

## JOSEPH GALLOWAY AND THE BRITISH OCCUPATION OF PHILADELPHIA

BY JOHN M. COLEMAN\*

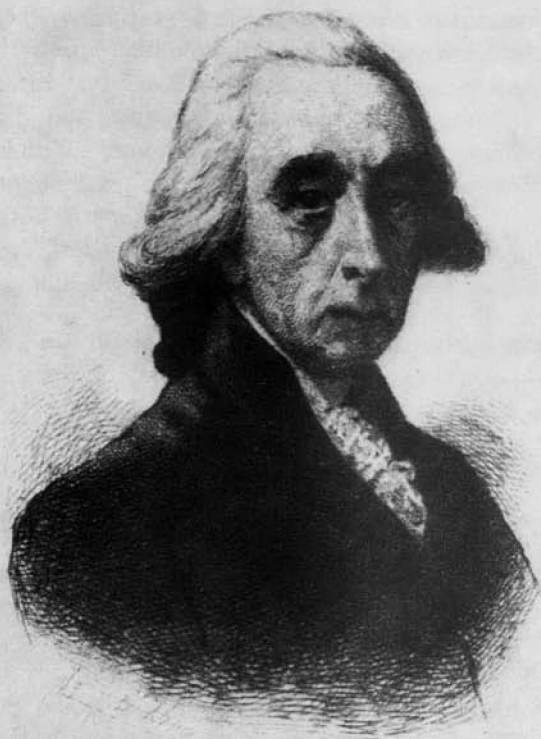
THE great Sir George Otto Trevelyan, an English historian who admired things American, was critical of British leadership during the American Revolution, and especially of their system of military government for occupied territories. One of the things which irked him most was the fact that Joseph Galloway, "the most eminent civilian who was then domiciled in the capital of Pennsylvania," was appointed by Sir William Howe to be merely "a sort of superior police officer" with limited functions under military rule.<sup>1</sup>

This interpretation of Galloway's role, I think, is misleading, at least for modern readers who may forget that a "police officer" was something quite different in the eighteenth century from what it was when Trevelyan used the term, or from what we might imagine it to be today. There is a semantic problem here; everything hinges on the meaning of the word *police*. A metropolitan police force was unknown in England until the "Bobbies" were established in 1829. The term obviously did not mean an organized group, with civil-military functions, wearing funny-shaped helmets and swinging truncheons in the British manner. Still less did it mean a paramilitary force, with side arms, of the American sort.

A typical eighteenth-century dictionary defines *police* as "the regulation or government of a community, so far as it respects the members of that community." A *policed* society was "regulated, or formed into a regular course of administration." It was a society made rational by the standards of the Enlightenment; almost every aspect of civilized life was included, though the

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<sup>1</sup> Sir George O. Trevelyan, *The American Revolution* (4 vols., New York: Longmans, 1899-1912), III, 348-349.



JOSEPH GALLOWAY  
Member of the Continental Congress

*Jos. Galloway*

*An etching by Max Rosenthal from an original oil painting, artist unknown.  
From the Collections of the Historical Society of Pennsylvania*

regulation of commerce received priority.<sup>2</sup> The term was not yet limited by the specialized functions of an organized police force. The entire apparatus of law enforcement was included—the courts, the constables, the sheriffs, and possibly military units to support them. The concept that was important was that the government should have the power to govern in a regular and systematic way. Samuel Johnson's famous dictionary quotes Bacon's statement concerning Holy Wars: "Where there is a kingdom altogether unable or indign to govern, it is a just cause of war for another nation, that is civil or *policed*. to subdue them."

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Sir William Howe officially appointed Joseph Galloway on December 4, 1777, as Superintendant General of the Police in the City and its Environs & Superintendant of Imports & Exports to & from Philadelphia.<sup>3</sup> One should note immediately, however, that this appointment was not without precedent. In fact, the six-page letter of instructions which went with it was almost an exact copy of the letter Sir William had written to Andrew Elliot on July 17, 1777, appointing him Superintendant of the Imports and Exports to and from the Island of New York, Long Island, and Staten Island.<sup>4</sup>

Andrew Elliot, although a property-owner in Pennsylvania, had from the year 1764 held the office of Collector of the Port and Receiver General of His Majesty's Quit Rents for the Province of New York.<sup>5</sup> Throughout the period of crisis he had been

<sup>2</sup> John Ash, LL.D., *The New and Complete Dictionary of the English Language* (2 vols., London, 1775), Widener Library, Harvard. See also the general discussion of the development of European police forces in Sidney Monas, *The Third Section, Police and Society in Russia under Nicholas I* (Cambridge: Harvard University Press, 1961), 26 ff.

<sup>3</sup> General Sir William Howe to Joseph Galloway, Esquire, Philadelphia, 4th December, 1777, No. 782, Brit. Hqs. Papers in America, MSS Div., New York Public Library.

<sup>4</sup> General Sir Wm. Howe to Andrew Elliot, Esq., New York, 17th July, 1777, No. 620, *ibid.* Several dates might be given for Elliot's appointment; May 4 is the date in *Orderly Book of The Three Battalions of Loyalists Commanded by Brig. Gen. Oliver de Lancey, 1776-1778* (New York: New York Historical Society, 1917), 69. See also Alexander C. Flick, ed., *History of the State of N. Y.* (10 vols., New York: Columbia University Press, 1933-37), IV, 44-46.

<sup>5</sup> Lorenzo Sabine, *Biographical Sketches of the Loyalists of the American Revolution* (2 vols., Boston, 1864), "Elliot." Also *Loyalist Transcripts*, XLV, 267, NYPL.

deeply involved in the affairs of the port of New York. When he was appointed to his new position in 1777, his instructions concluded with this: "the Office of Superintendant being entirely new, it is impossible to foresee the difficulties that may arise in the Execution of it, or to Establish at once all such Regulations as may be Necessary . . ."; and he was requested to "favour" Sir William with "any Observations that . . . Experience may Suggest for rendering the plan more perfect."<sup>6</sup> In Galloway's case in Philadelphia, the concluding request contained a slight adjustment in the language: "the Office of Superintendant, excepting the Appointment at New York, immediately before my Departure from thence, being entirely new it is impossible to foresee the Difficulties . . .," etc.<sup>7</sup> The position which Galloway held was therefore based, in its origin, on that held by Elliot in New York.

A similar position, incidentally, was later recommended by Sir Henry Clinton for Charleston, South Carolina. In his memoirs Sir Henry wrote: "I left directions with Lord Cornwallis for the establishing a board of police at Charleston on much the same footing with that at New York, the extent of whose powers I knew, & which had now stood the test of some years."<sup>8</sup> But Lord Cornwallis, in this matter as in many others, changed his instructions and created an establishment different from the one proposed by Sir Henry, and the latter, true to form, did not object, but protested later that since "its decisions on cases of private property were rather more unlimited than I would willingly have given my sanction to, I must beg leave to rest the responsibility with Lord Cornwallis."<sup>9</sup>

What were the instructions that were given to Elliot, and that served as a basis for civil administration by what Galloway called "the Officers of the several Garrisoned Ports"?<sup>10</sup> Elliot (and also Galloway) was "to make a Monthly Return" concerning the vessels arriving at the port and their cargoes. He was given certain assistants and if he needed more, he was to ask for them.

<sup>6</sup> No. 620 (p. 5), Brit. Hqs. Papers, NYPL.

<sup>7</sup> No. 782 (p. 6), *ibid.*

<sup>8</sup> William B. Willcox, ed., *The American Rebellion, Sir Henry Clinton's Narrative of his Campaigns, 1775-1782* (New Haven: Yale University Press, 1954), 182.

<sup>9</sup> *Ibid.*

<sup>10</sup> J. Galloway to His Excellcy Sir Wm. Howe, &c &c, Philadelphia, April 6th, 1778, No. 1071, Brit. Hqs. Papers, NYPL.

