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“What They Call Free in This Country”: Refugees from Slavery in Revolutionary America, 1775-1783

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Abstract

This thesis explores how Black refugees experienced refuge with the British military during the American Revolutionary War, 1775-1783. It examines how refugees from slavery created and were denied sanctuary with the British forces. This thesis employs a chronological structure, while also elucidating important aspects of Black refugees' experiences, such as flight, siege, occupation, movement with the British army, and evacuation. This study focuses on Black refugees' experiences in the Revolutionary South, extending from Virginia to Georgia, before moving to New York City in the final chapter.

This thesis makes several arguments. It contends that Black refugees' ability to gain sanctuary with the British military was circumscribed by factors including mobility, geography, enslavers' allegiances, and the gendered contours of British offers of sanctuary. This thesis shows that the Revolutionary War changed the dynamic of Black refugees' flight. Throughout the conflict, Black refugees, through their mobility, engaged in distinctive processes of refuge seeking and refuge making. At the war's conclusion, this thesis reveals that whether Black refugees had forged refuge through service with the British military or by fleeing to British-occupied territory became critical in determining whether British officials would recognise them as refugees. In the war's final years, two distinct conceptions of refuge emerged: one based on military service and the other based on mobility.

This thesis makes a significant intervention in our understanding of slavery and emancipation in the American Revolution. Seeing enslaved people fleeing bondage as refugees helps to foreground the perspectives of Black freedom and sanctuary seekers. It demonstrates that refuge from slavery, as fleeting, precarious, and uncertain as it often was, better characterises the ambiguous relationship between Black refugees and the British forces than

the binary of slavery and freedom. The term “refugee,” this thesis shows, encapsulates the liminal status of enslaved people who sought sanctuary with the British military. In doing so, it historicises the degrees of unfreedom that Black refugees navigated to carve out sanctuary for themselves.

Lay Summary

This thesis explores how Black refugees experienced refuge with the British military during the American Revolutionary War, 1775-1783. It examines how refugees from slavery created and were denied protection from their enslavers by allying themselves with the British forces. This thesis uses a chronological structure, and demonstrates important aspects of Black refugees' experiences, such as flight, siege, occupation, movement with the British army, and evacuation. Geographically, this study focuses on Black refugees' experiences in the Revolutionary South, extending from Virginia to Georgia, before moving to New York City in the final chapter.

This thesis makes several arguments. It shows that Black refugees' ability to gain sanctuary with the British military was limited by a range of factors. These included mobility, geography, enslavers' allegiances, and the gendered context of British offers of protection. At the war's conclusion, this thesis demonstrates that whether Black refugees had forged refuge through service with the British military or by fleeing to British-occupied territory influenced whether royal officials would recognise them as refugees. In the war's final years, two distinct versions of refuge emerged: one based on military service and the other based on mobility.

This thesis makes a significant intervention in our understanding of slavery and emancipation in the American Revolutionary War. Seeing enslaved people fleeing bondage as refugees helps to foreground the perspectives of Black freedom and sanctuary seekers. It reveals that refuge from slavery, as fleeting, precarious, and uncertain as it often was, better describes the ambiguous relationship between Black refugees and the British forces than the binary of slavery and freedom. The term "refugee," this thesis shows, reflects the uncertain status of enslaved people who sought sanctuary with the British military.

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Abbreviations

CGHS	<i>Collections of the Georgia Historical Society</i>
CRSG	<i>Colonial Records of the State of Georgia</i>
CVSP	<i>Calendar of Virginia State Papers and Other Manuscripts</i>
DAR	<i>Documents of the American Revolution</i>
HCP	Henry Clinton Papers, William L. Clements Library, University of Michigan
NAUK	National Archives, United Kingdom
NDAR	<i>Naval Documents of the American Revolution</i>
PHL	<i>The Papers of Henry Laurens</i>
RAM	<i>Report on American Manuscripts in the Royal Institution of Great Britain</i>
RG	<i>Royal Gazette</i> (Charleston, South Carolina)
RGG	<i>Royal Georgia Gazette</i> (Savannah, Georgia)
RV	<i>Revolutionary Virginia: The Road to Independence</i>
SCAGG	<i>South-Carolina and American General Gazette</i>
TCP	<i>The Cornwallis Papers: The Campaigns of 1780 and 1781 in the Southern Theatre of the American Revolutionary War</i>
VG	<i>Virginia Gazette</i>

Introduction

In June 1796, at a Methodist school in Bath, England, a formerly enslaved man named Boston King decided to tell his story. Born into slavery around 1760 in the South Carolina Lowcountry, King was sixteen years old when the United States declared its independence from Great Britain in 1776. Four years later, in 1780, King made his own “personal declaration of independence.”¹ The British army, led by Sir Henry Clinton, had captured Charleston in May of that year. Clinton’s name, or at least a document he drafted, may have been familiar to King. A year earlier, Clinton had issued the Philipsburg Proclamation, which promised that any enslaved person who was “the property of a rebel” could “take refuge with any part of this army” and be granted “full security to follow within these lines.”² King did not hesitate to take Clinton up on his offer. “To escape [my enslaver’s] cruelty,” King remembered, “I determined to go to Charles-Town, and throw myself into the hands of the English.”³

King was one of thousands of enslaved people who made a similar, agonising choice. Like many other Black freedom seekers, he was “grieved ... to be obliged to leave my friends, and reside among strangers.”⁴ Nevertheless, as he recounted in his memoirs, enslaved people in their thousands, both individually and collectively, sought “refuge in the English army” and “refuge in the British lines.”⁵ In fleeing bondage, King, like thousands of others, became a refugee from slavery.⁶ However, unlike most of the enslaved people who sought sanctuary with

¹ Gary B. Nash, “Introduction,” in Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill: University of North Carolina Press, 1996), xix.

² Philipsburg Proclamation, 30 June 1779, PRO 30/55/17, National Archives, United Kingdom.

³ Boston King, “Memoirs of the Life of Boston King, a Black Preacher. Written by Himself, during his Residence at Kingswood School,” in *Unchained Voices: An Anthology of Black Authors in the English-Speaking World of the Eighteenth Century*, ed. Vincent Carretta (Lexington, KY: University Press of Kentucky, 1996), 353.

⁴ *Ibid.*

⁵ King, “Memoirs,” 356.

⁶ The number of enslaved people who sought freedom and refuge from slavery during the Revolutionary War has been the subject of much debate amongst scholars. In 1961, Benjamin Quarles estimated that the number of enslaved people “who fled to the British ran into tens of thousands,” see Quarles, *The Negro in the American Revolution* (Chapel Hill: University of North Carolina Press, 1961), 119. Thirty years later, Sylvia R. Frey

the British troops, at the war's end, King gained recognition from the royal forces as a refugee. In 1783, King departed New York City for Nova Scotia carrying a certificate testifying to his status as a refugee. This thesis distinguishes between *refugees from slavery* and *refugee status*. An enslaved person who escaped slavery was a *refugee from slavery*, an autonomous condition that depended solely on a freedom seeker's actions. Gaining recognition as a refugee, however, depended on the British army's willingness to accept that status.

In 1783, sanctuary seekers like Towers Bell appealed directly to Sir Guy Carleton, the commander-in-chief of the British armed forces in North America, to recognise a freedom that was forged through refugee status. In his petition, Bell told Carleton that he had been “six years what they call free in this c[o]untry,” having sought his freedom by escaping from Maryland and coming to New York City, most likely with the British forces.⁷ The testimonies left by refugees from slavery such as Bell reflected the contested nature of freedom and refuge in the Revolutionary War. Their petitions made clear that they understood freedom as being synonymous with refuge in the British lines.

acknowledged that “It is difficult to say with precision how many slaves actually left their owners,” adding that “Estimates range from eighty thousand to one hundred thousand,” see Frey, *Water from the Rock: Black Resistance in a Revolutionary Age*. (Princeton, NJ: Princeton University Press, 1991), 211. Graham Russell Gao Hodges similarly recognised the challenges that historians have faced in attempting to document precise numbers, concluding that “Accurate counts are really impossible are because of unrecorded casualties, escape to western frontiers, or to ocean vessels,” see Hodges, “Introduction,” in *The Book of Negroes: African Americans in Exile after the American Revolution*, eds. Graham Russell Gao Hodges and Allan Edward Brown (New York: Fordham University Press, 2021), xx. For an overview of scholars' interpretations, see Cassandra Pybus, “Jefferson's Faulty Math: The Question of Slave Defections in the American Revolution,” *William and Mary Quarterly* 62, no. 2 (2005): 243-264.

⁷ Towers Bell to Sir Guy Carleton, 7 June 1783, PRO 30/55/71, NAUK. See, too, Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill: University of North Carolina Press, 1961), 173, and James W. St. G. Walker, *The Black Loyalists: The Search for a Promised Land in Nova Scotia and Sierra Leone, 1783-1870* (Toronto: University of Toronto Press, 1992), 5.

This thesis explores how Black refugees experienced refuge with the British military during the American Revolutionary War, 1775-1783. It examines how refugees from slavery created and were denied sanctuary with the British forces. Contingent on the war's development, the possibilities for refuge with the British ebbed and flowed, sometimes expanding, sometimes narrowing.

This thesis makes an important intervention in the historiography in several ways. Firstly, it argues that Black refugees' ability to gain sanctuary with the British military was shaped by several factors. The always mutable wartime allegiances of the enslaver from whom refugees from slavery had fled determined whether British officials would acknowledge a Black freedom seeker's refugee status.⁸ Refugees from slavery who had fled from a loyalist enslaver had no claims to refugee status. Black and white loyalism, and in turn, refugee status were, therefore, in conflict. Loyalism meant different things to Black and white refugees. For white loyalists, it meant the retention of enslaved human beings; for those fleeing bondage, it meant the possibility of sanctuary and, perhaps, some kind of freedom. Black freedom, however, was contingent on British recognition of refugee status, and Black refuge was, at least theoretically, contingent on an enslaver's allegiance.

Black refugees' ability to claim refugee status was often linked to their physical ability to serve in, and with, the British armed forces. Refugee status had gendered contours which threatened to break apart family and kin networks. British proclamations, such as Clinton's, appealed to enslaved men, even if Black women nevertheless responded in large numbers.⁹

⁸ Like Dunmore's proclamation, Clinton's Philipsburg Proclamation, issued on 30 June 1779, was directed towards enslaved people fleeing from revolutionaries. It promised "full security to follow within these lines, any occupation which he shall think proper" to "every Negroe who shall desert the rebel standard," see PRO 30/55/17, National Archives, United Kingdom.

⁹ For a detailed analysis of Black women's presence in the "Book of Negroes" and Black women's response to British proclamations, see "Appendix 1," in *The Book of Negroes: African Americans in Exile after the*

British adjudicators of refugee status, moreover, sometimes deemed children as being incapable of responding to royal proclamations.¹⁰ Finally, whether Black refugees made the decision to come voluntarily within the British lines or were forcibly removed into those lines by royal forces, further constricted British notions of refuge. This distinction became particularly important in South Carolina where Black refugees who laboured on the sequestered plantations surrounding Charleston were denied refugee status.

Secondly, it argues that Boston King's distinction between refuge in the British army and behind British lines helps us to understand how refugees experienced sanctuary from slavery with the British military during the Revolutionary War. Through their movement towards and with British forces, Black refugees carved out "sanctuary spaces" for themselves within the occupied cities of Savannah, Charleston, and New York.¹¹ Black sanctuary seekers also experienced refuge on the move with the British army, especially during Lord Cornwallis's march from South Carolina to Virginia in the campaign which culminated in his surrender at Yorktown in 1781. At the war's conclusion, whether Black refugees had forged refuge through service with the British military or by fleeing to British-occupied territory, became critical in determining whether British officials would recognise them as refugees.

American Revolution, eds. Graham Russell Gao Hodges and Alan Edward Brown (New York: Fordham University Press, 2021), 215-223. 322 women, compared to 601 men, claimed that they had responded to a British proclamation in seeking freedom while 247 women, compared to 372 men, affirmed that they had escaped their enslavers during the Revolutionary War. For an example of the gendered contours of British proclamations, see John Graves Simcoe's Proclamation, 2 December 1780, in John Graves Simcoe Papers, William L. Clements Library, University of Michigan, cited in Ruma Chopra, *Unnatural Rebellion: Loyalists in New York City During the Revolution* (Charlottesville: University of Virginia Press, 2011), 146. Simcoe promised the "able bodied men slaves to those who are in arms against his Majesty's government" that they "would have their liberty and be protected by King George provided they come without their wives and children who cannot be received or protected at present."

¹⁰ "Introduction," in *The Book of Negroes*, eds. Hodges and Brown, xviii.

¹¹ Damian Alan Pargas. "Introduction: Spaces of Freedom in North America," in *Fugitive Slaves and Spaces of Freedom in North America*, ed. Damian Alan Pargas (Gainesville: University Press of Florida, 2018), 8.

Thirdly, this thesis argues that the Revolutionary War changed the dynamic of Black refugees' flight. I contend that throughout the conflict, Black refugees, though their mobility, engaged in distinctive processes of refuge seeking and refuge making. Enslaved people, to be sure, did not only seek refuge behind British lines. Some refugees from slavery took advantage of wartime disruption to seek sanctuary away from the belligerents, using their knowledge of the local geography to reach remote swamps and woods.¹² Other Black refugees escaped to reunite with family and kin on different plantations, where enslaved communities sheltered them. However, although the refuge that they experienced with the British military was always contested and conditional, Black refugees in the Revolutionary South most often sought sanctuary with the British army and behind British lines.¹³

At times, Black refugees and the British forces forged an uneasy, tentative alliance through which refugees from slavery carved out sanctuary spaces.¹⁴ Often, however, Black refugees' practice of sanctuary seeking represented not so much an asset as a dilemma for the royal forces. As the historian Jim Picuch has suggested, this was one which British officials "never solved."¹⁵ Black refugees' interests and those of the British military were often far from

¹² For studies of marronage in the South during the Revolutionary War era, see Timothy James Lockley, *Maroon Communities in South Carolina: A Documentary Record* (Columbia, SC: University of South Carolina Press, 2009); Lockley, "'The King of England's Soldiers': Armed Blacks in Savannah and Its Hinterlands during the Revolutionary War Era, 1778-1787," in *Slavery and Freedom in Savannah*, eds. Leslie M. Harris and Daina Ramey Berry (Athens, GA: University of Georgia Press, 2014), 26-41; Sylviane A. Diouf, *Slavery's Exiles: The Story of the American Maroons* (New York: New York University Press, 2014), and Marcus P. Nevius, *City of Refuge: Slavery and Petit Marronage in the Great Dismal Swamp, 1763-1856* (Athens, GA: University of Georgia Press, 2020); J. Brent Morris, *Dismal Freedom: A History of the Maroons of the Great Dismal Swamp* (Chapel Hill: University of North Carolina Press, 2022); and David Silkenat, *Scars on the Land: An Environmental History of Slavery in the American South* (New York: Oxford University Press, 2022).

¹³ For scholars who have argued that most Black refugees fled to British lines, see Sylvia R. Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton: Princeton University Press, 1991), 87, 326; Sylviane A. Diouf, *Slavery's Exiles: The Story of the American Maroons* (New York: New York University Press, 2014), 36.

¹⁴ For examples of scholars who have employed the term "alliance" to refer to the relationship between Black refugees and the British military, see Graham Russell Gao Hodges, "Introduction," in *The Book of Negroes: African Americans in Exile after the American Revolution*, eds. Graham Russell Gao Hodges and Alan Edward Brown (New York: Fordham University Press, 2021), xii; Woody Holton, *Liberty is Sweet: The Hidden History of the American Revolution* (New York: Simon and Schuster, 2021), 205, 210, 246.

¹⁵ Jim Picuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the Revolutionary South, 1775-1782* (Columbia, SC: University of South Carolina, 2008), 221.

aligned. As a result, the claims of refugees from slavery for sanctuary and their very status as refugees were contested. The processes of refuge seeking and refuge making were uneven and uncertain throughout the war. Sanctuary with the British military was conditional and highly circumscribed, conditioned by the war's ever-shifting parameters. Tracing refuge-seeking, I argue, restores the wartime contingencies which sometimes created, and often foreclosed, the possibilities for seeking sanctuary from slavery.

With the exception of the relatively few Black refugees who obtained emancipation papers, sanctuary for the majority of refugees from slavery was an uncertain, transitory state that might lead to freedom. The term “refugee,” I argue, encapsulates the liminal status of enslaved people who sought sanctuary with the British military. In 1780, Clinton, who unwittingly became the leading architect of British sanctuary policy, described how refugees occupied a state between slavery and freedom, affirming that they “belong to the public.”¹⁶ Only “after serving it faithfully” were Black refugees “entitled to their freedom.”¹⁷ British conceptions of sanctuary meant that Black refugees had to work to secure and sustain refuge from slavery in the hope that in doing so, freedom might result.¹⁸

For British officers, the advantages were clear. Appropriating and extracting labour from Black refugees undermined the rebels' cause, alleviated a labour shortage, and saved British soldiers from “working on the fortifications” and “other drudgeries.”¹⁹ For the Black

¹⁶ Sir Henry Clinton, Memoranda for the Commandant of Charlestown and Lieu. General Earl Cornwallis, 3 June 1780, PRO 30/55/23, National Archives, United Kingdom.

¹⁷ Ibid.

¹⁸ Here I am drawing on Abigail Cooper's observation that in the American Civil War, “more than fighting for freedom, slaves worked for it.” Cooper, ““Lord, Until I Reach My Home.’: Inside the Refugee Camps of the American Civil War” (PhD diss., University of Pennsylvania, 2015), 205.

¹⁹ Sir Henry Clinton to Lord Cornwallis, 30 August and 1 September 1781, in *The Cornwallis Papers: The Campaigns of 1780 and 1781 in the Southern Theatre of the American Revolutionary War*, ed. Ian Saberton (Uckfield: Naval and Military Press, 2010), 6:149.

refugee communities that formed in the spaces occupied by British troops, access to and participation in a cash economy helped them to survive. As one Hessian officer put it, Black refugees fled to British lines “partially to escape from their masters,” but also “partially for want of food.”²⁰ Phillis George’s labour within occupied Savannah, where she “used to wash for General Clinton,” “maintained” the George family, including her husband David and their three children.²¹ Other Black refugees sustained their sanctuary through their labour in a multitude of capacities, working in the engineering, artillery, and quartermaster-general’s departments, as well as labouring as guides, spies, nurses, and soldiers’ servants.

As a consequence, this thesis contends that the sanctuary that Black refugees experienced with the British military was constrained, and qualified, by degrees of unfreedom.²² Refuge with the British forces might be a means to escape slavery, but it did not necessarily equate to freedom. Black refugees, then, navigated degrees of unfreedom to carve out sanctuary for themselves. The “selective offer of freedom” that the British held out to enslaved people often rested on military service and labour.²³ As the historian Sylvia Frey recognised, Black refugees’ sanctuary was contingent on “performing duties consistent with servile status in a slave society.”²⁴

²⁰ Carl Bauer, in “The 1780 Siege of Charleston as Experienced by a Hessian Officer: Part II,” ed. George Fenwick Jones, *South Carolina Historical Magazine* 88, no. 2 (1987): 70.

²¹ David George, “An Account of the Life of Mr. David George, from Sierra Leone in Africa; given by himself in a Conversation with Brother Rippon of London, and Brother Pearce of Birmingham,” in *Unchained Voices: An Anthology of Black Authors in the English-Speaking World of Eighteenth Century*, ed. Vincent Carretta (Lexington, KY: University Press of Kentucky, 1996), 336.

²² For scholarship on unfreedom in different contexts, see Jared Ross Hardesty, *Unfreedom: Slavery and Dependence in Eighteenth-Century Boston* (New York: New York University Press, 2016); Yesenia Barragan, *Freedom’s Captives: Slavery and Gradual Emancipation on the Colombian Black Pacific* (Cambridge: Cambridge University Press, 2021); and Cory James Young, “For Life or Otherwise: Abolition and Slavery in South Central Pennsylvania, 1780-1847” (PhD diss., Georgetown University, 2021).

²³ Sylvia R. Frey, “Between Slavery and Freedom: Virginia Blacks in the American Revolution,” *Journal of Southern History* 49, no. 3 (1983): 387-388.

²⁴ Frey, “Between Slavery and Freedom,” 389.

Fourthly, this thesis argues that, in the war's final years, two distinct conceptions of refuge emerged. As British and American diplomats negotiated the terms of the Treaty of Paris to bring the war to a close, the question of Black refugees' status remained unresolved. In Charleston, throughout 1782 and before the text of the provisional peace treaty was published, General Alexander Leslie was tasked by Sir Guy Carleton with determining Black refugees' fate. Leslie's conception of what constituted refugee status was severely limited. Refugee status was shaped by Black refugees' military service with the British forces which, in turn, restricted the degree of freedom that they might experience. British "officers long in this country," Leslie acknowledged, continued to "look on negroes as their property."²⁵ The parameters of Leslie's conceptions of refuge were bounded by military service, revealing the extent to which refuge was on a spectrum of unfreedom. In New York City, by contrast, Carleton adopted a more expansive conception of refuge. Although Article Seven of the provisional Treaty of Paris committed the British forces to withdrawing "without causing any destruction or carrying away any Negroes, or other property of the American inhabitants,"²⁶ Carleton, in response to Black refugees' petitions, recognised refuge not solely through labour and service, but through movement and mobility.

The historian Gary Nash argued a "place of refuge was as close as the British army."²⁷ This thesis shows that reaching British lines was, in itself, no guarantee of sanctuary. Black refugees "suffered great hardships" which jeopardised the sanctuary they desperately sought in improvised refugee camps, occupied cities, under siege, on the march with the British army,

²⁵ Alexander Leslie to Sir Guy Carleton, 18 October 1782, *Report on American Manuscripts in the Royal Institution of Great Britain*, (Hereford: Historical Manuscripts Commission, 1907), 3:175.

²⁶ For the text of the Provisional Treaty of Paris, see "British-American Diplomacy: Preliminary Articles of Peace; November 30, 1782," *The Avalon Project: Documents in Law, History and Diplomacy*, Yale Law School, accessed 23 March 2022, https://avalon.law.yale.edu/18th_century/prel1782.asp.

²⁷ Gary B. Nash, *The Forgotten Fifth: African Americans in the Age of Revolution* (Cambridge, MA: Harvard University Press, 2006), 23.

and aboard naval vessels.²⁸ Boston King was among many “seized with the small-pox.”²⁹ Military service claimed the lives of others. Survivors like Samuel Burke bore the scars of their loyalty, arguing that their physical sacrifice should guarantee refugee status. Burke testified that “his losses, suffering, zeal and services have been inferior to none.”³⁰ Epidemic diseases killed thousands of Black refugees while many others survived, but experienced disabilities.³¹

Black refugees faced the threat of re-enslavement throughout the war, which the British military sometimes facilitated. To win enslavers’ loyalties, British forces at times played an active role in returning Black refugees to bondage. At other times, demonstrating their ambiguous and contradictory role, British forces acted as guarantors of Black refugees’ sanctuary. Officers like Sir George Collier may have enjoyed “posturing as liberators” when they affirmed that “His Majesty’s colours, in all places, afforded an asylum to the distressed, and protection upon supplication.”³² Yet, all the same, for the refugees who fled to their lines, the sanctuary they claimed to offer was a powerful inducement for Black refugees seeking protection. For Black refugees, it also created “networks” or “ties of dependence” between them and the British forces who helped sustain their sanctuary.³³

²⁸ King, “Memoirs,” 353.

²⁹ Ibid. Elizabeth A. Fenn, *Pox Americana: The Great Smallpox Epidemic of 1775-82* (New York: Hill and Wang, 2001); Peter McCandless, *Slavery, Disease, and Suffering in the Southern Lowcountry* (New York: Cambridge University Press, 2011); Pybus, “Jefferson’s Faulty Math.” British officials recorded that 11 Black refugees were “pockmarked” or “marked with small pox,” see The Book of Negroes, *Black Loyalist*, accessed 20 May 2022, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>.

³⁰ Claim of Samuel Burke, Loyalist Claims Commission, AO 12/19, NAUK.

³¹ In their evacuation records for New York, British officials described 10 Black refugees as “lame,” as well as noting injuries that the evacuees had suffered to their arms and legs. In the same records, officials recorded that 12 Black refugees experienced blindness in at least one eye, see The Book of Negroes, *Black Loyalist*, accessed 20 May 2022, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>.

³² Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006), 299; George Collier, *A Detail of Some Particular Services Performed in America, During the Years 1776, 1777, 1778, and 1779* (New York: Ithiel Town, 1835), 84.

³³ Hardesty, *Unfreedom*, 9, 45, Kathleen DuVal has described as the “shifting networks of interdependency” that characterised eighteenth-century colonial America, see DuVal, *Independence Lost: Lives on the Edge of the American Revolution* (New York: Random House, 2015), xxv.

What motivated Black refugees to seek out British troops? There is no single answer to this question. At the conflict's outset, some enslaved people may have hoped, however mistakenly, that the British military represented an army of jubilee. Some Black refugees might have believed that "the war was come to help the poor Negroes" and "secretly wished that the British army might win ... for then all Negro slaves will gain their freedom."³⁴ Black refugees were quickly disabused of this notion and yet they kept running, walking, riding, sailing, and swimming towards the royal troops. Religious faith inspired some Black refugees, giving providential meaning to the conflict. Across the Revolutionary South, refugees like Mary Perth in the Chesapeake, Murphy Steel in Cape Fear, or Boston King in the Lowcountry, made journeys, against the odds, that must have otherwise seemed insurmountable.

The desire to remain and reunite with family similarly inspired Black refugees to flee their enslavers. During the Revolutionary War, Black refugees fled in family and extended kinship groups. As the historian Cassandra Pybus has noted, the dynamic of refuge-seeking during the war "stands in stark contrast with the pattern of slave flight prior to the Revolution when it was almost always young men who ran."³⁵ Indeed, according to scholar Karen Cook Bell, "motherhood, freedom, love, and family propelled Black women to escape bondage during the Revolutionary Era."³⁶ Historian Abigail Cooper has observed in her work on the Black refugee experience in the American Civil War that "freedom's function" was the "the reconstitution of kinship."³⁷ The same was true for Black refugees in the Revolutionary War.

³⁴ CO 5/396, NAUK; *The Journals of Henry Melchior Muhlenberg*, eds. Theodore G. Tappert and John W. Doberstein (Philadelphia: Muhlenberg Press, 1958), 3:78.

³⁵ Cassandra Pybus, "Jefferson's Faulty Math," 249.

³⁶ Karen Cook Bell, *Running from Bondage: Enslaved Women and Their Remarkable Fight for Freedom in Revolutionary America* (Cambridge: Cambridge University Press, 2021), 3.

³⁷ Abigail Cooper, "'Away I Goin' to Find My Mamma': Self-Emancipation, Migration, and Kinship in Refugee Camps in the Civil War Era," *Journal of African American History* 102, no. 4 (2017): 445, 447.

What, then, did freedom, or refuge, mean for refugees from slavery whose efforts to make freedom meaningful came up against a severely circumscribed conception of liberty? Seeking refuge sometimes meant leaving behind kin and community. Black refugees were exposed to predatory enslavers and their agents who broke apart families. What was freedom's meaning for Judith Jackson whose child was kidnapped from the streets of New York City and re-enslaved in Virginia? Or Walter Harris, whose decision to seek refuge with the British took him on an odyssey from Virginia to New York to London, a planned return to America, and ultimately to Sierra Leone?³⁸ Like many others, Jackson and Harris were denied "the happiness of liberty" that they sought in fleeing bondage.³⁹

The proclamations issued by Lord Dunmore in 1775 and Clinton in 1779 did much to shape British responses to refugees from slavery. However, Black refugees, as historians have come to recognise, pushed British commanders in unexpected directions. Dunmore's most recent biographer, James Corbett David, has contended that enslaved people's "actions helped to inspire the proclamation's emancipation provision."⁴⁰ Black refugees transformed Dunmore's document, with its narrow freedom clause, into one that offered the potential for refuge from slavery for those freedom seekers who were able to reach British forces. Freedom-seeking people converted a selective military emancipation into a more expansive, though still qualified, militarised refuge.⁴¹

³⁸ Judith Jackson to Sir Guy Carleton, 18 September 1783, PRO 30/55/81/95, NAUK; Petitions of Walter Harris, AO 12/99/334; AO 12/101, NAUK.

³⁹ King, "Memoirs," 353.

⁴⁰ James Corbett David, *Dunmore's New World: The Extraordinary Life of a Royal Governor in Revolutionary America* (Charlottesville: University of Virginia Press, 2013), 104.

⁴¹ For an overview of antecedents for Dunmore's Proclamation, see Philip D. Morgan and Andrew Jackson O'Shaughnessy, "Arming Slaves in the American Revolution," in *Arming Slaves: From Classical Times to the Modern Age*, eds. Christopher Leslie Brown and Philip D. Morgan (New Haven, CT: Yale University Press, 2006), 180-208.

Sir William Howe's two proclamations, issued in August 1776 and August 1777, made no mention of freedom since they were not ostensibly aimed at the enslaved population. Black refugees, however, seized on the documents' promise of "security and protection" to turn Howe's proclamations into ones of sanctuary.⁴² In 1783, eight Black refugees made specific reference to Howe's proclamations when they petitioned British officials to recognise their status as refugees.⁴³ The British military, too, acknowledged how these texts' meaning and purpose had evolved in response to Black refuge seeking. When Generals Samuel Birch and Thomas Musgrave issued certificates formally granting sanctuary status to Black refugees, the passports referred to the proclamations of both Howe and Clinton.⁴⁴ According to a British official, Black refugees interpreted Clinton's Philipsburg Proclamation as "an actual emancipation" and "flocked" to the British army.⁴⁵ In doing so, as historians have argued, Black refugees transformed documents which did not promise freedom into ones which offered sanctuary and which, by 1783, became emancipation proclamations for some Black refugees.⁴⁶

Indeed, interactions on the ground between Black refugees and British soldiers constantly shaped Black refugees' experiences of sanctuary within occupied spaces and on the move with the British army. When Black refugees fled to British lines, they never knew how they would be received. In the absence of a clear, coherent, and consistent policy, British

⁴² Proclamation by Sir William Howe, 23 August 1776, New-York Historical Society, accessed 20 May 2022, <https://digitalcollections.nyhistory.org/islandora/object/islandora%3A4612#page/1/mode/1up>; Declaration by Sir William Howe, 27 August 1777, Library of Congress, accessed 20 May 2022, <https://www.loc.gov/resource/rbpe.1090320a/>.

⁴³ The Book of Negroes, *Black Loyalist*, accessed 20 May 2022, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>.

⁴⁴ For an example of a certificate issued by General Birch, see Passport for Cato Ramsay to emigrate to Nova Scotia, Gideon White family fonds, Nova Scotia Archives, MG 1 volume 948 number 196 (microfilm 14960), accessed 30 March 2022, <https://archives.novascotia.ca/african/archives/?ID=24>.

⁴⁵ "Précis relative to Negroes in North America," undated, CO 5/8, NAUK.

⁴⁶ Frey argued that "thousands of South Carolina's slaves chose to interpret [Clinton's] offer of freedom to 'enemy Negroes' as a general emancipation," see Frey, *Water from the Rock*, 118. More recently, Sean Gallagher has reminded us that the Philipsburg Proclamation offered refuge but "It still did not promise freedom," see Gallagher, "Black Refugees," 6.

officers and officials had to determine the status and degree of freedom of refugees from slavery both on receiving them and over time. Policy towards Black refugees was forged in the interactions behind the lines to which refugees fled. Indeed, Philip D. Morgan and Andrew Jackson O’Shaughnessy have observed, “for the most part individual commanders and leaders acted independently, depending on local circumstances.”⁴⁷ Although the British government “never authorized manumissions en masse,” as Christopher Leslie Brown pointed out, nor did they make any effort to reverse commanders’ decisions.⁴⁸ As Brown has argued, as a result, “expedients determined practice. Practice determined policy. And policy, over time, drifted toward becoming a matter of principle.”⁴⁹

As the conflict went on, some British officers, impressed by Black refugees’ service and persuaded by their appeals, became cautious proponents of sanctuary, if not always freedom, for the Black refuge-seekers within their lines. Some Black refugees articulated and enacted loyalty to the royal cause as a means by which to secure and sustain sanctuary. Members of the Black Pioneers, for example, swore oaths to “demean [themselves] orderly and faithfully” when they “enter[ed] freely and voluntarily into His Majesty’s service.”⁵⁰ Most Black refugees, however, were not formally incorporated into the British forces in this way. Instead, especially in the evacuations from New York City, they relied on their own testimony to forge refugee status at the war’s end.

Although the reality on the ground was much less clear, ostensibly neither Dunmore’s nor Clinton’s proclamations applied to Black refugees fleeing from enslavers loyal to the

⁴⁷ Morgan and O’Shaughnessy, “Arming Slaves in the American Revolution,” 187.

⁴⁸ Brown, *Moral Capital*, 312.

⁴⁹ *Ibid.*

⁵⁰ Black Pioneers Oath, The On-Line Institute for Advanced Loyalist Studies, accessed 20 May 2022, <http://www.royalprovincial.com/military/rhist/blkpion/blkoath.htm>.

Crown. As such, sanctuary's possibilities for enslaved people who escaped from white loyalists were severely limited. Black refugees who fled from loyalist enslavers experienced an even more precarious form of sanctuary. Black refugees who could not appeal for sanctuary under the terms of British proclamations, as the historian Lauren Duval has observed, hoped to find "freedom and anonymity in the chaos of the occupied city."⁵¹ This displaced population was especially vulnerable throughout the war and especially at its end.

Black refugees without a connection to the British forces risked re-enslavement and were unable to stake a claim to refugee status, especially in the Lowcountry where recognition as a refugee was conditioned by military service. To secure sanctuary, those Black refugees who remained in close proximity to their enslaver disguised their own identity or offered a different name for the person who enslaved them.⁵² Often desperate for recruits, British officers who enlisted Black refugees in their forces did not always ask too many probing questions. When an enslaved man named London enlisted in the Black Pioneers in 1776, General Clinton, when petitioned to return London to his enslaver, simply did not "chuse [sic] to do, as he was desirous to complete the Company."⁵³ Other Black refugees fleeing from loyalists sought to put a liberating distance between themselves and their enslavers. The Royal Navy, knowingly or otherwise, sometimes spirited Black refugees away from southern ports to New York City. Others sought passage on private vessels.

⁵¹ Lauren Duval, "Mastering Charleston: Property and Patriarchy in British-Occupied Charleston, 1780-82," *William and Mary Quarterly* 75, no. 4 (2018): 596.

⁵² For George Washington's recognition of the strategies employed by Black refugees to elude their enslavers, see Substance of a Conference Between General Washington and Sir Guy Carleton, 6 May 1783, in *The Writings of George Washington*, ed. John C. Fitzpatrick (Washington, DC: Government Printing Office, 1938), 26:404-405.

⁵³ Isaac DuBois claim, Loyalist Claims Commission, AO 12/73, NAUK.

