I never won so much as a game of backgammon in my life.”⁴⁵

Asgill’s youth and innocence made retaliation instantly controversial. But there were also legal problems: Washington had called for “an unconditional Prisoner” to be sacrificed, but Asgill had surrendered at Yorktown under the Articles of Capitulation, which explicitly forbade retaliation. Realizing the error, Washington sought to replace Asgill with another “unfortunate,” but in the confusion the plan fell through.⁴⁶ Meanwhile, rumors abounded that far from showing Asgill “every possible tenderness,” as Washington commanded, Asgill’s captors tormented him by building a gallows right outside his prison window. Washington vehemently denied these rumors years later, but at the time they added fuel to the fire of the debate over Asgill’s life.⁴⁷

George Washington Papers at the Library of Congress, 1741-1799
Series 4, Images 815-6

Head Qrs. 3d May 1782

Sir,

The Enemy, persisting in that barbarous line of Conduct they have pursued during the course of this War, have lately most inhumanly Executed Capt. Joshua Huddy of the Jersey State Troops taken prisoner by them at a Post in Toms River. And in consequence, I have written to the British Commander in Chief, that unless the Perpetrators of that horrid deed were delivered up I should be under the disagreeable necessity of Retaliating, as the only means left to put a stop to such inhuman proceedings.

You will therefore immediately on recet. of this designate by Lot for the above purpose – a British Captain who is an unconditional Prisoner, if such a one is in our possession – if not, a Lieutenant under the same circumstances; from among the Prisoners at any of the Posts either in Penselvania or Maryland. So soon as you have fixed on the Person, you will send him under a Safe Guard to Philadelphia, where the Minister of War will order a proper Guard to receive & conduct him to the place of his Destination.

For your information respecting the Officer who are Prisoners in our possession I have ordered the Commissy. of Prisoners to furnish you with a List of them. It will be forwarded with this.

I need not mention to you that every possible tenderness, that is consistent with the security of him, should be shewn to the person whose unfortunate Lot it may be to suffer.

ALL THE NEWS THAT'S FIT TO PRINT

From the Pennsylvania Packet, October 3, 1780, and the Independent Gazetteer, April 20 and May 4, 1782

The newspapers printed in America during the Revolution differed in several respects from newspapers today: articles tended to be only a few paragraphs long, true headlines were absent, editors relied on hearsay and forwarded letters instead of rigorous reporting, and advertising took up the bulk of the pages. Nonetheless, then as now, newspapers served as chronicles of the times, informing the public about the most important events of the day. That Joshua Huddy's exploits and the crisis surrounding his execution received so many mentions in papers like the *Pennsylvania Packet*, the *Independent Gazetteer*, and the *New Jersey Gazette* indicates that contemporaries knew who he was and accorded great importance to his life and death. Later writers have relied on such newspaper accounts as historical documents, but to 18th century Monmouth residents Huddy wasn't history – he was big news.

*Pennsylvania Packet: Rutgers University, Archibald S. Alexander Library
Independent Gazetteer: David Library of the American Revolution*

From the *Pennsylvania Packet*, October 3, 1780, p. 2, col. 2 & 3. Archibald S. Alexander Library, Rutgers University, XMCARD 1696 1777-1783 (part of Early American Newspapers series).
Courtesy of Richard Walling.

Extract of a letter from Monmouth (New Jersey) to a gentleman in this city.

On Sunday morning, the 9th instant, 72 men, composed of New-Levies, Refugees and Negroes, under the command of Lieuts. Josiah Parker and William Hewlet, about an hour before day, attacked the house of Captain Joshua Huddy, of this county, in the following manner, viz. staving the windows to pieces, and ordering the damned rebels to turn out—This awoke Capt. Huddy, who, having two loaded guns at hand, made use of them in a proper manner through the windows; and by the assistance of a girl, who carried his cartridges and rammed, he interchanged his firing up and down stairs, in such a manner, that the assailants took it for granted a small scouting party must be there ; by

this means he repulsed them, but on a consultation, they renewed the attack again, and fired the house, which induced him, on the entreaty of Mrs. Huddy and another woman, to capitulate on honourable terms, which were granted, and he delivered himself up a prisoner. On their entering the house, when they found none but himself had defended it, and their brave Negro Tye, (one of Lord Dunmore's crew) wounded, it was with the greatest difficulty he was prevented from being murdered. They broke the honor they had pledged, by not leaving Capt. Huddy and his family, a second change of cloaths; and, after near two hours spent in taking this one man, they made a shameful and silent retreat, loaded with disgrace. A short time after, six militia men pursued and came up with them, who renewed the attack, and killed their refugee Commander. After this they embarked in their boat, and passing the gut between Sandy Hook and the main, Ensign William Vincent, with 16 of the state regiment, Salem men, attacked them again. The first fire, Capt. Huddy, their prisoner was wounded, but is like to do well. This threw them into such confusion, that they overset their boats, four in number, and about twenty were killed and drowned. This gave Capt. Huddy an opportunity of attempting to make his escape by swimming, which he with much difficulty accomplished. We had but one man shot and wounded. This account is taken from Captain Huddy himself.

From the *Independent Gazetteer, or The Chronicle of Freedom*, April 20, 1782, No. 2. The David Library of the American Revolution.

We hear from Monmouth, East New-Jersey, that Captain Huddy, one of the Prisoners taken at the Surrender of the Block-House, at Tom's River, on the 24th ult. was a few Days ago brought over the Cut between the Never-Sinks and Sandy-Hook, and privately hanged on Hartsborn's Plantation, near that Place, by a mixed Company of Negroes, Tories and Englishmen. A Paper was found affixed to this unhappy Man, assigning the Reasons for their Conduct. It is further added, that the People of Monmouth were determined to retaliate, and a Captain Tilton, a Prisoner in Monmouth Jail, was fixed on for that Purpose.

From the *Independent Gazetteer, or The Chronicle of Freedom*, May 4, 1782, No. 4. The David Library of the American Revolution.