These assistants were to be paid a fixed salary and were not to demand or receive fees or gratuities from the masters or owners of ships "under any Pretence whatsoever." Seizures and confiscations of ships, or prohibited articles (including rum, molasses, salt, and medicines) were to be reported to the military authorities. Certain confiscated goods were to be sold at public auction, and informers were to be paid from the proceeds. If military force was necessary, it was to be provided. Because of the possibility of fire the Superintendent was to keep duplicate records in separate places of the names and tonnage of the ships, and the proceeds of sales. Every three months he was to submit an abstract of his entries.<sup>11</sup>

"The great object" of Elliot's appointment was twofold: to prevent the misapplication of cargoes intended for His Majesty's forces, and to prevent the conveyance of "Necessaries to the Rebel Armies, or to the Inhabitants of any Province in Rebellion." Galloway's instructions were similar, but by an odd slip of the pen he was informed that the "great objections" (rather than object) of his appointment was twofold. In any case, both objections, or both objects, had to do with commercial regulation. The police function was still seen in terms of the enforcement of the Navigation Acts and the proclamations implementing them. A slight shift in emphasis can perhaps be noted in the fact that while Elliot's title was Superintendent of the Imports and Exports, Galloway's was Superintendent General of the Police . . . & Superintendent of the Imports & Exports.<sup>12</sup>

The two Superintendents, under the Commander in Chief, soon found themselves regulating, or trying to regulate, the commerce of the entire Middle Atlantic area. Under a proclamation by General Howe on December 4, 1777, "all Vessels in His Majesty's Service" were exempt from their supervision;<sup>13</sup> but since "a Door was left open for the Masters of these Vessels either by themselves or in Combination with the Merchants to Trade at Pleasure in defiance of the Act of Parliament and to import secretly & Clandestinely even the Articles Prohibited," they were

<sup>11</sup> Compare Nos. 620 and 782, *ibid.* Galloway was to submit an abstract every month.

<sup>12</sup> *Ibid.*

<sup>13</sup> Proclamation, dated Dec. 4, 1777, *The Pennsylvania Evening Post*, Bound Vol. III, 564-565, Historical Society of Pennsylvania.

brought under their jurisdiction by a proclamation of December 18.<sup>14</sup> Mr. Elliot in New York objected to the responsibility of deciding which vessels could carry what, especially in the case of naval vessels. He felt that the second proclamation gave "a Tacit leave to Vessels in the King's employ to carry Goods"—and this would be a bad precedent.

General Howe asked Galloway for his opinion concerning Elliot's objections, and he obliged with a long legal document to the effect that proper control by the Superintendants gave the General maximum flexibility. For example: "Supplies of Forage are wanting at New York or Philadelphia from Rhode Island—Transports are sent in Ballast for them—Supplies are wanting at Rhode Island from Philadelphia or New York w[h]ere will be the inconveniences in granting a permit to carry those supplies of Merchandize to Rhode Island in the Vessels that sail in Ballast?"<sup>15</sup> The General decided that Galloway was right and that the Superintendants should have jurisdiction even in the case of "transports, victuallers, and prizes."<sup>16</sup> Thus, the two Superintendants, and Galloway in particular, assumed the functions of the Board of Trade and the Admiralty for the time being in this area. As an obvious precaution General Howe ruled that ships "should either be of sufficient force to protect themselves, or . . . come under Convoy."<sup>17</sup>

Meanwhile, a certain gentleman was lurking in the wings, greatly disappointed because Galloway, rather than himself, had been given these important responsibilities. This was John Patterson, who had been Deputy Collector of His Majesty's Customs in the Port of Philadelphia for three and a half years before the Declaration of Independence. Mr. Patterson had exercised his office "to the last day in which the Acts of Parliament and general restrictions of Congress permitted, by which he saved sevl thousand pounds" for the British. Furthermore, he "gave such early

<sup>14</sup> Proclamation, dated Dec. 18, 1777, *The Pennsylvania Evening Post*, HSP.

<sup>15</sup> From Galloway's six-page analysis, No. 1071, Brit. Hqs. Papers, NYPL.

<sup>16</sup> Proclamation, dated Dec. 18, 1777, *The Pennsylvania Evening Post*, HSP.

<sup>17</sup> Sir Wm. Howe to Andrew Elliot, Esq., Philadelphia, 18th Nov. 1778, No. 750, Brit. Hqs. Papers, NYPL. See also Elliot's letter to Howe, New York, 27th Oct., 1777, No. 721, and Howe's letters to both Galloway and Elliot, Philadelphia, 10th Decem., 1777, No. 795, *ibid*.

and particular information" concerning ships that were loaded with gunpowder, and might in his opinion have been used to raise the blockade of Boston, that he felt entitled to special consideration. He had been "offered the Office of Collector on very advantageous terms under the New Government" but had refused it and retired (or fled) to the Manor of Livingstone in New York. He had been caught up in Burgoyne's campaign, paroled, and appeared in Philadelphia in December, 1777,

to solicit Sir Wilm Howe for his exchange and to exercise his Office agreeable to the then state of that Port and of the laws respecting it, but to his great disappointment was refused both, Mr. Galloway having been appointed by the General Superintendent of that Port a few days before, who had taken possession of the Custom House under that Authority and was using the papers and printed forms belonging to it wch could legally be used only by the Collector.

That [he] was the more surprized at the Appointment of Mr. Galloway as he had written to the Generals Secy [Capt. McKensie] about two months before by Captain Colin Campbell (who was privately passing express from General Burgoyne to Sir Henry Clinton) that he would endeavor to repair to his Duty at Philadelphia and had little doubt but he would be able to effect it.<sup>18</sup>

As proof of his loyalty Mr. Patterson stated that he had in the early part of the controversy corresponded secretly with aides of General Gage in Boston, and concealed Captain McKensie "who came privately express from Gen'l Gage to Philadelphia . . . and forewd his dispatches and afterwards corresponded with Him under a fictitious signature." Nevertheless, despite these assurances, Sir William Howe "adhered to the Appointment" of Galloway, though he offered to Mr. Patterson, in the presence of Captain McKensie, "any other Office in his power."<sup>19</sup>

In establishing himself as Superintendant, Galloway hoped to mitigate the severity of military law and implement some of the

<sup>18</sup> *Loyalist Transcripts*, L, 262-306, NYPL.

<sup>19</sup> *Ibid.*

constitutional ideas for which he was so well known.<sup>20</sup> He had persuaded General Howe to give him this position, and may even have been instrumental in persuading the General to occupy Philadelphia in the first place.<sup>21</sup> We know, at any rate, that General Howe in his rueful *Narrative* after the war wrote: "I was informed the country of Pennsylvania was in general well affected. I received such information principally from Mr. Galloway, who was a strong advocate for the expedition into that province."<sup>22</sup>

The basis on which Galloway placed his hopes for an ultimate accommodation between the mother country and the colonies was a constitutional union, and he advocated a union of one sort or another for the better part of his adult life.<sup>23</sup> The so-called Galloway Plan, which had been presented to the First Continental Congress, had been based on Franklin's Albany Plan of 1754. Governor William Franklin testified years later that Galloway "borrowed of Govr Franklin a Plan wch had been many years before drawn up by his (Govr Franklin's) Father that he might be assisted by it in proposing a plan for that purpose to Congress."<sup>24</sup> The plan had fallen through, after close votes and complicated maneuvers, and eventually had been expunged from the minutes of Congress. Galloway now hoped that Parliament would come forward with a plan of union which would satisfy most Americans and could be imposed on others, and he bombarded British authorities on both sides of the Atlantic with carefully drafted statements of his various proposals. He seems to have regarded his position as Superintendent General in Philadelphia as a prelude to some more satisfactory and permanent arrangement. From the beginning he was more concerned with constitutional questions than with commercial regulation, and even after

<sup>20</sup> See Julian P. Boyd, ed., *Anglo-American Union, Joseph Galloway's Plans to Preserve the British Empire, 1774-1788* (Philadelphia: University of Pennsylvania Press, 1941), esp. Chapter IV, "Prelude to a System of Policy."