This thesis adds to recent scholarship which has interpreted enslaved people escaping slavery as a series of refugee crises throughout United States history. Instead of interpreting freedom-seeking people as “runaway” or “fugitive slaves,” scholars of different periods of U.S. history have begun to explore the refuge-seeking practices of freedom-seeking people. Historians have tended to apply this framework to the War of 1812, the antebellum period, and the American Civil War.⁵⁴ This thesis applies a framework of refuge-seeking and recognition to the American Revolutionary War. In doing so, I am building on the scholarship of Sean Gallagher who has recently argued that “by fashioning themselves into refugees, Black loyalists became the first enslaved people in the Atlantic World to be freed en masse without courts, legislatures, or marronage.”⁵⁵

Throughout this thesis, I have employed the terms Black refugee, refugee from slavery, and freedom seekers to describe those enslaved people who fled from bondage and sought sanctuary behind British lines. I have used this terminology instead of language that scholars have used in the past, such as “runaway” or “fugitive slave.”⁵⁶ In this thesis, I have chosen to use the term “Black loyalist” only where there is significant evidence of a Black refugee’s loyalty, such as is the case with the Black Pioneers.⁵⁷ Within this piece of work, the term

⁵⁴ See, for example, Alan Taylor, *The Internal Enemy: Slavery and War in Virginia, 1772-1832* (New York: W. W. Norton and Company, 2013); Damian Alan Pargas, *Freedom Seekers: Fugitive Slaves in North America, 1800-1860* (Cambridge: Cambridge University Press, 2022); Viola Franziska Müller, *Escape to the City: Fugitive Slaves in the Antebellum Urban South* (Chapel Hill: University of North Carolina Press, 2022); Chandra Manning, *Troubled Refuge: Struggling for Freedom in the Civil War* (New York: Vintage Books, 2017); Amy Murrell Taylor, *Embattled Freedom: Journeys through the Civil War’s Slave Refugee Camps* (Chapel Hill: University of North Carolina Press, 2018).

⁵⁵ Sean Gallagher, “Black Refugees and the Legal Fiction of Military Manumission in the American Revolution,” *Slavery and Abolition* 43, no. 1 (2021): 142.

⁵⁶ For some recent discussions on language, see Vanessa M. Holden, *Surviving Southampton: African American Women and Resistance in Nat Turner’s Community* (Urbana: University of Illinois Press, 2021), xiii-xiv; Simon P. Newman, *Freedom Seekers: Escaping from Slavery in Restoration London* (London: University of London Press, 2022), xi-xiii; P. Gabrielle Foreman, et al. “Writing About Slavery / Teaching About Slavery: This Might Help,” Community-Sourced Document, accessed 28 April 2021.

<https://docs.google.com/document/d/1A4TEdDgYslX-hlKezLodMIM71My3KTN0zxRv0IQTOQs/mobilebasic>

⁵⁷ For a discussion of the appropriateness of the term “Black loyalist,” see Barry Cahill, “The Black Loyalist Myth in Atlantic Canada,” *Acadiensis* 29, no 1 (1999): 76-87 and James W. St. G. Walker, “Myth, History and Revisionism: The Black Loyalists Revisited,” *Acadiensis* 29, no. 1 (1999): 88-105.

“refugee” operates on three levels. I use the terms Black refugee and refugee from slavery to refer to enslaved people who escaped, or sought to escape, bondage. Black refugees also became refugees through the displacement that they experienced during the war. In my thesis’s final chapter, I assess how Black refugees sought recognition as refugees from the British military and government.⁵⁸

In using “refugee” and “freedom seeker,” I have drawn inspiration from scholars of other refugee crises through United States history, especially the War of 1812 and the American Civil War. As the historian Amy Murrell Taylor has articulated, the terms privilege “personhood over property,” helping to foreground Black refugees’ perspectives throughout this work.⁵⁹ At the same time, as Taylor suggests, “refugee” encapsulates both the “liminal status” and the “compelling need for protection” of enslaved people fleeing bondage.⁶⁰ Indeed, it was this need for protection that Black refugees so often articulated in their appeals to British officers.⁶¹ In turn, it was the need for protection that compelled British officers to recognise some Black sanctuary-seekers as refugees, by issuing them with “certificates of protection.”⁶²

Although the historian Matthew Dziennik has suggested that “there was no clear definition of what ‘refugees’ were in the eighteenth century, and contemporary discourse ascribed both positive and negative characteristics to them,” in the American Revolutionary era the term “refugee” retained strong connotations of sanctuary for “persecuted Protestants

⁵⁸ Gallagher’s assessment that Black refugees were “refugees not only in the descriptive sense of being people who fled violence, but quite often in a self-conscious political sense as people demanding asylum from governments on the basis of being dislocated, persecuted, or stateless” has helped me to shape these definitions, “Black Refugees,” 140.

⁵⁹ Amy Murrell Taylor, *Embattled Freedom: Journeys through the Civil War’s Slave Refugee Camps* (Chapel Hill: University of North Carolina Press, 2018), 10.

⁶⁰ Taylor, *Embattled Freedom*, 10.

⁶¹ For example, see the lists of “Negroes fled for protection” on board the sloop *Scorpion*, ADM 36/8377, NAUK; Alured Clarke to Lord Charles Cornwallis, 10 July 1780, PRO 30/11/2, NAUK; James Moncrief to Sir Henry Clinton, 13 March 1782, James Moncrief Papers, William L. Clements Library, University of Michigan.

⁶² Précis relative to Negroes in North America, CO 5/8, NAUK.

under the protection of a Protestant monarch.”⁶³ As Caroline Shaw has observed, “until the end of the eighteenth century, refuge had been founded on religious confession,” noting that in the 1796 *Encyclopedia Britannica*, “the term *refugee* referred specifically to the French Huguenots.”⁶⁴

Scholars such as Kit Candlin and Shaw have argued that “the meaning and currency of the term of ‘refugee’ began to expand in the early nineteenth century as part of an Anglo-Atlantic response to a series of regional crises” to the extent that “by the middle of the nineteenth century, however, the refugee category was, according to the cultural politics of the age, potentially universal in scope.”⁶⁵ Black refugees’ role in “expand[ing] asylum beyond its origins as ‘confessional’ sanctuary in the European Wars of Religion into its modern, secular form” has received relatively little attention in the scholarship, with the exception of Sean Gallagher’s recent work.⁶⁶ Instead, historians have tended to focus on freedom-seeking people’s experiences as *loyalists*, rather than *refugees*.⁶⁷ In doing so, scholars have overlooked what Gallagher called “a politics of asylum-seeking” which forced the British military and government to recognise some Black freedom seekers as refugees.⁶⁸

The term “refugee” has considerable historical antecedents in the American Revolutionary War, although, as Dziennik suggests, there were multiple and conflicting

⁶³ Matthew P. Dziennik, “New York’s Refugees and Political Authority in Revolutionary America,” *William and Mary Quarterly* 77, no. 1 (2020): 72, footnote 28; Caroline Shaw, *Britannia’s Embrace: Modern Humanitarianism and the Imperial Origins of Refugee Relief* (New York: Oxford University Press, 2015), 2.

⁶⁴ Shaw, *Britannia’s Embrace*, 2.

⁶⁵ Kit Candlin, “The Expansion of the Idea of the Refugee in the Early-Nineteenth-Century Atlantic World,” *Slavery and Abolition* 30, no. 4 (2009): 521; Shaw, *Britannia’s Embrace*, 3.

⁶⁶ Gallagher, “Black Refugees,” 140.

⁶⁷ There is a considerable literature that interprets Black freedom seekers as loyalists, rather than refugees. See, for example, Ellen Gibson Wilson, *The Loyal Blacks* (New York: Capricorn Books, 1976); Walker, *The Black Loyalists*; Maya Jasanoff, *Liberty’s Exiles: The Loss of America and the Remaking of the British Empire* (London: Harper Press, 2011); Alan Gilbert, *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence* (Chicago: University of Chicago Press, 2012).

⁶⁸ Gallagher, “Black Refugees,” 140.

meanings contained within the word. Contemporaries understood being a “refugee” to be synonymous with displacement and a need for protection. During the Yorktown campaign in 1781, for example, the British officer Charles O’Hara told Lord Cornwallis that “the refugees from Princess Ann and Norfolk Countys [sic] are very numerous, but I can’t refuse taking them as they are afraid of being hanged if they remained at home.”⁶⁹ To be sure, the term in the Revolutionary War was racialized. British officials and the white population most often used the word to refer to white people of European descent. Cornwallis pointedly distinguished between the white and Black displaced population when, in the same month, he informed Clinton that “our consumption of provisions is considerably increased by a number of refugees lately come to us and by Negroes that are employed in different branches of the publick [sic] service.”⁷⁰ At Yorktown, white loyalists who affirmed their status as “respectable refugees” compared their treatment as being “no better” than that which the British army afforded to “runaway slaves.”⁷¹ “Refugee,” moreover, could denote not only suffering, but degrees of destitution that troubled British officials. Thomas Townshend, the colonial secretary, warned Sir Guy Carleton that “refugees” who had sought sanctuary in East Florida in 1782 “may soon grow to be a serious evil and distress to the province.”⁷²

Despite the term’s contested meanings, over the course of the war some British officials began to refer to enslaved people fleeing bondage as refugees in a way that denoted both their displacement and their need for protection. When Georgia’s royal governor, Sir James Wright, described the presence of “refugee Negroes” within Savannah and the Lowcountry, he was

⁶⁹ Charles O’Hara to Lord Cornwallis, 9 August 1781, in *The Cornwallis Papers*, 6:48.

⁷⁰ Cornwallis to Clinton, 22 August 1781, in *The Cornwallis Papers*, 6:28.

⁷¹ William Franklin to Lord George Germain, 6 November 1782, *Documents of the American Revolution*, ed. K. G. Davies (Dublin: Irish University Press, 1979), 20:255-256.

⁷² Thomas Townshend to Sir Guy Carleton, 14 August 1782, *Documents of the American Revolution*, ed. K. G. Davies (Dublin: Irish University Press, 1981), 21:110.

hardly advocating for them to receive sanctuary from the restored royal government.⁷³ Instead, Wright employed the “refugee” as a synonym for displaced people. However, other instances suggest an understanding and recognition of Black refugees’ appeals for protection. For example, when Black refugees sought sanctuary on board the HMS *Savage* as it ascended the Potomac in 1781, its captain recorded them as “refugee Negroes” who had determined to seek sanctuary on board the vessel.⁷⁴ In New York, in 1779, the British officer Daniel Jones was much more explicit in his “Orders relative to refugee Negroes.”⁷⁵ Jones imbued “refugee” with both freedom and a commitment to upholding that freedom, when he asserted that “all Negroes that fly from the enemy’s country are free. No person whatever can claim a right to them. Whoever sells them shall be prosecuted with the utmost severity.”⁷⁶ At the war’s conclusion, as this thesis argues, in Charleston and New York, refugees from slavery, as one Hessian officer put it, desperately sought to be “recognized as a refugee” by the British military authorities.⁷⁷ Carleton’s evacuation orders stipulated the terms under which a person was “permitted to embark as a refugee.”⁷⁸ This was an assigantion that at least some of those formerly enslaved people who removed to Nova Scotia adopted in their appeals to the British government. In his 1791 petition, Thomas Peters referred to those he represented as both “Free” and “Loyal Black Refugees.”⁷⁹ As we have seen, formerly enslaved people such as Boston King referred to

⁷³ Sir James Wright to Lord George Germain, 20 May 1780, *Collections of the Georgia Historical Society* (Savannah, GA: Georgia Historical Society, 1873), 3:288.

⁷⁴ Fritz Hirschfeld, ed., “‘Burnt All Their Houses’: The Log of HMS *Savage* during a Raid up the Potomac River, Spring 1781.” *Virginia Magazine of History and Biography* 99, no. 4 (1991): 513-530.

⁷⁵ “Orders relative to Refugee Negroes,” Daniel Jones, 7 June 1779, in James Pattison Papers, New-York Historical Society.

⁷⁶ *Ibid.*

⁷⁷ Carl Leopold Baurmeister, Entry of 29 April 1783, in *Revolution in America: Confidential Letters and Journals 1776- 1784 of Adjutant General Major Baurmeister of Hessian Forces*, trans. and ed. Bernhard A. Uhlendorf (New Brunswick, NJ: Rutgers University Press, 1957), 556.

⁷⁸ *Royal Gazette* (New York), 23 April 1783, 31 May 1783.

⁷⁹ Charles Bruce Fergusson, ed., *Clarkson’s Mission to America, 1791-1792* (Halifax, NS: Public Archives of Nova Scotia, 1971), 31-32.

refugees from slavery as having sought both “refuge in the English army” and “refuge in the British lines.”⁸⁰

This thesis uses a variety of sources to reconstruct Black refugees’ histories, including the testimony of refugees from slavery, enslavers’ documents, fugitive slave advertisements, newspapers, Patriot and British military documents, British colonial archives, state legislatures’ records, and the Continental Congress’s debates and correspondence. I have attempted to foreground the perspective of Black refugees by using sources such as Boston King and David George’s testimony, as well as the Loyalist Claims Commission records. As Amy Murrell Taylor put it, this task is akin to “an act of recovery.”⁸¹ By reading against the grain, I have attempted to piece together what historian of slavery Marisa Fuentes has termed “archival fragments” to make visible Black refugees’ sanctuary seeking and sanctuary making.⁸² Although the voices of the Black refugees themselves are not always present, I have strived to foreground their perspectives.

Scholars have reflected on the challenges of using such sources. Maya Jasanoff, for example, has urged us to read Black refugees’ testimonies “with caution.”⁸³ Many are the product of Black refugees’ encounters with British authorities, whether civil or military, in which freedom seekers assumed the roles of petitioners or claimants, beseeching the king’s representatives for protection or aid. In doing so, Black refugees understandably felt the necessity to define themselves as loyalists, a tendency which has been reflected in the literature.

⁸⁰ King, “Memoirs,” 356.

⁸¹ Taylor. *Embattled Freedom*, 7.

⁸² Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia: University of Pennsylvania Press, 2016), 2.

⁸³ Jasanoff, *Liberty’s Exiles*, 131.

The Black refugees who testified before the Loyalist Claims Commission in London were in distress.⁸⁴ Their testimony represented an appeal to the British government's sense of benevolence, but the authorities were also a benefactor of last resort. As such, as Cassandra Pybus has observed, Black refugees "couched" their claims with both "the appropriate language of submission" and a sense of "indignation" at their abandonment by the British authorities.⁸⁵ Racial prejudice meant that the commissioners were not disposed to look favourably upon the Black supplicants. In her study of the claims process, Mary Beth Norton noted that in "more than half" of the cases involving Black refugees, the officials dismissed the claims out of hand.⁸⁶ As Norton observed, many Black claimants saw their appeals rejected "either because their claims were false in the first place or because they simply had no evidence to support their demands."⁸⁷

Testimonies of loyalty and military service with the British forces were not always sufficient to sway the commissioners unless the claimants could provide a certificate from a British officer. Two Black refugees' cases are illustrative. Walter Harris secured financial support in large part due to what the commissioners described as "a very handsome certificate from Lord Cornwallis of his attachment and fidelity to him and the British cause."⁸⁸ By contrast, Prince William had "no certificate to his memorial" when he testified that "his master ordered him to fight against the English, but he deserted and came to the British troops."⁸⁹ Despite his claim to have "served 6 years in the 60th Regiment under General Prevost," the

⁸⁴ Mary Beth Norton identified 47 Black petitioners to the Loyalist Claims Commission, see "The Fate of Some Black Loyalists of the American Revolution," *Journal of Negro History* 58, no. 4 (1973): 417. Cassandra Pybus revised this figure down to 45, see *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston, MA: Beacon Press, 2006), 81.

⁸⁵ Pybus, *Epic Journeys of Freedom*, 76.

⁸⁶ Norton, "The Fate of Some Black Loyalists," 404.

⁸⁷ Norton, "The Fate of Some Black Loyalists," 405.

⁸⁸ Petition of Walter Harris, 24 June 1783, AO 12/99/334, National Archives, United Kingdom.

⁸⁹ Petition of Prince William, 1 September 1783, AO 12/99/353, NAUK.

commissioners were not moved.⁹⁰ Their swift dismissal of Prince William's appeal was typical of the mindset that predisposed them to reject Black refugees' claims. Prince William, they judged, like other Black freedom seekers, had been "a great gainer by the troubles in America for being in a situation in which he could lose nothing he has gained everything, for he has gained his liberty."⁹¹ In appealing to the British government for support, the commissioners judged, Black refugees came "in our opinion with a very bad grace to plead suffering in order to make [their] case a little better."⁹²

Knowing this, Black claimants deployed different strategies with varying degrees of success. Some Black refugees, like John Provey, responded to the commissioners' recalcitrance by asserting that they had not sought freedom from slavery with the British forces and were, in fact, "born free."⁹³ The commissioners quickly spotted a pattern, declaring "we cannot easily give credit to that, it being the common tale of them all."⁹⁴ Claims to being free often went together with a claim to having held property; "two things," so judged the British officials, "which are not very probable."⁹⁵

As Vincent Carretta has observed in relation to David George's and Boston King's memoirs, "one of the greatest challenges in dealing with these writings as historical or literary documents" is identifying what the literary scholar John Sekora called the "black message in a white envelope."⁹⁶ Both George and King stressed their military service with the British forces,

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Petition of John Provey, 30 November 1784, AO 12/101, NAUK.

⁹⁴ Ibid.

⁹⁵ Petition of William Cooper, AO 12/100, NAUK, quoted in Norton, "The Fate of Some Black Loyalists," 405.

⁹⁶ Vincent Carretta, "'I Began to Feel the Happiness of Liberty, of which I Knew Nothing Before': Eighteenth-Century Black Accounts of the Lowcountry," in *African American Life in the Georgia Lowcountry: The Atlantic World and the Gullah Geechee*, ed. Philip Morgan (Athens, GA: University of Georgia Press, 2011), 77.

with each man thereby “fashioning himself as a black Loyalist.”⁹⁷ The narratives, Carretta has shown, “targeted mainly British and overwhelmingly white readers,” and were “intended to serve their readers as models of Christian converts.”⁹⁸

This thesis draws significantly on runaway slave advertisements as a source base. Scholars including Fuentes, Erica Armstrong Dunbar, and Simon Newman have reflected on the documents’ multiple meanings and their elusive nature. As Newman has argued, enslaved people “resisted or escaped slavery and sought liberty in very different ways,” and “attempted assertions of agency and self-determination” were correspondingly “diverse.”⁹⁹ Similarly, Elise A. Mitchell has recently reminded us that “not everyone who fled was seeking ‘freedom.’ Some people sought temporary reprieve, the company of one another, or employment (often still in bondage) for example.”¹⁰⁰ Through their escape attempts, as Fuentes put it, an enslaved person inadvertently “stumble[d] into history” and the broader archive with which historians engage.¹⁰¹ Such sources offer glimpses of an enslaved person’s motivations, filtered through their enslaver, as well as physical descriptions. These “fragments of information,” as Dunbar suggested, “tease the historians of slavery – they seduce us – but rarely leave us feeling satisfied.”¹⁰² Enslaved people’s success in evading their enslavers depended, of course, in part on avoiding becoming part of this archival record, which must give us pause for thought about the ways in which we engage with these sources. Fuentes’ invocation to read “*along the bias grain* [emphasis in original] to eke out extinguished and invisible but no less historically

⁹⁷ Carretta, “I Began to Feel the Happiness of Liberty,” 78.

⁹⁸ Carretta, “I Began to Feel the Happiness of Liberty,” 79.

⁹⁹ Simon Newman, “Rethinking Runaways in the British Atlantic World: Britain, the Caribbean, West Africa and North America,” *Slavery and Abolition* 38, no. 1 (2017): 50.

¹⁰⁰ Elise A. Mitchell, cited in Vanessa M. Holden, “‘I was born a slave’: Language, Sources, and Considering Descendant Communities,” *Journal of the Early Republic* 43, no. 1 (2023): 82.

¹⁰¹ Fuentes, *Dispossessed Lives*, 14.

¹⁰² Erica Armstrong Dunbar, “Looking for Ona Judge: An Unfinished Story of Freedom,” in *Reckoning with History: Unfinished Stories of American Freedom*, eds. Jim Downs, Erica Armstrong Dunbar, T. K. Hunter, and Timothy Patrick McCarthy, (New York: Columbia University Press, 2021), 9.

important lives” has informed my approach.¹⁰³ So, too, has Dunbar’s reflection that historians, drawing on microhistory, might “[fill] in the gaps with suggestions” or “informed speculation.”¹⁰⁴

The “Book of Negroes” represents an important source for this thesis. As scholar Graham Russell Gao Hodges has argued, a document which superficially appears to be “a laconic, ledger-style enumeration” belies the evidence it contains within it of Black refuge-seeking practices, especially from the Revolutionary South.¹⁰⁵ It is simultaneously testament to “the most significant act of emancipation in early American history” and “the greatest slave rebellion in North American history.”¹⁰⁶ To this end, the historian Alan Gilbert has termed the “Book of Negroes” a “roll of honor.”¹⁰⁷ At the same time, however, the entries in this ambiguous document obscure the strategies that Black refugees employed to secure the certificates issued by Generals Samuel Birch and Thomas Musgrave and the reconceptualization of the meaning of the proclamations issued during the war by Generals Howe and Clinton. Nor are enslavers’ efforts to capture Black refugees before, and sometimes even during the evacuation, apparent from the document. Nonetheless, as Hodges has noted, scholarship on Black families, loyalism, and meaning of freedom in the Black Atlantic continues to be shaped by this “living document.”¹⁰⁸

¹⁰³ Fuentes, *Dispossessed Lives*, 7.

¹⁰⁴ Dunbar, “Looking for Ona Judge,” 16-17. For the work that was the subject of Dunbar’s reflections, see Dunbar, *Never Caught: The Washingtons’ Relentless Pursuit of Their Runaway Slave Ona Judge* (New York: Simon & Schuster, 2017).

¹⁰⁵ Hodges, “Introduction,” li.

¹⁰⁶ Pybus, “Jefferson’s Faulty Math,” 264; Nash, *The Forgotten Fifth*, 23.

¹⁰⁷ Gilbert, *Black Patriots and Loyalists*, 147.

¹⁰⁸ Hodges, “Introduction,” lvii.

Benjamin Quarles's foundational work *The Negro in the American Revolution* remains an essential point of departure for any study of African American history in Revolutionary America. Quarles's work was a corrective to the collective historical amnesia that had surrounded the subject. As Gary Nash argued, the literature that preceded Quarles's study gave the impression that "the British and the Americans fought for seven years as if half a million African Americans had been magically whisked off the continent."¹⁰⁹ If Quarles's aim was "to investigate the role of the Negro in the American Revolution and thereby fill a gap in historical knowledge," the radical implications of his research have not ceased to occupy scholars in the intervening years.¹¹⁰

Thirty years after the publication of Quarles's work, Sylvia Frey produced a pioneering work, *Water from the Rock: Black Resistance in a Revolutionary Age*, that took as its starting point the question of enslaved people's resistance. Whereas Quarles had explored the African American experience across the thirteen states, Frey shifted her focus to the south. Georgia, South Carolina, and Virginia became the principal subjects of her study. One of Frey's most important contributions was the significant evidence that she found to demonstrate the agency of the enslaved. While she acknowledged that she was building on scholarship that "emphasize[d] the seminal role of slavery" in the coming of the Revolution and its aftermath, Frey looked beyond slavery as an institution to focus instead on those who fought to free themselves.¹¹¹

Another of Frey's most important contributions to the scholarship was her analysis of those who ran to the British lines. Frey again stressed the agency of those who imbued Clinton's

¹⁰⁹ Nash, *The Forgotten Fifth*, 4.

¹¹⁰ Quarles, *The Negro in the American Revolution*, x.

¹¹¹ Frey, *Water from the Rock*, 3.

Philipsburg Proclamation with a meaning far beyond that envisaged by the British commander-in-chief. While Lord Dunmore's proclamation had explicitly linked emancipation to military service for the Crown, Clinton's offer of freedom was interpreted as a "general emancipation" by men, women, and children alike. Enslaved people, therefore, both informed and shaped the actions of British commanders.¹¹² On a conceptual level, Frey's analysis paved the way for subsequent studies that examined the interplay between enslaved people's resistance and the independence movement. Her conclusion that the Revolutionary War in the South was "a complex triangular process involving two sets of white belligerents and approximately four hundred thousand slaves" has been central to subsequent scholarship.¹¹³

Robert Olwell's study *Masters, Slaves, and Subjects: The Culture of Power in the South Carolina Low Country, 1740-1790* explored "the interstices between slaves, masters, and power."¹¹⁴ The nature of the conflict was transformed, Olwell contended, by the arrival of British forces, the third point in Frey's "triangular process," in December 1778. Like Frey, Olwell probed the "possibilities and limitations" of liberty for enslaved people. Making the case that Britain's objectives with regard to enslaved people were best defined as "conservative" and the product of "convenience rather than conviction," the most radical implications of Britain's wartime policy resulted from enslaved people's actions.¹¹⁵ Olwell argued for enslaved people's agency, not only in the act of freeing themselves by running from enslavers, but also in the way that they "altered the meaning and message" of suggestions that Britain intended to offer liberty to enslaved people "to suit and reflect their own objectives and desires."¹¹⁶

¹¹² Frey, *Water from the Rock*, 118.

¹¹³ Frey, *Water from the Rock*, 45.

¹¹⁴ Robert Olwell, *Masters, Slaves, and Subjects: The Culture of Power in the South Carolina Low Country, 1740-1790* (Ithaca, NY: Cornell University Press, 1998), 8.

¹¹⁵ Olwell, *Masters, Slaves, and Subjects*, 249.

¹¹⁶ Olwell, *Masters, Slaves, and Subjects*, 230.

The work of Judith Van Buskirk, Ruma Chopra, and Graham Russell Gao Hodges has done much to illuminate the Black revolutionary experience in New York City. According to Van Buskirk, the city became “a place of asylum secured by one of the most powerful armies on earth.”¹¹⁷ Van Buskirk explored the ways in which Black refugees forged sanctuary in New York, emphasising the labour upon which it depended. As Van Buskirk put it, “when the British invited African Americans to New York, they framed their invitation as a work contract.”¹¹⁸ Scholars have traced the ever-changing, evolving experience of refuge in New York, exploring how “Black voices continued to probe, push, and challenge throughout the British occupation of New York.”¹¹⁹ As Chopra argued, Black refugees sought to expand a narrow British conception of refuge, which sought to avoid using “precious resources on feeding and housing black women and children [and] tried to restrict black families from entering British lines.”¹²⁰ At the war’s end, appeals from Black refugees, as Hodges has suggested, represented “a new acceptance of the validity of black testimony.”¹²¹ Gary Nash, too, contended that the hearings in which Black refugees argued for recognition as refugees, both in Charleston and New York, were “surely rare, perhaps unprecedented, in history.”¹²²

Recent scholarship has attempted to capture the individuality of the African American revolutionary experience, to go beyond the “group portrait” presented by Quarles six decades ago. In *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence*,

¹¹⁷ Judith L. Van Buskirk, *Generous Enemies: Patriots and Loyalists in Revolutionary New York* (Philadelphia: University of Pennsylvania Press, 2002), 146.

¹¹⁸ Van Buskirk, *Generous Enemies*, 142.

¹¹⁹ Van Buskirk, *Generous Enemies*, 153.

¹²⁰ Ruma Chopra, *Unnatural Rebellion: Loyalists in New York City During the Revolution* (Charlottesville: University of Virginia Press, 2011), 146.

¹²¹ Graham Russell Gao Hodges, “Introduction,” in *The Book of Negroes: African Americans in Exile after the American Revolution*, eds. Graham Russell Gao Hodges and Alan Edward Brown (New York: Fordham University Press, 2021), xix.

¹²² Nash, *The Forgotten Fifth*, 41.

Alan Gilbert widened the panorama to include African American involvement in “the larger international struggle for freedom.”¹²³ Reflective of a trend in the historiography to look beyond national borders, Gilbert’s stated aim was to allow readers to hear the “original voices” of the African American freedom struggle.¹²⁴ One of Gilbert’s most significant contributions to the historiography was his study of British military rosters to document the number of self-emancipated people within the British lines which demonstrated, he argued, that the Black presence amongst the British army was “large” and, potentially, “gigantic.”¹²⁵

Two historians whose work has done much to place freedom seekers’ movements in an Atlantic and even global perspective are Cassandra Pybus and Maya Jasanoff. In *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty*, Pybus painstakingly traced the histories of enslaved people whose flight led them to London, Nova Scotia, Sierra Leone, and New South Wales. In his foreword to *Epic Journeys of Freedom*, Ira Berlin credited Pybus with having made “two significant contributions to the study of African American life in the Revolutionary era.”¹²⁶ As Berlin put it, Pybus both “personalizes the slaves’ story,” at the same time as “globalizing” a story which cannot be told satisfactorily within a framework determined by national borders.¹²⁷ Pybus herself stated that her intention was “to recover the lives of individuals from the faceless and nameless ‘tens of thousands’ that characterize a good deal of the historical discussion of black runaways during the Revolution.”¹²⁸ By employing this narrative framework, Pybus made her cast of characters the protagonists of their own lives.

¹²³ Gilbert, *Black Patriots and Loyalists*, xi.

¹²⁴ Gilbert, *Black Patriots and Loyalists*, xi.

¹²⁵ Gilbert, *Black Patriots and Loyalists*, xii.

¹²⁶ Ira Berlin, “Foreword,” in Pybus, *Epic Journeys of Freedom*, x.

¹²⁷ Berlin, “Foreword,” in Pybus, *Epic Journeys of Freedom*, x; xi.

¹²⁸ Pybus, *Epic Journeys of Freedom*, xvii.

Jasanoff has conceptualised the age of revolutions as an age of refugee crises. Jasanoff was building on the scholarship of historians like James W. St. G. Walker, whose work *The Black Loyalists: The Search for a Promised Land in Nova Scotia and Sierra Leone, 1783-1870* explored the post-Revolutionary War experiences of freedom seekers as loyalist refugees.¹²⁹ *Liberty's Exiles: The Loss of America and the Remaking of the British Empire* shared the global ambitions of Pybus's work but employed a different analytical perspective.¹³⁰ Jasanoff argued that white Americans, Native Americans, and enslaved people seeking freedom could be both loyalists and refugees. "[L]oyalists of all backgrounds," contended Jasanoff, "confronted a common dilemma with Britain's defeat – to stay or to go – and all numbered among the revolution's refugees."¹³¹ Jasanoff sought to trace the impact of the Revolution by recovering the diverse histories of loyalist refugees. Like Pybus, Jasanoff eschewed a history "framed within national boundaries" with the aim of enriching our understanding of the American Revolution's global legacy.¹³²

In her 2021 work *Running from Bondage: Enslaved Women and Their Remarkable Fight for Freedom in Revolutionary America*, Karen Cook Bell foregrounded "the experiences of enslaved and fugitive women," in the first study to "focus singularly on fugitivity by enslaved women in the thirteen colonies and their links with the wider Atlantic world."¹³³ In doing so, Bell builds on the scholarship of historians such as Betty Wood, who in 2011, urged historians to correct "a glaring gender imbalance."¹³⁴ As Wood put it, "virtually no attention

¹²⁹ Walker, *The Black Loyalists*.

¹³⁰ Jasanoff, *Liberty's Exiles*. See, too, Jasanoff, "The Other Side of Revolution: Loyalists in the British Empire," *William and Mary Quarterly* 65, no. 2 (2008): 205-232.

¹³¹ Jasanoff, *Liberty's Exiles*, 8.

¹³² Jasanoff, *Liberty's Exiles*, 10.

¹³³ Karen Cook Bell, *Running from Bondage: Enslaved Women and Their Remarkable Fight for Freedom in Revolutionary America* (Cambridge: Cambridge University Press, 2021), 5.

¹³⁴ Betty Wood, "'High notions of their liberty': Women of Color and the American Revolution in Lowcountry Georgia and South Carolina, 1765-1783," in *African American Life in the Georgia Lowcountry: The Atlantic World and the Gullah Geechee*, ed. Philip Morgan (Athens, GA: University of Georgia Press, 2011), 48.

has been paid to African and African American women, be they enslaved or legally free.”¹³⁵ Wood suggested a careful interpretation of the “historical footprints” left by women in sources as varied as newspapers, letters, and army records to “accurately re-create their daily lives, their hopes, and their fears.”¹³⁶

This thesis is in conversation with scholarship which has foregrounded the Black refugee experience in conflicts throughout United States history. Scholars have begun to explore the refuge and freedom-seeking practices of Black refugees across time and space. Sean Gallagher has argued that enslaved people in the Revolutionary War “freed themselves in a four-stage process of flight, documentation, testimony, and resettlement that shaped British policy as much as it responded to it.”¹³⁷ Gallagher contended that freedom seekers “fashioned themselves into refugees – people who had a right to protection and evacuation – by arguing that their military labour had pushed them into the category of obnoxious persons.”¹³⁸ Scholarship on the War of 1812 and the American Civil War offers important insights into the experiences of Black refugees, helping to fill some of the gaps in the archival record. At the same time, historians, conscious of Olaudah Equiano’s observation that enslavers and the enslaved were perpetually bound together “in a state of war,” have also studied refugees from slavery’s sanctuary seeking practices in the antebellum period.¹³⁹

¹³⁵ Ibid.

¹³⁶ Wood, ““High notions of their liberty,”” 49.

¹³⁷ Sean Gallagher, “Black Refugees and the Legal Fiction of Military Manumission in the American Revolution,” *Slavery and Abolition* (2021): 3.

¹³⁸ Gallagher, “Black Refugees,” 9.

¹³⁹ Olaudah Equiano, “The Interesting Narrative of the Life of Olaudah Equiano or Gustavus Vassa, the African. Written by Himself,” in *Unchained Voices: An Anthology of Black Authors in the English-Speaking World of the Eighteenth Century*, ed. Vincent Carretta (Lexington, KY: University Press of Kentucky, 1996), 227. For scholarship sanctuary-seeking in the antebellum period, see Damian Alan Pargas, “Urban Refugees: Fugitive Slaves and Spaces of Informal Freedom in the American South.” *Journal of Early American History* 7, no. 3 (2017): 262-284; Oran Kennedy, “Northward Bound: Slave Refugees and the Pursuit of Freedom in the Northern US and Canada, 1775–1861” (PhD diss., Leiden University, 2021); and Müller, *Escape to the City*.

In works published in 2013, Gene Allen Smith and Alan Taylor demonstrated the striking parallels between the Revolutionary War and the War of 1812.¹⁴⁰ Smith's *The Slaves' Gamble* employed a broad geographical scope to document the choices made by enslaved people in seeking out British forces. In *The Internal Enemy*, meanwhile, Taylor focussed on the war in Virginia to argue that enslaved people made British forces into liberators, "flocking to them in unanticipated numbers that would compel a major rethinking of British strategy."¹⁴¹ Black refugees, Taylor concluded, "would not take no for an answer."¹⁴² As in the Revolutionary War, British proclamations were the product of enslaved people's flight and appeals. Although the British military were primarily interested in recruiting men to fight, officers quickly "recognized that few would enlist unless promised a haven for their families."¹⁴³ Harvey Amani Whitfield's scholarship, meanwhile, has traced the uncertain, contested refuge that Black refugees from the War of 1812 experienced in Nova Scotia.¹⁴⁴

In the past decade, scholars have increasingly turned to the Black refugee experience in the American Civil War to better understand emancipation's multiple meanings.¹⁴⁵ Chandra Manning, Amy Murrell Taylor, and Abigail Cooper have focussed on how Black refugees forged freedom in refugee camps. Manning's work explored the "tenuous alliance" between Black refugees and the US army, one which was "in flux for the entire war."¹⁴⁶ Manning's

¹⁴⁰ Gene Allen Smith, *The Slaves' Gamble: Choosing Sides in the War of 1812* (New York: Palgrave Macmillan, 2013); Taylor, *The Internal Enemy*.