*General Washington, we hear, has written to Sir Harry Clinton, insisting that the Perpetrators of the deliberate and horrid Murder, committed on Capt. Huddy, should be given up, and that Nothing should expiate the diabolical Deed, but a Retaliation on the Murderers, or on some British Officer, now in our Custody.---This spirited Demand has occasioned great Contention between the British Officers, and the Refugees--the former are for complying with it, but the latter are for rejecting it.*⁴⁸

“INSTANCES OF CRUELTY... PARTICULARLY IN MONMOUTH COUNTY”

Letter from General George Washington to Governor William Livingston, May 6, 1782

As the conflict between Patriots and Loyalists in Monmouth County wore on for months after the end of the war, the hypocrisy on both sides became glaringly obvious. With each party conceiving of the other as incorrigibly lawless and incapable of reason, each pursued the very policies of indiscriminate violence and retaliation it so abhorred in its foe. Although Washington backed retaliation in the Huddy-Asgill affair, he understood that the Patriot closet was not entirely free of

skeletons; in particular, Monmouth County's Association for Retaliation, established by prominent Patriots (including Captain Huddy) in 1780, routinely terrorized the "disaffected" and helped provoke Huddy's murder.⁴⁹

Thus in this letter Washington cautions William Livingston, New Jersey's first independent governor, that if the state wants to talk retribution, it must be prepared to carry it to its logical conclusion: wrote Washington, "I shall hold myself obliged to deliver up to the Enemy or otherwise to punish" those who "commit any Act which is in the least contrary to the Laws of War." The warning was clear: Patriot extremists who run amok will meet the same fate as their Tory counterparts. Washington never made good on his threat, and Livingston dismissed reports of violence in Monmouth County as mere Loyalist propaganda.⁵⁰ But in November 1782 the New Jersey State Assembly passed several resolutions censuring the Association for Retaliation, no doubt influenced by Washington's intervention.⁵¹

George Washington Papers at the Library of Congress, 1741-1799
Series 4, Images 924-5

Head Quarters May 6/82

Sir,

On receiving information, by a representation from the Inhabitants of Monmouth County, of the cruel Murder of Captain Joshua Huddy of the Jersey State Troops by a party of Refugees from New York, I immediately informed the British Commander in Chief, that unless he delivered up the perpetrators of that horrid deed I should be reduced to the disagreeable necessity of retaliating.

In answer to my letter the British General informed me, that a Court Martial is ordered for the trial of the persons complained of but at the same time says that those people offer in Justification of the fact a number of instances of Cruelty committed by us & particularly in Monmouth County, tho' this is by no means admitted, but on the contrary orders are given to designate and send to Camp a British Officer who, if my demand is not complied with, will be executed. Yet I cannot forbear observing to your Excellency that whilst I demand Satisfaction from the Enemy for the Violences they commit, it becomes us to be particularly carefull that they have not the like claim on us, and I must beg you to make it known to all persons acting in a military capacity in your State that I shall hold myself obliged to deliver up to the Enemy or otherwise to punish such of them as shall commit any Act which is in the least contrary to the Laws of War. I doubt not of your doing the same with those who come under the Civil power...

"MY LIFE...AN ATONEMENT FOR THE MISDEMEANOURS OF OTHERS"

Letter from Captain Charles Asgill to General George Washington, May 30, 1782

When British Captain Charles Asgill was selected at random to die in retaliation for Huddy's murder, he did not stoically accept his fate. On the contrary, he exercised his rights as an Englishman – rights that Americans had just fought his army to secure – and petitioned General Washington himself, protesting his detention and demanding his freedom (albeit in more deferential language). Asgill cited the 14th Article of Capitulation, signed by the British at their surrender at Yorktown, which decreed, "No article of capitulation to be infringed on pretence of reprisals."⁵² As a prisoner of war, Asgill was entitled to a host of protections; no need for reprisal, however urgent, could legally supersede those protections. Washington later admitted that he never understood why Asgill was picked instead of the unconditional (and hence unprotected) prisoner who was apparently

available, but once the process was in motion, Washington could not turn back without severely damaging American credibility.⁵³ “I most devoutly wish [Asgill’s] Life may be saved,” Washington wrote – but he insisted that the choice belonged to the British, not him.⁵⁴

When Asgill’s appeals to Washington failed – he wrote three more during his six months of imprisonment – he turned to other figures for help: Sir Guy Carleton, Count de Rochambeau, even Huddy’s widow Catherine. News media overseas took up his story: in the words of Baron de Grimm, “The public prints all over Europe resounded with the unhappy catastrophe.”⁵⁵ No one suspected that the source of Asgill’s salvation would ultimately be his own mother.

George Washington Papers at the Library of Congress, 1741-1799
Series 4, Images 441-2

Philadelphia May 30th 1782

Sir,

As I conceive myself under the Protection of a Treaty in which the Honor & Faith of Nations are the Pledges, I have nothing to apprehend but from Hasty Resolves. I must therefore trouble your Excellency with those reasons that induce me to wish my final determination may be deferred until Sr. Guy Carleton can be thoroughly informed of the circumstances of my Confinement. From the Orders your Excellency sent to Genl. Hasen it appears that a British officer being an unconditional Prisoner with the Rank of Captain or Lieutenant, was to be delivered up, that he might be retaliated with for the Death of Captain Huddy, that if no Officer under that Description could be found, this Order then extended to the Captains (Brittish) of Ld. Cornwallis’s Capitulated Army – in consequence Lots were drawn for those Captains who were present of that Army & the decision fell upon me. Perfectly innocent of Captain Huddy’s Death, & even to this moment uninformed of the circumstances & ever having acted consistently with the Tenor of my Parole I am certain in Justice his Death can never effect me, nor do I know why my Life should be an Atonement for the Misdemeanours of others. I claim protection under the 14th Article of the Capitulation & from your Excellency’s known Character I have every Right & Reason to expect it.

The same motives that prevailed with your Excellency to require an Officer who was not under the Sanction of a treaty of Faith, will I hope once more induce you to enquire if there are no such Officers at this time of that Denomination unconditional Prisoners.

I shall at present trouble you with no further representations; what other Arguments I may have to urge in my favor are such self evident truths as require no Elucidation. To your Excellency I again make my appeal for Justice & repeat my request that no sudden or hasty proceedings may be held against me.

*I have the Honor to be,
your Excellency’s Most Obedt. Humle. Servant*

*Charles Asgill
Lieutt. 1st Regt Foot Guards*

COMMON SENSE

Open letter from Thomas Paine to Guy Carleton, dated May 31, 1782; printed in the New Jersey Gazette June 12, 1782

History remembers Thomas Paine as the author of the wildly influential revolutionary pamphlets “Common Sense” and “The Crisis,” which exhorted Americans to be more than “sunshine patriots” and “summer soldiers” and to give freedom a refuge. But “The Crisis” was actually the title of a series of publications, and in the 13th issue Paine weighed in on the debate then raging throughout

the nation – the debate over the life of Captain Asgill. Paine’s essay was reprinted in several American newspapers, including the New Jersey *Gazette*; he sent 50 copies to General Washington “for the amusement of the Army,” perhaps to boost circulation further.⁵⁶

Taking the form of an open letter to the British General Sir Guy Carleton, Paine’s tract expresses sympathy for Asgill, “a martyr to the general wickedness of the cause he engaged in,” and wishes that “Lippincott,” the real culprit, could die in his place. Yet Paine argued that because Huddy’s murder was so ghastly – “what sort of men must Englishmen be,” wondered Paine, an Englishman himself – America had no choice but to retaliate. Thus the real decision was Carleton’s. Would he turn over the guilty Lippincott or condemn the innocent Asgill to death?