<sup>21</sup> Galloway to Germain, Mar. 18, 1779, Stopford-Sackville MSS, William L. Clements Library.

<sup>22</sup> *The Narrative of Lieut. Gen. Sir William Howe in a Committee of the House of Commons on the 29th of April, 1779 . . . to which are added, Some Observations Upon a Pamphlet Entitled, Letters to a Nobleman* (2nd ed., London, 1780), 60.

<sup>23</sup> Boyd, *Anglo-American Union*, *passim*.

<sup>24</sup> In 1784 Gov. William Franklin testified at length before the Loyalist Commission in Galloway's case. *Loyalist Transcripts*, XLIX, 150-151.



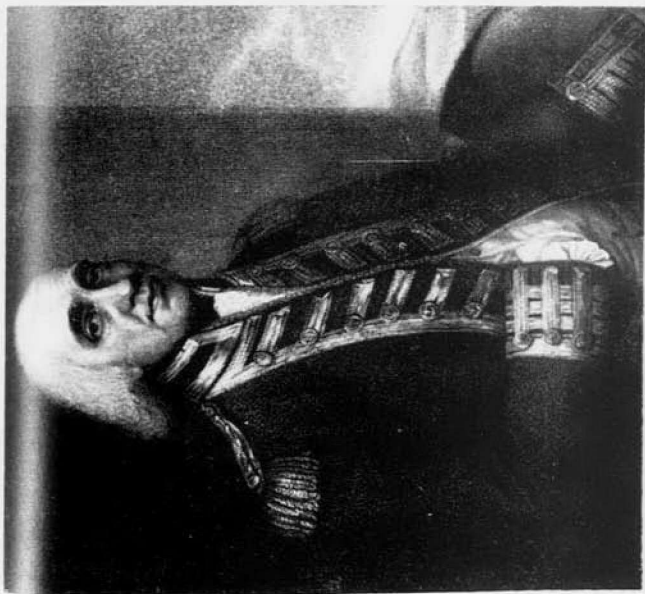
the British withdrawal from Philadelphia, and his flight to England, he could write to Lord George Germain in these terms:

. . . when I returned to Philadelphia, the numerous Inhabitants who remained there, almost unanimously concurred in their applications to me, to know whether they were to be Governed by military Law, or restored to their Civil Rights, and still wishing that the wisdom of Parliament would propose some System of Government, under which, the causes of the present dispute should be removed. To convince them that G. Britain meant to do what was right, I prevailed on the General to establish a Civil Police in that City. It gave general satisfaction, because it was esteemed a prelude to their being soon restored to the Enjoyment of Civil Liberty, and a Settled Constitution between the two Countries.

The offer of such a System of Polity to the People of America I have always thought should have attended the British Arms from the Beginning, and gone Hand in Hand with them. . . . And even at this time, it must be productive of the most beneficial Consequences, by removing all Fears and Jealousies from the minds of the People . . . [and] be equally Effectual with the Power of Arms in Suppressing the Rebellion and finally restoring the Peace of both Countries.<sup>25</sup>

These were noble sentiments, or had been years earlier, but there was an incredible rigidity of character here that enabled Galloway to persist in these beliefs as late as 1779—and later. The only adjustment he seems to have made in his thinking was to personify in the Howe brothers the forces that had caused him so much disappointment and frustration. If only the Howes had wanted to win, if they had fought harder, if they had listened more often to him! A shrewd and penetrating sketch of Galloway's character was prepared by the Rev. John Vardill for the use of the Carlisle Peace Commission in 1778: "He is a man of integrity, much esteemed by the People, and possessed of an improved understanding: but he is too fond of *system* and his natural warmth of temper, inflamed by the oppressions and indignities he has suffered, will render you cautious of trusting to his repre-

<sup>25</sup> See footnote 21.



ADMIRAL RICHARD HOWE

*The Admiral was painted by Gainsboro Dupont. An engraving was made by W. T. Fry and published in London in 1831 by Fisher, Son & Co. The location of the original is unknown. General Howe's picture was etched by H. B. Hall at Morrisania, New York, in 1872. It was presumably copied from an original portrait in oil, the location of which is also unknown.*



GENERAL SIR WILLIAM HOWE

## THE HOWE BROTHERS

*From the Collections of the Historical Society of Pennsylvania*

sentations. You will, however, find him too valuable to be neglected."<sup>26</sup>

The story of Galloway's coming over to the British is familiar in its main outlines. He had refused election to the Second Continental Congress, disapproving of the actions of the First, and had retired for some months to his estate *Trevoise* in Bucks County. He was already known to the highest British authorities as a "warm friend to government" because of his confidential communications through William Franklin, Cadwallader Colden, and others, which were written "with a view of their being sent to Government"—though he was left free to deny knowledge of the use to which his letters were being put.<sup>27</sup> For that matter, he

<sup>26</sup> "Sketch of American public characters and hints for the Use of the Commissioners," 11 April 1778, [Rev. John Vardill] to [William Eden], *Stevens's Facsimiles*, 438.

<sup>27</sup> William Franklin's testimony on Feb. 18, 1784, was as follows: "Says that during the sitting of the first Congress Mr. Galloway frequently communicated to him their proceedings wch he transmitted to Govt. and says that he made many of these communications with a view of their being sent to Govern—others were more the confidante communicats of a friend." (*Loyalist Transcripts*, XLIX, 154; also see *New Jersey Archives*, Ser. I, X, 579 ff. for the letters.)

Galloway himself was more explicit: "That during the sitting of Congress, he communicated without reserve the secret proceedings to his Excellency, Wm. Franklin his Majesty's Governor of New Jersey, immediately after their dissolution he took a Journey to New York and waited on Governor Colden to give him the same Information with his Sentiments on the Measures wch he hoped might prevent a War between the two Countries. That he made these communicats, that they might be transmitted to his Majesty's Ministers for their Information, wch was accordingly done by Govr. Franklin and Govr. Colden to the Rt. Honble Lord Dartmouth." (*Loyalist Transcripts*, XLIX, 35-36.)

Galloway also produced in evidence a copy of Governor Colden's letter to Lord Dartmouth, Dec. 7, 1774, with this interesting passage: "Mr. Galloway and Mr. Duane tell me that at the close of the Congress they dissented from the proceedings and insisted to have their dissent entred upon the Minutes, but cod not by any means get it allowed." (*Ibid.*, 70.)

I am aware that several writers have denied that Galloway was consciously a spy, at this stage. Nevertheless, I have concluded that he *did* communicate with the British authorities, in this roundabout manner, and that he knew what he was doing. It is also true that he still hoped to safeguard American interests within the British Empire. His statements on the subject were not consistent. Above, he was arguing before a British commission that he was entitled to compensation as a Loyalist and was taking a pro-British line. In 1793, writing to Thomas McKean, in an effort to obtain permission to return to America, he implied that he did not "act against America" until he joined Howe's army. (McKean Papers, II, 108, HSP.) My opinion is that at the time of the Congress William Franklin, and others, were covering up for him; when he testified before the Loyalist Commission, he told the truth, but made it stronger than it needed to be; when he wrote to McKean he glossed over hostile acts, hoping that they had been forgiven or forgotten.

had been of service to General Gage years before the Revolution in getting the Assembly of Pennsylvania to pass an order for the quartering of British troops, pursuant to the Mutiny Act of 1765.<sup>28</sup>

At ten o'clock on the night of November 30, 1776, at Brunswick, New Jersey, Galloway presented himself to General John Vaughan, and the next morning to the Earl of Cornwallis, having swum his horse across the Delaware River and fled to the protection of the British army. The British were then sweeping across the Jerseys, and as yet had no hint of the reversals that were to occur at Trenton and Princeton a few weeks later. Galloway gave what intelligence he could concerning the American forces, and some of it, according to Cornwallis, was "very material."<sup>29</sup> He then began, or perhaps it would be more accurate to say, resumed his indefatigable efforts to make himself useful. His functions, as will appear, depended more on what he was able to accomplish, and what he was allowed to attempt under the circumstances, than on any theories as to what the role of a Loyalist politician or police superintendent ought to be.