¹⁴¹ Taylor, *The Internal Enemy*, 176.

¹⁴² Ibid.

¹⁴³ Taylor, *The Internal Enemy*, 212.

¹⁴⁴ Harvey Amani. *Blacks on the Border: The Black Refugees in British North America, 1815-1860* (Burlington, VT: University of Vermont Press, 2006).

¹⁴⁵ Yael A. Sternhell, *Routes of War: The World of Movement in the Confederate South* (Cambridge, MA: Harvard University Press, 2012); David Silkenat, *Driven from Home: North Carolina's Civil War Refugee Crisis* (Athens, GA: University of Georgia Press, 2016); Manning, *Troubled Refuge*; Taylor, *Embattled Freedom*; ; Abigail Cooper, "'Lord, Until I Reach My Home.': Inside the Refugee Camps of the American Civil War" (PhD diss., University of Pennsylvania, 2015).

¹⁴⁶ Chandra Manning, *Troubled Refuge: Struggling for Freedom in the Civil War* (New York: Vintage Books, 2017), 8, 26.

study served as a reminder that refugee camps were “a mix of improvisation, sanctuary, and humanitarian crisis, but the exact ratio of refuge to misery varied mightily from place to place.”¹⁴⁷ Throughout her study, Manning contextualised Black refugees’ agency against “immense structural forces – like firepower and state power – [which] overcome people, no matter how resolute their will.”¹⁴⁸ Historians such as Yael Sternhell and David Silkenat have emphasised the importance of free and unfree movement in their studies of both Black refugees’ wartime flight and displacement.¹⁴⁹

This thesis employs a chronological structure, while also elucidating important aspects of Black refugees’ experiences, such as flight, siege, occupation, movement, and evacuation. This study focuses on Black refugees’ experiences in the Revolutionary South, extending from Virginia to Georgia, before moving to New York City in Chapter Five. In some ways, New York became a southern city through the displacement of Black refugees from the Revolutionary South throughout the war, beginning with the arrival of Dunmore’s fleet in August 1776 and the Black refugees who accompanied General Clinton from North Carolina.¹⁵⁰ In New York City, as historian Ruma Chopra has shown, Black refugees “guarded their security vigilantly by harboring in regionally-specific clusters within the city.”¹⁵¹ Black refugees’ enslaver pursuers, too, came north to New York, especially in the wake of the publication of the provisional peace

¹⁴⁷ Manning, *Troubled Refuge*, 37.

¹⁴⁸ Manning, *Troubled Refuge*, 10.

¹⁴⁹ Yael A. Sternhell, *Routes of War: The World of Movement in the Confederate South* (Cambridge, MA: Harvard University Press, 2012) and David Silkenat, “Refugees and Movement in the Civil War,” in *Affairs of the People, The Cambridge History of the American Civil War*, ed. Aaron Sheehan Dean (Cambridge: Cambridge University Press, 2019), 3:131-150.

¹⁵⁰ Todd W. Braisted, “The Black Pioneers and Others: The Military Role of Black Loyalists in the American War for Independence,” in *Moving On: Black Loyalists in the Afro-Atlantic World*, ed. John W. Pulis (New York: Garland, 1999), 3-37.

¹⁵¹ Chopra, *Unnatural Rebellion*, 144.

treaty in 1783.¹⁵² This focus represents, I argue, the most coherent analysis of the interactions between Black refugees and the British military. 90 percent of enslaved Africans and African Americans in what became the United States lived in the South between the Chesapeake Bay and the Southern Lowcountry. This, too, was where the most sustained interactions between Black refugees and the British military occurred.

Chapter One explores Black refugees' sanctuary-seeking practices in Virginia, North Carolina, South Carolina, and Georgia between 1775-1776. It assesses how enslaved people sought refuge from slavery both before and after Lord Dunmore's Proclamation in Virginia, situating the governor's actions in the context of enslaved flight before the proclamation was issued. An important component of this chapter is enslaved people's interpretation of the war and its meaning. This chapter considers sites of sanctuary across the distinctives geographies of the revolutionary South while emphasising that Black refugees' experiences shared some features. Refugees found sanctuary on board British vessels, irrespective of whether a royal governor had issued an emancipatory proclamation. At the same time, Black refugees found a fleeting refuge, but also experienced violence and disease, in refugee camps at Gwynn's Island, Virginia, Sullivan's Island, South Carolina, and Tybee Island, Georgia.

Chapter Two analyses Black refugees' experiences in Savannah during the British occupation between 1778-1782. It argues that the siege represented an important turning point in determining the relationship between the British military and Black sanctuary seekers. These "moments of collision," I argue, are important for understanding the ambiguous dynamic between freedom seekers and British forces.¹⁵³ The British army represented an ambiguous

¹⁵² As Hodges has pointed out, "Virginia and South Carolina were the homes of over two-thirds of such fugitives," "Introduction," xix.

¹⁵³ Taylor, *Embattled Freedom*, 13.

ally to Black refugees. After the siege, when refugees from slavery came to the city's Citadel, British soldiers, who remembered their service, sometimes offered them sanctuary. Black refugees' labour during the siege also led to the freedom passes that enabled some refugees to put a liberating distance between themselves and their enslavers. Although some Black refugees created sites of sanctuary for themselves in the form of refugee camps, other freedom seekers found places of refuge as a result of their service with the British army.

Chapter Three analyses the experiences of Black refugees within British-occupied Charleston, 1780-1782. I argue that Black refugees transformed the meaning of the spaces they inhabited, turning sites of containment into sanctuary spaces. Within the occupied cities, Black refugees formed communities which in turn offered possible sanctuary to other refugees from slavery. The British occupations weakened the "geography of containment" in a slave society, creating opportunities for Black refugees to seek refuge within an urban setting and with the British army.¹⁵⁴ I explore important differences between the occupations, in particular the British policy of sequestration begun in 1780 and the enforced movements between the two sites of occupation.

Chapter Four examines how Black refugees created, sustained, and were denied refuge with the British army in Virginia in 1781. It explores how refugees from slavery experienced sanctuary following the return of British forces to Virginia in January 1781, culminating in their surrender at Yorktown in October 1781. I begin by exploring the ambiguous encounters between enslaved people and royal troops to explore how enslaved communities received British forces and made decisions about whether to remain where they were or seek sanctuary with the royal army. This chapter contextualises Black Virginians' flight to British lines in

¹⁵⁴ Camp, *Closer to Freedom*, 6.

1781 by looking back to the Royal Navy's operations in the Chesapeake in 1779 and 1780, which defined relations between British forces and Black refugees. The chapter goes on to analyse Black refugees' movements with Lord Cornwallis's army after the general left Wilmington, North Carolina, on 25 April 1781 to begin what became the Yorktown campaign. This chapter concludes by exploring the limits of the sanctuary offered by the British army, when the royal forces abandoned most, but not all, of their sometime Black allies.

Chapter Five explores how refugees from slavery gained recognition from the British forces as refugees during the war's final two years. It focuses on the British evacuations from Charleston in 1782 and New York City in 1783 as moments when the distinction between being a refugee from slavery and gaining the acknowledgement of refugee status became most acute. Although historians have rightly paid a great deal of attention to the British evacuation from New York, the evacuation from Charleston is important for what it reveals about how Black refugees navigated the severe limitations of British conceptions of refugee status. In some ways, Charleston was a prelude to, and provided British officials a model for, what happened later in New York. The evacuation from the final British enclave in the South took place against the backdrop of peace negotiations in Paris, but crucially the British departed before the terms of the Provisional Treaty, and Article Seven, were known.¹⁵⁵ Nonetheless, British and revolutionary forces in South Carolina argued over the status of Black refugees within the garrison in a way that foreshadowed the dispute between Carleton and Washington in 1783. This chapter argues, too, that although there are important continuities between the evacuations from Charleston and New York, key differences also emerged. Carleton's conception of Black refuge was more expansive than General Alexander Leslie's. In New York, in contrast to

¹⁵⁵ For the text of the Provisional Treaty of Paris, see "British-American Diplomacy: Preliminary Articles of Peace; November 30, 1782," *The Avalon Project: Documents in Law, History and Diplomacy*, Yale Law School, accessed 23 March 2022, https://avalon.law.yale.edu/18th_century/pre11782.asp.

Charleston, military service with the British was not necessarily a prerequisite for refugee status.

Chapter One. “Refuge to our Slaves”: Sites of Sanctuary for Refugees from Slavery

Introduction

This chapter explores the refuge-seeking and refuge-making practices of refugees from slavery with the British military between April 1775 and August 1776. The chapter begins in April 1775, when a group of freedom-seeking people made their way to the governor’s palace in Williamsburg, Virginia, seeking refuge in return for their military service. It ends in August 1776, when British forces left both Virginia and South Carolina. This chapter is centred on waterways. It explores how refugees from slavery navigated swamps, rivers, and coasts to reach British vessels. It focuses on the areas where Black refugees and the British military interacted most: the Virginia Tidewater, North Carolina’s Lower Cape Fear coastline, and the Southern Lowcountry of South Carolina and Georgia. As scholars have shown, these regions were also where the majority of enslaved people in what became the United States were in bondage.¹

Black refugees’ experiences in these regions revealed the possibilities and limitations of sanctuary with the British forces. The same geography that provided what historian David Cecelski termed a “watery path to freedom” also prevented many potential freedom seekers from reaching British forces.² This chapter argues that the interactions between Black refugees and the British military nevertheless shaped the future dynamic between those seeking sanctuary and the royal forces, paving the way for an informal alliance and establishing the British military as a potential source of sanctuary in the minds of enslaved communities.

¹ For an overview of the enslaved population in Virginia, South Carolina, and Georgia, see Sylvia R Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton, NJ: Princeton University Press, 1991), 9-10. For North Carolina, see Marvin L. Michael Kay and Lorin Lee Cary, *Slavery in North Carolina, 1748-1775* (Chapel Hill: University of North Carolina Press, 1995), 22-24.

² David S. Cecelski, *The Waterman’s Song: Slavery and Freedom in Maritime North Carolina* (Chapel Hill: University of North Carolina Press, 2001), xix.

Although historians have paid a great deal of attention to Lord Dunmore's proclamation, I contend that refugees from slavery engaged in refuge-seeking and refuge-making practices across the Revolutionary South, whether a royal governor had issued an emancipation proclamation or not.

In contrast to later in the war, when the British army occupied the port cities of Savannah and Charleston, royal forces did not have any significant presence on land in the Revolutionary South during this period. If Black refugees were to reach the British, they generally had to get to vessels. Black refugee communities did form on Sullivan's Island and Tybee Island, but they were primarily a means to reach British naval forces. In this period, sanctuary for refugees from slavery was synonymous with getting on board ships. By contrast, later in the war, especially during the periods of British occupation in Savannah and Charleston, Black refugees carved out more autonomous, informal "sanctuary spaces."³

British forces' extremely limited presence on land meant that Black refugees most often experienced sanctuary onboard Royal Navy vessels. The lack of a significant military presence further constrained enslaved people's ability to seek refuge with the British. British forces' naval presence was limited to the Chesapeake, Cape Fear, and the port cities of Charleston and Savannah. To claim sanctuary, Black refugees waded through swamps, swam across rivers, sailed across bays, in the hope, but not the expectation, that the British forces would receive them.

³ Damian Alan Pargas, "Introduction: Spaces of Freedom in North America," in *Fugitive Slaves and Spaces of Freedom in North America*, ed. Damian Alan Pargas (Gainesville: University Press of Florida, 2018), 8.

The sanctuary experienced by refugees from slavery was one of paradoxes. British vessels sometimes represented sites of sanctuary, but they were also often sites of tremendous suffering. The “exact ratio of refuge to misery,” as the historian Chandra Manning reminded us in her study of Black refugees in the American Civil War, could “[vary] mightily from place to place.”⁴ They were chaotic, confusing, and contradictory. Diseases, including smallpox, killed large numbers of Black refugees. The makeshift refugee camps that Black refugees built on sites of refuge such as at Gwynn’s Island proved sites of transmission for deadly diseases. So, too, did the “floating town” of refugee vessels on the Chesapeake.⁵ They were places where Black refugees found themselves alongside white loyalists, who were themselves seeking protection, and the enslaved people who had been forcibly removed by them.

Black refugees exploited the chaos and confusion of the war to escape their enslavers, irrespective of their allegiances, and petitioned British forces for protection. To be sure, sanctuary with the British military was circumscribed. British officers and officials did not intend to challenge the institution of slavery. The refuge that they offered was conditioned by their perceptions of Black refugees’ military utility, rather than concern for the fates of people desperately fleeing bondage. Patriot propagandists were quick to seize on the hypocrisy of Dunmore’s selective offer of freedom.⁶ Nevertheless, Black refugees created, and expanded, refuge with the British military by fleeing in familial and kinship groups, forcing British officers to reconceive their limited conceptions of sanctuary. The British forces’ military

⁴ Chandra Manning, *Troubled Refuge: Struggling for Freedom in the Civil War* (New York: Vintage Books, 2017), 37.

⁵ Andrew Snape Hamond to Molyneux Shuldham, 28 November 1776, in *Naval Documents of the American Revolution*, ed. William James Morgan (Washington, D.C.: Naval History and Heritage Command, 1976), 7:319.

⁶ “A Few Anonymous Remarks on Lord Dunmore’s Proclamation,” published in *Virginia Gazette* (Purdie) 24 November 1775 and *Virginia Gazette* (Dixon and Hunter), 25 November 1775.

weakness, and the absence of a mass uprising in favour of the restoration of royal rule, predisposed officers to accept Black refugees aboard vessels.

Refuge was not a legal category, but a status which Black refugees forged through their appeals to, interactions with, and service alongside the British forces. Black refugees' ability to forge sanctuary fluctuated over the course of the war. Alternately expanding and contracting, the elasticity of British offers of refuge meant that Black refugees could never be sure of what might await them if they succeeded in reaching British forces. Revolutionaries saw enslaved people fleeing bondage not as refugees seeking sanctuary, but as rebels against a slave society. Colonial slave codes in place across the Revolutionary South provided the framework for capturing and sentencing Black refugees.⁷ As the historian Sean Gallagher put it, revolutionaries "saw every runaway as a potential insurrectionist."⁸

Black refugees' sanctuary-seeking was contingent on their mobility. Enslavers endeavoured to restrict and regulate freedom seekers' movements to limit their potential to reach British forces. Across the South, revolutionaries, at both a local and state level, responded to Black refugees' flight by drawing up plans to forcibly remove enslaved communities away from British forces. Forced removal, as scholar Yael Sternhell observed, "meant disintegration of families and communities," and "a harsh journey, harder labor, and scarcity of food."⁹ The threat of dislocation, and with it, potential separation from family and kin, often compelled enslaved people to make the treacherous journey towards British vessels. The landscape which

⁷ Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, MA: Harvard University Press, 2001), 154-162.

⁸ Sean Gallagher, "The Prison of Public Works: Enslaved People and State Formation at Virginia's Chiswell Lead Mines, 1775-1786," *Journal of Southern History* 86, no. 4 (2020): 784.

⁹ Yael A. Sternhell, *Routes of War: The World of Movement in the Confederate South* (Cambridge, MA: Harvard University Press, 2012), 99.

enslaved people traversed as they made their way towards British forces represented what historian Stephanie Camp called a “rival geography.”¹⁰

The militarisation of Black refugees was both an inducement and response to Black refugees’ flight. As the historian Gary Nash contended, the British “selectively militarized” Black refugees, “using them as spies, guides, and river pilots.”¹¹ This chapter contends that two distinctive forms of militarisation occurred. Although historians have paid more attention to Dunmore’s proclamation and the formation of the “Ethiopian Regiment,” it was Sir Henry Clinton’s establishment of the first Black Pioneer regiment in Cape Fear that set a more enduring precedent for British responses to Black refuge and freedom seeking.

This chapter begins by exploring refuge-seeking in Virginia before Dunmore’s proclamation, before evaluating how the proclamation’s emphasis on military emancipation served to militarise sanctuary with British forces. I go on to assess how enslaved people and their enslavers contested geographies across the revolutionary South. I then look at the sanctuary spaces that refugees from slavery created on Sullivan’s Island and Tybee Island before considering the formation of the first Black Pioneer regiment and its significance in shaping British attitudes to Black refugees. The chapter concludes by examining Black refugees’ experiences in Virginia as part of Dunmore’s “Floating Island” in the Chesapeake Bay and the evacuation from Gwynn’s Island.

¹⁰ Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004), 6.

¹¹ Gary B. Nash, “The African Americans’ Revolution,” in *The Oxford Handbook of the American Revolution*, eds. Edward G. Gray and Jane Kamensky (New York: Oxford University Press, 2013), 262.

“A Determined Resolution to Get Liberty”: Refuge Seeking in Pre-Proclamation Revolutionary Virginia, 1775

In early 1775, a group of enslaved people arrived at the governor’s palace in Williamsburg, Virginia. They had fled their enslavers and sought sanctuary with the supreme representative of an increasingly precarious royal authority, Lord Dunmore. At the same time, patriot militia from nearby Hanover County prepared to march on Virginia’s capital in an escalation of the conflict between Great Britain and its colonies. For the time being, they stopped short of declaring their independence. The enslaved people who found their way to Dunmore, however, did not hesitate to make their own “personal declarations of independence.”¹² Recognising the fracturing of a slave society, the refugees from slavery “made a tender of their services” to the besieged British governor.¹³ Although these freedom-seeking people were turned away on this occasion, the persistent flight of Black refugees toward British forces, as one historian has argued, “opened their minds to the possibility of more formal associations in the future.”¹⁴

The actions of enslaved Virginians revealed their acute understanding of how the revolution disorientated power structures in a slave society. The freedom seekers who beseeched Dunmore for sanctuary were not altogether mistaken in their belief that British forces might provide them with sanctuary or secure them their freedom, however liminal. Shortly after the enslaved people offered to support the British effort to quell the nascent rebellion, Dunmore deliberated over a plan “to arm all my own Negroes, and receive all others that will come to me, whom I shall declare free.”¹⁵ Nor was Dunmore circumspect. A visitor to his residence at this time heard Dunmore denounce challenges to royal authority, asserting

¹² Gary B. Nash, “Introduction,” in Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill: University of North Carolina Press, 1996), xix

¹³ *Virginia Gazette* (Pinkney), 4 May 1775.

¹⁴ James Corbett David, *Dunmore’s New World: The Extraordinary Life of a Royal Governor in Revolutionary America* (Charlottesville: University of Virginia Press, 2013), 96.

¹⁵ Lord Dunmore to William Legge, Earl of Dartmouth, 1 May 1775, CO 5/1353, National Archives, United Kingdom.

that “he would declare freedom to the slaves and reduce the City of Williamsburg to ashes.”¹⁶ Dunmore’s threat may have filtered through Williamsburg’s enslaved community, inducing refugees from slavery to take the governor at his word. However, it is not surprising that the governor prevaricated at this stage. His most recent biographer, James Corbett David, has argued that enlisting and emancipating enslaved people represented “the nuclear option” of the age.¹⁷ Although Dunmore’s contemplated measure was ostensibly limited to Virginia, this was a fiction that no one, neither patriot nor loyalist, believed.

Dunmore’s journey toward issuing his proclamation, therefore, cannot be understood without considering the extent to which it was shaped by enslaved Virginians. Revolutionaries who accused the governor of fomenting insurrection were, Dunmore replied, attempting to “change the effect into the cause.”¹⁸ It was enslaved people’s actions that, as David suggested, “helped to inspire the proclamation’s emancipation provision.”¹⁹ In the months before Dunmore issued the proclamation, enslaved people continued to seek refuge with the British forces. By 21 September 1775, a letter written on behalf of “Thousands” to the *Virginia Gazette* editor John Pinkney, denounced the British as “that deceitful enemy.”²⁰ The ire of these Norfolk residents was directed toward Royal Navy officer John Macartney, not only for his “bloody threats to destroy their town,” but also for offering “a refuge to our slaves.”²¹

Navigating the Tidewater’s waterways could sometimes provide freedom-seeking people with an escape route. However, Black refugees knew that their vicissitudes could

¹⁶ “Virginia Legislative Papers,” *Virginia Magazine of History and Biography* 13, no. 1 (1905): 49.

¹⁷ David, *Dunmore’s New World*, 6.

¹⁸ Lord Dunmore to Earl of Dartmouth, 25 June 1775, in *Documents of the American Revolution, 1770-1783*, ed. K. G. Davies (Dublin: Irish University Press, 1975), 9:204.

¹⁹ David, *Dunmore’s New World*, 104.

²⁰ VG (Pinkney), 21 September 1775.

²¹ Ibid.

condemn them to re-enslavement.²² In the Chesapeake, amongst enslavers whose plantations bordered rivers, few figures were as loathed as Captain Matthew Squire. Condemned for what they decried as his practice of “negro-catching” and “pillaging farms and plantations of their stock,” Squire’s sloop, the *Otter*, represented a temporary place of refuge for the enslaved.²³ Two enslaved men, Aaron and Johnny, from King and Queen County, sought sanctuary on the *Otter*. Depositions given by members of the *Otter*’s crew suggest that Aaron and Johnny came aboard while the ship lay in the York River at some point in July 1775. The two men spent the subsequent “six and eight weeks ... employed by capt. Squires.”²⁴ During this time, they may have assisted in obtaining provisions in the operations that Virginian enslavers so often denounced. It is likely that the men were valued for their knowledge of the river network and the plantations that these rivers made both accessible and vulnerable.

Had the two men continued on board the *Otter*, it is probable that they would have had their freedom affirmed by Dunmore’s proclamation since their enslaver, Wilson Miles Cary, was denounced by Dunmore as “one of the most active and virulent of the Enemies of Government.”²⁵ However, disaster struck on 2 September 1775 when the fierce winds of a hurricane forced their vessel onto the banks of the Back River. Recognising the danger, the two men “immediately ran off into the woods.”²⁶ Shortly after, both Aaron and Johnny were captured by Cary. In microcosm, the two men’s experiences illuminate the precariousness of freedom for enslaved people.

²² David S. Cecelski, *The Waterman’s Song: Slavery and Freedom in Maritime North Carolina* (Chapel Hill: University of North Carolina Press, 2001), xix.

²³ VG (Purdie), 22 September 1775.

²⁴ Deposition of George Gray, Wilson Miles Cary to Alexander Purdie: An Open Letter, with Enclosures, 4 September 1775, in *Revolutionary Virginia: The Road to Independence*, ed. Robert L. Scribner (Charlottesville: University of Virginia Press, 1978), 4:70.

²⁵ Note 4, RV, 4:71.

²⁶ Wilson Miles Cary to Alexander Purdie, 4 September 1775, RV, 4:69.

Despite the profound risks of seeking refuge with the British, on 11 November the Virginia Committee of Safety estimated that around one hundred enslaved people had successfully reached Dunmore and British vessels.²⁷ One refugee who associated the British presence with potential freedom was Charles, an enslaved man from Stafford County. Robert Brent, his enslaver, declared that Charles had fled due to “a determined resolution to get liberty ... by flying to Lord Dunmore.”²⁸ His flight, so his enslaver believed, “was long premeditated.” This is evinced by the fact that when Charles finally fled, he “took a variety of clothes ..., stole several of my shirts, a pair of new saddle bags, and two mares.”²⁹ Brent believed that he was not alone in his perilous journey toward British vessels, asserting that Charles had “gone off with some accomplices.”³⁰ Charles “must be well known through most of Virginia and Maryland,” Brent judged, and his familiarity with the region’s geography would have been vital for what lay ahead of him and his companions.³¹

Charles’s case is not atypical, but not the less remarkable for being so. Brent’s advertisement for the capture and return of Charles was dated 2 November 1775, two weeks before Dunmore issued his proclamation. We do not know whether Charles successfully made it on board a British vessel. As is the case for many enslaved people, his appearance in the archival record is fleeting. Yet Brent’s advertisement is not the only record of Charles’s flight from slavery. Five months later, the Fifth Virginia Convention heard testimony which again placed Charles in Stafford County. The witnesses described how four enslaved men boarded their vessel on the Potomac River in the middle of the night. Caught unawares in the midst of their slumber, Ralph and John Grissoll were awoken by the sound of men on deck. Their

²⁷ Virginia Committee of Safety to the Delegates from Virginia in Congress, 11 November 1775, *RV*, 4:380.

²⁸ *VG* (Dixon and Hunter), 25 November 1775.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

schooner having been commandeered, the two men were directed to “steer the schooner to Coon River.”³² As the Grissolls attested, the refugees “not being able to manage the Vessel [sic], these Depon[en]ts steered to Maryland, and contrived to have them taken.”³³ On 27 April, the Stafford County Court found Charles guilty of running away and stealing a vessel, ordering him to be hanged on 18 May.³⁴ As the historian Sean Gallagher has shown, Charles was not executed by the revolutionary government, but forcibly removed to the Chiswell lead mines in the southwest of Virginia where the authorities ordered him to carry out hard labour and where Charles continued to resist his enslavement.³⁵

Dunmore’s Proclamation and Militarised Refuge

On 15 November 1775, having secured victory at Kemp’s Landing, Dunmore finally issued the proclamation that he had been deliberating over since at least May 1775. Intended as a military measure designed to undercut support for the revolution, the proclamation declared “all indented servants, Negroes, or others, (appertaining to rebels), free that are able and willing to bear arms.”³⁶ Although figures diverge, the proclamation’s impact seems to have been dramatic and immediate. Ten days after the proclamation was issued, the Northampton County Committee of Safety wrote to the president of the Continental Congress to inform the revolutionaries of Dunmore’s measure. According to the Committee, “a number of about two hundred slaves immediately joined [Dunmore], and were furnished with arms and crowding to him when the advice came from thence.”³⁷

³² Deposition of Ralph and John Grissoll concerning Slaves in Stafford County, 2 April 1776, in *Revolutionary Virginia: The Road to Independence*, eds. Robert L. Scribner and Brent Tarter (Charlottesville: University of Virginia Press, 1981), 6:305.

³³ *Ibid.*

³⁴ Proceedings of the Stafford County Court, 27 April 1776, *RV*, 6:484-485.

³⁵ Sean Gallagher, “The Prison of Public Works: Enslaved People and State Formation at Virginia’s Chiswell Lead Mines, 1775-1786,” *Journal of Southern History* 86, no. 4 (2020): 777-804.

³⁶ “A Proclamation,” 7 November 1775, CO 5/1353, NAUK.

³⁷ Committee of Northampton County, Virginia, to the President of the Continental Congress, 25 November 1775, *RV*, 4:467.

On the same day, Robert Carter Nicholas warned Virginia's delegates to the Continental Congress that "great number's [sic] have flocked to L.[ord] D[unmore]'s standard." "The tenders are plying up the rivers," Nicholas added, "plundering plantations and using every art to seduce the Negroes."³⁸ As historian Sally Hadden observed, the British "did not wait passively" for enslaved people to reach them.³⁹ Nor, as we have seen, did Black refugees wait for the royal forces to come to them. Dunmore's own testimony corroborates these accounts in terms of the numbers and reflects the lengths that refugees from slavery went to in order to make to the British forces. In a letter to William Howe of 30 November, Dunmore described how the enslaved were "flocking in ... from all quarters."⁴⁰ The desired effect, according to the governor, was that enslaved people's flight would "oblige the rebels to disperse to take care of their families, and property."⁴¹ In doing so, they would leave the path clear for Dunmore "to march immediately to Williamsburg ... by which I should soon compell [sic] the whole colony to submit."⁴²

If many enslaved people did not hesitate to respond to Dunmore's proclamation, the revolutionaries' response was similarly swift. In the days and weeks following the proclamation, the importance of constructing narratives and controlling information became clear. As historian Robert Parkinson has noted, the violence committed against revolutionaries by the British, or those deemed to be their proxies, whether Native American, Black, or Hessian, became "founding stories – freighted with theories of self-government and the

³⁸ Robert Carter Nicholas to the Virginia Delegates in Congress, 25 November 1775, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press 1950), 1:267.

³⁹ Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, MA: Harvard University Press, 2001), 160.

⁴⁰ Dunmore to Howe, 30 November 1775, *NDAR*, 2:1210.

⁴¹ *Ibid.*

⁴² *Ibid.*

ongoing construction of a republican regime.”⁴³ The ties that bound white patriots served to exclude others from the new nation at its founding moment.

A remarkable document entitled “A Few Anonymous Remarks on Lord Dunmore’s Proclamation” published in Purdie’s *Virginia Gazette* on 24 November and in Dixon and Hunter’s *Gazette* the following day represented the first salvo in revolutionaries’ countermeasures.⁴⁴ The author’s stated aim was “to give [the enslaved population] a just view of what to expect, should they be so weak and wicked as to comply with what lord Dunmore requires.”⁴⁵ While the author may have expected their message to filter through the enslaved population, the text was surely aimed primarily at white slaveholding Virginians. The document is perhaps best understood as a rallying cry on behalf of the slaveholding class and part of a broader patriot propaganda campaign to mitigate the impact of Dunmore’s actions.

In a pointedly gendered interpretation, the author attempted to refute suggestions that the governor would give sanctuary to Black refugees who would not bolster his fighting force. “The aged, infirm, the women, and children, are still to remain the property of their masters,” the writer affirmed.⁴⁶ The author of the “Remarks” was unambiguous about the fate that would befall those who the author presumed would be left behind by the flight of adult male refugees. Beneath a thin veil of paternalistic concern lay a threat of violent retribution by “an enraged and injured people.”⁴⁷ The “defenceless fathers and mothers, their wives, their women, and children” would be subject to “the fury of the Americans.”⁴⁸ Those young men who

⁴³ Robert G. Parkinson, *The Common Cause, Creating Race and Nation in the American Revolution* (Chapel Hill: University of North Carolina Press, 2016), 23.

⁴⁴ Robert L. Scribner suggested that John Page, the then vice-president of the Committee of Safety was the likely author, *RV*, 4:464, note 21.

⁴⁵ *VG* (Purdie) 24 November 1775; *VG* (Dixon and Hunter), 25 November 1775.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

contemplated seeking out British forces should “only consider the difficulty of effecting their escape, and what they must expect to suffer if they fall into the hands of the Americans.”⁴⁹ Despite patriot refutations, the flight of refugees from slavery was so great and so precarious was the embattled governor’s position that Dunmore’s act of selective military emancipation became a more expansive, though still qualified, militarised refuge. Dunmore’s proclamation became an example of how enslaved people recast and remade British policy towards freedom-seeking people.

Although Dunmore emphasised to Howe that the proclamation offered freedom exclusively to enslaved people “of all rebels,” the reshaping and reinterpreting of its meaning was a process that the governor was unable to control.⁵⁰ Historians Philip Morgan and Andrew O’Shaughnessy determined that Dunmore’s proclamation “represented the culmination of an existing trend rather than a dramatic departure.”⁵¹ They concluded that “it was not a particularly radical statement.”⁵² However, such an interpretation overlooks the proclamation’s far more revolutionary implications. The proclamation was a document that was remade through enslaved people’s response to it, as one loyalist enslaver found out to his cost. In 1785, Humphrey Roberts testified to the Loyalist Claims Commission that he was “crippled by one of his slaves who mistaking the purport of the proclamation issued by Lord Dunmore,” believed that it “extended to the whole race.”⁵³ Enslaved people took advantage of the British military’s

⁴⁹ Ibid.

⁵⁰ Dunmore to Howe, 30 November 1775, *NDAR*, 2:1211.

⁵¹ Philip D. Morgan and Andrew Jackson O’Shaughnessy, “Arming Slaves in the American Revolution,” in *Arming Slaves: From Classical Times to the Modern Age*, eds. Christopher Leslie Brown and Philip D. Morgan (New Haven, CT: Yale University Press, 2006), 189.

⁵² Ibid.

⁵³ Memorial of Humphrey Roberts, AO 12/54, NAUK.

presence to flee from whoever deprived them of their freedom. As Lund Washington, steward of Mount Vernon during George Washington's absence, acknowledged, "Liberty is sweet."⁵⁴

One Virginian enslaver, Archibald Cary, recognised how the proclamation could potentially serve to unite enslavers, irrespective of their instinctive or initial allegiances. "Men of all ranks," he noted, "resent the pointing of a dagger to their throats, thro the hands of their slaves." Dunmore's act "involved his friends as well as others in the general danger."⁵⁵ As historian Jeffrey Crow observed, refugees from slavery did not have to commit violence against their enslavers to provoke their ire. As Crow put it, "Violence between master and slave was only one measure of the tensions afflicting southern society."⁵⁶ Against the backdrop of a society wrought by internal tensions, Crow argued, "Defection to the British was a powerful political statement in itself, and those slaves who chose this course vastly outnumbered those who took up arms."⁵⁷

On 30 November, Dunmore advised Howe that "there are between two and three hundred already come in and these I form into a corps as fast as they come in giving them white officers and non commissioned officers in proportion."⁵⁸ Six days later, writing to Lord Dartmouth, Dunmore reported the arrival of another "fifty Negroes ... whom I now arm ... as fast as they come in."⁵⁹ Disconcerted by news that "a thousand chosen men belonging to the rebels, a great part of which were rifle men, were on their march to attack us here so to cut off

⁵⁴ Lund Washington to George Washington, 3 December 1775, *Founders Online*, National Archives, <https://founders.archives.gov/documents/Washington/03-02-02-0434>; accessed 1 July 2019.

⁵⁵ Archibald Cary to Richard Henry Lee, 24 December 1775, *NDAR*, ed. William Bell Clark (Washington, D.C., 1968), 3:227.

⁵⁶ Jeffrey J. Crow, "Slave Rebelliousness and Social Conflict in North Carolina, 1775 to 1802," *William and Mary Quarterly* 37, no. 1 (1980): 86.

⁵⁷ *Ibid.*

⁵⁸ Dunmore to Howe, 30 November 1775, *NDAR*, 2:1211.

⁵⁹ Dunmore to Dartmouth, 6 December 1775, CO 5/1353, NAUK.

our provisions,” Dunmore determined to “take possession of the pass at the great Bridge.”⁶⁰ The Black refugee regiment was employed immediately in constructing a stockade fort which was garrisoned by “an officer and twenty five men” alongside “some volunteers and Negroes.”⁶¹ This combined force had “defended it against all the efforts of the rebels for these eight days past.”⁶²

For those Black refugees who had responded to the proclamation, the defeat that Dunmore’s forces suffered at the Great Bridge was devastating. It reinforced how British promises of emancipation, when conceived as a military measure, could be reversed by defeat on the battlefield. Some of the Revolutionary War’s first refugees from slavery, converted into both free men and combatants, lost their lives at the Great Bridge. Others were deprived of their liberty.