Carleton sought to pursue a third way, awaiting the verdict from a British court-martial of Lippincott that he hoped would satisfy the Americans. Lippincott was ultimately acquitted, but even before that, Paine dismissed Carleton’s approach and mocked his “frivolous and unmeaning enquiries”; only enemy blood could avenge Huddy’s death. Paine’s vituperative contribution to this fraught and morally problematic affair is largely forgotten – as Paine’s biographer Moncure Daniel Conway wrote, “Historians have evaded this ugly business,” and perhaps for good reason.⁵⁷

Archives of the State of New Jersey, second series, vol. V
Ed. Austin Scott (Trenton: State Gazette Publishing Co., 1917), 450-1

“LOYALTY HAS BEEN BLEEDING AT EVERY VEIN”

Excerpts from the proceedings of the court-martial of Captain Richard Lippincott, May 3 to June 22, 1782

Attempting to placate Washington and demonstrate his disapproval of Huddy’s murder, British General Sir Henry Clinton ordered the arrest and court-martial of Captain Richard Lippincott, Huddy’s presumed executioner.⁵⁸ While the court-martial did not halt the process of retaliation, it did slow its progress. Washington postponed the execution of Charles Asgill, the British captain randomly selected to be a scapegoat, and held out hope that Lippincott would receive a harsh enough punishment to satisfy those who called for the innocent captain’s blood.

Washington did not get his wish: Lippincott was acquitted. The central issue in the trial was not whether he killed Huddy – no one disputed that he presided over the execution, even if he himself never touched the noose. Rather, the judges had to decide whether, as the prosecution argued, Lippincott maliciously disregarded his duty in the name of personal vengeance, or, as Lippincott contended, merely obeyed orders from the Board of Associated Loyalists and bore Huddy no particular ill will. Without malice, there was no murder; since Lippincott successfully argued that the Board’s chair, William Franklin, had tacitly commanded the execution, and the prosecution never established that Lippincott personally despised Huddy, the judges could not convict.

Beyond its legal function, Lippincott’s defense shed light on Loyalist attitudes toward Britain and toward Huddy. While maintaining that “the leading Virtue of the human Heart” is “loyalty to a rightful Sovereign,” Lippincott hinted at his dissatisfaction with British conduct during the war, which he felt was indifferent to Loyalist suffering: “nothing has yet been done to raise the condition of Loyalists ... to the common level of Rebels.” The court-martial itself was the crowning insult, as the British government condemned Lippincott, a devoted subject, for killing Huddy, an incorrigible rebel who, when asked if he had hanged the Loyalist Stephen Edwards, replied brazenly, “By God I did!” In Lippincott’s mind, he was the real victim – and the judges concurred.

Papers of the Continental Congress, 1774-1789

From Lippincott's opening statement:

The Rebels, when they happened to fall into our hands, have generally been exchanged, while those who early staked their all on the final success of the Royal Cause, & chose a kind of exile from their Estates, Families and connections, in preference to the guilt of Rebellion, have seldom been considered by them as Prisoners of War, but many of them have been arraigned for Treason before Treasonable Tribunals, & made to suffer cruel & ignominious deaths, for practicing the very leading Virtue of the human Heart, that of loyalty to a rightfull Sovereign. Not a few have fallen sacrifices to their treasonable Malice, without even the shew or semblance of a Trial. In short, although loyalty has been bleeding at every vein, & is now bleeding in New Jersey, nothing has yet been done to raise the condition of Loyalists, in those respects, to the common level of Rebels. This I beg many not be considered as a meditated censure on measures, but as a proof of the perilous & unequal situation of that discription of Subjects of which I am one.

These general remarks I have made as a preface to what I am now to disclose in respect to the nature of my defence. I stand before you charged with the wilfull Murder of Joshua Huddy...

[S]uch instances of retaliative Justice, have been generally known within His Majesty's Lines, & I believe to the higher Departments of the Garrison, without meeting with any censure, or even intimations of dislike from them.

Thirdly, that the Execution of Huddy was the result, not of any particular enmity towards him as a Man, & to effect a private end, but that his life was taken for the recent Murder of Philip White, to effect the public end of humanity by preventing a repetition of the like barbarities; that Huddy being represented as a Man who had himself executed several Loyalist in Monmouth County, was therefore considered, on the great scale of humanity, as the fittest object of Retaliation.

Fourthly, that I, as an associated Loyalist, was subject to be ordered on such service as the honorable Board of Directors should be pleased from time to time to enjoin, & to act implicitly in obedience to such Orders; that I received Huddy from the Provost in virtue of an Order from that Board, & disposed of him afterwards according to the meaning of my orders, as explained by several of the members of the Board...

From the testimony of Captain William Cunningham, Provost Marshall:

Q. Did he (the Deponent) ever hear Joshua Huddy, when a Prisoner in the Provost, boast of his having hanged one Edwards and what Manner did he (Huddy) speak of that Transaction?

A. Shortly after Huddy came to the Provost as Prisoner to the Associated Loyalists, he (the Deponent) had heard he (Huddy) had hanged a Refugee in the Jersies on a large Oak near the Court House at Monmouth; on his (the Deponent's) asking Huddy concerning such Report, Huddy avowed it by saying, "By God he did," and that he (meaning himself) slushed (meaning greased) the Rope well, and that a Colonel Forman assisted in pulling the Rope hand over hand; that was the very Expression Huddy made Use of.