After the battle of Trenton "finding that a retreat was resolved on [Galloway] escaped to New York, but not without the most imminent danger of being taken and put to death, one of his valuable friends being shot by a party of Militia sent in pursuit of [him] a very little time after he left the place."<sup>30</sup> Once in New York he struck up a friendship with Ambrose Serle, Secretary to Admiral Lord Howe, who had previously held a similar position with Lord Dartmouth in England. Serle noted in his *Journal*, on December 31, 1776, that Galloway "fully answers the Idea of Good Sense and Integrity I had entertained of him from his confidential Correspondence in England."<sup>31</sup> Serle was at pains to introduce him as soon as possible to Lord Howe, and help him open a correspondence with Lord Dartmouth, who as a Secretary of State could see that his information was shown to the right people in London.<sup>32</sup> After all, here was a valuable acquisition, a

<sup>28</sup> General Gage mentioned this service in his testimony on Galloway's case on Feb. 13, 1784. (*Loyalist Transcripts*, XLIX, 146-147.)

<sup>29</sup> Testimony of the Earl of Cornwallis, Feb. 13, 1784. (*Ibid.*, 147-148.)

<sup>30</sup> Galloway's memorial to the Commission. (*Ibid.*, 42-43.)

<sup>31</sup> Edward H. Tatum, Jr., ed., *The American Journal of Ambrose Serle, Secretary to Lord Howe, 1776-1778* (San Marino: Huntington Library, 1940), 165.

<sup>32</sup> Many of Galloway's private reports are reproduced in *Stevens's Facsimiles*. Boyd, *Anglo-American Union*, 67 n., gives a list. Lord Dart-

man who had been Speaker of the Pennsylvania Assembly for fourteen years, and had a numerous acquaintances at the seat of the Congress. At this point he was just forty-seven years of age, and vigorous and determined.<sup>33</sup>

During the first months of 1777 Galloway discussed his favorite subjects with all sorts of people in New York. The subject he discussed most eloquently was the desirability of a new, co-ordinate constitution for the empire, but he also held forth on the necessity for strengthening the royal prerogative by doing away with the proprietorships in Maryland and Pennsylvania, and even on the establishment of the Church of England in the colonies.<sup>34</sup> More to the point for our purpose, we find him on April 4 "uneasy, that a Person, whom he had employed to procure Pilots for the Delaware at Philadelphia, was confined to Prison & wd. probably be hanged."<sup>35</sup> This was apparently James Molesworth, and al-

mouth was the man who had sent the circular letter in the name of the King, on Apr. 15, 1775, to the Governors of Quebec, Nova Scotia, New Hampshire, Massachusetts Bay, New Jersey, New York, Virginia, North Carolina, South Carolina, Georgia, East Florida, West Florida, Pennsylvania, and Maryland to the effect that the "orders of the Commander in Chief of his Majesty's forces in North America, and under him of the Major Generals and Brigadier Generals shall be supreme in all cases relative to the . . . troops." (*New Jersey Archives*, Ser. I, X, 586.) This letter established the legal basis for the military, or police, action which followed.

<sup>33</sup> See Thomas Balch, ed., *The Examination of Joseph Galloway, Esq.* (Philadelphia, 1855, orig. London, 1779, printed for J. Wilkie), for biographical details. This hearing took place in 1779.

<sup>34</sup> Tatum, *Ambrose Serle*. On Mar. 13, 1777, Serle quotes someone, most probably Galloway, as saying: "a constitution, free and just in itself, analogous to and co-ordinate with that of Britain, should be generously granted to this Country, and accordingly be previously prepared for it, with the advice of some intelligent Americans. . . ."

As early as Jan. 29, 1777, Galloway informed Serle, "it would be a very popular Act, if Gov't. would cancel the Proprietaries of Maryland and Pennsylvania." He had a lifelong conviction that only the royal form of government could be made strong enough to maintain law and order. He and Benjamin Franklin, many years before the Revolution, had taken the lead in petitioning for a royal government in Pennsylvania. The petition originated with Galloway "so early, as 1761—or 1762" (Galloway's testimony, Feb. 12, 1784, *Loyalist Transcripts*, XLIX, 62), and Franklin was sent to England to implement it. Galloway was always opposed to the special position of the Penns—and the Penn family was opposed to him.

As for establishing the Church of England, Serle noted on Mar. 28, "He seemed to be rather more lax in his opinion of that necessity than myself at first, but after canvassing the Subject a good deal, and explaining my Plan (wch is not to create Expense to the Country, nor abridge in the least the Liberty of Conscience to all Sects) he seemed perfectly to acquiesce in my Sentiments."

<sup>35</sup> Tatum, *Ambrose Serle*, 206.

though no one in New York yet knew it, he had already been hanged, on April 1 or thereabouts, "in the presence of an immense crowd of spectators." The details of the episode we learn from the post-war petitions of Molesworth's brother-in-law, Thomas Davidson, and his friend and fellow-pilot, William Shepard. The latter testified: "The first open Act he did was to procure Pilots for Lord Howe in 1777 the Spring before Gen'l Howe came to Philadelphia was employed with another person by Mr. Galloway procured one pilot and sent him to New York, he piloted the Fleet up the Cheasapeak. His name was John Kealing, the other person James Molesworth employed as [he] was was Executed 1st April 1777."<sup>36</sup> Shepard also stated that a man named Shnyder had betrayed them, though he had given him £50 currency for his services, and that he himself only escaped by a precipitous flight to the British army when he heard that Molesworth was taken. Shepard was later employed as Deputy Commissary of Forage in Philadelphia.

Galloway's early involvement in plans for the expedition against Philadelphia helps to explain the violence of his subsequent reaction against what he considered General Howe's bungling. As is well known, the British army first moved overland, across the Jerseys; it then embarked at New York for a naval expedition up the Delaware; and, finally, it put out to sea again and approached the city by way of the Chesapeake. Galloway was not alone in his disgust at this shilly-shallying, which cost the British forces most of the summer of 1777. Ambrose Serle, secretary to Lord Howe, and a loyal Britisher if ever there was one, described the campaign in acid terms to the Earl of Dartmouth, as follows:

On the 9th of June, the General left New York and joined his Forces; and, on the 13th the Army, in high Spirits, marched out from their Winter Quarters towards the Rebels; whose collected Strength was estimated at about 8,000 Men. We had more than double that number.

In a few days after this March, and after almost investing the Rebels, the Army returned to Brunswick, and from thence to Amboy and Staten Island. It was observed, that never was an Army more chagrined than by this Retreat. The first as well as the inferior officers

<sup>36</sup> *Loyalist Transcripts*, XLIX, 303. For Thomas Davidson, see LI, 115.

complained loudly, and perhaps, in so doing, indiscreetly. The Infection of Discontent from this Period has spread among us. I can scarce hear a Man speak on the subject, but in Passion and Dispair.<sup>37</sup>

These are strong words, but considering their source may be given due credence. Serle goes on to explain how the troops embarked at Staten Island on the 9th of July, put out to sea on the 20th with "near 270 sail," sailed from the 23rd to the 29th from Sandy Hook to the Capes of the Delaware, and "left the Delaware again, almost as soon as we had seen it, and sailed to the Southward." They reached the Capes of Virginia on the 15th of August, and got to the Head of the Bay on the 22nd. The troops were not disembarked until August 25. During most of this passage "the Heat was such, as People, who have visited Guinea and the W. Indies, averred they never felt before."<sup>38</sup> Under these conditions the morale of the army hardly needs to be described. When Galloway subsequently accused the Howes of incompetence, or of losing the war on purpose, there was many a loyal Britisher to applaud his every word. For the time being, however, he held his tongue and did what he could to promote the success of British arms. Much of his activity was secret, but we catch glimpses of it in the *Loyalist Transcripts*, and it is clear that he risked his neck and the necks of several of his friends to make possible the passing of the *chevaux-de-frise* on the Delaware.<sup>39</sup> Howe's decision to turn southward, without attempting the passage, was something he never forgave.