Virginian revolutionaries had to determine what to do with Black refugees who were either caught attempting to flee to the British or captured in combat. A little over a month after the battle at the Great Bridge, patriots decided that the enslaved people who had sought their freedom by serving under Dunmore, whether in an armed capacity or not, should be “detained in jail” until “properly valued.”⁶³ Having done so, they would be “sent to the foreign West Indies islands, or the Bay of Honduras, there to be sold.”⁶⁴ The money made would subsequently be “repaid to their respective owners, provided they are not unfriendly to

⁶⁰ Dunmore to Howe, 30 November 1775, *NDAR*, 2:1211.

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ Fourth Virginia Convention, Proceedings of Thirty-ninth Day of Session, 17 January 1776, in *Revolutionary Virginia: The Road to Independence*, eds. Robert L. Scribner and Brent Tarter (Charlottesville: University of Virginia Press, 1979), 5:423.

⁶⁴ *Ibid.*

American liberty.”⁶⁵ As David has noted, in doing so, the revolutionaries “made good on the very threat they had projected onto Lord Dunmore.”⁶⁶

Among those languishing in a Williamsburg jail were twenty-eight men “taken at the Great Bridge,” including two who had “been active, and some of them born arms, under Lord Dunmore,” and a further seven who had been detained “in attempting to run away from their several masters.”⁶⁷ One of the men who the revolutionaries claimed had fought as part of the Ethiopian Regiment was Dick. Dick had fled from Edmund Ruffin, a planter from Prince George County. From Ruffin’s account, it seems that Dick and four other refugees had gone down the James River toward Norfolk where they had attempted to join up with Dunmore’s forces. Dick’s bid for freedom along the James River ended in calamity. An announcement published in Purdie’s *Gazette* on 12 January 1776 reported that, on 5 December, “about seven leagues from Cape Henry, a yawl, without either oar, mast, or sail” had been captured. According to this report, Dick was the ship’s sole passenger. Ruffin believed that four of the men who had made their escape on 26 November along with Dick were “in lord Dunmore’s service,” although the historical record does not reveal their fates.⁶⁸ If they successfully reached Dunmore, they may have seen action at the Battle of Great Bridge. Dick’s fate is, however, known. Despite his detention, he continued to offer resistance. On 24 December, the revolutionary authorities refused to release him to Ruffin as he “appears incorrigible.”⁶⁹ As of 17 January 1776, Dick remained in custody with the Committee of Safety, according to Ruffin, “intending as a terrour [sic] to others to send [him] to the West Indies or lead mines.”⁷⁰ At some

⁶⁵ Ibid.

⁶⁶ David, *Dunmore’s New World*, 112.

⁶⁷ Fourth Virginia Convention, Proceedings of Thirty-ninth Day of Session, *RV*, 5:423.

⁶⁸ *VG* (Pinkney), 6 January 1776.

⁶⁹ Virginia Committee of Safety, 24 December 1775, *RV*, 5:239.

⁷⁰ Note 6, Virginia Committee of Safety, 24 December 1775, *RV*, 5:239.

point “before such Step was taken,” Dick died of unknown causes in the Committee’s custody.⁷¹

Freedom seekers who were enslaved by both revolutionaries and loyalists fought in Dunmore’s regiment. Dick was imprisoned alongside a man named Ned. While Dick had fled along one of Virginia’s waterways, Ned’s path toward British forces and the possibility of freedom was much shorter though, nonetheless, fraught with danger. Ned lived in Norfolk, where his enslavers William Forsyth and Penelope d’Endé resided. In 1784, in testimony to the Loyalist Claims Commission, D’Endé revealed that her husband “ran a factory making men’s and women’s shoes and boots.”⁷² Ned laboured, in D’Endé’s description, as “a most valuable shoemaker.”⁷³ At some point before the Battle of Great Bridge, in ambiguous language typical of enslavers, Ned was “taken and put in the ranks by Ld. Dunmore’s order.”⁷⁴ D’Endé’s testimony does not make clear whether she and her husband were in agreement with Ned’s deployment or whether Ned had fled to Dunmore seeking his freedom and the governor turned a blind eye to his enslavers’ allegiance. The confusion and fluidity of the moment is reflected in D’Endé’s account, even nine years later. At Great Bridge, D’Endé relayed that she believed Ned to have been “shot there, he was at least lost.”⁷⁵ A month after the battle, Ned, apparently unbeknownst to Forsyth and D’Endé, was being held captive by the revolutionary forces. At that point, Ned is lost to the historical record and his ultimate fate is unknown.

The ordeal facing enslaved Virginians of whether and when to seek sanctuary with Dunmore’s forces cannot be overstated. As the histories of men like Dick and Ned make clear,

⁷¹ Ibid.

⁷² Memorial of Penelope D’Endé, AO 12/54, NAUK.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

even reaching the British forces was no guarantee that the promise of freedom would be anything other than ephemeral. The example of Joe, an enslaved man from Prince George County, suggests that even after the proclamation, enslaved people struggled to navigate the war's shifting tides. Like Dick, Joe's enslaver was Edmund Ruffin. Joe's internal struggle is distorted by being filtered not only through his enslaver's voice, but also that of the Committee of Safety. The Committee's account states that Joe, alongside another five enslaved people, possibly including Dick, "went of [sic] in a boat to go to Lord Dunmore."⁷⁶ Having done so, Joe "repented of the expedition and found means to make his escape leaving the others at Mulberry Island." Satisfied that Joe was "sincerely penitent," his enslaver wished to have him restored to bondage.⁷⁷ Whatever Joe's true motivations, enslaved people wrestled over whether to make their way towards British forces.

"Government of the Slaves": Contested Geographies in the Revolutionary South

Across the Revolutionary South, enslaved people sought to take advantage of the chaos wrought by the war by escaping. Enslavers responded to these waves of motion by attempting to reassert their control over enslaved people's mobility. From the Chesapeake to the Lowcountry, revolutionaries expended time and effort in controlling and policing enslaved communities' movements. In this way, enslaved people's flight exposed what the historian Stephanie Camp termed a "rival geography."⁷⁸ Enslaved people, as Camp argued, possessed "alternative ways of knowing and using plantation and southern space that conflicted with planters' ideals and demands."⁷⁹ Movement underpinned these competing and conflicting understandings of Southern space. Enslavers responded to freedom seekers' movements by

⁷⁶ Virginia Committee of Safety, 24 December 1775, *RV*, 5:239.

⁷⁷ *Ibid.*

⁷⁸ Stephanie M. H Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004), 7.

⁷⁹ *Ibid.*

attempting to reassert the “geography of containment” that underpinned a “slave country.”⁸⁰ Both individually and collectively, enslavers across the Revolutionary South engaged in a campaign to deter and to prevent enslaved people from reaching British forces.

Many freedom seekers waited for nightfall to make their escape. Enslaved people’s “nocturnal knowledge” allowed them to challenge the geography of containment.⁸¹ Indeed, historian Alan Taylor argued that “masters and slaves contested the boundaries between night and day.”⁸² Enslavers knew their vulnerabilities to the familiarity with the landscape that enslaved people had accrued at night. As one nineteenth-century enslaver put it, “night is their day.”⁸³ In spite of increased vigilance, enslaved people continued make carefully planned escapes. In June 1776, the seven men who fled Landon Carter’s Sabine Hall plantation in Virginia’s Northern Neck waited for their enslaver to go to bed before running away “to be sure, to Ld. Dunmore.”⁸⁴ The men coordinated their escape with another group of people fleeing slavery, who came down the Rappahannock River to join the escapees from Sabine Hall.⁸⁵ The freedom seekers fled in the hope of reaching another refugee, Phill, who had escaped from Carter in March 1776. Carter suspected that the refugees had “gone to increase the black regiment forming in Norfolk harbour,” where they sought to claim their “freedom, as it is called.”⁸⁶

⁸⁰ For the term “geography of containment,” see Camp, *Closer to Freedom*, 6, 28, 115, 128; for the reference to Virginia as a “slave country,” see Charles Lee to George Washington, 5 April 1776, in *The Lee Papers* (New York: New-York Historical Society, 1872), 1:378 and Charles Lee to Richard Henry Lee, 5 April 1776, *The Lee Papers* (New York: New-York Historical Society, 1872), 1:379.

⁸¹ Alan Taylor, *The Internal Enemy: Slavery and War in Virginia, 1772-1832* (New York: W. W. Norton and Company, 2013), 72.

⁸² Taylor, *The Internal Enemy*, 73.

⁸³ Ebenezer Pettigrew to James Iredell, Jr., 31 December 1806, in *The Pettigrew Papers*, ed. Sarah McCulloh Lemmon (Raleigh: State Department of Archives and History, 1971), 1:398.

⁸⁴ Entry of 26 June 1776, in *Diary of Colonel Landon Carter of Sabine Hall, 1752-1778*, ed. Jack P. Greene (Charlottesville: Virginia Historical Society, 1965), 2:1051.

⁸⁵ Entry of 26 June 1776, in *Diary of Colonel Landon Carter*, 2:1051-1052.

⁸⁶ *Virginia Gazette* (Purdie), 5 April 1776.

In the weeks after Dunmore's proclamation, the revolutionary authorities sought to prevent enslaved people's flight towards British forces. The Virginian revolutionary Patrick Henry believed that the proclamation was "fatal to the publick [sic] safety" and issued a broadside to militias, urging an "early and unremitting attention to the government of the slaves."⁸⁷ "Constant, and well directed patrols, seem indispensably necessary," Henry judged.⁸⁸ In early December, enslavers warned potential freedom seekers that "the rivers will henceforth be strictly watched, and every possible precaution taken."⁸⁹ These precautions, enslavers hoped, would prevent other Black refugees "from joining those his Lordship has already collected."⁹⁰ Indeed, waterways became the focus of enslavers' efforts to reassert a geography of containment.

In April 1776, for example, Lieutenant Colonel Isaac Read oversaw an inspection of "the different landings and coves on the Western branch of Nansemond River and Chuckatuck."⁹¹ The soldiers he led seized "a considerable number of boats, petiagurs, canoes, and punts," and destroyed the vessels of Virginians who refused to comply.⁹² Revolutionaries also prevented the movement of those they suspected of planning, or facilitating, escapes. In Savannah, in August 1776, Edward Telfair applied to the Council of Safety for his enslaved "pilots [to] be taken up and confined" and for a "guard boat [to] be stationed in Savannah River" to prevent enslaved people from reaching British vessels at Cockspur.⁹³ The Council granted his requests.

⁸⁷ Patrick Henry to John Augustine Washington, 20 November 1775, William A. Washington Papers, 1775-1914, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

⁸⁸ *Ibid.*

⁸⁹ *Virginia Gazette* (Dixon and Hunter), 2 December 1775.

⁹⁰ *Ibid.*

⁹¹ Isaac Read to Charles Lee, 7 April 1776, in *The Lee Papers* (New York: New-York Historical Society, 1872), 390.

⁹² *Ibid.*

⁹³ Journal of the Council of Safety, 20 August 1776, in *The Revolutionary Records of the State of Georgia*, ed. Allen D. Candler (Atlanta: Franklin-Turner Company, 1908), 1:184.

In late 1775, revolutionaries in South Carolina drew up a “Plan of Defence for the Colony” which envisaged the forced removal of enslaved communities from coastal regions around Charleston.⁹⁴ The plan had as its objective that “all communication will be cut off between the enemy in the town” and enslaved people “in the country.”⁹⁵ Nor were South Carolinian revolutionaries alone in contemplating such actions. Months later, in May 1776, a committee in North Carolina tasked with identifying the “most probable [ways and means] to prevent the desertion of slaves” recommended to all enslavers “on the south side of Cape Fear River to remove such male slaves as are capable of bearing arms, or otherwise assisting the enemy, into the country, remote from the sea.”⁹⁶ These plans were more about the projection of mastery than a viable means of reasserting control and were never carried out. Their very elaboration, however, often inadvertently propelled enslaved people towards the very forces that such plans sought to prevent.

As enslaved people deliberated, their enslavers’ actions sometimes prompted them to flee. Historian Ira Berlin argued that one of the defining features of enslaved people’s experience of the Revolutionary War was the omnipresent threat of forced removal, or what some scholars have termed “refugeeing.”⁹⁷ As Berlin put it, in an effort to prevent enslaved

⁹⁴ Report of the Committee for Forming a Plan of Defence for the Colony, undated, in *Documentary History of the American Revolution*, ed. R. W. Gibbes (New York: Appleton and Co., 1971), 1:205.

⁹⁵ *Ibid.*

⁹⁶ Minutes of the Provincial Congress of North Carolina, 8 May 1776, in *Colonial Records of North Carolina*, ed. William L. Saunders (Raleigh: Josephus Daniels, 1890), 10:569.

⁹⁷ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: Harvard University Press, 1998), 292. Scholars of the experiences of Black refugees in the American Civil War have used the term “to refugee” or “refugeeing” to describe the forced removal of enslaved people away from the United States army. See Yael A. Sternhell, *Routes of War: The World of Movement in the Confederate South* (Cambridge, MA: Harvard University Press, 2012), 99; David Silkenat, *Driven from Home: North Carolina’s Civil War Refugee Crisis* (Athens, GA: University of Georgia Press, 2016), 116-117; Abigail Cooper, “‘Away I Go in’ to Find My Mamma’: Self-Emancipation, Migration, and Kinship in Refugee Camps in the Civil War Era,” *Journal of African American History* 102, no. 4 (2017): 461; W. Caleb McDaniel, *Sweet Taste of Liberty: A True Story of Slavery and Restitution in America* (New York: Oxford University Press, 2019), 169.

people from escaping to the British, some enslavers “carried their slaves away from the war zone, refugeeing them to areas from which flight would be impossible.”⁹⁸ Sometimes it was an individual enslaver who took the decision to forcibly remove enslaved people. At other times, however, the revolutionary authorities ordered enslaved people to be removed. Enslaved communities, as Berlin noted, recognising that “removal reduced their chances of escaping to freedom,” were ever alert to the possibility of displacement.⁹⁹

On 10 April, the Committee of Safety in Virginia ordered the forced removal of the inhabitants of Norfolk and Princess Anne counties, who were to be “immediately removed to some interior parts of the colony.”¹⁰⁰ Acting on Charles Lee’s orders, the revolutionaries sought to deny the British the support and supplies that the royal forces had been receiving from the loyalist population. The Committee also ordered for enslaved men to be detained and “conveyed to some place off navigation,” away from Virginia’s waterways which allowed the British “to fly to any spot they chose.”¹⁰¹

The order to forcibly remove enslaved men quickly filtered through the counties’ enslaved communities. One enslaver, William Nimmo, remembered that the order was “imprudently and impolitically published and made known by the state troops.”¹⁰² Before long, “inhabitants both white and Black became informed thereof.”¹⁰³ Nimmo’s own actions reinforced to the people he enslaved that enslavers were taking the Committee’s orders

⁹⁸ Ibid.

⁹⁹ Berlin, *Many Thousands Gone*, 299.

¹⁰⁰ Committee of Safety, 10 April 1776, in *Revolutionary Virginia: The Road to Independence*, eds. Robert L. Scribner and Brent Tarter (Charlottesville: University of Virginia Press, 1981), 6:370.

¹⁰¹ Ibid; Charles Lee to Richard Henry Lee, 5 April 1776, in *The Lee Papers*, 1:379.

¹⁰² Petition of William Nimmo, 4 November 1789, Princess Anne County, Virginia, Accession Number 36121, Box 209, Folder 24, Legislative Petitions of the General Assembly, 1776-1865, Library of Virginia, Va., accessed 5 December 2022,

http://rosetta.virginiamemory.com:1801/delivery/DeliveryManagerServlet?dps_pid=IE2840958.

¹⁰³ Ibid.

seriously. In the event that the “order should in fact or reality be put into execution,” Nimmo decided to leave Princess Anne County and “set out from home for the state of North Carolina.”¹⁰⁴ On the same evening that Nimmo departed, soldiers arrived at his home to detain his enslaved people. In the brief window between Nimmo’s departure and the arrival of revolutionary forces, thirteen freedom seekers, including ten men and two women, escaped.¹⁰⁵

Nimmo blamed the Committee of Safety for the enslaved people’s flight, claiming the enslaved people had never shown “the least inclination or desire to repair to the British troops.”¹⁰⁶ At least some of those who escaped from their enslaver and the approaching revolutionary troops did make their way to the British, however. British muster rolls record that two women, Abby and Susan, boarded the *Dunluce* at Mill’s Point on 21 May 1776.¹⁰⁷ One of the men who escaped, Moody, was named among the members of Major Thomas Byrd’s company on board the *Dunmore* on 11 May.¹⁰⁸

Suspected of harbouring loyalist sentiments, John Willoughby Sr. was ordered by the Virginia Committee of Safety in April 1776 to move inland so that neither he nor the enslaved community at Willoughby’s Point in Norfolk County could easily reach the British. The revolutionaries’ move prompted the flight en masse of the enslaved population. As Berlin noted, “the merest hint of removal set some slaves in motion.”¹⁰⁹ A year later, Willoughby Sr.’s son, John Willoughby Jr., petitioned the Virginian authorities for compensation. He described how “rather than be removed,” the enslaved community collectively “deserted and went on

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ VG (Dixon and Hunter), 31 August 1776.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

board Lord Dunmore's fleet."¹¹⁰ These refugees, as Willoughby Jr. recorded, "either died, or were carried out of the country, so that none of them were regained by the petitioner."¹¹¹

Cassandra Pybus's scholarship has helped to contextualise the nature of enslaved people's flight both before and after Dunmore's proclamation. Pybus noted how in Willoughby's claim, he recorded "twenty-one women ranging in age from eighteen to fifty-five and fifty children." This "demographic profile," Pybus contends, "was typical of the response to Dunmore's proclamation."¹¹² Although it was primarily directed at men capable of bearing arms for the royal cause, the proclamation's appeal was far more widespread. As James Corbett David noted, Dunmore took in "runaways regardless of age, gender, and physical capacity."¹¹³ The scholarship of historians such as Pybus and Lathan A. Windley, amongst others, has allowed us to compare the nature of enslaved people's flight before and during the Revolutionary war.¹¹⁴ Pybus has revealed that the "pattern of slave flight ... to Dunmore from January through June 1776, ... [was] quite unlike what had happened before the Revolution, when it was almost always young men who ran."¹¹⁵ "[T]he majority of the runaways in 1776," Pybus determined, "were husbands and wives or mothers with children or even grandparents," all of whom found refuge on board Dunmore's fleet.¹¹⁶

¹¹⁰ Petition of John Willoughby Jr., 3 June 1777, Norfolk County, Virginia, Legislative Petitions of the General Assembly, 1776-1865, Accession Number 36121, Box 181, Folder 4 Library of Virginia, Va., accessed 5 December 2022,

http://rosetta.virginiamemory.com:1801/delivery/DeliveryManagerServlet?dps_pid=IE2852283.

¹¹¹ Ibid.

¹¹² Cassandra Pybus, "Jefferson's Faulty Math: The Question of Slave Defections in the American Revolution," *William and Mary Quarterly* 62, no. 2 (2005): 249.

¹¹³ David, 6.

¹¹⁴ Lathan Algerna Windley, *A Profile of Runaway Slaves in Virginia and South Carolina from 1730 through 1787* (New York: Garland, 1995); Pybus, "Jefferson's Faulty Math;" Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston, MA: Beacon Press, 2006).

¹¹⁵ Pybus, "Jefferson's Faulty Math," 249.

¹¹⁶ Pybus, *Epic Journeys of Freedom*, 14.

“They Came as Freemen, and Demanding Protection”: Refuge Seeking on Sullivan’s Island

Revolutionaries in Charleston learned of Dunmore’s proclamation by at least mid-December 1775.¹¹⁷ Enslaved communities, too, may have known about the proclamation. Enslavers in South Carolina and Georgia feared enslaved people’s “wonderful art of communicating intelligence among themselves,” believing that news of a British invasion, or perhaps an emancipation proclamation, would “run several hundreds of miles in a week or fortnight.”¹¹⁸ The ripples of such a document would and could not be limited to Virginia. As historian Robert Olwell observed, enslaved people “not only intercepted and passed on rumors; they also altered the meaning and message to suit and reflect their own objectives and desires.”¹¹⁹ Whether or not enslaved people knew of Dunmore’s proclamation, enslaved people across the Lowcountry were already engaged in refuge-seeking practices similar to those which enslavers had encountered in Virginia.

Shortly after his arrival in Charleston in August 1775, Lord William Campbell, the recently installed royal governor, concluded that enslaved people could not be anything other than aware of an impending military conflict between colonial and royal forces. As he put it, “The constant exercising the militia and other martial appearances, joined to their imprudent conversations at their tables before their domestics, could not escape the notice of those unhappy wretches and naturally lead them to converse amongst themselves on the reasons for

¹¹⁷ See, for example, Council of Safety to Richard Richardson, 19 December 1775, in *The Papers of Henry Laurens*, ed. David R. Chesnut (Columbia, SC: University of South Carolina Press, 1985), 10:576.

¹¹⁸ John Adams, Diary entry for 24 September 1775, in *The Works of John Adams, Second President of the United States*, ed. Charles Francis Adams (Boston, MA: Little Brown, 1850), 2:428. For scholarship on communication networks amongst enslaved communities in the context of the American Civil War, see Anthony E. Kaye, *Joining Places: Slave Neighborhoods in the Old South* (Chapel Hill: University of North Carolina Press, 2007), especially 179-183.

¹¹⁹ Robert Olwell, *Masters, Slaves, and Subjects: The Culture of Power in the South Carolina Low Country, 1740-1790* (Ithaca, NY: Cornell University Press 1998), 230.

it.”¹²⁰ “Attentive slaves,” as historian Anthony Kaye argued, could make “unwitting owners serve as especially revealing informants.”¹²¹ In Charleston, enslavers hostile to royal rule hoped that such “martial appearances” would intimidate enslaved communities. As one Charlestonian observed, “In our situation we cannot be too watchful, and we may require much strength, for our negroes have all high notions of their liberty.”¹²² If the British represented the enemy of their enslavers, these military exercises may, in fact, have served to reinforce the perception that freedom seekers might find refuge with the British forces.

Enslavers unearthed, or claimed to have unearthed, evidence of a furtive alliance between enslaved people and the British forces. Central to enslaved people’s prospects of reaching British naval forces were, as historian W. Jeffrey Bolster documented, coastal boatmen, who, both “in the Carolina low-country and the Chesapeake tidewater harbored fugitives [and] transported runaways.”¹²³ This form of a resistance, Bolster argued, “flared into open rebellion” during the revolution.¹²⁴ Unsurprisingly, then, Black pilots, such as the Charlestonian Thomas Jeremiah, became the victims of revolutionary repression. Jeremiah, a free harbour pilot, as Ryan observed, “apparently had all of the tools and connections to link a sometimes insurgent slave majority with what was then the most powerful navy in world history.”¹²⁵

¹²⁰ Lord William Campbell to Earl of Dartmouth, 31 August 1775, in *Documents of the American Revolution, 1770-1783*, ed. K. G. Davies (Dublin: Irish University Press, 1976), 11:95.

¹²¹ Kaye, *Joining Places*, 179.

¹²² VG (Purdie), 4 August 1775.

¹²³ W. Jeffrey Bolster, *Black Jacks: African American Seamen in the Age of Sail* (Cambridge, MA: Harvard University Press, 1997), 21.

¹²⁴ Bolster, *Black Jacks*, 23.

¹²⁵ William R. Ryan, *The World of Thomas Jeremiah: Charles Town on the Eve of the American Revolution* (New York: Oxford University Press, 2010), 19.

Henry Laurens declared himself “fully satisfied that Jerry [Jeremiah] was guilty of a design and attempt to encourage our Negroes to rebellion and joining the king’s troops if any had been sent here.”¹²⁶ In evidence used to condemn Jeremiah to death, revolutionaries claimed that an enslaved man had revealed the pilot’s plans to ally with the British. A “great war [was coming soon,” Jeremiah had allegedly declared, and that “war was come to help the poor Negroes.”¹²⁷ John Drayton, meanwhile, observed in his memoirs that Jeremiah was found guilty of declaring that “if the British ships come here, he would pilot them over Charlestown Bar.”¹²⁸ In the fevered Patriot imagination, Campbell’s attempt to intercede on Jeremiah’s behalf was particularly incendiary.¹²⁹ As Drayton acerbically put it, “more force was exerted for his being saved, than there would have been for you or me.”¹³⁰

Enslavers such as Laurens intended Jeremiah’s execution, like other acts of revolutionary violence, to “serve to humble our Negroes.”¹³¹ Scipio Handley, a free Black Charlestonian who worked as a fisherman, knew that he risked his life by carrying intelligence from the city to the HMS *Tamar*. As Handley later recalled, he “took the opportunity of carrying letters to his Lordship[’]s from Town.”¹³² After “having performed in such like manner several times,” Handley was captured.¹³³ From his cell, he learned that “he was to be put to death for acting against the Congress.”¹³⁴ What followed was, in Handley’s testimony, a miraculous escape. After being incarcerated for six weeks, a friend smuggled a file into his prison cell “with which he acquitted himself of his Irons and broak [sic] out of Gaol, and being

¹²⁶ Henry Laurens to John Laurens, 20 August 1775, *PHL*, 10:321.

¹²⁷ Report by John Coram, Justice of the Peace for the Charlestown District, 16 June 1775, CO 5/396, NAUK.

¹²⁸ John Drayton, *Memoirs of the American Revolution, From Its Commencement to the Year 1776, Inclusive; As Relating to the State of South-Carolina* (Charleston: A. E. Miller, 1821), 2:24.

¹²⁹ See Campbell to Dartmouth, 31 August 1775, *DAR*, 11:93-98.

¹³⁰ Drayton, *Memoirs of the American Revolution*, 2:24.

¹³¹ Journal of the Council of Safety, 19 December 1775, *CSCHS*, 3:102.

¹³² Memorial of Scipio Handley, AO 12/47/117; AO 12/109/160, NAUK.

¹³³ *Ibid.*

¹³⁴ *Ibid.*

a two story from the ground leaped down.”¹³⁵ Handley made the most of his connections amongst captains at the port by escaping first to St. Augustine, and then to Barbados. Despite his allegiance to the British having almost cost him his life, this would not be Handley’s last engagement with the royal forces. In 1779, upon learning that British forces had returned to the Lowcountry, “he went to Savannah with the troops but never returned to Charles Town.”¹³⁶

On the same day, 19 December 1775, that South Carolinian revolutionaries noted Dunmore’s proclamation, they charged the colony’s governor with having “gone great lengths in harbouring and protecting Negroes on Sullivants [sic] Island.”¹³⁷ An alliance between enslaved people and the British forces did not rely on a governor’s proclamation. Refugees from slavery made sustained efforts to reach British vessels in order to free themselves from bondage. Their attempts set in motion a process by which the meaning and purpose of Sullivan’s Island, a “sandy spit on the northeast edge of Charlestown harbor,” were contested and redefined.¹³⁸ According to historian Peter Wood, “well over 40 per cent of slaves reaching the British mainland colonies between 1700 and 1775 arrived in South Carolina.”¹³⁹ Sullivan’s Island represented many enslaved people’s first encounter with the Americas since, as Wood noted, it served as a site “where incoming slaves were briefly quarantined.”¹⁴⁰

In the winter of 1775, Sullivan’s Island became a sanctuary space for those seeking refuge from slavery. For enslavers, it was “a den for runaway slaves.”¹⁴¹ On 6 December, Jacob Milligan, the captain of a sloop operating out of Charleston harbour, came before the Council

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Council of Safety to Richard Richardson, 19 December 1775, *PHL*, 10:576.

¹³⁸ Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina* (New York: Knopf, 1974), xiv.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ “Extract of a letter to a gentleman in Philadelphia,” 7 February 1776, in *American Archives*, ed. Peter Force, Series 4 (Washington, D.C.: Congressional Printing, 1843), 4:950.

of Safety. Milligan testified that “there were a considerable number of slaves upon Sullivan’s Island, and that he learnt huts were building for them in the woods.”¹⁴² William Moultrie, a colonel in the 2nd South Carolina Regiment, recorded that “nearly five-hundred had already encamped there,” describing how Black refugees’ defiance of their enslavers was “looked on as dangerous to the province at large.”¹⁴³

Far from enslavers’ nightmarish vision of horrific violence, when refugees from slavery fled, they typically sought nothing more than sanctuary. How enslaved people remade and reinterpreted Sullivan’s Island is uncertain. The building of huts suggested the resourcefulness and self-sufficiency of maroon communities, yet the refugee camp’s location was not simply an attempt to forge a life away from the belligerents. Instead, the freedom seekers went to Sullivan’s Island to seek protection from, and board, Royal Navy vessels. The revolutionary response to the refugee encampment on Sullivan’s Island was swift. Determining that “it was absolutely necessary at all events to dislodge them from the place,” the Council of Safety immediately set into motion a plan to re-enslave or kill those enslaved people who had fled to Sullivan’s Island.¹⁴⁴

A day after being alerted to the camp’s construction, the Council of Safety wrote to Moultrie, ordering him to “seize and apprehend a number of negroes, who are said to have deserted to the enemy.” Moultrie was to be joined by a detachment of some “two hundred” soldiers, who were instructed to “repel any opposition which may be made against you.”¹⁴⁵ At the last moment, the initial planned assault was called off, buying the Black refugees precious

¹⁴² Journal of the Council of Safety, 6 December 1775, *CSCHS*, 3:63.

¹⁴³ William Moultrie, *Memoirs of the American Revolution: So Far as It Relates to the States of North and South Carolina, and Georgia* (New York: David Longworth, 1802), 1:113.

¹⁴⁴ *Ibid.*

¹⁴⁵ Council of Safety to William Moultrie, 7 December 1775, *PHL*, 10:546.

time. As Moultrie recalled, the expedition led by Charles Cotesworth Pinckney was unable to safely ford the crossing between Haddrell's Point and Sullivan's Island.¹⁴⁶

In the meantime, revolutionaries simultaneously took measures to drive away British ships and to deprive both the British crews and the Black refugees gathered on Sullivan's Island of vital provisions. At the same as they planned an assault on the refugee camps, the revolutionaries ordered "every kind of live stock to be driven off or destroyed."¹⁴⁷ Unsurprisingly, this forced both British sailors and freedom seekers into ever more daring raids to secure supplies. On 14 December, the Council of Safety heard testimony that "Mr. John Ashe's plantation had been a second time robbed ... of sundry live stock, by armed men landed from the men of war's boats at moonrise."¹⁴⁸ Particularly disturbing for white enslavers must have been the evidence of Black and white collaboration to secure provisions. In a letter written to Captain Thornborough, the Council denounced him for "harbouring and protecting negroes, who fly from their masters to Sullivan's Island" and the "robberies and depredations committed ... by white and black armed men, from some of the ships under your command."¹⁴⁹

Although Governor Campbell never issued a proclamation along the lines of Dunmore's, the refuge that enslaved people found aboard British vessels meant that, for South Carolinian enslavers, the result was not at all dissimilar. As historian Robert Olwell argued, Campbell and British naval officers "most likely acted out of frustration and a capricious desire to 'distress' the colony that they could no longer rule."¹⁵⁰ Certainly, the response of British officers was reminiscent of Dunmore's declaration that he felt "at liberty to annoy [the colony]

¹⁴⁶ Moultrie, *Memoirs*, 1:114.

¹⁴⁷ Journal of the Council of Safety, 7 December 1775, *CSCHS*, 3:64-65.

¹⁴⁸ Journal of the Council of Safety, 14 December 1775, *CSCHS*, 3:84.

¹⁴⁹ Journal of the Council of Safety, 18 December 1775, *CSCHS*, 3:94-95.

¹⁵⁰ Robert A. Olwell, "'Domestick Enemies': Slavery and Political Independence in South Carolina, May 1775-March 1776," *Journal of Southern History* 55, no. 1 (1989): 43.

by every possible means.”¹⁵¹ Captain Tollemache’s defiant response to revolutionaries’ attempts to re-enslave Black refugees was that he “did not deny having some of our negroes on board, but said they came as freemen, and demanding protection.”¹⁵² Tollemache’s threat “that he could have had near five hundred, who had offered” and that while “they were all in actual rebellion, ... he had orders to distress America by every means in his power,” must have hastened the decision to destroy the refugee camps.¹⁵³ Irrespective of British motivations, refugees from slavery carved out sanctuary spaces in the interstices.

What happened between 9 December 1775, when Moultrie rescinded Pinckney’s orders to attack Sullivan’s Island, and 19 December 1775, when the assault was finally made? There is evidence to suggest that, alerted to the imminent arrival of revolutionary forces, some Black refugees successfully made their way on board British vessels. Alexander Wylly informed the Council of Safety on 14 December that, “a few days ago, when a report prevailed, that they were to be attacked upon Sullivan’s Island, [enslaved people] were taken off the shore in boats sent from the ships.”¹⁵⁴ Wylly testified that “he saw twenty of them carried on board the schooner [sic] seized from him.”¹⁵⁵ It is likely that at least some of the other Black refugees found sanctuary on board the British fleet since when revolutionary forces arrived, the number of freedom-seeking people seems to have been far fewer than the “five-hundred” recorded earlier in the month.

The assault was planned to terrorise the refugee population. Fifty-four rangers, led by Lieutenant William Withers, led the attack in the early hours of the morning.¹⁵⁶ The *South*

¹⁵¹ Dunmore to Dartmouth, 1 May 1775, CO 5/1353, NAUK.

¹⁵² Journal of the Council of Safety, 10 December 1775, *CSCHS*, 3:75.

¹⁵³ *Ibid.*

¹⁵⁴ Journal of the Council of Safety, 14 December 1775, *CSCHS*, 3:84.

¹⁵⁵ *Ibid.*

¹⁵⁶ Drayton, *Memoirs*, 2:164.

Carolina and American General Gazette reported on 22 December that a raid on Sullivan’s Island had been carried out “by some persons disguised as Indians.”¹⁵⁷ Josiah Smith, a Charleston clergyman, believed that those present on the island must have been “much frightened by the whooping and appearance of a party from our Indian Company.”¹⁵⁸ As historian William Ryan has observed, there were “earlier precedents” for attempting to deploy Native Americans against enslaved people.¹⁵⁹ Faced by the prospect of a slave rebellion in 1765, Lieutenant Governor William Bull had advocated enlisting “some of the Catawbas, as Indians strike terrour [sic] into the Negroes.”¹⁶⁰ The Council of Safety recorded that the revolutionaries had “brought off four negroes” and “killed three or four.”¹⁶¹ Writing on 10 January 1776, Josiah Smith believed that Patriots had “killed 5” enslaved people “that woud [sic] not be taken.”¹⁶² In the confusion, according to Smith’s account, “near 20” enslaved people, “unseen” by the revolutionaries, were “taken off the beach by the men wars [sic] boats.”¹⁶³ In the same letter, Smith suspected that “Forty of our Negros” were on board the British vessel the *Scorpion*, then off the coast of North Carolina.¹⁶⁴

“Come for the King”: Black Refugees on Tybee Island

In the same way that Sullivan’s Island came to represent a place of refuge, Tybee Island offered a similar sanctuary to enslaved Georgians. The pattern of enslaved people’s flight echoed that seen in the South Carolina Lowcountry and the Chesapeake. British vessels offered enslaved people the chance to flee from their enslavers. The evidence suggests a similar pattern of events

¹⁵⁷ *South Carolina and American General Gazette*, 22 December 1775.

¹⁵⁸ Josiah Smith, Jr. to James Poyas, 10 January 1776, in the Josiah Smith Letter Book, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

¹⁵⁹ Ryan, 117.