BRITISH GENERAL APPEALS TO WASHINGTON'S "COOLER JUDGMENT"

Letter from Sir Guy Carleton to General George Washington, August 13, 1782

British General Sir Henry Clinton, discredited and disgruntled, resigned from his North American post in May 1782. By the time his replacement, Sir Guy Carleton, reached the continent, the British had abandoned all hope of retaking the colonies and instead instructed the new commander to smooth over disputes and prevent new crises; after all, the United States was still a promising trade partner.⁵⁹

Carleton's conciliatory mandate clearly influenced his approach to the Huddy-Asgill affair. Much like his predecessor, he argued that the British military never authorized or endorsed Huddy's murder and intended all along to punish its perpetrators, thereby obviating the need for American retaliation – but unlike Clinton, Carleton couched this argument in gentle language, flattering Washington as a man of “liberal Mind” too civilized to seek savage vengeance. Attempting to use the court-martial of Captain Lippincott to prove how seriously the British take Huddy's murder, Carleton declines to mention that the court *acquitted* Lippincott until the fifth page of his letter, and immediately softens the blow by pledging to continue to “prosecute this Matter, with all the Effect which a due Regard to Justice will admit.”

For Washington, who saw retaliation as a duty but by no means a happy one, Carleton's tone – and more concretely his promise to continue the inquiry – offered a way out. Why kill Asgill when the British seemed newly willing to make amends? He only hoped that the Continental Congress would see things his way and allow Asgill to be spared.

George Washington Papers at the Library of Congress, 1741-1799
Series 4, Image 1028

New York August 13th 1782

Sir

I transmit to your Excellency a Copy of the Minutes of the Court-Martial, appointed for the Trial of Capt Richd Lippencot, accused of the Murder of Mr Joshua Huddy, together with such other documents as may serve to manifest the whole Course of the proceedings here, both before and subsequent to your requisitions thereon.

From these Documents Your Excellency will clearly perceive, that this Event was so far from being authorised by Government, that my predecessor in the Command was wholly unacquainted with the Fact, until he was informed of it by Major General Dalrymple and Mr. Elliot...

[T]herefore to remove all Question concerning these Gentlemen [Asgill and other Loyalist prisoners], I must take Leave to expressing Claim and Confidence, that You will immediately relieve them from their Anxieties and Confinement, as a Debt due to Humanity, to say Nothing of the Requirements of Honor and Policy, and of the Principles of all Laws, Civil and Moral.

The Trial of Lippencot is now in Your Hands, and You will find that he has been acquitted upon the Oaths of Men of Rank and Character, on all the Circumstances of the Case. To shew my thorough Disapprobation of the Execution of Huddy I have given Orders to the Judge Advocate to make further Inquisition and to collect Evidence for the Prosecution of such other Persons as may appear to have been criminal in the Transaction. But, tho' I mean, Sir, to prosecute this Matter, with all the Effect which a due Regard to Justice will admit, Yet You cannot fail to observe from the Minutes before You, how very much preceding Injuries have perplexed the Rules of Justice, and on this Account how difficult it is become, to ascertain the Quality of Actions, from the Diversity of Intentions, or to trace these pernicious Evils to any certain Motive or Source. The Province of New Jersey, You will perceive, has even legitimated these Violences, during our Contest, which have thereupon been openly acknowledged and avowed, Violences which have naturally begotten such Resentment as it is not in the Condition of Authority wholly to restrain...

This Letter Sir; together with the minutes of the Court Martial, will prove too plainly, that the same Spirit of revenge has mutually animated the people of New Jersey and the refugees under our command, equally criminal & deserving of punishment in all, as they lead to Evils and Misfortunes of the Blackest & most pernicious Sort. But they cannot Sir; be partially suppressed. I know that mutual Reproaches & Acts of Cruelty have been common in civil Wars, but Men of liberal Minds, invested with the dignities of high Office, are, or ought to be, above the taint of such vulgar Malignity; and you will acknowledge with me that it is their Duty most earnestly to join in the check & prevention of private Miseries, which cannot forward the Decision of any great point that may on either side be desired.

It is with great Satisfaction, that I read the Sentiments which your Excellency has expressed, and the Declarations you have made, of your Desires to soften the inevitable Calamities of War...

“EXTREMELY DELICATE FOOTING”

Letter from General George Washington to President John Hanson, August 19, 1782

Although Washington had advocated retaliation ever since 400 Monmouth residents petitioned him for revenge, he always viewed the prospective victim, Captain Asgill, with sympathy and sorrow, hoping against hope for a way to spare his innocent life without tarnishing American honor. In this letter to John Hanson, the president of the Continental Congress, Washington claimed to have found that way. Now that the British general Sir Guy Carleton had officially “reprobate[d]” Huddy’s murder without “sanctioning the motives” of the killers and had provided “the strongest assurances that further inquisition shall be made,” Washington felt he was on “extremely delicate footing.” Even if Carleton had no intention of making good on his pledges, what would the world think of the young United States if it pursued retaliation in the face of such seemingly reasonable concessions? The country, Washington argued, could not risk its reputation; Asgill’s execution should therefore be delayed indefinitely.

As strong as Washinton’s words were, and as influential a figure as he was, it took the Continental Congress two months to even begin to respond – and even then it merely referred the matter to a series of committees.⁶⁰ Exasperated with the dithering, especially in light of news that Asgill’s father had fallen ill, Washington demanded of Congress, “When my own feelings are wounded & others perhaps are suffering by the delay, how is it possible for me to forbear expressing my disquietude?”⁶¹ One committee member simply blamed “the Dilatoriness incident to a popular Government,” but the Congress might have been trying to put off a debate that proved to be contentious and bitter.⁶² After much exchange of “harsh Language,” it appeared that “A very large majority of Congress were determined on [Asgill’s] execution,” as New Jersey delegate Elias Boudinot later wrote.⁶³ The young captain’s life teetered on the brink.

George Washington Papers at the Library of Congress, 1741-1799
Series 4, Image 72

Head Quarters Newbury 19th Aug. 1782

Sir

Congress have been already furnished with Copies of all letters which had passed between the Commanders in Chief of the British Forces in New York and myself, respecting the murther of Capt. Huddy, previous to the last of July. I have now the honor to inclose Sir Guy Carletons letter of the 1st instant, (in reply to mine of the 25th ulto.) and that of the 13th which accompanied the proceedings of the General Court Martial for the trial of Capt. Lippincott. The proceedings, together with such other documents as relate to that unfortunate transaction, I also transmit by this opportunity.

As Sir Guy Carleton, notwithstanding the acquittal of Lippincott, reprobates the measure in unequivocal terms, and has given assurances of prosecuting a further enquiry, it has changed the ground I was proceeding upon, and placed the matter upon an extremely delicate footing.