Galloway's most active period began with the landing of the army at the head of the Elk River in late August, 1777. Before this time he had advised the British leaders, drawn up plans, and engaged agents and spies, but from this point on he was the Commander in Chief's most active assistant. Although a civilian,

<sup>37</sup> [Ambrose Serle] to the [Earl of Dartmouth], 30 August 1777, *Stevens's Facsimiles*, 2066. The overland expedition was apparently merely an attempt to draw Washington into an action.

<sup>38</sup> *Ibid.*

<sup>39</sup> Tatum, *Ambrose Serle*, 206, quotes Kemble's "Journals" to the effect that James Molesworth was "said to be sent by Mr. Galloway, but believe him employed by the Commander-in-Chief to get Pilots to pass the *Chevaux-de-Frise* with." (N. Y. Hist. Soc., *Collections for the Year 1883*, 112.) Previously, Galloway had urged Howe to proceed against Philadelphia by land. (*Examination of Joseph Galloway, Esq.*, 16 n.)

he performed military functions which could be classified under all four of the modern staff-offices: G-1 (personnel), G-2 (intelligence), G-3 (plans and operations), and G-4 (supply).<sup>40</sup> So far as his policing duties were concerned, they may be said to have begun either when the troops landed on August 25, or a month later when the army entered Philadelphia on September 25. His official appointment as Superintendant General, December 4, merely confirmed powers which he had been vigorously exercising from the beginning of the British occupation; the proclamation was of significance primarily as it related to the port and the supervision of the prohibited articles.

After the war numerous American Loyalists described the tasks which they performed under Galloway's direction during these first busy weeks. A Quaker named John Jackson, for example, said: "The day before Brandy Wine [he] was desired by Galloway to reconnoitre and offered 60 Guineas for it. . . . said he would not do it for sake of Reward, took one Curtis Lewis with him and reconnoitred the Enemy and brought back an Account to General Howe a little before day. The Army marched immediately. Received 20 Guineas for this Service."<sup>41</sup> Richard Swanwick related that: "The day after the Battle of Brandywine Joseph Galloway, Esq. came to [him] in the name of Sir Wm Howe" and arranged for him to procure intelligence; his particular contribution was "more especially in describing a private Ford over the River Schuylkill." Some time later he "was called upon by the Right Honble Earl Cornwallis . . . to destroy a Bridge the Americans made over the River Schuylkill. [He] and the unfortunate John Roberts were the only persons his Lordship chose for Guides for this Service, poor Roberts after a long imprisonment was hanged for this partar Service."<sup>42</sup> The Roberts case was a *cause célèbre*, much later, but Galloway was lining these people up as fast as he could during the approach to Philadelphia.

Once the British reached the city, there was a flurry of activity because, as one Jonathan Adams testified: "the remained Amer-

<sup>40</sup> From the testimony of numerous witnesses, including half a dozen general officers.

<sup>41</sup> *Loyalist Transcripts*, XXV, 78. For Curtis Lewis, *ibid.*, 111. See also testimony of George Harding, *ibid.*, 22; Abraham Iredell, *ibid.*, 257; and William Caldwell, *ibid.*, 295.

<sup>42</sup> *Loyalist Transcripts*, L, 169.



icans resolved on burning the Town and actually got together great quantities of Combustibles for that purpose, to prevent which the Loyalists assembled at the Court House and formed themselves into parties and went thro' the different Wards to seize all the Arms & destroy such Combustibles."<sup>43</sup> One of those who assisted in the gathering of arms was John Johnson, a coach-maker, who was ultimately rewarded, not by money, but by "a passage to England wch he obtained through the recommendation of Joseph Galloway."<sup>44</sup> Another who "disarm[ed] the disaffected" and later helped make "a return of all persons than residg in Philadelphia with their respective properties and designations in order that the Commander in Chief [might] distinguish the Loyalists from the Rebels" was Anthony Yeldall, a "practitioner in Physic & Surgery." An interesting sidelight on Yeldall was that when he first came to the city in 1769 or 1770 he applied to Samuel Shoemaker, who was then Mayor but became a Magistrate of Police under Galloway, "for permission to exhibit as he supposed as a Montebk. Mr. Shoemaker forbid him at his peril."<sup>45</sup>

There were any number of others who were secretly employed. Galloway said that in all he sent out "upwards of 80 different Spies."<sup>46</sup> Samuel Kirk "at the Request of Joseph Galloway, Esquire (and under a promise of receiving One hundred Guineas) went into the Rebel Army during the Seige of Red Bank and returned after an absence of two days and three Nights when he made his report to Colonel Balfour and Mr. Galloway. . . . [received] no Compensation for such Service altho' repeatedly promised to him."<sup>47</sup> Thomas Badge might also be mentioned, though he was probably engaged by Sir William Erskine, the Quartermaster General, who seems to have been General Howe's other chief source of information. Badge was "employed to guide the British army from the head of the River Elk . . . in which

<sup>43</sup> *Ibid.*, 386.

<sup>44</sup> *Ibid.*, 207.

<sup>45</sup> *Ibid.*, 193. Galloway also requested William Austin, of Austin's Ferry, "as owner of the Ferry to take care that no Goods were carried away from the City without pass from Head Quarters." Austin later commanded the 18-gun *Rambler* in the Chesapeake, under Benedict Arnold. (XXV, 87.)

William Morris, high constable of the city of Philadelphia, was appointed Coroner and Constable under the Police by Galloway. (LI, 184.)

<sup>46</sup> Galloway's testimony on Feb. 12, 1784, *Loyalist Transcripts*, XL, 79.

<sup>47</sup> *Loyalist Transcripts*, XXV, 52.

services he unfortunately recd a musket Ball in the right Arm from the enemy, which has ever since disqualified him from earning a sufficient Livelihood."<sup>48</sup>

The man whose testimony sums up in the greatest detail the police activities under Galloway was Enoch Story, who incidentally, was appointed Deputy Inspector of Prohibited Goods in General Howe's letter instructions, dated December 4, 1777.<sup>49</sup> Story, according to himself,

conducted the Army into Philadelphia—attested the Recruits—superintended the Returns of Inhabitants and their property with designations of Characters respecting their political Principles &c &c within the Lines. collecting Arms from suspected Persons. acting as Collector of the Customs previous to the Appointment of the Superintendent of the Port—procuring Blanketts for the Troops who lost their own in the Battle of German town—soliciting Lodgings for the wounded Officers—Assisting the Barrack Master in providing quarters &c &c Keeping particular Accounts with the Venders of all Rum, Molasses, Salt, & Medicines (these Articles being proscribed under the Head of prohibited Articles) making out weekly returns of all Recruits attested with the names of Deserters from the Rebel Army & Navy as well as the Inhabitants who had taken the oaths of Allegiance—Receiving and paying all Demands against the civil Establishments in Philadelphia keeping Accounts & Records of Proceedings in those several departments &c &c (which Records are now in his Possession) For which Services His Excellency Sr Wm Howe was pleased to order him a Salary of 365 £ per annum.<sup>50</sup>

People who hated Galloway sometimes paid unconscious tribute to him for his efficiency and devotion to the British cause.<sup>51</sup> In fact

<sup>48</sup> *Ibid.*, XLIX, 219.

<sup>49</sup> *Ibid.*, L, 514.