¹⁶⁰ William Bull, 14 January 1766, recorded in the Journal of the Assembly of South Carolina, 2 July 1766, CO 5/488.

¹⁶¹ Journal of the Council of Safety, 19 December 1775, *CSCHS*, 3:102.

¹⁶² Smith to Poyas, 10 January 1776, Southern Historical Collection.

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

to that evinced in Virginia and South Carolina. On 8 March, McIntosh reported that the “Men of Warr [sic] ... were encouraging our slaves to desert to them [and] pilfering our sea islands for provision.”¹⁶⁵ Although British officers denied that they had any “hostile intentions against this colony,” their actions, McIntosh affirmed, suggested otherwise.¹⁶⁶

Stephen Bull, a colonel in the South Carolina militia, was deployed from Charleston to assist the Georgians in the defence of Savannah against British raids. Bull was in regular correspondence with the South Carolina Council of Safety to alert them to British manoeuvres. His letters to Henry Laurens reaffirmed what McIntosh had also asserted. On 12 March, Bull reported that “Nine of Mr. Arthur Middleton’s negroes, and some others, the whole in number about twenty-five, have gone on board the man-of-war.”¹⁶⁷ A day later, Bull wrote again to Laurens. The news he had to communicate was alarming. Not only had “between forty and fifty” enslaved people fled from Arthur Middleton, but Bull claimed “one hundred and fifty more, the property of others, ... are now on Tybee Island.”¹⁶⁸

As at Sullivan’s Island, revolutionaries planned on an assault on the refugee camp at Tybee Island. Writing to Laurens, Bull urged the utmost secrecy. No one, Bull warned, should know “anything of the following matter, but the members of the Council of Safety of this province and myself.”¹⁶⁹ Why the insistence on silence? Bull feared that if his plans were not “kept a profound secret,” refugees on the Tybee Island might “move off” or “ask for arms, and so lay an ambush for the Indians.”¹⁷⁰ Bull would surely have been cognisant that the delay

¹⁶⁵ Lachlan McIntosh to George Washington, 8 March 1776, *NDAR*, ed. William Bell Clark (Washington, D.C., 1969), 4:246.

¹⁶⁶ *Ibid.*

¹⁶⁷ Stephen Bull to Henry Laurens, 12 March 1776, in *Documentary History of the American Revolution*, ed. R. W. Gibbes (New York: D. Appleton and Co., 1971), 1:266.

¹⁶⁸ *Ibid.*

¹⁶⁹ Bull to Laurens, 14 March 1776, *DHAR*, 1:268.

¹⁷⁰ Bull to Laurens, 14 March 1776, *DHAR*, 1:269.

to the patriot assault on Sullivan's Island only three months earlier had apparently allowed some Black refugees to escape aboard British vessels. Bull advocated that "the deserted negroes on Tybee Island ... be shot, if they cannot be taken."¹⁷¹ That Bull advocated killing those refugees from slavery who resisted being returned to their enslavers was only part of this incendiary letter. He went on to suggest that that these measures should be enacted not by the white revolutionaries themselves, but by the Creek Indians. Bull was explicit as to why Native Americans should be employed for these of brutal suppression. A raid by the Creeks "may deter other negroes from deserting," Bull argued, "and will establish a hatred or aversion between the Indians or negroes."¹⁷² As on Sullivan's Island, revolutionaries hoped to stoke racial tensions by striking fear into refugees from slavery.

What happened on Tybee Island? Was there a significant number of refugees as Bull's correspondence with Laurens indicated? Or, as historian Cassandra Pybus has intimated, "Perhaps there were only nine who ran off, as first suggested."¹⁷³ The *South Carolina and American General Gazette* published accounts of an assault on Tybee Island that offered distinct interpretations. On 3 April 1776, the *Gazette* reported that "a party, in which were some Indians, lately went to Tybee Island, where they took thirteen Negroes and some other Prisoners, and killed three or four Marines."¹⁷⁴ However, in the edition published two weeks later, Black refugees were conspicuous by their absence. Here the *Gazette* published an extract of correspondence between the Georgian Council of Safety to their counterparts in Charleston. According to this account, present on the island were "King's Officers" and loyalists to the Crown identified as "Tory Refugees."¹⁷⁵

¹⁷¹ Bull to Laurens, 14 March 1776, *DHAR*, 1:268.

¹⁷² *Ibid.*

¹⁷³ Pybus, "Jefferson's Faulty Math," 251.

¹⁷⁴ *South Carolina and American General Gazette*, 3 April 1776.

¹⁷⁵ *SCAGG*, 17 April 1776.

British accounts suggest that there was a significant refugee population on Tybee Island, including both white loyalists and refugees from slavery. British naval commander John Wood testified that “men, women, and children” had come to Tybee Island “from Savannah to take protection under the men of war.”¹⁷⁶ Wood was witness to the attack on the refugees on 25 March 1776. In response, he recalled how “I directly sent my boat ... as did all the other merchant men in general to save all we could from the violent hands of these barbarian rebels.”¹⁷⁷ Although Wood did not mention Black refugees, Sir James Wright documented the significant presence of freedom-seeking people. His account suggests that at least some of the refugees from slavery on Tybee Island, as on Sullivan’s Island, had already escaped by the time of the revolutionaries’ attack. After he “had taken refuge on board his Majesty’s *Scarbro*’ at Cockspur in Georgia,” Wright remembered, “there came there at different times betwixt two and three hundred” Black refugees.¹⁷⁸ The freedom seekers proclaimed that “they were come for the King,” a declaration of loyalism that would prove an effective rhetorical strategy for sustaining sanctuary in the years to come.¹⁷⁹ According to Wright, “when the king’s ship transports and several merchant ships which were then there sail’d from thence all the said Negroes dispersed themselves on board the transports and merchant ships and were carryd away.”¹⁸⁰

¹⁷⁶ Remarks at Cockspur in the Province of Georgia on board the Brigantine *Allerton* John Wood, Commander, 13 May 1776, CO 5/148, NAUK.

¹⁷⁷ Ibid.

¹⁷⁸ Sir James Wright et al to Germain, 6 January 1779, *Collections of the Georgia Historical Society* (Savannah, GA: Georgia Historical Society, 1873), 3:250.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

“To Be at Our Own Liberty”: The Formation of the Black Pioneer Regiment

Although historians have paid a great deal of attention to the impact of Dunmore’s proclamation on Black refuge-seeking and refuge-making, a decision made by Sir Henry Clinton set an even more significant precedent for how Black freedom seekers would experience refuge in the British lines. In his proclamation, Dunmore had appealed to enslaved men “able and willing to bear arms” to join the royal forces.¹⁸¹ However, in response to Black sanctuary seekers’ flight to Royal Navy vessels, Clinton determined not to enlist the refugees in a fighting force akin to Dunmore’s Ethiopian Regiment. Instead, the general organised them into a Black Pioneer regiment.¹⁸² The decision to extract labour from refugees from slavery as pioneers rather than soldiers shaped British conceptions of Black refugees’ utility for the remainder of the war.¹⁸³ For Black refugees, it established that the sanctuary, and potential freedom, that they might experience with the British forces would be premised on the extraction of their labour.

Clinton’s decision to form the Black Pioneer regiment was in reaction to Black refugees’ flight. Like Dunmore before him, the general’s limited offer of emancipation was not the cause of freedom seekers’ flight, but in direct response to it. When Clinton arrived in Cape Fear, Black refugees had been seeking sanctuary with the British forces for a year. John Collett, the commander of Fort Johnston, at the mouth of Cape Fear, was repeatedly accused by revolutionaries of encouraging enslaved people to “elope from their masters” and with

¹⁸¹ A Proclamation, 7 November 1775, CO 5/1353, NAUK.

¹⁸² For an overview of Black Pioneers’ role in the Revolutionary War, see Todd W. Braisted, “The Black Pioneers and Others: The Military Role of Black Loyalists in the American War for Independence” in *Moving On: Black Loyalists in the Afro-Atlantic World*, ed. John W. Pulis (New York: Garland, 1999), 3-37.

¹⁸³ Sylvia Frey argued that the “organization of slave labor by the British army helped to defuse the potential for rebellion by drawing into the army the most courageous slaves, who had the greatest potential for revolutionary leadership and employing them at noncombatant duties,” *Water from the Rock*, 127.

promises “to protect them.”¹⁸⁴ On 3 March 1776, shortly before Clinton arrived, British naval officers recorded the names of 36 enslaved people, including 12 women, who came on board the HMS *Scorpion*.¹⁸⁵ The refugees had, officers noted, “fled for protection.”¹⁸⁶

On his arrival in mid-March, Clinton discovered that “Forty or fifty” freedom seekers had “found means to get on board the shipping” in the Cape Fear River.¹⁸⁷ Although British officers had offered the refugees from slavery at least temporary sanctuary from their enslavers, Clinton was primarily interested in the labour that they might provide. While Dunmore had fused armed enlistment with emancipation, Clinton saw that Black refugees “might be very useful to us for many purposes in these climates.”¹⁸⁸ As such, he decided “to form a company of them with an intention of employing them as Pioneers and on working parties.”¹⁸⁹

Among the refugees from Wilmington who reached British vessels were Thomas Peters and Murphy Steel, who assumed leadership roles amongst the regiment. Black refugees like Peters and Steel who enlisted in Captain George Martin’s company swore an oath to serve “orderly and faithfully,” pledging “to serve His Majesty in all such Services as [they] may be employed in during the present rebellion in America.”¹⁹⁰ Clinton ordered Martin to provide the Pioneer regiment with provisions, clothing, and pay, encouraging Martin and his officers to treat them with “tenderness and humanity.”¹⁹¹ Clinton also pledged that, “at the expiration of

¹⁸⁴ Monthly Meeting of the Committee for the Town of Wilmington and County of New Hanover, 20 July 1775, in *Wilmington – New Hanover Safety Committee Minutes 1774-1776*, eds. Leora H. McEachern and Isabel M. Williams (Wilmington, NC: Wilmington-New Hanover County American Revolution Bi-centennial Association, 1974), 45.

¹⁸⁵ ADM 36/8377, State Archives of North Carolina.

¹⁸⁶ *Ibid.*

¹⁸⁷ Henry Clinton to Howe, 20 April 1776, *NDAR*, 4:1182.

¹⁸⁸ *Ibid.*

¹⁸⁹ *Ibid.*

¹⁹⁰ Black Pioneers Oath, The On-Line Institute for Advanced Loyalist Studies, <http://www.royalprovincial.com/military/rhist/blkpion/blk oath.htm>, accessed 24 September 2022/

¹⁹¹ Sir Henry Clinton to George Martin, 10 May 1776, Black Pioneers Formation Orders, The On-Line Institute for Advanced Loyalist Studies, <http://www.royalprovincial.com/military/rhist/blkpion/blkform.htm>

the present Rebellion,” the Black Pioneers “shall be intitled (as far as depends upon me) to their freedom.”¹⁹²

Thomas Peters was amongst those who heard those British promises of freedom. Eight years later, Peter still recalled how Pioneers were assured that “would be at [their] own liberty, to do and provide for [themselves].”¹⁹³ The promise of freedom compelled Black refugees to try to reach British forces. The Black refugees who served in the regiment were valued by British officers not only for their labour, but their knowledge of a vast geography with which they were unfamiliar. Officials spent time questioning Black refugees for intelligence, recording how refugees would be able to support their campaigns. Thomas Payne, for example, told officers that he had worked on the Wilmington ferry and could guide them north to New Bern and south to Georgia.¹⁹⁴

Black Pioneer regiments, as well as Black refugees employed in various other labouring capacities, became the principal way that British officers sought to solve what they often perceived as the problem of Black refuge-seeking. Like Dunmore’s proclamation, Clinton’s establishment of the Black Pioneers had gendered contours and was most likely conceived of as a way of employing and attracting enslaved men. However, this category of Black refuge ultimately became more capacious. Twenty-one women claimed sanctuary at the war’s end as Black Pioneers when the British evacuated from New York City.¹⁹⁵

¹⁹² Ibid.

¹⁹³ Thomas Peters and Murphy Steel, Petition on behalf of the Black Pioneers, 20 August 1784, Commissioner of Public Records, Nova Scotia Archives RG 1 359: 65 (microfilm 15428), <https://archives.novascotia.ca/africanns/archives/?ID=32>, accessed 22 May 2021.

¹⁹⁴ “List of the Names of the Negroes belonging to Capt. Martin’s Company, who they belonged to and the respective places they lived at,” Sir Henry Clinton Papers, Clements Library, University of Michigan, cited in Jeffrey J. Crow, *The Black Experience in Revolutionary North Carolina* (Raleigh: North Carolina Department of Cultural Resources, Division of Archives and History, 1977), 70.

¹⁹⁵ The Book of Negroes, Black Loyalist, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>, accessed 24 September 2022.

Dunmore's "Floating Island"

The defeat at the Great Bridge definitively forced Dunmore off land and onto the Chesapeake. With British forces no longer able to defend them, Norfolk's loyalist population, according to a white refugee, were "left to the mercy of the rebels [sic]" and fled the town.¹⁹⁶ From the relative safety of the vessel *King's Fisher*, one loyalist described the town's evacuation. The "soldiers are gone on board two transports and those who have dared to be active in supporting Government are under the necessity also of taking refuge in vessels."¹⁹⁷ Norfolk's evacuation did not abate the flight of refugees from slavery toward British ships in the coming months. The obstacles facing them continued to be legion. As historian Elizabeth Fenn put it, men, women, and children might flee from their enslavers "but [fail] to reach the loyalist force because of insurmountable obstacles in the form of patrols, geography, scant provisions, and hard luck."¹⁹⁸ The revolutionary press reported what might befall those who provoked "an enraged and injured people."¹⁹⁹ On 13 April, Dixon and Hunter's *Gazette* told of the fate of two enslaved people who "mistook one of our armed vessels at Jamestown for a tender, and expressed their inclination to serve Lord Dunmore."²⁰⁰ They "will be executed in a few days, as an example to others."²⁰¹ The threat of these proposed executions was potent propaganda for the patriot cause, irrespective of whether they were carried out.

¹⁹⁶ Thomas Macknight to Reverend Dr. Macknight, 26 December 1775, *NDAR*, 3:261.

¹⁹⁷ *Ibid.*

¹⁹⁸ Elizabeth A. Fenn, *Pox Americana: The Great Smallpox Epidemic of 1775-82* (New York: Hill and Wang, 2001), 56-57.

¹⁹⁹

²⁰⁰ *VG* (Dixon and Hunter), 13 April 1776.

²⁰¹ *Ibid.*

Attempting to piece together the archival fragments to recreate the experience of Black refugees on board Dunmore's "Floating Town" is challenging.²⁰² Their experiences, however, were indelibly marked by loss, isolation, and disease. Black refugees who came on board vessels were, according to one enslaver, "cooped up in small vessels in the fleet."²⁰³ These conditions led to many Black refugees being "sweaped [sic] off by contagious distemper."²⁰⁴ Elizabeth McCaw, a white loyalist, recalled how she "went on board the fleet with two children, the one 4 years of age, the other only ten months."²⁰⁵ In the vessel where McCaw sought sanctuary, there were "above forty families, in such bad state of health as that life was despaired of for some weeks."²⁰⁶

James Corbett David has argued that the "multiracial crews that patriots discovered onboard British vessels suggest that interaction and cohabitation were common."²⁰⁷ However, British muster rolls for two of the vessels in the floating town suggest that at least some Black refugees occupied separate vessels to the white loyalist population. 36 Black men who had enlisted in Thomas Byrd's company spent time aboard the *Dunmore*.²⁰⁸ 41 women went on board the *Dunluce* after escaping slavery.²⁰⁹ They included some of the Black refugees who had fled Willoughby and Nimmo. Among them was Mary Perth, who came aboard with her three young children.²¹⁰ Perth no doubt shared some of McCaw's anxieties, which would have been compounded by the fear of re-enslavement. Black refugees suffered from the lack of provisions which continually affected the British fleet. The persistent raids by British and

²⁰² Andrew Snape Hamond to Molyneux Shuldham, 28 November 1776, *NDAR*, ed. William James Morgan (Washington, D.C., 1976), 7:319.

²⁰³ Memorial of Thomas McCulloch on behalf of Andrew Sproule, AO 12/54, NAUK.

²⁰⁴ *Ibid.*

²⁰⁵ Memorial of Elizabeth McCaw, AO 13/31, NAUK.

²⁰⁶ *Ibid.*

²⁰⁷ David, *Dunmore's New World*, 121.

²⁰⁸ *VG* (Dixon and Hunter), 31 August 1776

²⁰⁹ *Ibid.*

²¹⁰ Cassandra Pybus, " 'One Militant Saint': The Much Traveled Life of Mary Perth," *Journal of Colonialism and Colonial History* 9, no. 3 (2008).

loyalist vessels reflected the necessity of obtaining supplies for a growing refugee population. Dunmore's "hungry fleet and army" was in perennial pursuit of "relief out of a distress which [it] has so long laboured under."²¹¹ These desperate conditions were the result of a "want of provisions" and forced the fleet into increasingly perilous measures.²¹²

Smallpox was one of the defining features of the Black refugees' experiences. On 30 March, Dunmore reported that he continued to organise adult male refugees into his Ethiopian Regiment. Writing from the Elizabeth River, Dunmore informed Lord George Germain that his efforts to form a Black regiment were going "very well, and would have been in great forwardness" were it not for the devastating impact of what he described as "a fever."²¹³ The unnamed disease had "carried off a great many very fine fellows," leaving the regiment undermanned.²¹⁴ In March 1776, however, Dunmore could only speculate as to the fever's cause. The physicians on board the British vessels believed that its origins were twofold: the soldiers' "being much crowded on board the ships, and want of cloathing [sic]." Dunmore proceeded to make measures to mitigate the impact amongst the fleet-confined population. He advised Germain that his forces had occupied "a small neck of land, which I have fortified in the best manner our abilities and circumstances would admit of."²¹⁵ This would enable him, he hoped, to isolate those affected and prevent the further spread of illness.

The measures taken by Dunmore to prevent the fever's spread were ineffectual. By mid-May 1776, Andrew Snape Hamond recalled that smallpox had "made its appearance

²¹¹ VG (Purdie), 22 March 1776; Extract of a Letter from Norfolk (Virginia) Dated February 18, 1776, On Board the Unicorn, Capt. Hutchinson to his Owners in Whitehaven, *NDAR*, 3:1350.

²¹² Examination of Captain Thomas Wirt, *NDAR*, 4:289.

²¹³ Dunmore to Lord George Germain, 30 March 1776, CO 5/1353, NAUK.

²¹⁴ *Ibid.*

²¹⁵ *Ibid.*

among the black troops.”²¹⁶ The doctors on board Dunmore’s fleet recommended a program of inoculation to save as many of the “Ethiopian regiment” as possible. At the month’s end, the decision was taken to establish refugee camps on Gwynn’s Island off the Piankatank River in the Chesapeake. British policy was characterised by its improvisation. As long as Dunmore harboured hopes of retaining a fighting force, he was forced to grapple with the proclamation’s unanticipated results. Dunmore’s and Hamond’s deliberations were caught between the military imperative which had inspired the proclamation and the necessity for providing for a growing refugee population. These two elements, often in conflict, were increasingly entangled and not easily resolved.

Precise figures as to the number of Black refugees who landed at Gwynn’s Island are uncertain. Contemporary accounts, however, testify to the appalling mortality rate. In his entry for 27 May, Hamond recalled taking possession of the island with a “whole force, which with the marines of the squadron, did not amount to more than 200 effective men, so great had been the mortality among the Negroes while at Tucker Mills.”²¹⁷ By mid-June, revolutionaries were aware of the growing crisis. Purdie’s *Gazette* reported that Dunmore’s “whole army is now reduced to 40 regular soldiers, and 200 of the Black Fusileers [sic], 175 of which last corps died on their passage from Norfolk to Gwyn’s island.”²¹⁸ From Williamsburg, Brigadier General Andrew Lewis relayed to Charles Lee the macabre discovery of “both white and black” bodies “floating every day” in the Chesapeake.²¹⁹

²¹⁶ Narrative of Andrew Snape Hamond, HMS *Roebuck*, Entry for 19 May 1776, *NDAR*, ed. William James Morgan (Washington, D.C., 1970), 5:321.

²¹⁷ Narrative of Hamond, HMS *Roebuck*, Entry for 27 May 1776, *NDAR*, 5:322.

²¹⁸ *VG* (Purdie), 14 June 1776.

²¹⁹ Andrew Lewis to Charles Lee, 12 June 1776, *NDAR*, 5:501.

Dunmore's own correspondence similarly makes clear the scale of the epidemic. Writing to Germain, he described the impact of "very malignant" outbreak which "has carried off an incredible number of our people especially the Blacks."²²⁰ Dunmore's contention that, "had it not been for this horrid disorder I am satisfied I should have had two thousand Blacks," is suggestive of the mortality rate and horrific conditions experienced by refugees.²²¹ In her study analysing the number of enslaved people who fled to the British, Cassandra Pybus concluded that, "it appears that the number of men, women, and children was around fifteen hundred and that disease took two-thirds of the runaways."²²²

We can only speculate how refugees from slavery experienced the horrors of Gwynn's Island since the archival record from their perspective is silent. Refugees who fled in familial groups may have been left without kin by the epidemic. In an attempt to contain the spread of smallpox, Dunmore described having "separated the sick from the well by the breadth of the island, and mean[ing] if possible to keep them from each other."²²³ While understandable, these measures would only have served to exacerbate the trauma. Those Black refugees who were not infected, survived, or who had acquired immunity to the virus may have served in the hospitals that were established as part of the inoculation program. There is also evidence that prior to the landing on Gwynn's Island, some vessels, such as the brig *Adonis*, were employed as medical facilities.²²⁴ Revolutionaries later found "houses, ovens, and fortifications" on the island, testament to the British forces' attempts to both defend themselves and sustain the refugee population.²²⁵

²²⁰ Dunmore to Germain, 26 June 1776, CO 5/1353, NAUK.

²²¹ Ibid.

²²² Pybus, "Jefferson's Faulty Math," 250.

²²³ Dunmore to Germain, 26 June 1776, CO 5/1353, NAUK.

²²⁴ VG (Dixon and Hunter), 31 August 1776.

²²⁵ VG (Purdie), 12 July 1776.

Despite the smallpox epidemic, Dunmore's proclamation had an enduring appeal. Black refugees continued to flee to the British in pursuit of protection and freedom. According to Hamond, the "Ethiopian regiment" was bolstered by the arrival of "six or eight fresh men every day," yet such was the smallpox epidemic's impact, it did not "amount to above 150 effective men."²²⁶ An extraordinary deposition, published in the Philadelphia *Evening Post*, reveals how the enslaved negotiated and navigated their liminal status. William Barry, a mariner, described how three enslaved men came ashore at Gwynn's Island and conversed with British officers. A captain told the men that, if they joined the British, "they should be well paid; and, besides, should be free when this disturbance was over, which he expected would be very soon."²²⁷ Having received these assurances, in a reflection of the dynamics of slave flight following the proclamation, one of the men departed and returned accompanied by "his wife, two children, and [an]other Negro man."²²⁸

Perhaps the most remarkable element of Barry's testimony, however, was the captain's promise that "each of them should have a plantation on the rebels['] land."²²⁹ Notwithstanding the propagandistic value that this claim represented for the revolutionary cause, the suggestion that Black refugees would be allocated land abandoned or sequestered from rebellious enslavers reflected the underlying radicalism of Dunmore's proclamation. Whether the captain's promise was really made, and indeed whether or not it was sincere, the war pushed British commanders, at least momentarily, in unanticipated directions

The anticipated assault on Gwynn's Island arrived on 9 July. Black refugees who had escaped from slavery continued to be subject to violent retribution. Purdie's *Gazette* published

²²⁶ Narrative of Hamond, HMS *Roebuck*, Entry for 27 May 1776, *NDAR*, 5:322.

²²⁷ Deposition of William Barry, 11 June 1776, *NDAR*, 5:485.

²²⁸ *Ibid.*

²²⁹ *Ibid.*

an account of the bombardment, describing “a furious attack on the enemy’s shipping, camp, and fortification, from two batteries.” As the British “evacuated the place with the greatest precipitation,” revolutionary forces prepared to land on the island. One soldier described being “struck with horror [sic] at the number of dead bodies, in a state of putrefaction.” The same account told of “others gasping for life,” while more still “were burnt alive in brush huts.”²³⁰ This revolutionary estimated that the British had “lost since their arrival at Gwyn’s island, near 500 souls,” observing for himself “130 graves.”²³¹

Conclusion

Across the revolutionary South, Black refugees sought sanctuary from slavery irrespective of whether a royal governor had issued an emancipation proclamation. Both Dunmore’s proclamation and Clinton’s formation of the Black Pioneers were a response to freedom seekers’ movements. Clinton’s decision to employ Black refugees as labourers in support of the British effort rather than arming them shaped the interactions between freedom-seeking people and the British military for the remainder of the war. Enslavers interpreted Black sanctuary with the royal forces as insurrection. In response, revolutionaries responded by attacking refugee camps on Sullivan’s Island, Tybee Island, and Gwynn’s Island.

Between 1775-1776, British forces did not yet use the term “refugee” to refer to the sanctuary seekers who, against the odds, made it to their vessels. However, they did recognise that the enslaved people escaping bondage “fled for protection.” Later, the British military would come to describe refugees from slavery as “refugees.” The extent of enslaved people’s

²³⁰ *VG* (Purdie) 19 July 1776.

²³¹ *Ibid.*

flight, and the strategies they used to secure refuge, was indicative of what might happen if the British forces could make incursions into the interior or occupy territory.

Exploring Black refuge-seeking in this time period throws light on the distinct, and divergent, pathways to sanctuary that some refugees from slavery experienced. Mary Perth departed from the Chesapeake and arrived in New York City in August 1776, the first influx of Black refugees over the course of the war. Over the next seven years, Perth and her three daughters became part of New York City's growing Black refugee community. Scipio Handley almost paid with his life for his service to South Carolina's exiled governor. In 1779, he joined a British fleet sailing from the Caribbean and served in Savannah, helping to defend a besieged city from revolutionary forces. His actions, like those of other Black refugees, helped to sustain sanctuary for Black refugees in the Lowcountry. Black Pioneers like Thomas Peters and Murphy Steel became the besiegers when British forces occupied Charleston in 1780.

Chapter Two. “I and my family went into Savannah”: Refugees from Slavery in Occupied Savannah, 1778-1782

Introduction

The return of British forces to the Lowcountry in December 1778 represented a potentially liberating moment for enslaved people across the Lowcountry. Enslaved and enslaver cast their minds back to 1776, the last time freedom seekers had encountered royal troops. As revolutionary forces prepared to declare a break with Britain in 1776, refugees from slavery fled their enslavers, desperately navigating the Lowcountry’s rivers to seek sanctuary on board British vessels. They told the royal forces that “They were come for the King,” hoping to convert somewhat lukewarm liberators into an army of jubilee.¹ Warfare in slave societies had the potential to create what historian Yael Sternhell called “a wave of motion.”² Robert Howe, a Continental army general, predicted that following a British invasion, freedom-seeking people “would undoubtedly flock in multitudes to the banners of the enemy whenever an opportunity offered.”³ Georgia’s enslaved population, numbering around fifteen thousand people, lived “mostly within twenty miles of the sea coast,” bringing potential refuge within the British lines tantalisingly close.⁴

By the winter of 1778, when Lieutenant Colonel Archibald Campbell landed in the Lowcountry, enslaved people recognised that the soldiers he led had no intention of overthrowing the institution of slavery. As historian Sylvia Frey argued, the British were caught

¹ Sir James Wright et al to Lord George Germain, 6 January 1779, in *Collections of the Georgia Historical Society* (Savannah, GA: Georgia Historical Society, 1873), 3:250.

² Yael A. Sternhell, *Routes of War: The World of Movement in the Confederate South* (Cambridge, MA: Harvard University Press, 2012), 7.

³ Robert Howe to John Hancock, 26 February 1777, in *State Records of North Carolina*, ed. Walter Clark (Winston: M. I. and J. C. Stewart, 1895), 11:708.

⁴ Lachlan McIntosh to George Washington, 16 February 1776, in *Naval Documents of the American Revolution*, ed. William Bell Clark (Washington, D.C.: Naval History and Heritage Command, 1968), 3:1327.

between “a sword and a shield, challenging and conserving the system at the same time.”⁵ Nonetheless, Black refugees equally knew the emancipatory potential, whether deliberate or otherwise, of the British army’s presence. More than two years had passed since royal forces departed the Lowcountry. Freedom-seeking people, however, remembered that although the British might be, in Ira Berlin’s words, “unreliable liberators,” their presence in a slave society created opportunities to escape bondage.⁶ In January 1779, Georgia’s exiled royal governor, Sir James Wright, anticipated that “great numbers” of enslaved people would “endeavour to join the king’s troops in expectation of being declared and made free.”⁷ Wright reflected how on his departure from Savannah in March 1776, between “two and three hundred” refugees from slavery clamoured to flee their enslavers, clambering aboard naval vessels as the British departed Georgia’s shores.⁸

Memories of 1776 were also strong amongst enslaved communities. Although Wright did not yet know it, a man he enslaved proved pivotal in paving the way for his return. Quamino or Quash Dolly, a “confidential slave” of the exiled governor, must also have reflected on the opportunities for freedom created by war in a slave society.⁹ No sooner had British forces returned than Dolly left one of Wright’s former plantations to seek out Campbell’s men. Campbell recalled how Dolly provided the “important intelligence” that made possible the British capture of Savannah.¹⁰ The enslaved man not only detailed the location of patriot militia forces but offered to “lead the troops without artillery through the swamp upon the enemy’s

⁵ Sylvia R. Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton, NJ: Princeton University Press, 1991), 141.

⁶ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: Harvard University Press 1998), 296.

⁷ Wright et al to Germain, 6 January 1779, *CGHS*, 3:250.

⁸ *Ibid.*

⁹ Entry of 29 December 1778, Archibald Campbell, *Journal of an Expedition against the Rebels of Georgia in North America Under the Orders of Archibald Campbell Esquire Lieut. Colol. of His Majesty’s 71st Regiment 1778*, ed. Colin Campbell (Darien, GA: Ashantilly Press, 1981), 26.

¹⁰ *Ibid.*

right.”¹¹ The intelligence offered by enslaved people like Dolly was vital to British attempts to re-establish royal authority in Georgia. As Campbell noted with some consternation, “there was not a chart of Georgia in the possession of any officer in this army nor any information of the roads, swamps or creeks, which could be depended upon, for directing our operations into the interior parts of the province.”¹² Enslaved people’s knowledge of the Lowcountry represented a “rival geography,” which, as the patriot Henry Laurens bemoaned, allowed British soldiers to navigate “swamps, bogs and creeks which had never been attempted before but by bears, wolves and runaway slaves.”¹³ The British quickly recruited Black guides and pilots, sometimes rewarding them with their freedom, to enable them to cross land and water.¹⁴

This chapter traces how Black refugees in Georgia experienced refuge with the British military between December 1778 and May 1782, when Sir Guy Carleton announced plans to evacuate British forces. I argue that during the British occupation, Black refugees’ ability to forge sanctuary within the British lines ebbed and flowed. Initially, the refuge that sanctuary seekers experienced was extremely uncertain, even if the legacies of refuge-seeking from 1776 encouraged Black refugees to seek sanctuary with the British forces and within Georgia’s capital. Savannah had been “a magnet” for freedom seekers before the Revolutionary War.¹⁵ However, the British occupation weakened the “geography of containment” in a slave society, creating greater opportunities for Black refugees to escape their enslavers within an urban setting, with the British army, or by gaining passage aboard a departing vessel.¹⁶ Amidst the chaos, Black refugees created what historian Damian Alan Pargas has termed “sites of formal,

¹¹ Ibid.

¹² Entry of 31 December 1778, in Campbell, *Journal*, 31.

¹³ Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004), 6; *Pennsylvania Packet*, 26 October 1779.

¹⁴ Entries of 25 and 26 December 1778, in Campbell, *Journal*, 30.

¹⁵ Betty Wood, *Slavery in Colonial Georgia, 1730-1775* (Athens, GA: University of Georgia Press, 1984), 180.

¹⁶ Camp, *Closer to Freedom*, 6.

semiformal, and informal freedom.”¹⁷ Savannah’s population of approximately 3,500 was swelled by the influx of Black refugees from across the Lowcountry, creating opportunities for refuge that did not always rely on British officers or their proclamations.¹⁸ Furthermore, this chapter contends that the siege of Savannah represented an important turning point in determining the relationship between the British military and Black freedom seekers. British officers became more inclined to offer protection to the Black refugees within their lines after they bore witness to their crucial role in helping the royal troops defeat the amassed French and American forces.

The militarisation of Black refugees, whether in arms, labouring on fortifications, preparing provisions, or washing clothing, meant that those freedom seekers with strong links to the British military had stronger claims to protection from their enslavers. Black refugees petitioned British forces to recognise their service as the foundation to their claims to sanctuary. Black refugees’ service throughout the occupation, but especially the siege, led to the freedom passes that enabled some Black refugees to put a liberating distance between themselves and their enslavers. At the same time, Black refugees also seized on Sir Henry Clinton’s Philipsburg Proclamation and demanded that British forces honour the terms of sanctuary that their commander-in-chief had offered to enslaved refuge seekers.

This chapter begins by exploring the movements of refugees from slavery with the British army during Augustine Prevost’s 1779 campaign, before assessing Black refugees’ experiences within occupied Savannah. I then consider the significance of the siege of Savannah, both in terms of how Black refugees attempted to survive and how their service

¹⁷ Pargas, “Introduction: Spaces of Freedom in North America,” 4.

¹⁸ Barratt Wilkins, “A View of Savannah on the Eve of the Revolution,” *Georgia Historical Quarterly* 54, no. 4 (1970): 578.

behind British lines challenged British officers' attitudes to the sanctuary seekers. This chapter assesses the legacy of Black refugees' armed service as part of the militarised refuge created during the Revolutionary War. I conclude the chapter by arguing that the British military became more implicated in Black refuge, if not always Black freedom, as a result of the siege and the occupation. The British military's involvement in sustaining Black refuge, I demonstrate, helped to create sanctuary spaces within Savannah and fractured support for the occupation from Savannah's white population.