It would be assuming in me, to ascribe causes to actions different from those which are ostensibly and plausibly assigned, but admitting that General Carleton has no other object but to procrastinate, he has, by disavowing the act; by declaring that it is held in abhorrence; by not even sanctioning the motives which appear to have influenced

Lippincot to become the executioner of Huddy; and by giving the strongest assurances that further inquisition shall be made, so far manifested the appearance of an earnest desire to bring the guilty to punishment; that I fear, an act of retaliation upon an innocent person, before the result of his inquisition is known, would be considered, by the impartial and unprejudiced World, in an unfavorable and perhaps unjustifiable point of view; more especially, as the great end proposed by retaliation, which is to prevent a repetition of injuries, has been in a manner answered: for you will please to observe, by the extract of General Clintons letter of the 26th of April to Governor Franklin, that he had expressly forbidden the Board of Directors to remove or exchange, in future, any prisoners of War in the custody of their Commissary, without having first obtained his approbation and orders...

“MY SON...AN OBJECT OF RETALIATION!”

Letter from Lady Theresa Asgill to Charles Gravier, Comte de Vergennes, July 18, 1782

If the grand furor of the Huddy-Asgill affair had an unlikely beginning – the rage of 400 citizens of Monmouth County – it had an even unlikelier end – the sorrow of an English noblewoman. In this plaintive letter to the Comte de Vergennes, Lady Asgill apologizes for violating “the politeness of the French Court” but pleads for Vergennes’s assistance in saving the life of her unfortunate son, Captain Charles Asgill, whose situation was already a matter of “common fame.” Lady Asgill had petitioned her own King George III for aid, but to no avail; she now turned to the French foreign minister, a man whose leading role in creating the Franco-American alliance earned him the admiration of George Washington – and, Lady Asgill hoped, no small amount of influence.⁶⁴

Describing her family’s tragic plight in the most emotional terms – her husband fallen ill, her daughter “seized with a fever and delirium, raving about her brother” – Lady Asgill tapped into the current of sentimentalism that then dominated European culture, leading not only to a favorable reception from Vergennes but also to the widespread reprinting of her letter throughout France and America.⁶⁵ In no small way, Lady Asgill’s words saved her son’s life, just as those of a few New Jerseyans imperiled it in the first place.

*George Washington Papers at the Library of Congress, 1741-1799
Series 4, Image 505*

Sir,

If the politeness of the French Court will permit an Application of a Stranger, there can be no doubt but one in which all the tender feelings of an individuals can be interested, will meet with a favorable reception from a Nobleman, whose character does honor not only to his own country but to human nature. The Subject, Sir, on which I presume to implore your assistance, is too heart-piercing for me to dwell on, and common fame has most probably informed you of it; it therefore renders the painful task unnecessary. My Son (an only Son) and dear as he is brave, amiable as deserving to be so, only nineteen, a prisoner under articles of capitulation of York-Town, is now confined in America, an Object of retaliation! Shall an innocent suffer for the guilty? Represent to yourself, Sir, the situation of a family under these circumstances, surrounded as I am by Objects of distress, distracted with fear and grief; no words can express my feelings or paint the Scene – my husband given over by his physicians a few hours before the news arrived, and not in a state to be informed of the misfortune; my daughter seized with a fever and delirium, raving about her brother, and without one interval of reason, save to bear the heart-alleviating circumstance. Let your own feelings, Sir, suggest & plead for my inexpressible misery – a word from you like a voice from Heaven will save us from distraction & wretchedness. I am well informed General Washington reveres your character; say but to him that you wish my son

to be released and he will restore him to his distracted family, and render him to happiness. My Son's virtue and bravery will justify the deed. His honour, Sir, carried him to America. He was born to affluence, independence and the happiest prospects. Let me again supplicate your goodness, let me respectfully implore your high influence in behalf of innocence in the cause of justice; of humanity; that you would, Sir, dispatch a letter to General Washington from France and favour me with a copy of it to be sent from hence. I am sensible of the liberty I take in making this request, but I am also sensible that whether you comply with it or not, you will pity the distress that suggests it. Your humanity will drop a tear on the fault and dissolve it. I will pray, that Heaven may grant you may never want the comfort it is in your power to restore on

Asgill

“TO DELIVER MR. ASGILL FROM THE FATE WHICH THREATENS HIM”

Translation of a letter from Charles Gravier, Comte de Vergennes, to General George Washington, July 29, 1782

When Captain Asgill's mother wrote to the Comte de Vergennes for help, she could not have realistically expected any response. After all, the Comte was an important and busy man, one of the top officials in Louis XVI's regime – a regime, incidentally, that was then waging war against Lady Asgill's own country. But Vergennes responded just as Lady Asgill wanted, forwarding her letter to General Washington and adding his own appeals to hers. Whether motivated by sympathetic paternal pangs, basic humanity, or simply a desire to seize the moral high ground from the British, Vergennes threw all his diplomatic weight behind setting Captain Asgill free.

In his letter to Washington, Vergennes walks a fine line between appealing to the General's virtue and threatening his interests, between speaking as a public figure and as a private citizen. Writing only “as a man of sensibility,” not as a representative of the French Crown, he nonetheless stresses that the king and queen sincerely hope for Asgill's freedom, and in fact feel entitled to some control over his fate since Asgill was “among those whom the arms of the king contributed to put into [Washington's] hands at Yorktown.” France was far too important an ally of the fledgling United States to risk jeopardizing the relationship over some provincial vendetta; with Vergennes's letter in hand, Washington knew he could convince the Continental Congress to let Asgill go.

The General was nearly too late. By the time Vergennes's letter arrived in America on October 25,⁶⁶ Congress was literally days away from deciding Asgill's fate once and for all. A small minority hoped to further delay the young captain's hour of reckoning; many more called for blood. When Washington's letter, which enclosed Vergennes's and Lady Asgill's, arrived in Congress on the very morning the final vote was to be held, no one could believe it; delegates closely examined the signature to ensure it was truly Washington's.⁶⁷ But once the letters were verified, Congress knew its course: on November 7, 1782, it resolved “that the Commander in Chief be, and he is hereby, directed to set Captain Asgill at liberty.”⁶⁸ Innocence was spared.

*George Washington Papers at the Library of Congress, 1741-1799
Series 4, Images 605-6*

Sir,

It is not in quality of Minister of a King, the friend and ally of the United States (tho' with the knowledge & consent of his Majesty) that I now have the honor to write to your Excellency. It is as a Man of sensibility and as a tender father who feels all the force of Paternal Love, that I take the liberty to address to your Excellency my earnest

solicitations in favor of a Mother and a family in Tears. Her situation seems the more worthy of notice on our parts as it is to the humanity of a Nation at War with her own that she has recourse for what she ought to receive from the impartial Justice of her own Generals.