<sup>50</sup> *Ibid.*

<sup>51</sup> The Magistrates of Police, brought in by Galloway, were "substantial men" who gave tone to the establishment. They were: Samuel Shoemaker, former mayor; Daniel Coxe, former member of the New Jersey legislature and a part proprietor of both Jerseys; and John Potts, former Judge of the Court of Common Pleas of the City and County of Philadelphia. Abel Evans, former Clerk of the Assembly, was appointed by Galloway to be Clerk to the Police. Not one of these men could be considered a "political hack"; all had made great sacrifices and demonstrated courage of a high order.

his name became a byword with the Americans, for vigorous collaboration with the British; there were many stories that revealed the prominence (however undesirable) that was always accorded him. A certain William Young, for example, who had been taken prisoner by a "Company of the most Hellish Refugees [who] called themselves Galloway's Volunteers" found that John Roberts interceded for him, while he was in jail, and as a consequence was "not much more esteemed as a friend to the King & the King's Government, Neither at Head Quarters nor by Galloway."<sup>52</sup> Later, Young interceded for Roberts, in an attempt to return the favor, when the latter was under sentence of death by the Americans. Galloway's alleged coolness to Roberts was considered a material circumstance, in an American court, tending to exonerate Roberts.

The powers enjoyed by the civilian chief, as well as his efficiency, were also illustrated in the case of the Pennsylvania Hospital. A letter in the Pemberton Papers indicates that Galloway's authority in this instance was practically dictatorial, and that while he exercised it smoothly, he was a tough man to bargain with. Dated 12 mo. 3, 1777 (the day *before* the police were officially established), the letter reads as follows:

. . . soon after the British troops took possession of the City, I informed thee they placed their sick & wounded in the Penna. Hospital, which they were informed was formerly occupied by ye Congress for their sick &c—a few of ye Managers immediately met & applied to J. Galloway for relief—who upon representing it to be a charitable Institution intirely independent & unconnected with the Military Hospital—we were allowed to continue the few Patients that were then in the house, provided we gave up all the large Wards to accomodate the King's Troops confining ours to ye New House & Garrett—the Managers acquiesced with the proposal & with it nearly all their Authority—we soon were obliged to *request* (instead of *demanding*) permission to admit patients. The Shop of Medicines too was intirely at their command. . . . I fear from a want of proper exertion we shall soon lose the little remaining Authority hitherto kept up.<sup>53</sup>

<sup>52</sup> *Pennsylvania Archives*, VII, 38.

<sup>53</sup> T. P. to Jas. Pemberton, 12 mo. 3, 1777, Pemberton Papers, XXXI (1777-1778), 50, HSP.

Galloway's own account of his services includes most of the functions already mentioned, but also others of considerable importance.<sup>54</sup> While still in New Jersey he suggested a method of foraging, and ways and means of procuring horses. In Maryland and Pennsylvania he furnished "Charts of the roads, guides for the Army, constant Intelligence." After Lord Cornwallis had spent more than a month trying to erect batteries against Mud Island, a project which failed because the tides from the Delaware River kept overflowing the ground where the batteries were being erected, Galloway took over the supervision of this project and accomplished it in six days—thereby exciting the admiration of the Chief Engineer, who testified in his favor that this "was a material Service and deserves notice."<sup>55</sup> On taking possession of Philadelphia Galloway's *ad hoc* organization "in one day numbered the Inhabitants, distinguishing bet. the Loyalists and disaffected, and in the same space of time disarmed all who were suspected of entertg seditious principles." A round-up of this sort must have required advance planning as well as an ability to improvise—and unlimited support from the General.

Another responsibility was settling on and fixing the prices of forage and wood "as low and at the same rates they were sold for before the War." To do this he "prevailed on the people to supply them accordingly"—a public-relations function which he considered eminently successful. In New York, he said, the army had had to pay three times the price for the same articles. Be that as it may, the various proclamations which he issued during the winter, publishing them in the newspapers and posting them in public places, came under the head of public relations.<sup>56</sup> Again, as in the case of intelligence, Galloway emerged as General Howe's chief resource. A few proclamations were issued by the General himself, the Quartermaster General, the Commissary General, or

<sup>54</sup> See *The Examination of Joseph Galloway, Esq.*, based on committee hearings of 1779, or the *Loyalist Transcripts*, based on hearings of the Loyalist Commission in 1784. The quotations in the next several paragraphs come from the latter, XLIX, *passim*.

<sup>55</sup> Testimony of John Montresor, Esq., late Chief Engineer, Feb. 20, 1784, *ibid.*, 158.

<sup>56</sup> The proclamations may be found in any of the three Tory newspapers printed in Philadelphia during the British occupation: the *Pennsylvania Ledger or the Philadelphia Market Day Advertiser*; the *Pennsylvania Evening Post*; and the *Royal Pennsylvania Gazette*, HSP.

the Adjutant General, but for the most part the public received its instructions, and its exhortations, from the Superintendent General, on a wide variety of topics.<sup>57</sup> These proclamations being so public, and so easily accessible, have been picked up by historians and presented as if they included a complete list of Galloway's activities. My own feeling is that they deal with minor police regulations and questions of morale; their importance should not be exaggerated, even when they touch on controversial matters like rationing. It is because these proclamations have been cited so frequently that Galloway's larger role has been missed.<sup>58</sup>

The point was, not that Galloway was ignored by Howe and relegated to the management of little details, but that he was constantly trying to enlarge his jurisdiction.<sup>59</sup> There was as yet no open break between the two men, but the General had to thwart Galloway's more ambitious projects and reassert his own

<sup>57</sup> A brief list, to indicate the scope of the proclamations, would include the following: Dec. 4—appointment of Galloway and description of the geographical limits of British-occupied territory; Dec. 9—regulations concerning the prohibited articles; Dec. 18—exceptions to commercial regulations, above, removed; Dec. 27—punishments for disorderly conduct and theft (frequently repeated); Jan. 8—curfew; Jan. 13—limitations on the cutting of wood; Jan. 15—pavements, rubbish, and chimneys; Jan. 15—regulation of ferry boats; Jan. 17—the night watch and licenses for venues and auctions; Jan. 17—regulations for wharves, markets, and butcher shops; Feb. 5 (by the QMG)—the registration of wagons, carts, and draught horses; Feb. 12—donations for the poor; Feb. 17 (by the QMG)—the registration of oil; Feb. 19—licenses for draymen and porters; Feb. 20 (by the Commissary General)—forage and pasturage for the King's horses; Mar. 11 (by Howe himself)—punishments for trespassers; Mar. 23—punishment for "ill-disposed persons" going up and down the Delaware; Apr. 20—permits required for all vessels importing and exporting; May 8 (by the Adjutant General)—action to be taken in response to complaints concerning the pulling down of fence rails.

<sup>58</sup> Many articles and books, over the years, have recited the police functions indicated by the proclamations as if they gave the whole story. Oliver C. Kuntzleman's doctoral dissertation at Temple University, 1941, "Joseph Galloway, Loyalist," mentions a great variety of printed sources but is weak on interpretation. Most other historians, likewise, have been unduly influenced by the public, or printed, sources.

<sup>59</sup> Carl Van Doren, *Secret History of the American Revolution* (New York: Viking, 1941), 37, says: "Useful as Galloway was, he seems to have been little more considered by Howe than Washington had been by Braddock. British generals did not listen much to civilians." This is essentially the Trevelyan thesis. To me, the comparison of Braddock with Howe is misleading, for Howe's problem was far more complicated. Howe listened to Galloway as much as he listened to anyone, and gave him infinitely greater latitude than Braddock had given Washington. No field general can be expected to turn over everything to a subordinate—military or civilian.

control from time to time.<sup>60</sup> The Superintendent was a hard man to manage, but at this juncture, we should remember, he was still the General's most active and vigorous assistant. Not long afterwards Howe would be defending himself in London against a Parliamentary faction who did not approve of his policies, and used Galloway as their star witness; but that was in the future. One of Galloway's most telling points, in his later testimony, was that although he had offered to raise a regiment of cavalry, he obtained a warrant for raising only a troop.<sup>61</sup> This was a grievance of many of the Loyalists—that not enough use was made of their services. We need not enter the debate here more than to say that there were excellent arguments on both sides—and Howe had the responsibility for deciding. The Loyalist leaders were uniformly sanguine as to the numbers who would support the British, if only they were armed. Howe professed to be disappointed that the numbers were not greater. Galloway meanwhile helped organize an Association of "upwards of 13,000 able bodied men" and "at two sevl. times" forwarded petitions from this group directly to the Crown, through Lord George Germain and Welborne Ellis, Esq., Secretaries of State, bypassing all echelons in between.