“Following the Army”: Black Refugees' Movements across the Lowcountry

As British forces moved through the Lowcountry, enslaved people seized their freedom. In January 1779, as Campbell continued to ascend the Savannah River, the enslaved community at Silver Bluff, some 100 miles north-west of Savannah, were preparing to make their escape. Their enslaver, George Galphin, was also preparing to flee. Galphin knew of the imminent arrival of the fast-approaching British troops. Those he enslaved knew it too. Intelligence about the belligerents' movements travelled quickly. An agitated Galphin must have revealed the imminent arrival of royalist forces to the freedom seekers, prompting urgent discussions away from their enslaver about what they, and he, would do. Whether the enslaved community knew it or not, only a month earlier, as Campbell captured Savannah, Galphin had confessed his intention “to send of most of my negros toward the Congerees.”¹⁹

Ultimately Galphin fled alone. The decision to take flight without displacing the enslaved community reflected the haste with which Galphin escaped. Their enslaver's departure provided the freedom seekers with their opportunity. Among the refugees were David and Phillis George. In their deliberations before Galphin's flight, the married couple had

¹⁹ George Galphin to Henry Laurens, 29 December 1778, in *The Papers of Henry Laurens*, eds. David R. Chesnut and C. James Taylor (Columbia, SC: University of South Carolina Press, 2000), 15:20.

decided that if their enslaver fled, they would seize the chance to seek refuge with the British forces. As David George put it, “My master was an Antiloyalist, and being afraid, he now retired from home and left the slaves behind.”²⁰ Freedom-seeking people like the Georges fled in family groups to reach what they hoped would be the sanctuary of the British army. As George recalled, “My wife and I, and the two children we then had, ... went to Ebenezer, about twenty miles from Savannah, where the King’s forces were.”²¹ George and his family were part of a mass escape. In George’s recollection, “fifty or more” freedom seekers made the journey towards British lines.²² The number may have been even greater. Campbell recorded in his journal entry for 30 January 1779 that “90 of Golphin’s [sic] Negroes deserted his plantation, and joined the troops under my command.”²³

Whenever British troops were near, freedom-seeking people fled from their enslavers, irrespective of their allegiances. According to David Ramsay, the revolutionary historian, Black refugees, “allured with hopes of freedom, forsook their owners and repaired in great numbers to the royal army.”²⁴ Revolutionaries’ testimonies from the time also recorded the presence of large numbers of Black refugees following the British army. On 25 June 1779, Captain Philip Smith wrote to General Benjamin Lincoln from Ashepoo, decrying British forces for “carrying Negroes and other plunder to Georgia.”²⁵ Writing on the same day, James Hall Jr. informed Lincoln that, as British soldiers passed, “Large droves of Negroes march

²⁰ David George, “An Account of the Life of Mr. David George, from Sierra Leone in Africa; given by himself in a Conversation with Brother Rippon of London, and Brother Pearce of Birmingham,” in *Unchained Voices: An Anthology of Black Authors in the English-Speaking World of Eighteenth Century*, ed. Vincent Carretta (Lexington, KY: University Press of Kentucky, 1996), 336.

²¹ *Ibid.*

²² *Ibid.*

²³ Entry of 30 January 1779, in *Campbell Journal*, 53.

²⁴ David Ramsay, *History of South Carolina: From its First Settlement in 1670 to the Year 1808* (Newberry, SC: W. J. Duffie, 1858), 1:178.

²⁵ Philip Smith to Lincoln, 25 June 1779, Benjamin Lincoln Papers, Massachusetts Historical Society.

by.”²⁶ General Augustine Prevost’s march through the Lowcountry between April and June 1779, then, confirmed enslavers’ worst fears about the war’s effect on a slave society. British troops advanced towards Charleston, before ultimately retreating to Savannah, criss-crossing the Sea Islands on their return. Ramsay estimated that “about three thousand slaves” followed Prevost’s soldiers out of South Carolina.²⁷ Prevost’s brother, Lieutenant Colonel James Mark Prevost, made clear that the British army was hardly an army of liberation. “[T]housands of the Negroes followed the British Army,” wrote Prevost, though “every harsh treatment was offered to them.”²⁸ According to Prevost, enslaved refuge seekers’ “fear of returning to their old masters who had put many of them to death induced many to follow the Army in its return from before Charlestown.”²⁹

Black refugees did not equate the British army’s arrival with a day of jubilee but instead took advantage of the chaos that their campaign created to escape their enslavers and appeal to British soldiers for protection. When British forces came to his plantation, Thomas Heyward protested that he had “receive[d] his Majesty’s protection for his person, and property of every kind.”³⁰ Enslaved people like Henry McGrigger, who “joined the British troops under the command of General Provost [sic] on its march near Charlestown,” fled anyway.³¹ Notwithstanding Prevost’s retrospective hostility, freedom seekers may have heard other British soldiers read promises that, in return for service with the king’s army, they “would be at [their] own liberty, to do and provide for [themselves].”³² Refugees who joined the Black Pioneers in 1776 heard this oath. A similar pledge may have compelled members of the

²⁶ James Hall Jr. to Benjamin Lincoln, 25 June 1779, Benjamin Lincoln Papers, Massachusetts Historical Society.

²⁷ Ramsay, *History of South Carolina*, 1:178.

²⁸ James Mark Prevost to Thomas de Grey, 27 November 1779, CO 5/182, National Archives, United Kingdom.

²⁹ *Ibid.*

³⁰ *Royal Georgia Gazette*, 22 June 1780.

³¹ The Book of Negroes, *Black Loyalist*, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>, accessed 22 May 2021.

³² Peters and Steel, Petition on behalf of the Black Pioneers, 20 August 1784.

Pioneers who made their own flight to freedom in the spring of 1779.³³ Eliza Wilkinson testified that amongst Prevost's troops were Black soldiers who had fled their enslavers since the start of the occupation.³⁴ Their presence, too, likely encouraged Black refugees to join the army.

Not all refugees, however, followed the British army to Savannah. As historian Betty Wood observed, some "spent only a few days, or weeks, with the troops."³⁵ An enslaved man named George's conceptions of freedom took him to John's Island, where "he went with the troops."³⁶ In October 1779, his enslavers continued to pursue him. For George, freedom, however fragile, meant the opportunity to reunite with his sisters. Tamar, a freedom-seeking woman, too, was making her way to John's Island, where she had been "seen in a schooner when the enemy were ... going that way."³⁷ Tamar's enslaver, however, believed that "it is more probable she is harboured in town, as she has been seen several times at those houses where sailors frequent."³⁸ Tamar may have fled Charleston on board a vessel. Following his escape, a Black refugee named Andrew made his way to the wharf, where he had been "seen on board vessels ... and on board one of the gallies."³⁹

The chaos of wartime created opportunities for mass flight from enslavers. Twenty-two freedom-seeking people fled from Joseph Fickling's plantation on Edisto Island "on or about

³³ Sam Crocker, Larry, Sally, Tom, Lidia, Sally, August, Sally Potters (Peters), Clarry Peters, Phebe and Betsy Budell, Jenny are listed in the Book of Negroes as having fled to the British in 1779 and joined the Black Pioneers. The Book of Negroes, *Black Loyalist*, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>, accessed 22 May 2021.

³⁴ Letter 3, in *Letters of Eliza Wilkinson*, ed. Caroline Gilman (New York: Samuel Colman, 1839), 29.

³⁵ Betty Wood, "'High notions of their liberty': Women of Color and the American Revolution in Lowcountry Georgia and South Carolina, 1765-1783," in *African American Life in the Georgia Lowcountry: The Atlantic World and the Gullah Geechee*, ed. Philip Morgan (Athens, GA: University of Georgia Press, 2011), 58.

³⁶ *South-Carolina and American General Gazette*, 8 October 1779.

³⁷ *SCAGG*, 15 October 1779.

³⁸ *Ibid.*

³⁹ *SCAGG*, 27 August 1779.

the 20th June, 1779.”⁴⁰ In January 1781, Fickling was still advertising for their capture. A further eight months later, a further advertisement was posted in the *Royal Georgia Gazette* on Fickling’s behalf.⁴¹ It called for the capture and re-enslavement of twenty-nine people, including women, men, and children. Fifteen of the refugees were similarly listed in the January advertisement, while fourteen new names appeared. What had happened to the seven people in the original advertisement who do not reappear is not known. In the same issue of the *Royal Georgia Gazette*, Fickling’s neighbour, Benjamin Edings, published a similar advertisement. “[O]n or about the 20th June, 1779,” thirty-six enslaved people escaped from Eding’s plantation.⁴² The specificity of the date, which coincided with the Battle of Stono Ferry, would have resonated with the *Royal Georgia Gazette*’s readership. The sustained presence of British troops in the near vicinity of Edisto Island prompted this act of collective self-emancipation.

Enslaved people took advantage of the British advance through the South Carolina Lowcountry to flee in family and kinship groups. Records from the later British occupation of Charleston revealed that women represented almost half of the Black refugees working in the engineering department in March 1781 who had “joined the army in Georgia in 1779,” many of whom had escaped from South Carolinian enslavers.⁴³ 23 children were also named among the refugees from slavery who had been incorporated into the engineering department testifying to the extent that Black refugees challenged British officers’ circumscribed conception of refuge.⁴⁴ Sanctuary seekers fled not only to escape their enslavers, but to reunite with their families, and to create new ones. Jacob and Silvia, a married couple, fled Joseph Wigfall’s

⁴⁰ *Royal Georgia Gazette*, 25 January 1781.

⁴¹ *RGG*, 13 September 1781.

⁴² *RGG*, 25 January 1781.

⁴³ *Royal Gazette*, 14 March 1781. There were 58 women named in the list of 128 Black refugees “in the Engineering department that joined the army in Georgia in 1779.”

⁴⁴ *Ibid.*

Christ Church parish plantation.⁴⁵ Wigfall was another Charlestonian who sought to navigate the shifting tides of allegiance in South Carolina. Although he later accommodated himself with the subsequent British occupation of Charleston, he never succeeded in capturing Jacob and Silvia. Four years after their escape, the couple were in New York preparing to depart for Port Roseway.⁴⁶ Not all freedom seekers were so fortunate. A year after Jacob and Silvia's escape, an enslaved woman named Bess joined the British forces in 1780 at the siege of Charleston.⁴⁷ The British authorities later advertised her presence amongst the Black refugee population in Charleston in 1781. There is no record of Bess in the evacuations from New York. Alerted to her presence, it is possible that Wigfall recaptured her, or she may have died, or fled Charleston.

Eighteen people fled from William Maxwell's plantation in June 1779. While Fickling's and Eding's advertisements indicate that they believed the enslaved people had escaped into Georgia, Maxwell had received intelligence as to the whereabouts of at least some of the refugees.⁴⁸ Almost two years after their flight, these refugees remained beyond their enslaver's reach. Leah and Abraham, Maxwell believed, were in Charleston.⁴⁹ Abel had "gone with the French," perhaps at the siege of Savannah several months after having fled. Brutus was "at Mr. Blake's plantation at the Saltketchers" on the Combahee River while Stepney had found refuge "at Mr. Smith's, Pocotaglio."⁵⁰ Brutus and Stepney's ability to evade their enslaver for so long relied on alliances between enslaved communities and refugees from slavery.

⁴⁵ The Book of Negroes, *Black Loyalist*, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>, accessed 22 May 2021.

⁴⁶ Ibid.

⁴⁷ *RG*, 14 March 1781.

⁴⁸ *RG*, 19 May 1781.

⁴⁹ Ibid.

⁵⁰ Ibid.

Billy and Sue had been “run away a long time” when they found themselves at James Butler’s plantation on the Ogeechee River on 3 March 1781.⁵¹ They had fled from James Stanyarne’s plantation on the Stono River. They likely escaped Stanyarne during the British incursions through the Lowcountry in 1779, either following the army or taking flight amidst the disarray. How Billy and Sue survived in the intervening two years is uncertain. However, it is likely that they spent at least some time with the British forces, as did four other people enslaved by Stanyarne. The names of Moses, Nelly, Jenny, and Beck are found in the *Royal Gazette*’s list of “Negroes in the Engineering department that joined the army in Georgia in 1779.”⁵² A year later, Moses, Nelly, Jenny, and Beck were compelled to return to Charleston to sustain the British occupation. A refugee named Isaac had also fled Stanyarne in 1779 but was “left by the enemy in their retreat from Port Royal to Georgia.”⁵³ In January 1780, Stanyarne advertised for Isaac’s capture, reporting that he had been “frequently seen” on Port Royal “since the flight of the enemy.” On 20 September, Isaac was imprisoned in Beaufort jail.⁵⁴

Although we do not know what happened to many of the Black refugees who escaped their enslavers during Prevost’s campaign in the Lowcountry, some did sustain their freedom. In February 1781, Isaac Waight was still attempting to capture 80 enslaved people who had escaped his John’s Island plantation on 20 June 1779. Waight identified “Col. [Daniel] McGirth and one Williams” as having captured the enslaved people, many of whom, he believed, were “in the town of Savannah, and at plantations in the country.”⁵⁵ The nature of the encounter

⁵¹ *RGG*, 8 March 1781.

⁵² *RG*, 14 March 1781.

⁵³ *SCAGG*, 19 January 1780.

⁵⁴ *SCAGG*, 21 October 1780.

⁵⁵ *RGG*, 1 March 1781.

between McGirth and the enslaved community at Waight's John's Island plantation is uncertain. However, some freedom seekers did take advantage of these wartime movements, whether they were initially voluntary or coerced, to gain their liberty. Although there is no record of the refugees in the lists published by the British in the Charleston *Royal Gazette*, the names of five Black refugees appear in the New York evacuation records. Kate, Nancy, Bristol, Sally and August escaped Waight in 1779.⁵⁶ Sally fled with her son August, aged only three years old in 1779, and enlisted in the Black Pioneers.⁵⁷

The chaos that presented opportunities for flight also came with great danger. What for some refugees was a potentially emancipatory moment was for others traumatic. Kate, "who was following the English army," was captured on Edisto Island in December 1779.⁵⁸ We do not know how far Kate followed the troops on their way back to Savannah or how she came to separate or be separated from them. Children were especially vulnerable amidst the turmoil. A child, "about 5 years old," was "Found in woods in St Paul's Parish" in May 1779. In July 1779, a boy named Sam was discovered "almost dead" on Edisto Island "when the enemy left it."⁵⁹ On 18 July, another enslaver announced that 22 refugees had been captured "since the retreat of the British army from Edisto Island."⁶⁰ In the months after British troops withdrew, at least six freedom seekers were recaptured and imprisoned within Charleston's workhouse.⁶¹

"Encourage Others to Seek the Same Asylum:" Black Refugees in Occupied Savannah

In the wake of Prevost's return from South Carolina in late June 1779, the Black refugee population numbered several thousand. James Wright, reinstated as governor, struggled to

⁵⁶ The Book of Negroes, *Black Loyalist*, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>, accessed 22 May 2021.

⁵⁷ *Ibid.*

⁵⁸ SCAGG, 10 December 1779.

⁵⁹ SCAGG, 8 October 1779.

⁶⁰ SCAGG, 30 July 1779.

⁶¹ SCAGG, 1 October 1779.

make sense of the scale of the crisis. On his arrival in Savannah in July, Wright revealed that he “found vast numbers of Negroes here.”⁶² The number of Black refugees, Wright estimated, was “some or several thousands.”⁶³ From Whitehall, Secretary of State Lord George Germain ordered Wright “to encourage others to seek the same asylum.”⁶⁴ The “circumstance of having so large a share of the property of the inhabitants of Carolina” might reconcile revolutionaries to royal rule, Germain argued.⁶⁵ Moreover, Black refugees who fled from enslavers who continued in rebellion should be detained to compensate “the King’s faithful subjects for the losses they have sustained by the rebels.”⁶⁶ Germain’s intervention made clear how precarious sanctuary within the British lines was for Black refugees in the summer of 1779. The British government did not recognise Black refugees as loyalists but as a means of bringing white revolutionaries within the fold.

On 26 July 1779, in the first council meeting since his return, Wright sought to ascertain the origins of the refugees from slavery who thronged Savannah’s streets. The Black refugees included freedom-seekers who had escaped their enslavers in South Carolina and “taken shelter in this province.”⁶⁷ They were joined by self-emancipated people who had sought a precarious freedom in Savannah after fleeing enslavers in Georgia. At the same time, the council’s account made clear that while the British army had facilitated some enslaved people’s escapes, it had also “captured” and “brought into this province” enslaved people who now, in Germain’s conception, represented collateral for bringing white enslavers back within the royal fold.⁶⁸ Other enslaved people had been forcibly removed “by other persons.”⁶⁹ Some remained in

⁶² Sir James Wright to Lord George Germain, 31 July 1779, *CGHS*, 3:256.

⁶³ *Ibid.*

⁶⁴ Lord George Germain to Sir James Wright, 27 October 1779, CO 5/665, National Archives, United Kingdom.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ “At a Council held in the Council Chamber,” 26 July 1779, in *Colonial Records of the State of Georgia*, ed. Allen D. Candler (Atlanta, GA: Franklin Printing and Publishing Company, 1907), 12:443.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

bondage and were “confined in different places.”⁷⁰ Others, amidst the chaos, had secured a tentative freedom and were “going at large in and about the town of Savannah and other parts of the province.”⁷¹ These distinctions might have made sense within the confines of the council chamber in the governor’s residence. When Wright ventured out onto Savannah’s streets, they likely melted away.

The royal government attempted to restrict and regulate the movement of the displaced Black refugee population. Wright quickly realised that the successful restoration of royal authority was predicated on his government’s ability to defend the institution of slavery. He made it his priority to “recover and secure all the Negroes in each of the predicaments above mentioned, [and] to prevent their being purloined or shipped off.”⁷² The governor anticipated that enslavers who pledged their loyalty to the Crown “at a future and proper time may be entitled to have their property restored.”⁷³ Wright judged that enslaved people who had fled enslavers in rebellion against British authority “may be legally confiscated and forfeited to his Majesty.”⁷⁴ Wright’s ruling presaged Clinton’s declaration a year later that Black refugees who had fled from enslavers in rebellion “belong[ed] to the public,” but crucially without the promise of freedom in return for service at the war’s end.⁷⁵ The governor’s deliberations also illustrated the degrees of unfreedom that Black refugees navigated within this precarious sanctuary space.⁷⁶

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² “At a Council held in the Council Chamber,” 26 July 1779, *CRSG*, 12:444.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Sir Henry Clinton, Memoranda for the Commandant of Charlestown and Lieu. General Earl Cornwallis, 3 June 1780, PRO 30/55/23, National Archives, United Kingdom.

⁷⁶ For scholarship on people enslaved in Cuba by the Spanish imperial government, see María Elena Díaz, *The Virgin, the King, and the Royal Slaves of El Cobre: Negotiating Freedom in Colonial Cuba, 1670-1780* (Stanford, CA: Stanford University Press, 2000). For work on people enslaved by the Virginia revolutionary state government, see Sean Gallagher, “The Prison of Public Works: Enslaved People and State Formation at Virginia’s Chiswell Lead Mines, 1775-1786,” *Journal of Southern History* 86, no. 4 (2020): 777-804.

In order to reassert royal authority, Wright made plans to respond to the waves of motion, both voluntary and coerced, that had coincided with the war's return to the Lowcountry. One of his first actions was to empower officials to capture and detain freedom-seeking people. Wright established a Commission of Claims which he "authorized to take up all fugitive slaves which may be found in Savannah or elsewhere in this province."⁷⁷ The governor also empowered these commissioners to locate and detain enslaved people who had been displaced across the Lowcountry. In the governor's words, commissioners had the authority to "take up all Negroes who may have been decoyed away from their owners either in this province or South Carolina or any other province in rebellion by persons not duly authorized to do so."⁷⁸ The council declared that self-emancipated and displaced people who resisted capture, or "prove unruly or abscond," should be detained within "a strong and convenient house or prison."⁷⁹

When this news filtered down to the Black refugee population, it must have created a wave of fear. Refugees would not have been surprised that an enslaver such as Wright was no friend. Nonetheless, his government's policy confirmed that the city which refugees hoped might become a sanctuary was hostile territory. Black refugees lived with the omnipresent threat of capture and detention, not only from the commissioners but enslavers who sought to capture freedom seekers and return them to slavery. No sooner had Wright returned to Savannah than he was inundated with "petitions and applications relative to Negroes who have deserted or run away from their masters or owners in South Carolina."⁸⁰ With enslavers stalking Savannah's streets in pursuit of freedom seekers, refugees likely experienced the "inexpressible

⁷⁷ "At a Council held in the Council Chamber," 26 July 1779, *CRSG*, 12:445-446.

⁷⁸ "At a Council held in the Council Chamber," 26 July 1779, *CRSG*, 12:446.

⁷⁹ *Ibid.*

⁸⁰ "At a Council held in the Council Chamber," 26 July 1779, *CRSG*, 12:443.

anguish and terror” that Boston King felt four years later in New York when kidnappers similarly sought to capture refugees.⁸¹ Black refugees who fled to Savannah must have soon realised that if the city was to become a sanctuary, it would be through the collective efforts of the Black refugee community.

The establishment of a Commission of Claims in March 1779 was intended to make the Georgia Lowcountry a site of containment for enslaved people. The commissioners were supposed to ensure that plantation slavery should be disrupted as little as possible. However, from the outset, they met with little success. In April 1780, the commissioners compiled a report for Wright, acknowledging that they had “failed in carrying the beneficial [sic] purposes of our Commission into execution to the extent that was intended and expected from it.”⁸² A year earlier, they had argued that “no effectual method could be taken for retaining the Negroes that might be collected which come under our management and who were dispersed all over the Country” until “a work house could be built for securing them in till they could be otherwise disposed of.”⁸³ As late as June 1780, however, Georgia’s grand jurors were still complaining about “the want of a house of confinement and correction for Negroes.”⁸⁴ On assuming their commission, Lewis Johnston, Martin Jollie, and Roger Kelsall found that it was “impracticable to rent out the vacant plantations for that year for the purpose of planting,” further disrupting the basis of Georgia’s slave labour economy.⁸⁵

⁸¹ Boston King, “Memoirs of the Life of Boston King, a Black Preacher. Written by Himself, during his Residence at Kingswood-School,” in *Unchained Voices: An Anthology of Black Authors in the English-Speaking World of the Eighteenth Century*, ed. Vincent Carretta (Lexington, KY: University Press of Kentucky, 1996), 356.

⁸² “Report of the Commissioners of Claims,” 29 April 1780, *CGHS*, 3:299.

⁸³ “Report of the Commissioners of Claims,” 29 April 1780, *CGHS*, 3:298.

⁸⁴ *RGG*, 22 June 1780.

⁸⁵ “Report of the Commissioners of Claims,” 29 April 1780, *CGHS*, 3:298.

The commissioners repeatedly clashed with the military over their plans for Georgia's enslaved population, railing against the "spirit of jealousy, amongst some of the military against the civil establishment" that threatened an "open rupture with the army."⁸⁶ Black refugees were at the centre of this rupture between civil and military authority. The commission's aim to sustain Georgia's economy was at odds with the military's mission to defeat a rebellion. Instead of labouring on plantations, Black refugees sought, and sometimes found, sanctuary in all departments of the British army. The "greatest part of the Negroes that fled or were brought into this Province, as well as many of those belonging to persons formerly of this country, but now in rebellion" were "being employed and embodied as Pioneers of the Army and in the publick [sic] works."⁸⁷ Other Black refugees had been "taken possession of by the Commissaries, Quarter Master General, their Deputies and other Military Departments as also many Officers and even Soldiers of the Army."⁸⁸

Siege of Savannah

On 1 September, a French fleet under the Count D'Estaing arrived at Savannah as Benjamin Lincoln's troops amassed outside the city, beginning a siege which lasted from 11 September to 9 October 1779. In the final week of the siege, when Prevost refused to surrender, the naval forces bombarded the city. On 9 October, the French-American troops launched an assault on the city's defences, which the British and loyalist forces repulsed.

The return of French and revolutionary forces to Savannah forced Black refugees to seek sanctuary within the city. Among them were David George and his family. As George remembered, "I and my family went into Savannah at the beginning of the siege."⁸⁹ Black

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ George, "An Account of the Life of Mr. David George," 336.

refugees were joined in their flight towards the city by white refugees who often compelled enslaved people to remain with them. Chief justice Anthony Stokes recorded the arrival of “most of His Majesty’s well-affected subjects.”⁹⁰ At the same time, amidst the chaos, other enslavers abandoned enslaved communities on the outlying plantations. Stokes was one of them, recording in a letter to his wife that “several of my negroes were also left at the plantation.”⁹¹

As Black and white refugees crowded into Savannah, the Council urgently debated how best to defend the city. For those charged with Savannah’s defence, the situation was desperate. There was “no communication with the country, and the town [was] blocked up by the enemy, both by sea and land.”⁹² British forces compelled enslaved people and Black refugees to labour on the city’s defences. Among them was Scipio Handley. Handley testified that he had been “employed at the armoury shop, running grape shot and carrying them out to the redoubts and batteries.”⁹³ On 6 September, Wright rebuked enslavers for their failure to send enslaved people to work on the city’s defences, lamenting that it was necessary that the city’s government should have to order “a further supply of Negroes to work at the fortifications of Savannah.”⁹⁴ The council ordered 150 enslaved people, “at least two thirds males,” to be sent to the barracks the following day to work on the fortifications for at least six days.⁹⁵

⁹⁰ Anthony Stokes to Mrs. Stokes, 9 November 1779, in *Muskets, Cannon Balls and Bombs: Nine Narratives of the Siege of Savannah in 1779*, ed. Benjamin Kennedy (Savannah: Beehive Press, 1974), 116.

⁹¹ Stokes to Mrs. Stokes, 9 November 1779, in *Muskets, Cannon Balls and Bombs*, 109.

⁹² “At a council held at His Excellency’s house in Savannah,” 8 September 1779, *CGHS*, 10:50.

⁹³ Claims and Memorials Petition of Scipio Handley of South Carolina, AO 13/119/431, National Archives, United Kingdom.

⁹⁴ “At a council held at His Excellency’s house in Savannah,” 6 September 1779, *CGHS*, 10:49.

⁹⁵ “At a council held at His Excellency’s house in Savannah,” 6 September 1779, *CGHS*, 10:50.

Enslavers resisted the council's appropriation of enslaved people, in part, because, as scholar Lauren Duval has argued, it "disrupted [their] mastery."⁹⁶ The journey to the fortifications loosened enslavers' control, providing enslaved people with a greater degree of mobility and autonomy. During the siege, enslaved people who worked on Savannah's fortifications were brought into the orbit of an army, which through necessity, if not conviction, might offer them sanctuary from slavery. Once enslaved people were behind British lines, enslavers were not convinced that they would be able to regain their human property. The enslaved people who laboured on Savannah's fortifications encountered Black refugees who had been promised their freedom in return for service with the British forces. Enslaved people and Black refugees who had already escaped their enslavers may have discussed strategies for sustaining freedom, whether with or independently of the British. Enslavers knew, too, that chaos presented enslaved people with opportunities to seek their freedom.

Of the thirteen enslavers compelled by the Council to send enslaved labourers to work on the fortifications, eight advertised for the capture of freedom-seeking people during the British occupation. They could not help but notice an upsurge in flight since the return of British troops. A year after the siege, two enslavers whose labour force was depleted by the British requisitions lamented that nineteen freedom seekers had escaped "at different times since Col. Campbell arrived in this province."⁹⁷ Sarah Gibbons was especially wary of enslaved people coming into contact with the British army. August, an enslaved boy, was part of a mass flight to freedom of nineteen people in August 1779. The young boy had "been seen about the barracks," suggesting that August had sought to make good his freedom by seeking sanctuary with the military.⁹⁸ William Fox, too, knew that enslaved people at his Little Ogeechee

⁹⁶ Lauren Duval, "Mastering Charleston: Property and Patriarchy in British-Occupied Charleston, 1780-82," *William and Mary Quarterly* 75, no. 4 (2018): 596.

⁹⁷ *RGG*, 7 September 1780.

⁹⁸ *RGG*, 12 August 1779.

plantation were looking for opportunities to make their escape. Three enslaved people fled Fox in August 1779.⁹⁹

Although the Council's preference was to send enslaved men to the fortifications, the exigency was such that the British military accepted family groups.¹⁰⁰ By September 1779, there was a clear precedent for doing so. Women and children who fled their enslavers and joined British forces during Prevost's march through the Lowcountry served in the engineering department when they returned to Savannah. Freedom seeking people saw an opportunity amidst the chaos to flee their enslavers and offer their services to the British forces.

Sunburry, a 22-year-old refugee, escaped his enslaver and "joined the British troops before the Siege of Savannah."¹⁰¹ Sarah Allman, August Griggs, and Cudjoe Thomas also testified in the New York evacuation records to having made their bid for freedom during the siege.¹⁰² Enslavers knew that once refugees reached British lines, it was difficult to re-enslave them. Sunburry went on to serve in the 2nd Battalion of the New Jersey Volunteers, with whom he sustained his freedom. He left New York City on 8 September 1783 for St John's.

The exact number of Black labourers, whether enslaved or promised their freedom, is difficult to determine but it seems to have numbered into the hundreds. A French officer, relying on testimonies from deserters, put the figure at 1,000.¹⁰³ Other accounts gave smaller numbers. A description of the siege published in the *Royal Georgia Gazette* referred to between

⁹⁹ *RGG*, 29 August 1779.

¹⁰⁰ *RG*, 14 March 1781.

¹⁰¹ The Book of Negroes, *Black Loyalist*, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>, accessed 22 May 2021.

¹⁰² *Ibid.*

¹⁰³ "List of the English Troops, Militia, &c," 9 October 1779, in *Facsimiles of Manuscripts in European Archives Relating to America, 1773-1783*, ed. Benjamin F. Stevens (London, 1895), 23:2016.

“two hundred and three hundred” enslaved people working on thirteen redoubts and fifteen gun batteries.¹⁰⁴ 235 Black labourers were listed in the “Abstract of the Number of Men, Women, and Children, Negroes, and Prisoners Victualled at Savannah from 11 to 20 October, 1779.”¹⁰⁵ When British forces besieged Charleston in April 1780, the Savannah Pioneers numbered 186 men, 96 women, and 74 children.¹⁰⁶

Surviving the Siege

The bombardment forced enslavers and enslaved to seek sanctuary alongside each other. Stokes recalled how an “eighteen-pounder entered the house” on the night of 3 October.¹⁰⁷ Judging that “the fall of a shell into the cellar was not so probable as the being killed in the house with a cannon ball,” Stokes sought refuge in the cellar alongside those he enslaved.¹⁰⁸ “The cellar was so full of rum and provisions,” Stokes recorded, “that Mrs. Cooper, the Negroes and myself could hardly creep in.”¹⁰⁹ On 5 October, the bombardment claimed the lives of a “Mulatto Man and three Negroes” who “were killed in the Lieutenant Governor’s Cellar.” On the same day, in the evening, seven Black refugees were killed when a shell exploded on the house “of the Late Mrs. Lloyd , near the Church.”¹¹⁰

Black refugees created sites of sanctuary and survival during the siege. The bombardment of Savannah prompted the flight of refugees away from the city. The enslaved community at one of James Wright’s plantations built “an encampment ... on the common

¹⁰⁴ *RGG*, 18 November 1779.

¹⁰⁵ Abstract of the Number of Men, Women, and Children, Negroes, and Prisoners Victualled at Savannah from 11 to 20 October, 1779, Clinton Papers, William L. Clements Library, University of Michigan.

¹⁰⁶ Abstract of Men Victualled at Gibb’s Landing, Camp Charlestown Neck from 7 April to 9 April 1780, Mackenzie Papers, William L. Clements Library, University of Michigan.

¹⁰⁷ Stokes to Mrs. Stokes, 9 November 1779, in *Muskets, Cannon Balls and Bombs*, 110.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

¹¹⁰ *Royal Gazette* (New York), 11 December 1779.

between Savannah and Yamacraw [sic].”¹¹¹ Black and white refugees also gathered at the home of Moses Nunes, “at the west end of Yamacraw”¹¹² This place, Stokes observed, “was crowded, both inside and out, with a number of whites and negroes, who had fled from the town.”¹¹³ David George and his family were amongst the refugees who fled Savannah for Yamacraw when a [cannon] “ball came through the roof of the stable where we lived, and much shattered it.”¹¹⁴ At Yamacraw, as George recalled, “we sheltered ourselves under the floor of a house on the ground.”¹¹⁵

Other white refugees “went on board the ships in the river, and other retired to Hutchinson’s island.”¹¹⁶ The rice swamp conditions meant the island was, as Stokes put it, “very unwholesome, particularly in the fall.”¹¹⁷ Stokes travelled to Hutchinson’s island twice during the siege and was told that “fifty men, women, and children” had sought shelter in “Mr. McGillvray’s [sic] rice barn.”¹¹⁸ “Other places seemed to be equally crowded,” Stokes remembered.¹¹⁹ However, “neither the ships nor island were places of security” since “many shells fell into the river, and some into the shipping” while “only a greater elevation of the French mortars and more powder” would “throw the shells among them on the island.”¹²⁰

The camps into which refugees crowded created the conditions for a smallpox outbreak in the months following the siege. Decades later, George recalled “Not long after the siege was raised, I caught the smallpox in the fall of the year and thought I should have died, nor could I

¹¹¹ Stokes to Mrs. Stokes, 9 November 1779, in *Muskets, Cannon Balls and Bombs*, 112.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ George, “An Account of the Life of Mr. David George,” 336.

¹¹⁵ Ibid.

¹¹⁶ Stokes to Mrs. Stokes, 9 November 1779, in *Muskets, Cannon Balls and Bombs*, 113.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Ibid.

do any more than just walk in the spring.”¹²¹ In the months after the siege, the council urgently debated measures for dealing with the epidemic. On 27 October 1779, three enslaved men “belonging to Mr William Fox had got the small pox, and were then at Bowen’s plantation.”¹²² Fox was one enslaver who the Council had compelled to send enslaved people to work on the city’s fortifications. It is unclear whether the same men who contracted smallpox had also laboured on Savannah’s defences, but the movement of people brought with it the spread of disease. On 28 December, Mary Morell petitioned the Council for permission to inoculate her family as smallpox “appears to have broke [sic] out, on a servant belonging to the military quartered there.”¹²³ Revolutionary forces deployed at the siege of Savannah likely brought to the disease to Charleston, from where in mid-November William Moultrie reported that “new discoveries are made every day of the small-pox.”¹²⁴

“The King of England’s Soldiers:” Arming Black Refugees

Black refugees’ labour and service during the siege of Savannah became a way to secure a more enduring freedom. When British forces prepared to evacuate Charleston in 1782, British general Alexander Leslie declared that “There are many negroes who have been very useful, both at the siege of Savannah and here.”¹²⁵ “For their loyalty,” Leslie affirmed, “[they] have been promised their freedom.”¹²⁶ The arming of Black refugees proved pivotal in shaping British officers’ attitudes towards refugees from slavery. In his dispatches following the siege, Prevost commended the Black refugees within the British lines, who “certainly did wonders in

¹²¹ George, “An Account of the Life of Mr. David George,” 336.

¹²² “At a council held at His Excellency’s house in Savannah,” 27 October 1779, *CGHS*, 10:54.

¹²³ “At a council held at His Excellency’s house in Savannah,” 28 December 1779, *CGHS*, 10:74.

¹²⁴ William Moultrie to Benjamin Lincoln, 17 November 1779, in William Moultrie, *Memoirs of the American Revolution: So Far as It Relates to the States of North and South Carolina, and Georgia* (New York: David Longworth, 1802), 2:43.

¹²⁵ Alexander Leslie to Sir Guy Carleton, 27 June 1782, *American Manuscripts in Royal Institute of Great Britain*, 3:544.

