

## **LOYALISM IN THE UPPER HUDSON VALLEY: THE REDISCOVERY OF ROBERT WILLIAM LEAKE**

By David Bosse

Librarian and Curator of Maps, Historic Deerfield

Historians today recognize the American Revolution as the first civil war fought in this country. Late eighteenth-century American colonists who adopted a political position - and not all did - divided into two camps: those who favored rebellion against Britain, and those who supported the King and his colonial agents. This fragmentation affected virtually every segment of the colonial population with little regard for social, economic, or religious affiliation. Nor was it constrained by geography, as each colony experienced some level of civil disorder. Beyond passionate clashes of political opinion, the divide between rebellious Whigs and allegiant Tories or Loyalists turned to personal violence and even military action on the part of Loyalists who organized regiments that fought alongside British regulars.

Estimates put the number of Americans who remained loyal to the Crown at roughly half a million, which represents nearly 20 percent of the population at the beginning of the Revolution.<sup>1</sup> New York surpassed all other colonies in its number of loyalists, and has often been referred to as a Loyalist stronghold. The occupation of New York City by British forces in the fall of 1776 unquestionably helped bolster the Loyalist cause in the province. While Manhattan and parts of Long Island sustained a relatively high percentage of Loyalists, considerable pockets of the King's supporters resided upstate in Westchester, Dutchess, Albany, Tryon, and Charlotte counties.<sup>2</sup>

Although not the first colony to pass anti-loyalist laws, New York's were among the most severe. Early in 1777, the provincial legislature established a Commission of Sequestration with the authority to confiscate and sell the property of individuals allied with the British cause. Two years later on October 22, 1779, the New York legislature passed the Act of Attainder providing for the forfeiture and subsequent sale of lands owned by persons "adherent to the King."<sup>3</sup> The first article named 59 men and women from throughout the colony who had been "convicted and attained" of loyalty to the King. The real and personal property of those named became "vested in the people of this state." Furthermore, the Act banished them from New York, and pronounced them guilty of a felony punishable by death if apprehended there. The individuals named in the Act included the former governor, attorney general, justices of the supreme court, members of the provincial council, and mayor of New York. The remainder consisted of assorted esquires, merchants, wives, clerks, yeomen, and gentlemen. Among the latter was one Robert William Leake of Albany County.

Leake has largely remained hidden from history's gaze as most documentation regarding New York Loyalists relates to individuals and events in the greater New York City area and lower Hudson Valley. Now a preservation program at the New York State Archives has brought a large cache of letters and documents relating to Leake and others in Albany County to light. Conservators working on the Second Series of Land Papers recognized the importance of the materials they were treating, and efforts began to improve access to this significant Revolutionary-era collection.

These papers establish many of the facts of Leake's life. A copy of his baptismal record shows that he was born to Robert and Margareta Leake on May 15, 1750, and baptized five days later, presumably in Bedlington, County Durham, England.<sup>4</sup> Between 1747 and 1749, Robert Leake Sr. had served as Commissary at Louisburg, Nova Scotia, after its capture from the French during King George's War. Back in England, Leake's family grew with the birth of sons Robert and John. Robert Sr. returned to the colonies in 1754 as commissary to Major-General Edward Braddock's ill-fated campaign in western Pennsylvania, and later held the office of Commissary General of North America. As a senior colonial government agent, Robert Leake was well

positioned to acquire extensive tracts of land. The Commissary's correspondence with Indian agent Sir William Johnson suggests that Johnson advised Leake on the availability and price of property in the Mohawk and upper Hudson valleys. In all, Leake owned real estate in New York, New Jersey, and as far away as Florida.

The younger son, John George Leake (1752-1827), resided near his father and stepmother Ann in New York City where he studied law with James Duane, and eventually became a prominent attorney. By 1771, Robert William had gone north to manage his father's holdings in Pittstown (Rensselaer County), across the Hudson from Albany. Surviving letters provide a glimpse into his relationship with an affectionate stepmother and stern father, both of whom reminded their son that his letters were too infrequent. In the same letter in which he gave him permission to sell lots and draw up deeds for land in Pitttown, Robert Sr. accused his son of being "lazy or forgetful."<sup>5</sup> John also corresponded with his brother on family and business matters, and occasionally informed Robert of their father's displeasure with his land transactions and advised him to "take care in any future Agreement you make."<sup>6</sup>

Upon the death of their father in December 1773, John and Robert received considerable landholdings.<sup>7</sup> The brothers shared lands near the confluence of the Hudson and Mohawk rivers near "the Halfmoon," and the Bedlington Patent in present-day Delaware County. John became owner of a farm in Claverack, New York, and lands in German Flats south of the Mohawk River. Robert gained title to more than 4,000 acres of property in Pittstown, his father's share of the township divided among the original proprietors Goldsbrow Banyar, William Smith Jr., Philip van Cortland, Alexander Colden, Abraham Jacob Lansing, and Edmund Wells.