I have the honor to inclose your Excellency a Copy of a letter which Mrs. Asgill has just wrote me. I am not known to her nor was I acquainted that her son was the unhappy victim destined by lot to expiate the odious crime that a formal denial of Justice obliges you to revenge. Your Excellency will not read this letter without being extremely affected; it had that effect upon the King and upon the Queen to whom I communicated it. The goodness of their Majesties Hearts induces them to desire that the inquietudes of an unfortunate Mother may be calmed and her tenderness reassured. I feel; Sir, that there are cases where humanity itself exacts the most extreme rigour – perhaps the one now in question may be of the number, but allowing Reprisals to be just, it is not the less horrid to those who are the Victims and the Character of your Excellency is too well known for me not to be persuaded that you desire nothing more than to be able to avoid the disagreeable necessity.

There is one consideration, Sir, which, tho' it is not decisive, may have an influence on your resolutions. Capt Asgill is doubtless your Prisoner but he is among those whom the Arms of the King contributed to put into your hands at York Town. Altho' this circumstance does not operate as a Safe Guard, it however justifies the interest I permit myself to take in this affair. If it is in your power, Sir, to consider & to have regard to it you will do what is very agreeable to their Majesties...

THE AFFAIR COMES TO A CLOSE

Letter from General George Washington to Captain Charles Asgill, November 13, 1782

Pursuant to the Continental Congress's resolution of November 7, General Washington finally set Captain Asgill free six day later. Clearly relieved that Asgill's six months of dreadful suspense and impending doom were finally over, Washington took "singular pleasure" in giving the young captain the good news and providing him with the passport necessary to escape the U.S. as quickly as possible. Washington also reiterated that he had no "sanguinary motives" in selecting a British officer for retaliation, acting only from a commitment to national honor and security. But Asgill apparently had little regard for the General's proud sense of duty – he fled the country so hastily and ungratefully, never thanking anyone for his freedom, that Washington thought him "defective in politeness."⁶⁹ Asgill no doubt felt justified in his hostility – after all, the man freeing him was the same one who commanded his execution to begin with.

As the Revolution receded into memory and normal life resumed, the controversy tapered off. Congress still claimed the right to retaliate but never used it;⁷⁰ Washington pressed Carleton for a thoroughgoing inquiry into Huddy's death,⁷¹ but Carleton never uncovered new information.⁷² Captain Asgill soon returned to England, where he led a successful military career and attained the rank of general,⁷³ while Richard Lippincott, Huddy's executioner, moved to Canada with the help of a captain's pension and a 3,000-acre land grant, even though he never officially served in the British military.⁷⁴ And for local historians, Joshua Huddy became "the hero martyr of old Monmouth"⁷⁵ – a figure, however exaggerated and mythologized, who proved that history can start anywhere.

*George Washington Papers at the Library of Congress, 1741-1799
Series 4, Images 886-7*

Head Quarters 13th November 1782

Sir,

It affords me singular pleasure to have it in my power to transmit you the inclosed Copy of an Act of Congress of the 7th instant, by which you are released from the disagreeable circumstances in which you have so long been; supposing you would wish to go into New York as soon as possible, I also inclose a passport for that purpose.

Your letter of the 18th of October came regularly to my hands; I beg you to believe, that my not answering it sooner, did not proceed from inattention to you, or a want of feeling for your situation; I daily expected a determination of your case, and I thought it better to await that, than to feed you with hopes that might in the end prove fruitless. You will attribute my detention of the inclosed letters, which have been in my hands about a fortnight, to the same cause.

I cannot take leave of you Sir, without assuring you, that in whatever light my agency in this unpleasing affair may be viewed, I was never influenced thro' the whole of it by sanguinary motives; but by what I conceived a sense of my duty, which loudly called upon me to take measures however disagreeable, to prevent a repetition of those enormities which have been the subject of discussion. And that this important end is likely to be answered without the effusion of the Blood of an innocent person is not a great relief to you than it is to

Sir

Yr most obt. and hble. Servant

ART IMITATES LIFE

Letter from General George Washington to J.L. Le Barbier, Jr., September 25, 1785

In a strange postscript to the Huddy-Asgill affair, George Washington, a staunch military man, found himself penning florid phrases in English to compliment a French dramatist who wrote a play starring Washington – a play Washington never saw. The playwright, J.L. Le Barbier, Jr., was one of at least three French writers who transformed the Huddy-Asgill affair's moral turmoil and diplomatic brinkmanship into staged spectacle.⁷⁶ The plays, along with a novel and several poems, constituted a small corpus of Huddy-Asgill literature, largely forgotten today, which focused on Washington's ethical dilemma as he struggled to balance justice for Huddy with justice for Asgill.⁷⁷ Not all of the works were so weighty, though. The Revolutionary poet Philip Freneau wrote from the perspective of a Loyalist printer convinced that Washington's mercy gave him a free hand to commit libel:

*I'm sure they'll be clever; it seems their whole study;
They hung not young Asgill for old Captain Huddy,
And it must be a truth that admits no denying,
If they spare us for murder, they'll spare us for lying.⁷⁸*

Le Barbier aimed higher than Freneau, writing in an unctuous letter to his American idol, "I have attempted to paint in my drama of Asgill your character and love of your Country," those "great virtues" that earned Washington "the plaudits of the Universe."⁷⁹ Washington's reply was polite, but he could not actually make sense of the copy of the play Le Barbier sent – as he put it, "my deficiency in the knowledge of the French language does not allow me to become master of the Drama." Richard Henry Lee, the president of the Continental Congress, also received a copy and apparently could read French. A droll critic, he wrote: "The subject is not a bad one, but the Author of this work seems not to have made the most of it."⁸⁰

*George Washington Papers at the Library of Congress, 1741-1799
Series 2, Letterbook 12, Image 229*

September 1785

Mr. Le Barbier the younger – Paris

Sir,

I have been honored with the receipt of your letter dated at Paris the 4th of March; & pray you to accept my thanks for those copies of your Dramatic performance which you had the goodness to send me; & in which you have made such honorable & flattering mention of my name.

I lament Sir, that my merits are not equal to your praises; & regret exceedingly that my deficiency in the knowledge of the French language does not allow me to become master of the Drama, & of those Sentiments which I am told are beautifully expressed in it by the author.

Upon my gratitude you have a large claim for those expressions of esteem with which your letter is replete, & which, from a Gentleman who proposes not to compliment, are the more to be valued.

I have the honor to be &c.