Despite these differences, and despite Howe's refusal to support the more drastic schemes, such as the plan to kidnap the rebel governor and council of New Jersey, Galloway was given an astonishing degree of leeway. He raised the previously-mentioned troop (which was intended primarily as a corps of guides) and at his own expense organized two companies of Loyalist refugees. For the latter outfit he served as operations officer, planning and executing, on his own authority, commando-type raids over a wide area. These raids, indeed, constituted most of the action that was to occur during the winter the British occupied Philadelphia. They were undertaken for various purposes: "Several posts were surprised and taken, a large quantity of cloth,

<sup>60</sup> See General Howe's testimony in Galloway's case on Feb. 18, 1784, *Loyalist Transcripts*, XLIX, 155-158.

<sup>61</sup> Galloway often compared himself with his opposite number in New Jersey, Cortland Skinner, former Attorney General and Speaker of the House of Assembly, who had been commissioned by Howe as brigadier general of all provincial troops in New Jersey. Skinner had raised more men, and had spent more money (as Galloway pointed out), but had accomplished less. (See *ibid.*, XXXVIII, 49-96, for Skinner's testimony.)

making up for Washington's army, then [at Valley Forge] in greatest distress for clothing was seized on and brought in: the country for near 30 Miles northward of Philadelphia constantly scoured and cleared of the disaffected, many of whom were taken and delivered up to the commander in Chief." Galloway, as it happened, had a commission as a colonel, dating from July 1, 1777, but his civilian duties were so much more important that he was never considered a member of the military.

The range of his interests can be seen in the memorial of Andrew Fursner, a Pennsylvania German, who had been involved in the pre-war plot to blow up the magazine at Carlisle, and who was to serve, first Howe and then Clinton and Carleton, over many years. Fursner declared that he was "recommended by James Rankin, Esqr. to Mr. Galloway, Superintending General, who sent him out to reconnoitre the Enemies Post at Valeyfords [*sic*] and brought in his Report and delivered it to Mr. Galloway and Major Balfour and then was sent out to reconnoitre General Potter's Brigade at New Town in Chester County, and then was sent with Dispatches to the Frontiers of Pennsylvania to Colonel Buttler [*sic*], and then returned and joined the Troops at Allentown in the Jerseys and marched with them to New York, and was immediately dispatched to Captain André and Mr. Galloway with Letters to Philadelphia and returned and was entered upon the List with Colonel Robinson and recommended by Major André to Sir Henry Clinton . . ." and so forth.<sup>62</sup> Many of Galloway's agents continued to serve long after the British evacuation of Philadelphia, and after Galloway himself had lost his position. Moreover, it is curious to observe how they continued to regard Galloway as their leader. As late as December 16, 1778, we find Daniel Coxe in New York writing to Galloway in England: "I shall wait with great Impatience for your friendly communications how to conduct myself, whether to remain here the ensuing Year or fly across the Atlantic."<sup>63</sup>

It was when the British decided to evacuate Philadelphia that Galloway finally lost patience with General Howe, though even

<sup>62</sup> *Ibid.*, XXV, 250.

<sup>63</sup> Dan'l Coxe to Joseph Galloway, N. Y., Dec. 16, 1778, in Scrap Book of Newspaper Cuttings, collected by James Riker, *Memoria*, Vol. 15, 1-8, NYPL. See also Balch's collection of letters to Galloway, written after the evacuation, *ibid.*

then he held himself within bounds until his testimony before the Parliamentary committee in England. For the moment he was in a position of great danger. He and his friends were being abandoned by the British army. What were they to do? If they fled, their property would be confiscated by the rebel government; if they remained, they might be hanged. For how many people and for how much property would the British forces assume responsibility? And which ones among them might hope to make satisfactory terms with the Americans? The Superintendent General was the logical man to conduct the negotiations—and a difficult business it was, especially for him. His property holdings were extensive, and his wife was not well. Could she, perhaps, remain, and look out for his interests, especially since much of their property was hers, in her own right?<sup>64</sup> Was it even possible that he could remain, if he could arrange for the surrender of the entire population? Would he be willing? And if he did it, would he be safe? There are many descriptions of the agony of these people, but it is still difficult to determine who would have done what, if it had been possible.

This much we know: the Howe brothers were willing to let the Loyalists make terms with Washington, if they could, but Clinton, who was assuming command, vetoed the idea because he said: "it is to be remembered that half the garrison of New York are provincials, who might be certain of gaining what terms they pleased by betraying the post; & may they not be tempted to if they conceive all our hopes in this country to be over, which an accommodation between these people and Washington would give them just reason to suspect." "Besides," he added, "I think a

<sup>64</sup> Grace Growden Galloway was the daughter of Lawrence Growden, a former Speaker of the Assembly of Pennsylvania, and had inherited an extensive estate from her father. She remained in Philadelphia in the hope of retaining at least her own property, even if her husband's was confiscated. She kept a diary, a pathetic document, during the period immediately after the departure of her husband and their only daughter, Betsy.

To her dismay she learned that some of her property had been made over into his name, without her knowledge. Nevertheless she recorded occasional correspondence from him, some of it ingeniously smuggled in—and her ambivalent (or confused) reactions to their separation. Eventually she lost all her property. From 1778 until her death in 1789 she was a semi-invalid, in a melancholy condition. She and Galloway were never reunited. See "Diary of Grace Growden Galloway," with Introduction by Raymond C. Werner, *Pennsylvania Magazine of History and Biography*, XV (1891), 32 ff.



partial accommodation of this kind should not be attempted until the Commissioners have made their proposals.”<sup>65</sup> Galloway always denied that he himself had intended to stay, but the official minutes of the interview state that “Mr. Galloway, on the part of the principal persons of the Town, asks permission to make terms with Washington.” In any case, he was attempting, once again, to make high policy. Admiral Lord Howe, according to Clinton’s note at the end of the discussion “saw the propriety of [Clinton’s decision] & acquiesced” but General Howe did not, and Clinton was outraged that Howe “did not in the least attend to consequences that might follow such a conduct in the Loyalists!!”<sup>66</sup>

The Loyalists were even more fervent, however, in their hopes that they could persuade the new commander to reverse the decision, and remain in Philadelphia, and fight. With the help of Ambrose Serle, Lord Howe’s secretary, Galloway drew up a document entitled “Reasons against Abandoning the City of Philadelphia and the Province of Pennsylvania,”<sup>67</sup> and he had numerous interviews with Clinton in which he served as spokesman for the Loyalists, and for many of the military. But it developed that the order to evacuate came from the king himself, as a result of the danger of war in Europe, and Sir Henry could do nothing to change it.<sup>68</sup> Serle wrote that he “felt with and for his friend,” and noted that Sir William Erskine, the Quartermaster General, “thinks with Mr. Galloway, though he does not speak like him.” Serle and Galloway actually considered a scheme, which several of the Loyalists had suggested, of presenting a memorial to the administration in London “to be backed by Sr W H[owe],” but decided against it.<sup>69</sup> This may mark the point at which Galloway decided irrevocably to fight Howe, when he got to England.

<sup>65</sup> Clinton’s minutes of conversations with the Howes and Galloway (ca. May, 1778) in Rawdon’s hand, finished by Clinton, William L. Clements Library. See also William B. Willcox, *American Rebellion* (New Haven: Yale University Press, 1954), Clinton’s note, 88, n. 6.

<sup>66</sup> Clinton’s minutes; his exclamation points.

<sup>67</sup> *Stevens’s Facsimiles*, 2096. A copy of this document was forwarded to Lord Dartmouth, as was almost every important paper Galloway wrote during his tenure of office. Serle’s collaboration is mentioned in Tatum, *Ambrose Serle*, 297.

<sup>68</sup> Tatum, *Ambrose Serle*, 298.