Certain aspects of the life of a landowner emerge from Leake's papers. Beyond detailing the sale or acquisition of property, these documents provide a human context to Leake's existence. An indenture reveals that Richard Andrews of New York City was a member of Robert Leake's Pittstown household. At the age of seven, Andrews became bound to Leake for fourteen years to be taught "the trade or mystery of Husbandry and Farming and also to read write and cypher."<sup>8</sup> Andrews may well be the "boy" referred to in letters. Promissory notes between Leake and Pittstown neighbors James Jackson, Daniel Kinsley, and William Lamson, and correspondence with Albany merchant Gerret Van Sante and Loyalist mayor Abraham Cuyler, help populate his interactions. Van Sante, who served as a source of goods, and a shipping and mail agent, played a particularly conspicuous role. Leake himself sold goods and food, such as shoes, cloth, salt, wheat, and fish, to his neighbors.<sup>9</sup> Other relationships proved contentious. When John Griffiths moved on to one of his lots in Pittstown, Leake sent a letter warning him to vacate and cited a law that protected the rights of landowners.<sup>10</sup>

To develop his property and create income, Robert William Leake had a mill erected on the upper falls of the east branch of Sankanisick Creek in Pittstown. As early as 1763, a survey of land Robert Sr. owned in partnership with Isaac Sawyer had noted a promising location for a mill at the falls.<sup>11</sup> It would, however, be many years before the site was developed. A 1772 agreement between Robert William Leake and carpenter and millwright Nathan Oakes specified that Oakes would build a twelve-foot dam, a wheel, and a "good and substantial" sawmill measuring forty-five by sixteen feet for the price of £38.<sup>12</sup> The mill began operation in the spring as indicated by an account book in which Leake recorded that Beriah Chilson worked in the sawmill from March to May of 1772.<sup>13</sup> When petitioning for restitution from the British government in 1787, Leake claimed that by 1776 he had cleared eighty acres on which he grew Indian corn and other grain, owned a dwelling house, stable, barns and other outbuildings, and operated two sawmills and a grist mill.<sup>14</sup>

Beyond providing evidence of his business dealings, Leake's papers show that he was a slave owner. In 1773, Robert's stepmother Ann Leake gave him a slave named Nano. According

to his brother John, “a little spurring” would make her a useful addition to “a family where female labour is so much wanted.” He went on to add, “the Messenger dispatched to Secaucus for yr Wench’s Clothes & Bedding returned this morning empty handed...she is therefore sent with what she brought from home with ye Addition of a striped Blanket.”<sup>15</sup> Shortly thereafter, Ann wrote to ask Robert if he would like to purchase “Dublin” for a “trifle,” or she could make Dublin think that her recently deceased husband had left him to Robert.<sup>16</sup>

Just days before the battles at Lexington and Concord signaled the beginning of the American Revolution, a discouraged Robert wrote to his brother expressing a desire to “settle his affairs” in Pittstown and return to New York.<sup>17</sup> For whatever reason, this did not occur. Later in April, Ann wrote to Robert in a distraught tone: “Terrible Times, My heart almost broke do come Down to us.”<sup>18</sup> She also noted that “poor Bob Harding is to morrow to make his concession at the Liberty pole for sending or chuseing Bords for Boston poor fellow when he told us I said to be resolute tho I believe the Lump in his throat as big as an Egg.” Harding was one of the merchants who attempted to provision General Thomas Gage, only to back down in the face an angry mob of Whigs.<sup>19</sup> Within weeks, Ann’s stepson John traveled to London where he “followed his studies,” presumably law. John wrote to Robert and described the public reading of a proclamation “for the Suppression of Rebellion & Sedition in the Colonies,” and told of the departure of troops from Ireland to reinforce Gage at Boston.<sup>20</sup>

Once independence had been declared, Leake’s Loyalist leanings put him at odds with his military obligation. Each adult white male above the age of sixteen had to report for the local militia training day muster, and serve as needed in times of conflict. But in August 1776, Robert Leake, along with his neighbors William and Thomas Lamson, failed to appear for duty. Consequently they were each fined 10 shillings, payable as “goods and chattels,” and subject to arrest in default of payment. In Leake’s case, Sergeant Samuel Stilwell seized a cart he owned and sold it at public auction on August 31<sup>st</sup>.<sup>21</sup> Years later when he applied for compensation from the British government, Leake stated that he encouraged his neighbors to maintain their allegiance by refusing to take up arms against the Crown, possibly in reference to his non-compliance.<sup>22</sup>

Incidents like this may have raised suspicions about Leake among some of Pittstown’s inhabitants. The turning point came in the summer of 1777 when General John Burgoyne left Canada with an army of British regulars, German dragoons, and Canadians to begin his campaign to capture and control the Hudson Valley and New York City. Leake, John Macomb, and Francis Pfister, a veteran of the French and Indian War living just north of Pittstown in Hoosick, New York, recruited Loyalist troops in support of this military action. Pfister, who had held the rank of colonel in the British army, commanded one of two Loyalist units that accompanied Lieutenant Colonel Friedrich Baum’s detachment sent by Burgoyne to destroy rebel supplies stored at Bennington, Vermont. The ill-equipped and untrained Loyalists did little to prevent Baum’s utter defeat on August 16, which proved disastrous to their cause. Pfister died of his wounds and two-thirds of his troops were killed, captured, or missing. Leake escaped and joined Burgoyne’s army at Saratoga where he was taken prisoner and paroled to Canada. He next appears in Chateauguay, Quebec, on a muster roll of Loyalists dated December 1777.<sup>23</sup> Prisoners taken at Bennington and Saratoga reorganized as a corps under the command of Samuel McKay, with Robert William Leake, and John and Henry Ruiter of Hoosick and Pittstown respectively, serving as captains. Ultimately, Leake achieved the rank of major in the Second Battalion of the Royal Regiment of New York.