G. Washington

Mount Vernon

25th Sept. 1785

“WITHOUT THE LEAST TOKEN OF GRATITUDE”

House Resolution 1051, 25th Congress, 3rd Session, introduced January 21, 1839

As the years passed following the conclusion of the Asgill debacle, the memory of Joshua Huddy's life faded from the American mind. But for Martha Piatt, a 70-year-old Ohio resident, Huddy was not so easy to forget: he was her father. Angry that, as she saw it, the nation had turned its back on “her gallant sire,” Piatt wrote to Congress in 1836, lamenting that “the widow and the children of that martyred hero, have been left hitherto without the least token of the gratitude of their country.” With her mother and sister already dead, Piatt declared herself and her sister's heirs the rightful beneficiaries of “such sums in money, and such quantities of land as her father would have been entitled to, had he served until the conclusion of the revolutionary war.”⁸¹

Impressed with Piatt's petition and Huddy's record, Congress appointed a special committee, which included representatives from New Jersey and Ohio, to assess and respond to Piatt's claims.⁸² On February 14, 1837, the committee issued a report calling for Congress to resolve that it held “in high estimate and grateful remembrance the service of Captain Joshua Huddy” and to pass a bill entitling “the legal representatives of Joshua Huddy” to 300 acres and \$1200.⁸³ In many antiquarian accounts, the story ends with that happy ending – Piatt vindicated, Huddy remembered, justice restored.

The reality, however, was far less inspiring. Inexplicably, the committee's recommendations languished in limbo; the bill apparently expired. For no clear reason, John Quincy Adams, previously president and at the time representative for Massachusetts, took up Piatt's cause and reintroduced the committee's bill, which passed the House but was ultimately tabled in the Senate, apparently not important enough to delay the end of the legislative session. For the next 14 years Piatt's petition ricocheted from committee to committee, periodically brought up by Ohio representatives but never acted on. Possibly hampering Piatt's chances of success was an unfortunate typographical error that sometimes rendered her name “Pratt,” thereby making it easy to confuse her with the two other Martha Pratts also seeking Revolutionary War pensions at the

time. After 1854, Piatt's name disappears from congressional records; evidently she never received any compensation. Sadly, it seems, America truly had forgotten.⁸⁴

House Bills and Resolutions

*25th Congress
3rd Session*

*H.R. 1051
January 21, 1839*

....

Mr. Adams, by leave of the House, submitted the following bill:

A BILL

For the relief of the legal representatives of Captain Joshua Huddy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the benefit of the resolutions of September sixteenth, one thousand seven hundred and seventy-six, and August twenty-fourth, one thousand seven hundred and eighty, of the American Congress, be extended to Marthia Piatt and Elizabeth Green, children of Captain Joshua Huddy, of New Jersey, who was inhumanly executed by the enemy, while a prisoner of war, in April one thousand seven hundred and eighty-two. . . .

"THEY NEVER SCAIRT JOSH HUDDY"

"Captain Josh Huddy, April 12, 1782" by William H. Fischer

This poem was published in *Patriotic Poems of New Jersey*, edited and selected by William Clinton Armstrong and published by the Sons of the American Revolution in 1906. Fischer was born in Bass River in 1867 but spent most of his life in Toms River. He was owner and editor of the newspaper, *New Jersey Courier*, and it is possible that Armstrong found it there.

Monmouth County Historical Association

CAPTAIN JOSH HUDDY

APRIL 12, 1782

The Britishers at Sandy Hook, they think they're mighty big,
(Each soger with his bright red coat, gloves, stock an' powdered
wig);
They've lots of ships, an' lots of guns, an' men a-plenty, too--
They never scairt Josh Huddy, with all their hullaballoo;
An' ef they left their ships-o'-war to foray on the land,
They al'ays had to reckon with his Monmouth County band.

*It won't be long 'fore we ketch'em,
Fore we ketch that Tory gang--
A Refugee's good as a Pine Robber,
And a Pine Robber's good for to hang!*

Dick Lippincott an' Cap'n Tie, the Whites an' that hull gang,
More'n oncet they swore that 'fore the dawn they'd see Josh
Huddy hang;
But when the Refugees an' Reg'lars scoured the country round
They's apt to find the sly ol'fox had turned into a hound--
Afore they'd git back to their boats Josh Huddy's turn come
then,
An' he would hunt the hunters with his Monmouth County men.

They ketch'd him at Toms River Bridge, when they was five to
one--
But all them odds agin him didn't make Josh Huddy run.
Each Tory had a musket, an' each Jarsey lad a pike--
We laid 'em out a man for man afore we ceas'd to strike--
With numbers they outfou't us, we could stand no longer, then
They captur'd Cap'n Huddy of the Monmouth County men.

They took him from his prison ship out to his native shore--
(They knew it was plain murder; they call'd it an act of war)
His gallus was three fence rails, pointin' up'ards to the sky;
But Cap'n Huddy show'd 'em how a Jarsey boy could die.
They left his corpse a-hangin' as they hurried from the strand,
His corpse, to call for vengeance, to his Monmouth County band.

Now Bastard Billy Franklin, an' Dick Lippincott, an' crew,
We've smoked you out of Jarsey to your Tory rendezvous;

An'-lest ye think that we've forgot you an' Your hellish work,
We'll come with Cap'n Hyler an' we'll nab you in New York.
For Hell is yawnin' for you, --you'll drop plumb to the Devil's
den,
Ef oncet you git within the reach of the Monmouth County men.

William H. Fischer

PHOTOGRAPHS⁸⁵

Huddy Park, Toms River, 1992

Huddy Park in Toms River was established in 1931 near the site of the blockhouse where Huddy was captured in 1782 shortly before his execution by Loyalists. This photo of archivist/librarian

Elsalyn Palmisano was taken by the late Donald X. Finn, an amateur historian who spent considerable time researching the life of Huddy.

Old Tennent Church, 2004

After his execution near Highlands, Huddy's body was brought to Freehold and then buried at Old Tennent Church. Although the grave is unmarked, he probably was buried not far from the church entrance, along with other Revolutionary War casualties. These recent photos depict the church, the probable site of Huddy's burial, and a memorial stone (not a grave stone) placed on the side of the church.

Huddy Memorial, Colts Neck, 2004

In a small park around the grave of Michael Fields, a Revolutionary War soldier, this memorial plaque may be found. The birth date given for Huddy, 1750, is incorrect: while a birth record for Huddy has not been found, he must have been born in the 1730s since he was expelled from the Quakers for dissolute behavior in 1757. Archives summer assistant Shane Wilson, who wrote most of the captions for this exhibit, is seen next to the memorial.