<sup>69</sup> *Ibid.*, 299. It should be remembered that Galloway and his friends needed the support of Sir William Howe, or someone equally powerful, if they hoped to obtain compensation from the British government for their losses. Daniel Coxé reminded Galloway of this necessity in a letter from New York, Dec. 17, 1778. (Balch’s Loyalist letters, NYPL.)

The epilogue shows the Police Superintendant turned accuser, against his former chief, with plenty of ammunition at his disposal. The conflict came into the open at the hearings before a Committee of the House of Commons, relative to the Conduct of General Howe "during his late command of the King's Troops in North America." The hearings took place in the spring and summer of 1779 and lasted for several months. They were followed by a bitter pamphlet war among the principals.<sup>70</sup> Howe, in defending himself, cast aspersions on Galloway's loyalty. Galloway, in rebuttal, asked why, if the General lacked confidence in him, he had given him so many positions of trust. He pointed out that the General had continued to consult him until he resigned his command, and then had recommended him, in writing, in the warmest terms to his successor.<sup>71</sup> Furthermore, he said, "You was the first gentleman, your own and your Noble Brother's Secretaries excepted, who paid him the honor of a visit on his arrival in London."<sup>72</sup> It is clear, and it is significant, that Galloway's testimony before the Committee surprised and shocked the Howes.<sup>73</sup> His later broadside against Lord Howe, the admiral, with whom he had had fewer disagreements, astonished them still more. In Howe's *Observations* he implies that Galloway must have been "instigated" to make his allegations.<sup>74</sup>

<sup>70</sup> Galloway's pamphlets were mostly polemical. See: *Letters to a Nobleman on the Conduct of the War in the Middle Colonies. A Letter to Lord Howe on his Naval Conduct*, and *A Reply to the Observations of Lieut. Gen. Sir William Howe*. He also wrote several pseudo-historical pamphlets in which he continued the debate. Howe's *Narrative and Observations* carried the burden of his defense.

<sup>71</sup> Six days before his departure from Philadelphia, Howe had written a circular letter, addressed to Galloway, Shoemaker, Cox, and Potts, in which he said: "The Salutary Effects of the Regulations in the Establishment of the Police in this City have so fully justified my Choice of the Gentlemen in whose hands I placed the Important Trust, that I can not, either as a public, or a private Man, withhold this Testimony of my Sense of their Services. And I beg, that to the general Respect paid you as an upright able Magistrate, and friend to the legal Constitution of your Country, I may be permitted the Honor of adding my particular Assurance of the great personal Esteem with which I am &c &c." This letter was dated Philadelphia, May 18, 1778. It appears in the Brit. Hqs. Papers (No. 1648), in Galloway's testimony before the Loyalist Commission (XLIX, 82-83), and in several of his pamphlets.

<sup>72</sup> *A Reply to the Observations of Lieut. Gen. Sir William Howe* . . . 137.

<sup>73</sup> The difference in tone between Howe's *Narrative* and his *Observations* on Galloway's *Letters to a Nobleman* is worthy of note.

<sup>74</sup> See George A. Ward, ed., *Journal and Letters of the late Samuel*

So far as political tactics went, neither the General nor his Police Superintendant came off with credit. Howe stated in his original remarks before the Committee, subsequently published as his *Narrative*, with further *Observations*, "Having once detected [Galloway] in sending me a piece of intelligence from a person, who afterwards, upon examination, gave a very different account of the matter, I immediately changed the channel of secret communications, and, in future, considered Mr. Galloway as a nugatory informer."<sup>75</sup> Galloway hit the ceiling. "How dark and unmanly is this charge!" he replied. "Against charges so general, so perfectly undefined, and so artfully made, it is impossible for the most innocent person to vindicate himself; for you have prudently avoided either mentioning the person who 'gave a very different account of the matter,' or the matter itself. Can you believe that this stab in the dark, at a private character, will not be condemned by the candour and good sense of the Public?"<sup>76</sup> An able defense attorney, no doubt, but equally skillful and even more unscrupulous on the attack, as in this passage: "You was not where you ought to have been, with your army at Brunswick . . . but in New York; and, should I descend to follow your example, of attacking private reputation, I could perhaps, inform the Public what *allurement* led you thither. However, as this is a practice of

*Curwen* (New York, 1842), 527-528, for a hint that Galloway appeared as a witness against Howe on the instigation of Lord George Germain.

Howe's surprise at the tactics used against him was registered thus: "One of the principal allegations against him, and against his Brother also, was, that they were too lenient, too discriminate towards the inhabitants of America. Severity, in its most savage extent, was held to be the only means of quelling the rebellion. . . . But Major General Grey, in his evidence before the House of Commons, deposed, 'that he never saw any degree of lenity shown to the Americans, but what was highly proper, and much to the honour of the General and the British army.' The imputation of improper lenity having thus lost its weight, the charge is suddenly reversed.—*Major General Robertson* and *Mr. Galloway* are brought to say, that the inhabitants were plundered by the King's Army, and (the enquiry in the House of Commons being hastily closed, so as to exclude the further examination of witnesses on my part, who could have counterbalanced the weight of these and other allegations) the author of Letters to a Nobleman is instigated to allege, that no lenity at all was shown towards the people of America; but that on the contrary, every species of cruelty, at which the human mind revolts, was countenanced and encouraged." (*Narrative and Observations*, 58.)

In the text, obviously, I have followed what I considered to be the larger outlines of the debate, rather than the intricate maneuvers of the hearings.

<sup>75</sup> General Howe's *Narrative and Observations*, 41.

<sup>76</sup> *A Reply to the Observations of Lieut. Gen. Sir William Howe* . . . , 133.

which I disapprove, I shall not adopt it, although your own conduct has justified it."<sup>77</sup> Cicero could not have slit a general's throat more deftly.

Underlying the personalities were two opposing theories of how the war ought to have been conducted. Troyer Steele Anderson, in his book *The Command of the Howe Brothers*, sums up the Howes' theory as follows:

The plan they devised bore close resemblance to the operations of a skillfully handled police force in times of public disturbance. The incorrigible and organized rioters, represented in this case by Washington's army, were to be attacked and broken up whenever safe and convenient to do so. The rest of the disorderly element, represented by the unorganized revolutionaries, was to be taught by a steady and methodical enlargement of the area of British occupation that continued resistance to law and order was impossible.<sup>78</sup>

This plan meant that as more territory was occupied, more troops would be required. If the British government had been prepared to support the commanders with ever-increasing numbers of troops, well and good. But if not, and here is where Galloway's theory came in, why should they not have used more Loyalists? Why should they not have armed them, and turned them loose? The Howes replied that the purpose of the war was to reconcile the colonies to the mother country, and unlimited depredations by the Loyalists would have made this impossible. They favored moderation. Galloway could point to his successful record as Police Superintendent of Philadelphia and prove (to the satisfaction of many) that under it British rule had become more popular. In any case, if the Commander knew he was going to lose, why did he expend so much blood and treasure? If he wanted to win, why not go all-out? To such a debate, of course, there could be no end. The British had lost, and both theories of policing America, insofar as they had been tried, had failed. The angry dialogue was inconclusive.<sup>79</sup>

<sup>77</sup> *Ibid.*, 128.

<sup>78</sup> Troyer Steele Anderson, *The Command of the Howe Brothers During the American Revolution* (New York: Oxford University Press, 1936), 333 ff.

<sup>79</sup> General Howe's reputation, in the historical sense, was blasted by the American Revolution. But he was promoted to lieutenant-general in 1782,

and to full general in 1793. Admiral Lord Howe served with the highest distinction for many years. In 1794 he was the victor in the Battle of the First of June.

Joseph Galloway, on the other hand, sank into obscurity as the excitement of the American Revolution died down. He continued to be a leader among the Loyalist refugees, however, and as his daughter later wrote: "Perhaps seldom anyone gave so much advice gratis." (*PMHB*, XXVI [1902] 438 n.) He wrote occasionally on religious subjects, and died in 1803, at the age of 73, having been in exile for 25 years.