Having taken arms up against his fellow Americans and been declared an enemy of the state, Robert Leake returned to England at the war’s end. There he married Margaret Watts, daughter of New York Loyalist John Watts (1715-1789) who moved to England in 1775 in opposition to the Revolution. The connection between the Leake and Watts families was an enduring one. The lands of John George Leake, unlike those of Robert, had not been confiscated, and he accumulated a

personal fortune of \$300,000 and real estate holdings of roughly equivalent value at the time of his death in 1827.<sup>24</sup> John, who never married, left no heir and died intestate – a curious circumstance for someone in his profession. He bequeathed his estate to his nephew by marriage, Robert J. Watts, if Watts would legally take the name Leake. Watts agreed, but died soon thereafter. The Watts family then honored John George Leake's wish to establish a home for boys in Manhattan. Incorporated in 1831 as the Leake and Watts Orphan House, it operates to this day as a social services agency in Yonkers, New York, called Leake and Watts Services, Inc.

The circumstances of Robert William Leake's forced exile may have been alleviated by the reunion with his older sister Margareta who had remained in England, and by his marriage. Leake valued the loss of property in Pittstown and elsewhere in New York at more than £8,000, only a portion of which the Crown reimbursed. Perhaps more painful than his financial downturn was the separation from his brother and stepmother for whom he expressed equal affection. Leake's personal history ends on June 15, 1788, when he died in Cardiff, Wales, well short of his fortieth birthday. Nineteenth-century published histories of Rensselaer County expunged his presence from Pittstown's narrative, but his activities in the town, and the role he played in the upper Hudson Valley's Loyalist drama, can now be recovered.

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## ENDNOTES:

1. Smith, P.H. "The American Loyalists: Notes on their Organization and Numerical Strength," *William & Mary Quarterly* 25 (1968): 259-77.
2. Formed in 1772, Charlotte County consisted of all or part of present-day Clinton, Essex, Franklin, Warren, and Washington counties; Tryon County, also formed in 1772, consisted of all or part of 29 present-day counties situated between the Canadian and Pennsylvania borders, stretching as far west as Ontario County.
3. Act passed October 22, 1779. Full text of the Act available at: <http://personal.nbnet.nb.ca/halew/NY-Atainder.html>
4. Leake was baptized in "St. John ye Evangelic" Church. A40166 Vol. 7:139h; *The Family of Leake of Bedlington in the County of Durham* (Albany, 1845).
5. Robert Sr. to Robert William Leake, ??
6. John to Robert, Nov. 17, 1773; Vol. 7: 130e.
7. Copy of last will and testament of Robert Leake (undated); A40166 Vol. 10, 92a.
8. Indenture between Richard Andrews and Robert William Leake, dated Oct. 21, 1772. Vol. 10:92b.
9. Partial account book kept by Robert William Leake, 1771-1777; Vol. 7:129f.
10. Leake to John Griffiths, Feb. 24, 1772. Vol. 7:128a
11. Letter, Robert Yates to Robert Leake Sr., Dec. 11, 1763; A40166 Vol. 7, 126a-c.
12. Unsigned letter of agreement between Nathan Oakes and Robert William Leake, dated Jan. 8, 1772.
13. Partial account book kept by Robert William Leake, 1771-1777; Vol. 7:129f.
14. Great Britain. Commission Appointed to Enquire into the Losses of American Loyalists. *American Loyalist Claims, 1776-1831*; Vol. 24:148.
15. John to Robert, Nov. 17, 1773; Vol. 7: 130e.
16. Ann to Robert, April 14, 1774; Vol. 10:99f.

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17. Robert to John, April 6, 1775; Vol. 7:137c.
  18. Ann to Robert, April 14, 1775; Vol. 7:141a, with postscript “ye last of April”.
  19. Joseph Tidemann, *Reluctant Rebels* (Ithaca, 1997), 218-19.
  20. John to Robert, Sept. 5, 1775; Vol. 10, 99b.
  21. Order issued by Capt. James Brown, Aug. 26, 1776; Vol. 10:98a.
  22. *American Loyalist Claims, 1776-1831*; Vol. 24:146.
  23. “Roll of the Officers ...of Royalists Who Have served under General Burgoyne’s last Campaign...and those taken Prisoner at Bennington....” National Archives of Canada, WO 28/10. Reel B-2867:17-18.
  24. *An Epitome of the life, Character, and Tragical Death of John G. Leake* [Albany, 1844].