Site of Huddy's home, Colts Neck, 2004

Huddy's house was still in existence as late as 1842, when it was described as still showing the effects of the British attack on it in 1780. This marker is across Heyers Mill Road from the Colts Neck Inn.

Colts Neck Inn, 2004

Huddy operated an inn at Colts Neck for a short period after marrying, on October 27, 1778, the widow Catherine Hart, who had inherited it from her husband, Levi Hart. The inn was somewhere near the present location of the Colts Neck Inn but historians have not reached a consensus on its exact location.

Huddy's Inn, Colts Neck, 2004

The name Joshua Huddy is perpetuated by the restaurant and pub, Huddy's Inn, on Rt. 34 in Colts Neck. The restaurant is decorated with Revolutionary War memorabilia, including a plate depicting Huddy's house. Rene, who works at the Inn, is depicted wearing a shirt with a Huddy's Inn monogram that includes a Revolutionary War soldier.

Joshua Huddy Drive, Colts Neck, 2004

Located in a modern development in present-day Colts Neck, Joshua Huddy Drive serves as a special memorial, keeping Huddy's name alive in the public memory for passing pedestrians and motorists – and especially for those privileged few lucky enough to call Huddy their home.

\\exhibits\huddy2004\handout

NOTES

[*GW Papers* denotes *George Washington Papers at the Library of Congress, 1741-1799*, available online at <<http://memory.loc.gov/ammem/gwhtml/gwhome.html>>.]

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3. William Lauer, "Prisoner Exchange": *The Murder of Joshua Huddy* (Toms River: The Ocean County, N.J. Historical Society, 1994), 4-5.
4. *Archives of the State of New Jersey*, ed. William Nelson (Paterson: The Call Printing & Publishing Co., 1903), 25:247.
5. "Huddy, Joshua," *Encyclopedia of New Jersey*, 392.
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10. See *Archives of the State of New Jersey*, 25:247 and 26:238.
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12. Michael S. Adelberg, *Roster of the People of Revolutionary Monmouth County* (Baltimore: Genealogical Publishing Co., 1997), 280.
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19. Ellis, 386.
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21. See the Court Martial of Captain Richard Lippincott, testimonies of William Courlies and Rhoda Pew. Available online at <<http://personal.nbnnet.nb.ca/halew/Lippincot.html>>.
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23. *Ibid.*, 13.
24. Allan L. Damon, "A Melancholy Case," *American Heritage* 21:2 (1970), 92; Lauer, 76.
25. See the Court Martial of Captain Richard Lippincott, testimony of John Tilton.
26. John W. Barber and Henry Howe, *Historical Collections of New Jersey: Past and Present* (New Haven: 1868), 366.
27. See Michael S. Adelberg, "A Combination to Trample All Law Underfoot": The Association for Retaliation and the American Revolution in Monmouth County," *New Jersey History* 115:3-4 (1997), 3-35.
28. George Washington to the President of Congress, April 20, 1782, in *Writings of George Washington*, ed. John C. Fitzpatrick (Washington: USGPO, 1931-44), 24:145.
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30. From the *New Jersey Gazette*, April 24, 1782, rptd. in Barber and Howe, 366.
31. See William Borden, affidavit, April 19, 1782, in *GW Papers*, Series 4, Image 315.
32. See Adelberg, "A Combination to Trample All Law Underfoot," 22, and Barber and Howe, 366.
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41. *Journals of the Continental Congress, 1774-1789*, ed. Washington C. Ford et al (Washington, D.C., 1904-37), 22:218. Available online at <<http://memory.loc.gov/ammem/amlaw/lwjc.html>>.
42. Boatner III, 21-2.
43. Guy Carleton to George Washington, December 11, 1782, in *GW Papers*, Series 4, Image 369.
44. Damon, 93-4.
45. Stryker, 25.
46. George Washington to Moses Hazen, June 4, 1782, in *GW Papers*, Series 4, Images 554-5.
47. George Washington to James Tilghman, June 5, 1786, in *GW Papers*, Series 3, Letterbook 13, Images 79-82.
48. The excerpt given here was prefaced by the text of the note affixed to Huddy's body, transcribed elsewhere in this catalog.
49. Adelberg, "A Combination to Trample All Law Underfoot," 7 and 22.
50. William Livingston to George Washington, May 14, 1782, in *GW Papers*, Series 4, Images 60-1.
51. Adelberg, "A Combination to Trample All Law Underfoot," 24.
52. See *American Historical Documents, 1000-1904*, ed. Charles W. Eliot (New York: P.F. Collier & Son Corp., 1938), 172.
53. George Washington to David Humphreys, September 1, 1786, in *GW Papers*, Series 2, Letterbook 13, Images 171-3.
54. George Washington to Brigadier General Elias Dayton, June 4, 1782, in *Writings of George Washington*, 24:307.
55. Ellis, 221.
56. Thomas Paine to George Washington, September 7, 1782, in *GW Papers*, Series 4, Images 655-6.
57. *The Life of Thomas Paine* (New York: G.P. Putnam's Sons, 1908), 186, note 1.
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62. James Duane to George Washington, October 12, 1782, in *Letters of Delegates to Congress, 1774-1789*, ed. Paul H. Smith et al (Washington, D.C.: Library of Congress, 1976-2000), 19:248. Available online at <<http://memory.loc.gov/ammem/amlaw/lwdg.html>>.
63. *Letters of Delegates to Congress*, 19:319-20.
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65. See Sarah Knott, "Sensibility and the American War for Independence," *American Historical Review* 109:1 (2004). Available online at <<http://www.historycooperative.org/journals/ahr/109.1/knott.html>>.
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73. Damon, 96.
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79. J.L. Le Barbier, Jr., to George Washington, March 4, 1785, in *GW Papers*, Series 4, Images 67-72.

80. Richard Henry Lee to George Washington, July 23, 1785, in *GW Papers*, Series 4, Image 541.

81. Salter and Beekman, 87.

82. *Journal of the House of Representatives of the United States* (Washington, D.C.: USGPO), 30:98. Available online at <http://memory.loc.gov/ammem/amlaw/lwhj.html>.

83. For the committee's report, see Salter and Beekman, 88-90; for the first bill passed, see H.R. 935, 24th Congress, 2nd Session (available online at <http://memory.loc.gov/ammem/amlaw/lwhbsb.html>) and *Journal of the House*, 30:405.

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85. Photographs by Gary D. Saretzky except where indicated otherwise.