¹²⁶ Leslie to Sir Guy Carleton, 27 June 1782, 3:544.

the working way and in fighting they really shewed no bad countenance.”¹²⁷ At the same time, the presence of armed Black soldiers caused great consternation among Savannah’s white inhabitants. Arming Black refugee soldiers left a legacy of bitter division among Savannah’s white slaveholding inhabitants, the restored colonial government, and the British military; the reverberations of which extended throughout the remainder of the occupation and into the post-war period. In 1786, General James Jackson, himself a patriot veteran of the Revolutionary War, warned that a maroon community that had formed on the Savannah River islands had amongst “their leaders ... the very fellows that fought, and maintained their ground against the brave lancers at the siege of Savannah.”¹²⁸ These combatants, Jackson asserted, “still call themselves the King of England’s soldiers.”¹²⁹

As with the formation of the Ethiopian Regiment following Dunmore’s proclamation, the arming of Black soldiers testified to the desperation of the small British garrison defending Savannah. As Scipio Handley recalled, the besieged city “was very bare of troops[;] all that was in it were employed both white and Black, in order to endeavour to keep them off.”¹³⁰ The precise number of armed Black troops is elusive, but it seems that hundreds of Black men were in arms. An account by a French source listed 200 armed Black troops during the siege.¹³¹ The Reverend John Joachim Zubly recorded that “8, or more of my slaves were constantly in arms.”¹³² An unnamed British source recorded “a good deal of skirmishing on Mr.

¹²⁷ Augustine Prevost to Sir Henry Clinton, 2 November 1779, PRO 30/55/14, NAUK.

¹²⁸ Joseph Vengeance Bevan Papers, folder 10, item 87, cited in Timothy J. Lockley, “ ‘The King of England’s Soldiers’: Armed Blacks in Savannah and Its Hinterlands during the Revolutionary War Era, 1778-1787,” in *Slavery and Freedom in Savannah*, eds. Leslie M. Harris and Daina Ramey Berry (Athens, GA: University of Georgia Press, 2014), 36.

¹²⁹ *Ibid.*

¹³⁰ Claims and Memorials Petition of Scipio Handley of South Carolina, AO 13/119/431, NAUK.

¹³¹ “List of the English Troops, Militia, &c.,” 9 October 1779, in *Facsimiles of Manuscripts in European Archives Relating to America, 1773-1783*, ed. Benjamin F. Stevens (London, 1895), 23:2016.

¹³² John Joachim Zubly to Sir James Wright, 30 November 1779, in *The Journal of the Reverend John Joachim Zubly, March 5, 1770 through June 22, 1781*, ed. Lilla Mills Hawes (Savannah, GA: Georgia Historical Society, 1989), 109.

McGillivray's plantation, between some negroes and a party of rebels."¹³³ In combat that extended over several hours, the Black combatants drove the allied forces "from the buildings on the plantation into the woods," before a lack of ammunition forced a retreat with "the loss of one killed and three or four wounded."¹³⁴

In the siege's immediate aftermath, Savannah's white inhabitants implored the civil government to intercede on their behalf to disarm Black refugees. In a council meeting on 25 October 1779, Georgia's royal government urgently discussed a petition from some of the city's white inhabitants warning about a potential insurrection. "A number of slaves appear in arms and behave with great insolence," they declared, warning of "dreadful evils that must arise, if such proceedings are not checked."¹³⁵ Enslavers could not help but perceive a clear erosion of racial hierarchies. Black refugees were "joined by some white persons" in committing "great outrages in and about the town."¹³⁶ In early November, James Wright revealed that "he had received several complaints of armed Negroes going about the country."¹³⁷

The petitioners indirectly accused the British military of eroding racial hierarchies. The Council advised James Wright to "send a copy of it" to General Prevost "in order that he may give such satisfaction to the petitioners as to him shall seem proper."¹³⁸ The British army, however, gave tacit, if not explicit, approval to the presence of armed Black soldiers as part of militias that commandeered supplies for the military. The commissioners alleged that the army

¹³³ *RGG*, 18 November 1779.

¹³⁴ *Ibid.*

¹³⁵ "At a council held at His Excellency's house in Savannah," 25 October 1779, in *Collections of the Georgia Historical Society*, ed. Lilla M. Hawes (Savannah, GA: Georgia Historical Society, 1952), 10:53-54.

¹³⁶ *Ibid.*

¹³⁷ "At a council held at His Excellency's house in Savannah," 5 November 1779, *CGHS*, 10:61.

¹³⁸ "At a council held at His Excellency's house in Savannah," 25 October 1779, *CGHS*, 10:53-54.

“suffered and we fear encouraged” militias “to enter houses and plantations at their discretion, to live at free quarter wherever they pleased and carry off Negroes, cattle, horses and property of all kinds under the idea that all was free plunder.”¹³⁹ After the siege of Savannah, formerly enslaved people found a degree of autonomy amongst the militias led by Daniel McGirth. Grand jurors denounced McGirth “for keeping in arms a number of Negroes claimed by and in their possession.”¹⁴⁰

Black mobility, especially when sustained with weapons, directly challenged the power structures of a slave society. Grand jurors realised that the distinction between slavery and freedom was becoming increasingly blurred. They demanded that enslaved people “employed upon publick [sic] service should wear some badge or mark of distinction whereby they may be known.”¹⁴¹ Blackness itself was no longer a sufficient identifier for unfreedom. In response, enslavers sought to restrict refugees’ mobility, demanding that the Council imprisoned freedom seekers within “a house of confinement and correction for Negroes.”¹⁴²

Savannah’s white population attempted to wrestle with the necessity of arming Black refugees and the implications for racial hierarchy in a slave society. On 9 December, an unsigned editorial appeared in the *Royal Georgia Gazette* entitled “On the late siege of Savannah.” The anonymous author sought to reassure the *Gazette*’s readers that “It was natural for the besieged to follow the example of their besiegers.”¹⁴³ The presence of “a coloured brigade of Negroes and Mulattoes, supposed to consist of about 700 men” amongst the French

¹³⁹ “Report of the Commissioners of Claims,” 24 April 1780, *CGHS*, 3:296.

¹⁴⁰ *RGG*, 19 April 1781.

¹⁴¹ *RGG*, 23 December 1779.

¹⁴² *Ibid.*

¹⁴³ *RGG*, 9 December 1779.

forces justified the decision “to put arms into the hands of all such blacks as were willing to bear them.”¹⁴⁴

This reasoning was one employed by the white belligerents to explain their decision to arm or offer sanctuary to Black refugees. It was, after all, a rhetorical device used by Henry Clinton in his Philipsburg proclamation. The number of armed Black refugees was estimated at a little over 200, or around “a third of those that were brought against us.”¹⁴⁵ The author sought to downplay the ramifications for arming enslaved people in a slave society. Some armed Black refugees had “*followed* very evil practices” [emphasis in original] but the majority “behaved well.”¹⁴⁶ Those who resisted white authority could be dealt with by putting “the Militia Law into execution, and disarm[ing] them.”¹⁴⁷ The governor, too, had “proposed that orders be given to the officers of the militia for suppressing all disorders of that nature, in conformity to the patroll [sic] and Negro laws.”¹⁴⁸ Wright retreated to pre-revolutionary laws, hoping that white Georgian society could ignore the consequences of arming Black refugees in a slave society. However, the formerly enslaved men who operated with the roving bands of militias resisted attempts to capture them. James Cook, captain of the slave patrol, was prevented “from putting the said law in execution” when he attempted to apprehend Black members of McGirth’s militia.¹⁴⁹ Although the author acknowledged that the Black freedom seekers had “as strong personal motives to fight as many of their masters,” enslavers could not conceive that Black refugees had autonomous conceptions of freedom.¹⁵⁰

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ “At a council held at His Excellency’s house in Savannah,” 5 November 1779, *CGHS*, 10:61.

¹⁴⁹ *RGG*, 19 April 1781.

¹⁵⁰ *RGG*, 9 December 1779.

“The Idea of Freedom:” Black Refugees and the British Military

If the civil authorities led by Wright had declared their intention to return refugees to slavery, the role of the army was more ambiguous. In 1779, a revolutionary officer accompanied two enslavers, Mrs. Heyward and Mrs. Pelot, to Savannah in an effort to capture freedom-seeking people who had sought sanctuary with the British army. The trio were brought to Commodore John Henry’s home in the city. Henry, suspicious that the revolutionary officer was acting less in the capacity of a chaperone and more as a spy, refused Heyward and Pelot the opportunity to put their case to the Commissioners of Claims. In the officer’s account, “the idea of recovering Negroes was treated as chimerical, especially those that deserted to [the British].”¹⁵¹ If the women harboured any hopes of capturing the refugees, they were soon dashed. Instead, they were forced to endure a diatribe against rebellious enslavers.

Black sanctuary seekers who sought refuge with the British army, Henry insisted, “were free, they were the king’s, he cloathed [sic], fed, and employed them.”¹⁵² Whether sincere or not, the commodore expressed revulsion at the prospect of returning refugees to their enslavers. “There was,” Henry asserted, “an idea of cruelty in delivering of them up to enraged mistresses who no doubt would correct them severely.”¹⁵³ Henry promised to continue offering sanctuary to refugees from slavery. The revolutionary officer recorded how “he honestly confessed that he had and would receive any thing that deserted from us.”¹⁵⁴

The kidnapping and illicit trafficking of enslaved people ran counter to British interests since it undermined “the idea of freedom which they endeavour to propagate among our

¹⁵¹ Unknown to Benjamin Lincoln, 1779, Benjamin Lincoln Papers, Massachusetts Historical Society.

¹⁵² Ibid.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

slaves.”¹⁵⁵ Henry’s words were more than just a rhetorical barb. When British forces landed outside Charleston only months after the siege, James Webster, a British officer, “nailed placards encouraging Negroes to come into the English [sic] lines.”¹⁵⁶ However, Henry’s offer of a sanctuary to Black freedom seekers was motivated by other factors. As historian Sylvia Frey argued, the “organization of slave labor by the British army helped to defuse the potential for rebellion by drawing into the army the most courageous slaves, who had the greatest potential for revolutionary leadership and employing them at noncombatant duties.”¹⁵⁷ The presence of armed Black refugees in militias also hinted at an autonomy outside British officers’ control. Officers like Henry knew that their presence made it more difficult to reconcile white Georgians to the restoration of Royal rule.

Henry’s comments, nevertheless, reflected a small but significant sentiment amongst British officers that enslaved people who sought sanctuary behind British lines deserved protection. When Alured Clarke replaced Prevost as the British commanding officer in Georgia in May 1780, enslavers wasted little time in testing his commitment to offering sanctuary to freedom-seeking people. Enslavers protested that they had “conformed, and become good subjects,” therefore, entitling them to return refugees to slavery. Freedom-seeking people, however, had arguments of their own.¹⁵⁸ They urged Clarke to honour the terms of Henry Clinton’s Philipsburg proclamation. John Williams escaped his enslaver during Prevost’s campaign in the Lowcountry, before serving with the Corps of Engineers during the siege. Four years later, Williams testified that he “came into the British lines in consequence of the

¹⁵⁵ Ibid.

¹⁵⁶ Christian Friedrich Bartholomai, “Extracts from the Diary,” in *Diaries of Two Ansbach Jaegers*, ed. Bruce E. Burgoyne (Westminster, MD: Heritage Books, 2007), 116.

¹⁵⁷ Frey, *Water from the Rock*, 127.

¹⁵⁸ Alured Clarke to Lord Cornwallis, 10 July 1780, PRO 30/11/2, NAUK.

proclamation by Sir Henry Clinton.”¹⁵⁹ Although Clinton never intended for the proclamation to apply to slave societies of the southern Lowcountry, enslaved people, as Sylvia Frey argued, “chose to interpret his offer of freedom ... as a general emancipation.”¹⁶⁰ What is more, freedom seekers pressed the British to offer them refuge irrespective of the allegiance of the enslaver from whom they had fled.

By July 1780, Black refugees in Savannah had more than Clinton’s proclamation to which to appeal. They reminded Clarke of their service “in the defence of Savannah, and on many other occasions.”¹⁶¹ Black refugees, like Scipio Handley, who “in performing the dutys [sic] of his station unluckily received a musket ball in his right leg,” bore the wounds that testified to their service.¹⁶² Michael Thomas might have been amongst Clarke’s petitioners. On 24 July 1780, Thomas received papers from Clarke which declared him to be “a friend and Loyalist since the arrival of Col. Campbell into Georgia and has been since in His Majesty’s Employ.”¹⁶³ The document declared Thomas to be free, “together with his wife and children.”¹⁶⁴

If refugees could not convince Clarke that it was in Britain’s military interests to protect the refugee population, they made one last appeal to his basic humanity. When they laboured on Savannah’s fortifications or took up arms to defend a city under siege, Black refugees made themselves vulnerable to enslavers whose loyalties were always mutable. They pleaded with Clarke to guarantee them sanctuary, describing “the apprehensions they are under of being

¹⁵⁹ Passport and certificate of John Williams, 19 April 1783, Commissioner of Public Records, Nova Scotia Archives, RG 1 170:341 (microfilm 15282), <https://archives.novascotia.ca/africanns/archives/?ID=25>, accessed 22 May 2021.

¹⁶⁰ Frey, *Water from the Rock*, 118.

¹⁶¹ Alured Clarke to Lord Cornwallis, 10 July 1780, PRO 30/11/2, NAUK.

¹⁶² Claims and Memorials Petition of Scipio Handley of South Carolina, AO 13/119/431, NAUK.

¹⁶³ Certificate of Michael Thomas, 24 July 1780, Commissioner of Public Records, Nova Scotia Archives, RG 1 170:338 (microfilm 15282), <https://archives.novascotia.ca/africanns/archives/?ID=23>, accessed 22 May 2021.

¹⁶⁴ *Ibid.*

treated with cruelty in consequence of it, if they go back.”¹⁶⁵ Enslavers who now asserted allegiance to the Crown might have actively fought against its forces only months ago.

Black refugees’ arguments that they had offered more steadfast support to the British forces than many supposed loyalists struck a chord with Clarke. Although “policy may interfere in favor of the masters,” he wrote to Lord Cornwallis, “an attention to justice, and good faith, must plead strongly in behalf of the Negroes.”¹⁶⁶ Like Henry before him, Clarke contemplated personal complicity in the return of refugees to slavery with something like disgust. Many refugees “come to me, to protect them from the violence of some of the most notorious offenders that Carolina has produced,” Clarke added.¹⁶⁷ Like Clarke, Stephen DeLancey, a lieutenant colonel from New York, expressed his disgust towards enslavers. His experiences in Savannah led him to denounce the slaveholding class as “obdurate, selfish, and unfeeling to the greatest degree imaginable.”¹⁶⁸

In spite of the efforts made by enslavers such as Heyward and Pelot to return freedom-seeking people to slavery, Black refugees created sites of sanctuary for themselves within Savannah. The British army represented an ambiguous ally to freedom seekers. When freedom seekers came to the city’s Citadel, British soldiers, who remembered the service of Black refugees during the siege, sometimes offered them sanctuary. Enslavers repeatedly petitioned their representatives on the grand jury in a bid to pressure British authorities into returning freedom-seekers to slavery. When the grand jury met in the middle of January 1781, the presence of Black refugees was foremost in their mind. Of the eight grievances they registered,

¹⁶⁵ Alured Clarke to Lord Cornwallis, 10 July 1780, PRO 30/11/2, NAUK.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Stephen DeLancey to Cornelia Barclay DeLancey, 14 January 1779, in *The Price of Loyalty: Tory Writings from the Revolutionary Era*, ed. Catherine S. Crary (New York: McGraw-Hill Book Company, 1973), 273.

the first two concerned Savannah's Black community. It was "a great grievance to his Majesty's liege subjects," they lamented, that freedom-seeking people "absent themselves from the owners and take refuge in the Citadel."¹⁶⁹ That refugees from slavery sought out British forces would not have surprised enslavers. The response of British forces, however, was truly alarming. Once freedom seekers reached the Citadel, the grand jury observed, "owners are excluded making search for them."¹⁷⁰

Sites of Sanctuary within Occupied Savannah

Refugees from slavery did not only seek out the British army as they sought to carve out sites of sanctuary for themselves. The fears of white Georgians who denounced the presence of freedom seekers behind the walls of the Citadel revealed other strategies employed by Black refugees in defence of their freedom. The houses which were abandoned by Savannah's white inhabitants during the siege became sanctuary spaces. In September 1780, the sites of refuge created by freedom seekers dominated the Council's debates. Black refugees, James Wright reported, were "occupying houses, under no controul [sic] from any white person."¹⁷¹ Many refugees "were skulking about in the woods," surviving "through the plunder of the adjoining plantations."¹⁷² The flight of refugees towards Savannah had created a humanitarian crisis within the city that lasted beyond the siege itself. In December 1779, church leaders implored the city's inhabitants to contribute "towards clothing the naked and feeding the hungry."¹⁷³ "Many very poor distressed people, who, by the calamities of war," they wrote, "have been reduced to the necessity of coming to the town of Savannah."¹⁷⁴ Black refugees were unable to

¹⁶⁹ *RGG*, 18 January 1781.

¹⁷⁰ *Ibid.*

¹⁷¹ "At a council held at His Excellency's house in Savannah," 15 September 1780, *CGHS*, 10:126.

¹⁷² *Ibid.*

¹⁷³ *RGG*, 16 December 1779.

¹⁷⁴ *Ibid.*

draw on this charity; instead, they relied on the mutual support of Savannah's Black refugee community.

By January 1781, freedom seekers built "houses in and about the town of Savannah and parish of Christ Church;" a place of refuge to which other refugees might escape.¹⁷⁵ We do not know the precise number of Black refugees who forged their freedom at this site. The refugee community was, however, sufficiently alarming for Savannah's white inhabitants that the jurors saw it as a threat to their already frayed socio-economic security. The same refugees who built this community did not hesitate to defend their own freedom and that of others who might join them. Black refugees, the jurors warned, "harbour[ed], and even protect[ed] with fire arms, negroes run away from their owners."¹⁷⁶

Three months later, the Black refugee community had grown even further. "[M] any disorderly houses" were "occupied in the town of Savannah by negroes, and the great number of idle slaves that are harboured in them" threatened the interests of the white population.¹⁷⁷ For the self-emancipated Black community in Savannah, the Citadel itself and the area around it were transformed into sites of sanctuary and resistance. Black refugees who laboured in the Engineering Department had built the Citadel, or Fort Prevost, in 1780. Lieutenant Andrew Durnford was ordered to Savannah in March 1780 and by 26 March, works had begun at the Citadel.¹⁷⁸

¹⁷⁵ RGG, 18 January 1781.

¹⁷⁶ Ibid.

¹⁷⁷ RGG, 19 April 1781.

¹⁷⁸ Sir Henry Clinton to Augustine Prevost, 16 March 1780, *Report on American Manuscripts in the Royal Institution of Great Britain* (Dublin: Historical Manuscripts Commission, 1906) 2:103; Augustine Prevost to Sir Henry Clinton, 26 March 1780, *RAM*, 2:106.

Three months after grand jurors admonished the military for its refusal to return free people to slavery, Black refugees continued to defy enslavers in numbers large enough to cause alarm. By mid-April 1781, Black refugees had constructed “huts built between the town of Savannah and the Citadel, usually called Durnford Village.”¹⁷⁹ This sanctuary space was forged by refugees who had laboured on the fortifications at the Citadel. Self-emancipated people who had forged a fragile freedom at this site built a community which in turn offered possible sanctuary to other refugees from slavery. Freedom seekers “harboured and secreted” refugees, gaining an autonomy that neither belligerent had foreseen or intended.¹⁸⁰ As historian Abigail Cooper has argued in her work on Black refugees in the American Civil War, these communities had the potential to become sites of “gathering, information exchange, and family connections.”¹⁸¹

The marketplace played an important role in the creation of sanctuary spaces within Savannah. David George was one of many Black refugees who survived by buying and selling goods as part of an informal, illicit economy. Enslaved women, in particular, forged networks of information exchange. As historian Betty Wood has argued, “urban women played a comparable role to sailors and riverboat men in the gathering and spreading of news.”¹⁸² Enslavers, too, knew the marketplace’s importance, often alerting the city’s white population to a freedom seeker on the run who was “well known” or “too well known” in Savannah. In September 1780, white Georgians petitioned the civil authorities to apprehend the Black refugees who were “selling and otherwise dealing or trading without any limitation or

¹⁷⁹ RGG, 19 April 1781.

¹⁸⁰ Ibid.

¹⁸¹ Abigail Cooper, “‘Away I Goin’ to Find My Mamma’: Self-Emancipation, Migration, and Kinship in Refugee Camps in the Civil War Era,” *Journal of African American History* 102, no. 4 (2017): 448.

¹⁸² Betty Wood, “‘High notions of their liberty’: Women of Color and the American Revolution in Lowcountry Georgia and South Carolina, 1765-1783,” in *African American Life in the Georgia Lowcountry: The Atlantic World and the Gullah Geechee*, ed. Philip Morgan (Athens, GA: University of Georgia Press, 2011), 53.

check.”¹⁸³ On 29 March 1781, the Council ordered the *Royal Georgia Gazette* to publish in full the 1768 law “preventing any person from purchasing provisions or any other commodities from, or selling such, to any slave, unless such slave shall produce a ticket from his or her owner, manager, or employer.”¹⁸⁴

This warning to white Georgians did little to put a stop to the longstanding practice of buying and selling from enslaved people. In mid-July 1781, one enslaver, James Deveaux, railed against Savannah’s white inhabitants “who make a practice of buying every thing from Negroes without a ticket, notwithstanding every salutary law of the province to the contrary.”¹⁸⁵ Deveaux’s ire was shared by many enslavers across the Lowcountry. One Charlestonian reminded the white population that enslaved women’s presence at the market, ‘selling cakes, nuts, and so forth,’ was “nothing more than a cloak for plundering town and country, and feeding and harbouring runaways.”¹⁸⁶ Simon, Joe, and May made their escape from Deveaux, and they immediately made their way to Savannah to sell the “20 bushels of corn” with which their enslaver had caught them fleeing.¹⁸⁷ The sale of provisions provided the freedom seekers with vital funds to sustain them in their flight. Deveaux certainly feared that the refugees would attempt to seek out a captain of a vessel who was prepared to look the other way and give them passage out of Georgia.

Black refugees within Savannah sustained their freedom using a number of strategies. Chloe, her enslaver feared, “may endeavour to pass as free.”¹⁸⁸ Freedom seekers with experience as sailors made use of these skills to move beyond their enslavers’ reach. Caesar,

¹⁸³ “At a council held at His Excellency’s house in Savannah,” 15 September 1780, *CGHS*, 10:126.

¹⁸⁴ *RGG*, 29 March 1781.

¹⁸⁵ *RGG*, 19 July 1781.

¹⁸⁶ *SCAGG*, 19 February 1778.

¹⁸⁷ *RGG*, 19 July 1781.

¹⁸⁸ *RGG*, 22 June 1780.

“having been used to go in a schooner ... may pass for a sailor.”¹⁸⁹ Paris and Anthony employed a number of these methods to hide in plain sight. They had been “frequently seen in the town of Savannah, where they hire themselves out, and pass for free Negroes, often changing their names.”¹⁹⁰

The experiences of David George and his family shed some light on how refugees navigated siege and occupation. Having escaped Galphin in January 1779, George experienced a degree of freedom that was hitherto unknown. The Black Baptist community that George had led at Silver Bluff served to sustain his family during the British occupation of Savannah. George and his family moved to Savannah and Yamacraw, outside the town, where George reunited with George Liele, with the two men preaching together. Refugees like George survived and sustained themselves through a variety of occupations. George recalled spending a month working alongside his mentor, during which Liele “used to plow and I weed Indian corn.”¹⁹¹

As historian Betty Wood argued, Black refugees who “lacked longstanding local ties of family and friendship ... did whatever they could to try to scrape together a living for themselves and their families.”¹⁹² When Henry Clinton landed at Savannah in January 1780, George recalled how his wife “used to wash for General Clinton, and out of the little she got maintained us.”¹⁹³ Like many refugees, the George family’s wartime experience was defined by labour in support of the occupation. George himself recalled that after recovering from smallpox, he “tarried [in Savannah] about two years in a hut belonging to Lawyer [Thomas]

¹⁸⁹ *RGG*, 18 January 1781.

¹⁹⁰ *RGG*, 28 June 1781.

¹⁹¹ George, “An Account of the Life of Mr. David George,” 336.

¹⁹² Wood, ““High notions of their liberty.”” 63.

¹⁹³ George, “An Account of the Life of Mr. David George,” 336.

Gibbons, where [he] kept a butcher's stall."¹⁹⁴ George drew on the support of the Black refugee community in Savannah, which might have included some of the Black Baptist congregation from Silver Bluff, to sustain his family. When British soldiers robbed him of his savings, it was the support of Black refugees that saved him. "I borrowed money from some of the Black people to buy hogs," he recalled, with which he was able to continue to work.¹⁹⁵

Although some Black refugees created sites of sanctuary for themselves in the form of refugee camps, other freedom seekers found places of refuge as a result of their service with the British army. Although George was silent on the specifics of his family's actions during the siege, it is likely that their role in the defence of Savannah contributed to sustaining their freedom. On 11 December 1779, John Wright, a white loyalist, signed a permit letting out his "house, garden and field situated two miles from Savannah near the Little Ogeechee" to George and his family.¹⁹⁶ Wright warned that "any person molesting or disturbing him in the possession of the premises will be prosecuted to the utmost rigor of the law."¹⁹⁷ It is unclear how much George paid Wright rent for the use of his home. However, Black refugees who served as Pioneers received wages from the British army. The introduction of formerly enslaved people to a cash economy helped refugees to survive. In the Black Pioneer corps, sergeants were paid a shilling a day, corporals were paid eightpence, and privates were paid sixpence.¹⁹⁸

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ David George's lease and passports, 1779-1781, Commissioner of Public Records, Nova Scotia Archives, RG 1 170: 332-333 (microfilm 15282), <https://archives.novascotia.ca/africans/archives/?ID=19>, accessed 22 May 2021.

¹⁹⁷ Ibid.

¹⁹⁸ Graham Russell Hodges, "Black Revolt in New York City and the Neutral Zone: 1775-83," in *New York in the Age of the Constitution, 1775-1800*, eds. Paul A. Gilje and William Pencak (Rutherford, NJ: Associated University Press, 1992), 77.

Although the regulation and restriction of Black movement was central to the occupation, British forces sometimes facilitated the movement of refugees on whose labour they depended. Freedom and mobility went hand-in-hand. The British army issued freedom passes to some Black refugees. On New Year's Day, 1780, almost a year after escaping George Galphin, David George received a freedom pass from Edward Cooper, the town adjutant. The document contained asserted George's right "to pass and repass about his lawful business unmolested."¹⁹⁹ The same document asserted the freedom of not only George, but his wife Phillis and their three children, Jesse, David, and Ginney, who were all "recommended to the protection of his Majesty's subjects."²⁰⁰ George did not mention the freedom passes in the account of his life he gave many years later. Like Boston King, the George family must have experienced what Boston King described as "the happiness of liberty."²⁰¹

Families sought freedom passes to secure their collective freedom. Thomas and Hannah Williams petitioned the authorities to issue them with papers that they were "both free born blacks."²⁰² The couple were travelling from Tybee to Savannah when they "lost every thing they had" in a shipwreck.²⁰³ Their lost possessions included their "free pass," which William Jones, a justice of the peace, affirmed that he "saw them with before."²⁰⁴ Ned and Jemimah, a married couple, sought a freedom pass from Colonel John Maitland following their service "getting him Publick [sic] Horses for the Space of Eight Months" in 1779.²⁰⁵ The couple

¹⁹⁹ David George's lease and passports, 1779-1781.

²⁰⁰ Ibid.

²⁰¹ Boston King, "Memoirs of the Life of Boston King, a Black Preacher. Written by Himself, during his Residence at Kingswood-School," in *Unchained Voices: An Anthology of Black Authors in the English-Speaking World of the Eighteenth Century*, ed. Vincent Carretta (Lexington, KY: University Press of Kentucky, 1996), 353.

²⁰² Certificates for Thomas and Hannah Williams, Commissioner of Public Records, Nova Scotia Archives, RG 1 170:333 (microfilm 15282), <https://archives.novascotia.ca/africanns/archives/?ID=20>, accessed 22 May 2021.

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Certificate of Ned, his wife and family, Commissioner of Public Records, Nova Scotia Archives, RG 1 170:336 (microfilm 15282), <https://archives.novascotia.ca/africanns/archives/?ID=21>, accessed 22 May 2021.

appealed to the commander to guarantee not only their own freedom, but that of their three children, Castle, Ned, and Dublin. Maitland issued a pass warning “all persons not to trouble or molest said Ned, wife or family, as they are free Negroes and friends to His Majesty.”²⁰⁶

The experiences of Black refugees who obtained freedom passes were, to some degree, exceptional. Most Black refugees were not issued with passes that facilitated their movement or protected their freedom. The freedom passes were, moreover, the counterpoint to the “badge or mark of distinction” that Savannah’s grand jurors had urged the British military to adopt to mark enslaved labourers’ unfree status.²⁰⁷ Their issue sought to reaffirm that unfreedom was the norm for Black refugees. In Charleston, two years later, the military authorities ordered “Free mulattoes and negroes” to apply for passes, “to prevent their being taken up as vagrant slaves.”²⁰⁸ At the same time, the passes confirmed the fragility of Black freedom, which was contingent on the support of British commanders. On 9 November 1781, Alured Clarke issued George with another passport to “pass and repass on his business.”²⁰⁹ The circumstances which led George to receive or request a further guarantee of his freedom from the commander in Georgia are unknown; however, the second passport suggests that George’s freedom was contested.

Conclusion

Black refugees’ pursuit of sanctuary and freedom was shaped by migration and displacement. The wave of motion towards occupied Savannah drew on pre-existing pathways that freedom seekers had travelled before the Revolutionary War.²¹⁰ The return of British forces to the

²⁰⁶ Ibid.

²⁰⁷ *RGG*, 23 December 1779.

²⁰⁸ *Royal Gazette*, 20 April 1782.

²⁰⁹ David George’s lease and passports, 1779-1781.

²¹⁰ Betty Wood estimated that a quarter of refugees from slavery who fled their enslavers between 1763-1775 headed toward Savannah. See Wood, *Slavery in Colonial Georgia*, 177.

Lowcountry, however, changed the scale of this flight and the potential for sustaining freedom. Freedom seekers created sites of sanctuary within Savannah, exploiting the disruption wrought by warfare in a slave society. At the same time, enslaved people were subject to forced removal by their enslavers. The threat of dislocation sometimes prompted freedom seekers to escape. Other Black refugees resisted this displacement as their enslavers attempted to march them across a war-torn landscape. Many more enslaved people, however, suffered forced removal, jeopardizing the integrity of family and kinship groups.

Freedom seekers both fled to British lines and moved with the British army. Hundreds of Black refugees crossed the Lowcountry with Prevost's forces in 1779. A year later, some of the same refugees returned to Charleston with the Engineering Department where they laboured as Black Pioneers. Other refugees who "joined the troops at Savannah" remained with the British army for the remainder of the war. Black refugees used their service with the British army to forge networks that might secure their freedom or facilitate their future flight. Black refugees had their own conceptions of freedom; they gave freedom meaning by reuniting with family and kin. The British army, like the Union forces in the Civil War, "more often served as a portal for the freedpeople, rather than a destination."²¹¹

The occupation of Savannah was significant in informing British attitudes and policy toward Black refugees. To be sure, some individual officers came to realise that Savannah could not have been defended without the refugees who laboured and bore arms. At the same time, British commanders drew other lessons from the occupation, which laid bare the tensions between the civil and military authorities. The occupation served to weaken the "geography of

²¹¹ Cooper, " 'Away I Goin' to Find My Mamma,' " 447.

containment” in the Lowcountry.²¹² British policies, acting as both “a sword and a shield,” nevertheless eroded enslavers’ power.

Within Savannah, Black refugees experienced “formal, semiformal, and informal freedom.”²¹³ Some refugees like David and Phillis George secured a formal freedom through the papers that they received from the British military authorities. This remained a precarious freedom, one which could be challenged by enslavers and which depended on the written assurances of British officials.

Many more freedom-seeking people experienced a semiformal freedom when they came into the orbit of the British military. As Pargas argues, this liminal state of freedom was “conditional, ambiguous, and unclear.”²¹⁴ The hundreds of Black refugees who served in the different departments of the British army, working on fortifications, nursing the wounded, and herding livestock, may have gone behind British lines, announcing they were “come for the king,” on the understanding that freedom might result from their service and their labour. These Black refugees’ freedom was fragile and contested. Unlike the few refugees who received documentation supposedly guaranteeing their freedom, these refugees’ freedom was contested throughout the British occupation. Many only received a guarantee of their freedom when they left New York City in 1783. Others were forced to testify in Charleston when the British evacuated in the winter of 1782.

Perhaps the majority of Black refugees experienced an informal freedom, independent of the British military. These refugees carved out sanctuary spaces for themselves in places

²¹² Camp, *Closer to Freedom*, 6.

²¹³ Pargas, “Introduction: Spaces of Freedom in North America,” 4.

²¹⁴ Pargas, “Introduction: Spaces of Freedom in North America,” 9.

like Durnford Village or sought to conceal themselves within an urban environment. Refugee camps were sites of an autonomous refuge that did not depend on British freedom papers. These were places where the freedom experienced by Black refugees was at its most fragile; one freedom seekers were prepared to, and often forced to, defend through armed resistance. Sites of sanctuary within Savannah testify to Black refugees' autonomous conceptions of freedom. The existence of such sanctuary spaces was testament to the displacement that Black refugees suffered but they also reflected a fierce desire for stability in response to the dislocation of slavery and warfare.

At the same time, the location of a Black refugee community at Durnford Village was no coincidence. As enslavers were quick to point out, the huts constructed by Black refugees lay "between the town of Savannah and the Citadel."²¹⁵ Freedom seekers who constructed this site of informal freedom might have also experienced semiformal freedom by labouring on Savannah's fortifications. Some may have even ultimately freedom papers, a guarantee of formal freedom, when the British departed, whether from Savannah, Charleston, or New York City. Jack and Dinah Brown, who fled their enslaver "when Savannah was taken," went on to labour in the Engineering Department.²¹⁶ They may have helped to construct the Citadel, around which the Black refugees built a site of sanctuary. If they themselves did not reside in the refugee camp, perhaps they knew others who did. Some Black refugees may have experienced a semiformal freedom with the British military before choosing a more informal freedom outside the Citadel.

²¹⁵ RGG, 19 April 1781.

²¹⁶ The Book of Negroes, *Black Loyalist*, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>, accessed 22 May 2021.

Amidst the chaos of war in a slave society, the British army's shortage of manpower and the military's propensity to give sanctuary to refugees irrespective of their enslavers' allegiance, the distinctions between informal, semiformal, and formal freedom were often blurred. Black refugees could transition, and may have chosen to move, between these states. Black freedom in occupied Savannah was fragile, but also fluid and in flux.

Chapter Three. “The Happiness of Liberty”: Refugees from Slavery in Occupied Charleston, 1780-1782

Introduction

In March 1780, at a plantation on the Stono River, Mary Ann was preparing to escape. Fifteen miles away, her enslaver, the revolutionary governor John Rutledge, was in Charleston. He, too, was planning to take flight. British troops had returned to South Carolina at the beginning of February. Over the next two months, the royal forces, directed by enslaved people, waded across swamps, cut their way through forests, and crossed rivers as they approached Charleston from the south and west.¹ British and Hessian troops were joined by refugees from slavery, assembled into Black Pioneer corps, who served as engineers and guides.² Alongside the Black Pioneers were hundreds of enslaved people, compelled by the British to labour on the siege works.³ Mary Ann would have been under no illusions that the British soldiers represented an army of jubilee. Nonetheless, their return presented enslaved people with unambiguous evidence of what historian Vincent Brown has called “fissures in the landscape of planter power.”⁴

By early 1780, British forces and enslaved South Carolinians were no strangers to one another. Mary Ann would have reflected on the risks of taking flight. In the previous year’s campaign, Augustine Prevost had led British troops through the Lowcountry, before falling back to Savannah by crisscrossing the Sea Islands. When British soldiers came to Rutledge’s

¹ Johann Ewald, “Entry of 14 February 1780,” in *Diary of the American War: A Hessian Journal*, trans. and ed. Joseph P. Tustin (New Haven, CT: Yale University Press, 1979), 196-202.

² Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston, MA: Beacon Press, 2006), 40-42.

³ Carl P. Borick, *A Gallant Defense: The Siege of Charleston, 1780* (Columbia, SC: University of South Carolina Press, 2003), 100.

⁴ Vincent Brown, *Tacky’s Revolt: The Story of an Atlantic Slave War* (Cambridge, MA: Harvard University Press, 2020), 15.

Stono plantation in 1779, some enslaved people had taken flight before being captured by the revolutionary general Benjamin Lincoln.⁵ Mary Ann may also have dwelt on the summer of 1776. As British forces besieged Charleston for a first time, revolutionaries to the north in Philadelphia submitted their draft of the Declaration of Independence to the Continental Congress.⁶ During this earlier siege, two freedom seekers, Flora and Pompey, made their own “personal declarations of independence” by escaping Rutledge and successfully reaching British vessels.⁷

Freedom-seeking people in the Lowcountry had always keenly appreciated such ruptures in a slave society. Stono became synonymous with resistance to slavery when enslaved people rebelled in 1739 and attempted to gain sanctuary in Spanish Florida.⁸ Now, in the spring of 1780, as the British returned to besiege Charleston, refuge’s reach must have seemed much closer. It was at this moment that Mary Ann decided to take flight. Her hopes were not limited to herself. Mary Ann, aged 22, was accompanied by her three-year-old daughter, named Elizabeth. Despite the perilous journey that awaited them, Mary Ann, perhaps encouraged by the Philipsburg proclamation’s tentative promise of freedom, “left [Rutledge] before the siege of Charlestown and joined the British troops.”⁹

⁵ James Haw, *John and Edward Rutledge of South Carolina* (Athens, GA: University of Georgia Press, 1997), 127.

⁶ The Declaration of Independence, 11 June to 4 July 1776, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton, NJ: Princeton University Press, 1950), 1:414. The date was 28 June 1776.

⁷ Book of Negroes, *Black Loyalists: Our People, Our History*, http://Blackloyalist.com/cdc/documents/official/Black_loyalist_directory.htm, accessed 15 April 2020; Gary B. Nash, “Introduction,” in Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill: University of North Carolina Press, 1996), xix.

⁸ For scholarship on Black refugees’ sanctuary-seeking practices in Spanish Florida, see Jane Landers, “‘Giving Liberty to All’: Spanish Florida as a Black Sanctuary, 1673–1790,” in *La Florida: Five Hundred Years of Hispanic Presence*, eds. Viviana Díaz Balsera and Rachel A. May (Gainesville: University Press of Florida, 2014), 117-140. For work on the Stono rebellion, see Mark M. Smith, ed., *Stono: Documenting and Interpreting a Southern Slave Revolt* (Columbia, SC: University of South Carolina Press, 2005) and Peter Charles Hoffer, *“Cry Liberty”: The Great Stono River Slave Rebellion of 1739* (New York: Oxford University Press, 2012).

⁹ Book of Negroes, *Black Loyalists: Our People, Our History*, http://Blackloyalist.com/cdc/documents/official/Black_loyalist_directory.htm, accessed 15 April 2020.

Several weeks later, Rutledge made his own escape, fleeing first to the backcountry and then crossing the border into North Carolina.¹⁰ Rutledge might have encountered other Patriots similarly seeking sanctuary to the north and often uprooting enslaved communities in the process. The governor later confessed his desire to remove those he enslaved “to some place where I may, perhaps, make a little by them.”¹¹ Mary Ann and Elizabeth, however, “proclaimed their sovereignty with their feet” and were, for the time being at least, beyond their enslaver’s reach.¹²

This chapter begins by exploring the role of Black refugees during the siege of Charleston. I go on to assess the refuge that freedom-seeking people experienced within the occupied city and the contradictions inherent in the British military’s policy towards Black refugees. This chapter then addresses three ways in which freedom seekers were denied sanctuary with the British forces: disease, forced removal by enslavers, the British policy of sequestration. I conclude the chapter by assessing the emergence of different Black refugee communities within Charleston and the conflicts between enslavers and the British military.

Black Refugees at the Siege of Charleston

The British army’s reliance on Black refugees’ knowledge and labour during the siege of Charleston implicated the royal forces in Black sanctuary and freedom seeking, even before the occupation began. Extracting labour from Black refugees would, Clinton anticipated, “save the troops much toyl [sic] and fatigue.”¹³ Relations between Black refugees and the British

¹⁰ Rutledge left Charleston on 19 April 1780. See Benjamin Lincoln to George Washington, 11 August 1780, *Founders Online*, National Archives, <https://founders.archives.gov/documents/Washington/99-01-02-02900>, accessed 15 April 2020.

¹¹ Quoted in Haw, *John and Edward Rutledge of South Carolina*, 146.

¹² Cynthia M. Kennedy, *Braided Relations, Entwined Lives: The Women of Charleston's Urban Slave Society* (Bloomington, IN: Indiana University Press, 2005), 33.

¹³ Head Quarters, 14 April 1780, New York Volunteers orderly book, New-York Historical Society.

military were often tense. This was, in part, because not all of the Black labourers within the British lines had willingly joined the royal forces. Enslavers “hated” the besieging forces, Ewald acknowledged, “because we carried off their Negroes and livestock.”¹⁴ The labour that British officers envisaged for Black refugees was, as scholars have noted, “consistent with servile status in a slave society.”¹⁵ As historian Jim Piecuch observed, some freedom-seeking people resisted labouring “in conditions similar to slavery.”¹⁶ During the siege, the British established hospitals on vessels off James Island, impressing Black refugees into service. Although desperate for labour, Charles Morris, deputy purveyor in the army hospital, was sceptical of deploying Black refugees in supplying the hospital ships with “provisions, fuel, [and] water” because “many have taken the first opportunity of deserting from their duty.”¹⁷ As a result, he concluded, “no dependence can be placed in them.”¹⁸

Notwithstanding these tensions, Black refugees laboured in various capacities at the siege of Charleston. 154 freedom seekers were listed as being “employed in the service of the Royal Artillery” in late April 1780.¹⁹ Black refugee labourers constructed and demolished fortifications, repaired roads and bridges, and “moved the cannons, munitions, and provisions.”²⁰ Indeed, Black refugees’ labour was central to Clinton’s plans for capturing the city. However, even with the precedent of Black sanctuary seeking in Savannah, Clinton did

¹⁴ Ewald, 202.

¹⁵ Sylvia R. Frey, “Between Slavery and Freedom: Virginia Blacks in the American Revolution,” *Journal of Southern History* 49, no. 3 (1983): 389.

¹⁶ Piecuch, *Three Peoples, One King*, 222.

¹⁷ Charles Morris to John André, 22 March 1780, Clinton Papers, William L. Clements Library, University of Michigan.

¹⁸ *Ibid.*

¹⁹ “Return of Negroes Employed in the Service of the Royal Artillery,” 28 April 1780, Clinton Papers, William L. Clements Library, University of Michigan.

²⁰ Carl Bauer, in “The 1780 Siege of Charleston as Experienced by a Hessian Officer: Part Two,” ed. George Fenwick Jones, *South Carolina Historical Magazine* 88, no. 2 (1987): 70; John Wilson, in “Lieutenant John Wilson’s ‘Journal of the Siege of Charleston,’” ed. Joseph Ioor Waring, *South Carolina Historical Magazine* 66, no. 3 (1965): 176; Christian Friedrich Bartholomai, “Extracts from the Diary,” in *Diaries of Two Ansbach Jaegers*, ed. Bruce E. Burgoyne (Westminster, MD: Heritage Books, 2007), 127.

not anticipate the number of refugees from slavery who came within the British lines. On 13 February 1780, Clinton had appointed Lieutenant Colonel James Moncrief, George Hay, and James Fraser, as commissaries of capture to supply the British army with “Negroes, cattle, rice, forage, and other articles serviceable to the army” for “the use, convenience and benefit of the troops.”²¹ Within a month, the commissaries reported that 317 Black labourers had been incorporated into different army departments.²² In early April, Brigadier General James Paterson asked Clinton to consider “the propriety of assembling the Negroes, following the army, immediately under some commissary of captures” to provide the labour necessary for “the dragging of cannon and stores across the Neck.”²³ Clinton endorsed Paterson’s suggestion, ordering Black refugees who had been “taken from the enemy” to “be sent to each corps as soon as there shall be enough collected for the publick [sic] service.”²⁴ Sanctuary for Black refugees was determined both by their enslavers’ allegiances and the labour extracted from the freedom seekers.

Some Black refugees who had sought sanctuary with British forces in Savannah, including freedom seekers who had fled from enslavers in South Carolina during Augustine Prevost’s 1779 campaign, returned to Charleston with the besieging forces. Their return symbolised how the British army had become the guarantor, however ambiguous, of their informal freedom. At the same time, returning to the site of their enslavement potentially jeopardised their sanctuary, especially given the mutability of enslavers’ allegiances. Two Black Pioneer companies arrived at Charleston in late February.²⁵ Other freedom seekers,

²¹ Clinton’s Commission to Moncrief, Hay, and Fraser, 13 February 1780, Henry Clinton Papers, William L. Clements Library, University of Michigan.

²² Commissarys of Captures Return of Negroes Horses &ca, 17 March 1780, HCP.

²³ James Paterson to Sir Henry Clinton, 3 April 1780, HCP.

²⁴ Head Quarters, 14 April 1780, New York Volunteers orderly book, New-York Historical Society.

²⁵ Carl Bauer, in “The 1780 Siege of Charleston as Experienced by a Hessian Officer: Part One,” ed. George Fenwick Jones, *South Carolina Historical Magazine* 88, no. 1 (1987): 28.

incorporated within the British army, marched north from Savannah in early March.²⁶ British officers issued orders to prevent the British forces from becoming an inadvertent army of emancipation. “Every Negro vagabond and stragler [sic],” read the orders, “is positively forbid to follow the army under pain of the most severe and immediate punishment.”²⁷ Black refugees who British officers enlisted as “servants” were issued “papers signed by their respective commanding officers,” and were ordered “to march regularly with the baggage of their several battalions.”²⁸ Notwithstanding these attempts to regulate Black refugees’ presence within the army and deter further freedom seekers, “great hordes” of Black refugees “followed the army.”²⁹

As with Savannah, the capture of Charleston owed much to enslaved people’s knowledge of the local geography and the intelligence which they provided to the British forces. In mid-February 1780, a Black refugee “who came across the swamp from Charleston” informed royal forces about the number of troops amassed by General Benjamin Lincoln and the state of the patriot fortification works.³⁰ An enslaved man named Duncan escaped from Charleston by navigating its waterways in a canoe.³¹ He provided Major John André with an account of the revolutionary forces’ strength and their provisions within the besieged city.³² Enslaved people’s expertise in navigating the Lowcountry’s geography compensated for a dearth of knowledge amongst the royal forces. The Hessian officer Johann Ewald described the difficulties faced by his troops when they landed at Simmon’s Island on 11 February 1780. No one, Ewald asserted, “either in the countryside or in the army, had believed that any person

²⁶ Head Quarters, Savannah, 5 March 1780, New York Volunteers orderly book, New-York Historical Society.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ Carl Bauer, in “The 1780 Siege of Charleston as Experienced by a Hessian Officer: Part Two,” ed. George Fenwick Jones, *South Carolina Historical Magazine* 88, no. 2 (1987): 70.

³⁰ Christian Friedrich Bartholomai, “Extracts from the Diary,” in *Diaries of Two Ansbach Jaegers*, ed. Bruce E. Burgoyne (Westminster, MD: Heritage Books, 2007), 111.

³¹ John André, Report of Intelligence before 12 May 1780, HCP.

³² *Ibid.*

would think of landing in this area and marching toward Charlestown.”³³ This landscape, unfamiliar to the royal forces, but well known to the enslaved population, was dominated by marshes, swamp, and woods. Ewald described how a “path often had to be cut through the bushes with axes and bayonets in water up to the waist.”³⁴ These difficulties were compounded since “none of us,” Ewald recalled, “was provided with a map of this area.”³⁵ Enslaved people’s familiarity with the landscape became even more important to the British since Carolinians who feared the British incursions had fled. “All the country people, especially the males,” Ewald noted, “had run away.” As a result, “spies and guides were very scarce.”³⁶

An enslaved boy, aged “eleven or twelve years” in Ewald’s account, provided the Hessian officer and his troops with precious guidance.³⁷ The boy’s perspective can only be imagined. Ewald relayed that it was only “with the utmost effort” that his soldiers “had gotten hold” of the boy “who knew the way” to the crossing of the Stono River.³⁸ Understandably suspicious of the soldiers’ intentions, with some fear and trepidation the boy guided the troops through the woods and marshes. Communication hindered these encounters. The boy spoke in what Ewald described as a “dialect,” which may have been the Gullah language, making him “extremely hard to understand.”³⁹ Later, when enslaved people served as guides for troops procuring provisions, Ewald complained that their interactions were mutually unintelligible, “even had we spoken with the tongues of angels.”⁴⁰ Notwithstanding these challenges, historian Jim Piecuch has judged that the intelligence given by enslaved people was of “even greater value” to British forces during the siege than their physical labour.⁴¹ General Alexander Leslie

³³ Ewald, “Entry of 12 February 1780,” *Diary of the American War*, 196.

³⁴ *Ibid.*

³⁵ Ewald, “Entry of 14 February 1780,” *Diary of the American War*, 197.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ Ewald, “Entry of 14 February 1780,” *Diary of the American War*, 199.

⁴¹ Piecuch, *Three Peoples, One King*, 217.

was not alone in identifying the providers of such information as “a great treasure.”⁴² These interactions served to reinforce the relationship between Black refugees and the royal troops, who acted as a disrupting force to the institution of slavery and a source of potential sanctuary.

An Uncertain Refuge

The British occupation of Charleston, between May 1780 and December 1782, prompted the flight of thousands of refugees from slavery towards the city. Although the precise number is impossible to determine, in 1780 Charlestonian Josiah Smith anticipated “the capturing and deserting of Negroes from almost all the plantations within 80 miles of Charlestown.”⁴³ Enslaved people, revolutionary historian David Ramsay later observed, “flocked to the British army.”⁴⁴ Scholars, such as Elizabeth Fenn, have suggested that “some twenty thousand Black refugees escaped to the British” during the occupation.⁴⁵ The presence of British forces in Charleston provided enslaved people with an opportunity to seek refuge from slavery. As Sylvia Frey argued, “the arrival of the British army was a liberating moment,” at least for some enslaved people, including one enslaved person who had “an iron clog” removed from their leg.⁴⁶ Escaping their enslavers was, however, no guarantee of freedom. By 1780, refugees from slavery knew the British “to be unreliable liberators” and still they continued to run.⁴⁷ Refugees sought out the royalist forces, one Hessian officer believed, “partially to escape from their

⁴² Ewald, “Entry of 19 February 1780, *Diary of the American War*, 202.

⁴³ Josiah Smith to Mary Hodsdon, 5 August 1780, in the Josiah Smith Letter Book #3018, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

⁴⁴ David Ramsay, *The History of the Revolution of South Carolina, from a British Province to an Independent State* (Trenton, NJ: Isaac Collins, 1785), 2:67.

⁴⁵ Elizabeth A. Fenn, *Pox Americana: The Great Smallpox Epidemic of 1775-82* (New York: Hill and Wang, 2001), 127.

⁴⁶ Sylvia R. Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton, NJ: Princeton University Press, 1991), 118; Account of Expenses, 12 April 1780, HCP.

⁴⁷ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: Harvard University Press, 1998), 296.

masters,” but also “partially for want of food.”⁴⁸ Refugees fled to survive and refugees fled for protection.

Enslavers across the Lowcountry feared Black refugees like Mary Ann “getting to Charlestown,” where they might gain a precious, precarious refuge.⁴⁹ As historian Cynthia Kennedy argued, the Revolutionary War “precipitated near-total anarchy in South Carolina.”⁵⁰ Enslaved people did not rely on the British army’s presence to emancipate themselves. Charleston, after all, was a city with a Black majority where refugees might forge alliances and networks to support and sustain sanctuary from slavery.⁵¹ Self-liberating people took advantage of the disruption of power structures in Charleston’s slave society, sometimes, as historian Lauren Duval suggested, “finding freedom and anonymity in the chaos of the occupied city.”⁵² Quamina, an enslaved man “about 17 years of age,” told his enslaver that “he can go when he pleases, and [his enslaver] can do nothing to him.”⁵³ A year before Charleston’s surrender, as the war came to her plantation, the revolutionary Eliza Pinckney described how enslaved people resisted her control, “for they all do now as they please everywhere.”⁵⁴ Black refugees resisted enslavers, irrespective of their allegiances. William Bull, the royal lieutenant-governor, returned to Charleston to find that the enslaved population were “ungovernable, absenting themselves often from the service of their masters.”⁵⁵

⁴⁸ Carl Bauer, in “The 1780 Siege of Charleston as Experienced by a Hessian Officer: Part Two,” ed. George Fenwick Jones, *South Carolina Historical Magazine* 88, no. 2 (1987): 70.

⁴⁹ For one enslaver’s fears about Black refugees “getting to Charlestown,” see *Royal Georgia Gazette*, 31 August 1780.

⁵⁰ Kennedy, *Braided Relations, Entwined Lives*, 33.

⁵¹ Philip D. Morgan, “Black Life in Eighteenth-Century Charleston,” *Perspectives in American History* 1 (1984): 187-232. Morgan estimated that during the 1770s, the population of Charleston included approximately 5,000 whites, 5,833 enslaved people, and 24 free Blacks, 188.

⁵² Lauren Duval, “Mastering Charleston: Property and Patriarchy in British-Occupied Charleston, 1780-82,” *William and Mary Quarterly* 75, no. 4 (2018): 596.

⁵³ *South-Carolina and American General Gazette*, 21 February 1781.

⁵⁴ Eliza Lucas Pinckney to Thomas Pinckney, 17 May 1779, in “Letters of Eliza Lucas Pinckney,” ed. Elise Pinckney, *South Carolina Historical Magazine* 76, no. 3 (1975): 158.

⁵⁵ William Bull to Lord George Germain, 22 March 1781, in *Documents of the American Revolution*, ed. K. G. Davies (Dublin: Irish University Press, 1979), 20:94.

Enslaved people keenly appreciated the war's fluctuations. The actions of enslavers, if not their words, communicated when British forces presented a threat, that might in turn represent "a liberating moment" for enslaved people. Movement was central to this act of unintentional diffusion of knowledge. Many enslaved people were forcibly removed before they were able to escape. Boston King recounted how his enslaver, "being apprehensive that Charles-Town was in danger on account of the war, removed into the country, about 38 miles off."⁵⁶ His enslaver's decision to seek sanctuary further inland, away from the vulnerable coastal region, entailed King's own enforced movement but alerted him to the possibility of seeking refuge behind British lines.

Refugees like King carved out sites of sanctuary for themselves "to feel the happiness of liberty," however fragile.⁵⁷ Ramsay documented how, in 1779, as British forces moved through the Georgia and South Carolina Lowcountry, the "hapless Africans, allured with hopes of freedom, forsook their owners and repaired in great numbers to the royal army."⁵⁸ As historian Robert Olwell put it, enslaved people "who saw the King's forces as an army of 'jubilee' were led by false hopes."⁵⁹ That, however, did not make their hopes any less real and those hopes were not entirely without substance. The Philipsburg proclamation echoed Dunmore's proclamation in encouraging the flight of enslaved people yet there were important differences. Whereas Dunmore promised freedom in return for military service, Clinton's orders made no explicit mention of freedom, but nor did they mention military service. They

⁵⁶ Boston King, "Memoirs of the Life of Boston King, a Black Preacher. Written by Himself, during his Residence at Kingswood-School," in *Unchained Voices: An Anthology of Black Authors in the English-Speaking World of the Eighteenth Century*, ed. Vincent Carretta (Lexington, KY: University Press of Kentucky 1996), 352.

⁵⁷ King, "Memoirs of the Life of Boston King," 353.

⁵⁸ Ramsay, *The History of the Revolution of South Carolina*, 2:31-32.

⁵⁹ Robert Olwell, *Masters, Slaves, and Subjects: The Culture of Power in the South Carolina Low Country, 1740-1790* (Ithaca, NY: Cornell University Press, 1998), 248.

were simultaneously more expansive, if less explicit, than Dunmore's proclamation. Instead, Clinton's proclamation promised "refuge with any part of His Majesty's Army."⁶⁰ Recognising that enslaved people fled to British forces wherever they presented themselves, Clinton offered "full security to follow within these lines."⁶¹

King's flight provides evidence of an individual's motives for seeking refuge from slavery. Other evidence suggests that while enslaved people may not always have equated the British army with emancipation, they did interpret the army's presence as a source of protection against both slavery's daily brutalities and the threats created by war. Alured Clarke reported from Savannah in 1780 that enslaved people "come to me, to protect them from the violence of some of the most notorious offenders that Carolina has produced."⁶² Almost two years later, James Moncrief recorded his "serious concern" at the number of refugees who had "attached themselves to the Engineer Department since my arrival," beseeching him "for protection."⁶³

"Entitled to Their Freedom": The Contradictions of British policy

No sooner had the British gained control over the city than Sir Henry Clinton and Lord Cornwallis conferred over precisely how to respond to the movement of Black refugees toward Charleston. Previous experiences of occupation, especially in Savannah and New York City, informed British policy. In late 1779, prior to departing for South Carolina, British officials considered what policy to adopt towards the Lowcountry's enslaved majority. Clinton perused an advisor's report, which outlined measures to "prevent the bad effects found at New York."⁶⁴ The unnamed author recommended "ordering all such [enslaved people] as may come in, to

⁶⁰ Proclamation, Henry Clinton, 30 June 1779, PRO 30/55/17, National Archives, United Kingdom.

⁶¹ Ibid.

⁶² Alured Clarke to Lord Cornwallis, 10 July 1780, PRO 30/11/2, NAUK.

⁶³ James Moncrief to Sir Henry Clinton, 13 March 1782, *Report on American Manuscripts in the Royal Institution of Great Britain* (Hereford: Historical Manuscripts Commission, 1907), 3:419.

⁶⁴ Unnamed to Captain Russell, 22 December 1779, PRO 30/11/1, NAUK.

give their names, together with masters [sic] names, and former places of abode.”⁶⁵ Refugees from slavery who did not conform to these demands “must be imprisoned.”⁶⁶ The “bad effects” to which the official alluded included reconciling the white loyalist population with a growing Black refugee community. British army officers in New York strove with limited success to regulate the entry of refugees from slavery within their lines. On 7 June 1779, Daniel Jones, the commandant of New York, issued “Orders relative to refugee Negroes,” orders which represented a precursor to General Clinton’s Philipsburg Proclamation which came only weeks later.⁶⁷ Jones declared that, “all Negroes that fly from the enemy’s country are free. No person whatever can claim a right to them. Whoever sells them shall be prosecuted with the utmost severity.”⁶⁸ Eighteen months later, however, British officer John Graves Simcoe restricted the offer of refuge to “able bodied men slaves to those who are in arms against his Majesty’s government,” on the condition that they “they come without their wives and children who cannot be received or protected at present.”⁶⁹

The British army’s experiences of occupation in New York City, Savannah, and Charleston informed each other. In each instance, the British forces underestimated the extent to which Black refugees would turn these sites of occupation into spaces of sanctuary. On 10 July 1780, British officer Alured Clarke wrote to Cornwallis “to enquire what mode was adopted at Charles-Town” toward the Black refugees who had sought sanctuary there. Clarke, who commanded British forces in Georgia, wished to know whether a policy had been implemented in order to “regulate [his] decision in these matters accordingly.” Clarke

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ David Jones to Andrew Elliott, Orders relative to refugee Negroes, 7 June 1779, James Pattison Papers, New-York Historical Society.

⁶⁸ Ibid.

⁶⁹ John Graves Simcoe’s Proclamation, 2 December 1780, in John Graves Simcoe Papers, William L. Clements Library, University of Michigan, cited in Ruma Chopra, *Unnatural Rebellion: Loyalists in New York City During the Revolution* (Charlottesville: University of Virginia Press, 2011), 146

described “the daily applications” made by Savannah’s enslavers to re-enslave those who had fled their plantations. As in Charleston, allegiance was a mutable concept. Enslavers pleaded that, wherever their loyalties formerly lay, they had now “conformed, and become good subjects.”⁷⁰ What often unified enslavers, both in Charleston and Savannah, was a commitment to retaining their property, including enslaved people, over and above revolutionary principles.

As demonstrated in Chapter Two, enslaved people resisted their enslavers’ attempts to capture them. They, too, petitioned Clarke with arguments that the commander found compelling. Clarke’s letter reveals how some Black refugees envisioned the presence and purpose of British forces. Refugees sought sanctuary “under the sanction of Sir Henry Clinton’s Proclamation,” reminding the commander about its promise of protection within British lines.⁷¹ Refugees pleaded with Clarke to honour the commitment made by his commander in chief. They turned to their service “in the defence of Savannah, and on many other occasions,” and produced “certificates of service performed” as a physical manifestation of the dangers they had faced and the labour they had provided.⁷²

Freedom-seeking people navigated a terrain in which British forces attempted to exploit their labour and regulate or restrict their movement. In the days following Charleston’s surrender, with Black refugees already arriving in considerable numbers, Clinton candidly confessed that his aim was two-fold: to limit the “further desertion” of enslaved people to British lines and to devise “some scheme for placing those we have on abandoned plantations on which they may subsist.”⁷³ The flight of refugees from enslavers who were loyalists or, for the moment, acquiescent to British authority, would create “confusion,” undermining the racial

⁷⁰ Alured Clarke to Lord Cornwallis, 10 July 1780, PRO 30/11/2, NAUK.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Sir Henry Clinton to Lord Cornwallis, 20 May 1780, PRO 30/11/2, NAUK.

hierarchy of Charleston's slave society.⁷⁴ As a result, Clinton ordered Cornwallis to adopt "such arrangements as will discourage their joining us."⁷⁵ Nonetheless, as scholar Lauren Duval has observed, enslaved people repeatedly challenged "the reach of masters' authority and the army's willingness to force self-emancipated slaves to return to bondage."⁷⁶ Clinton's invocation to deter Black refugees from seeking refuge with the royal forces came at a time when that very army was becomingly even more complicit in sustaining Black refuge. By the end of May 1780, Clinton had authorised "every regiment" to incorporate ten Black refugees, "whose masters were in rebel service."⁷⁷ Knowing that their enslavers' allegiance was an obstacle and an aid to securing refuge, Clinton's contradictory orders created a space for enslaved people to seek sanctuary within the British lines by denouncing their enslavers as rebels.

For the British army, the presence of Black refugees within its lines was alternately a problem and an asset. The question of how to deal with the flight of enslaved people toward their lines was, as historian Jim Piecuch put it, "a dilemma that British leaders never solved."⁷⁸ In order to retain control of Charleston, and gain control of South Carolina, British forces depended on securing the loyalties of the city's white population. As historian Ira Berlin observed, the British feared being identified as "the slaves' friend."⁷⁹ Clinton recognised that the British had to "gain the hearts and subdue the minds of America."⁸⁰ The loyalties of enslaved people did not factor into Clinton's considerations, at least in 1780. Subduing

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Duval, "Mastering Charleston," 612.

⁷⁷ Carl Bauer, in "The 1780 Siege of Charleston as Experienced by a Hessian Officer: Part Two," ed. George Fenwick Jones, *South Carolina Historical Magazine* 88, no. 2 (1987): 70.

⁷⁸ Jim Piecuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the Revolutionary South, 1775-1782* (Columbia, SC: University of South Carolina Press, 2008), 221.

⁷⁹ Berlin, *Many Thousands Gone*, 296.

⁸⁰ Memo of conversation, 7 February 1776, HCP, cited in Andrew O'Shaughnessy, *The Men Who Lost America: British Leadership, the American Revolution, and the Fate of Empire* (New Haven, CT: Yale University Press, 2013), 11.

Charleston meant doing as little as possible to undermine the institution of slavery in a slave society. This was no easy task given the sustained flight of enslaved people from enslavers whose identities, always mutable, might change depending on who controlled the city.

Enlisting Black refugees within the British army became the principal way to channel and manage the influx of freedom-seeking people. During the siege, Cornwallis had expressed his concern at the “very troublesome” presence of Black refugees within the lines, identifying cattle driving as “an occupation for a number of Negroes.”⁸¹ Within weeks of the surrender, Clinton authorised “each regiment ... to take on board 10 Negroes as pioneers attached to the corps.”⁸² For Black refugees, enlisting in the army became a means by which to sustain refuge from their enslavers and potentially gain their freedom. Enslavers’ loyalties, however, continued to condition this militarised offer of refuge. Black refugees enlisted as pioneers, Clinton ordered, were “to be such whose masters were not, at the time of their joining the army, under the protection of government.”⁸³ Within days, this qualification to Black refuge became clearer.

In a memorandum issued to Cornwallis and the city’s commandant, James Patterson, Clinton reaffirmed the Philipsburg proclamation’s central message: that refugees from slavery who fled to British lines from enslavers in rebellion could expect their freedom at the war’s conclusion. Enslaved people compelled Clinton to fuse flight with a qualified freedom. However, as Sylvia Frey put it, the British army “acted as both a sword and a shield, challenging and conserving slavery at the same time.”⁸⁴ This was especially evident in Clinton’s memorandum. British forces had no intention of undermining slavery as an

⁸¹ Cornwallis to Clinton, 11 May 1780, HCP.

⁸² Headquarters, 1 June 1780, George Wray Papers, William L. Clements Library, University of Michigan.

⁸³ Ibid.

⁸⁴ Frey, *Water from the Rock*, 141.

institution. The successful occupation of the city relied on securing the loyalties of enslavers aligned to the restoration of royal governance. At the same time as guaranteeing one form of “human property,” the British commander in chief seized another. Enslaved people who fled from enslavers “not under protection of government,” Clinton asserted, “belong to the public, and after serving it faithfully during the war are entitled to their freedom.”⁸⁵ The promise of a tentative, tenuous freedom was intrinsically linked to service in the British war effort.⁸⁶ Refuge within the British lines was, then, a liminal state that freedom seekers occupied in the hope that emancipation might result at the war’s conclusion.

Acting as slavery’s shield was, of course, premised on sometimes turning the sword against the enslaved population. Enslavers, ever watchful for signs of rebellion, enlisted the British army at the first sign of revolt. In July 1780, when the Board of Police heard testimony of “the ill-behaviour and insurrectionary [sic] conduct of Mr Isard’s [sic] Negroes toward their Overseer,” they asked General James Patterson to “order a party of soldiers under a sergeant to be sent to Mr. Isard’s plantation to inflict such punishment upon the principal offenders in the insurrection as may be adequate to their crimes.”⁸⁷ Such measures help to contextualise what scholar Thavolia Glymph called “the war within” slave societies.⁸⁸

Black refugees pushed Clinton in unexpected directions. As historian Robert Olwell has noted, “plans for a colonial ‘reconstruction’ to follow the successful quashing of the American Rebellion were never explicitly formulated.”⁸⁹ However, Clinton allowed himself to

⁸⁵ Sir Henry Clinton, Memoranda for the Commandant of Charlestown and Lieu. General Earl Cornwallis, 3 June 1780, PRO 30/55/23, NAUK.

⁸⁶ Ibid.

⁸⁷ Proceedings of the Board of Police, 14 July 1780, CO 5/519, NAUK.

⁸⁸ Thavolia Glymph, *Out of the House of Bondage: The Transformation of the Plantation Household* (Cambridge: Cambridge University Press, 2008), 97-136.

⁸⁹ Olwell, *Masters, Slaves, and Subjects*, 249.

speculate about what the sustained flight of enslaved people might mean in a post-revolutionary world. “Why not settle the Negroes on forfeited lands after the war?,” he pondered. This radical distribution of land might serve as “a check upon the others.” However, he quickly noted, that “tis possible just the contrary.”⁹⁰ Such a policy would have threatened to remake “the South’s social landscape.”⁹¹ In Charleston and South Carolina, this was a hypothesis which the war’s outcome meant British officials never had to test.

At Clinton’s instruction, a group of councillors were appointed to “maintain the quiet and peace of the country.”⁹² These officials, known as the Board of Police, were overseen by James Simpson. As early as 6 June 1780, a beleaguered Simpson bemoaned to Clinton that he was “almost pestered to death with vexatious complaints about the Negroes.”⁹³ At the Board’s inaugural meeting a week later, with Charleston commandant Brigadier General James Patterson in attendance, the men discussed the occupation’s practicalities. The flight of refugees from slavery since the city’s surrender was foremost in their minds. Their deliberations made clear that it was the British army that was the institution that disrupted slavery; a vehicle through which refugees from slavery sought to escape and gain protection from their enslavers. Patterson wasted little time in highlighting the “very great inconvenience” presented by “Negroes leaving the service of their masters and coming to the British army.”⁹⁴ “Many bad consequences,” Patterson warned, “would most certainly ensue unless they could be sent back to their labour.”⁹⁵ He did not need to elaborate. The British had no interest in undermining slavery’s foundations. The seizure of enslaved labour was vital to sustaining and

⁹⁰ Clinton, Memoranda for the Commandant of Charlestown and Lieu. General Earl Cornwallis, 3 June 1780, PRO 30/55/23, NAUK.

⁹¹ David Silkenat, *Driven from Home: North Carolina’s Civil War Refugee Crisis* (Athens, GA: University of Georgia Press, 2016), 4.

⁹² Proceedings of the Board of Police, 13 June 1780, CO 5/520, NAUK.

⁹³ James Simpson to Sir Henry Clinton, 6 June 1780, HCP.

⁹⁴ Proceedings of the Board of Police, 13 June 1780, CO 5/520, NAUK.

⁹⁵ *Ibid.*

supplying the British army. The Board anxiously observed that the “advanced season of the year required the immediate labour of the Negroe to cultivate the crop, which otherwise must be lost.”⁹⁶

For these anxious British officials, the very presence of Black refugees represented the fracturing of hierarchies within a slave society. Amidst the chaos of the occupation, Black refugees created spaces of what historian Damian Alan Pargas has termed “informal and even semiformal freedom.”⁹⁷ Freedom-seeking people’s “official status” in wartime, as Pargas has argued, was often “conditional, ambiguous, and unclear.”⁹⁸ Yet the creation of “fugitive spaces” challenged the authority of enslavers and the British military alike.⁹⁹ The British army feared a growing refugee population. Freedom was contagious. Refugees, the Board of Police argued, “would be very apt to contract bad habits, and such as might be dangerous to the community hereafter, if they were suffered to remain in a state of idleness.”¹⁰⁰

To mitigate this risk, the Board of Police approved a plan by which the British authorities would act to prevent the flight of refugees from loyalist enslavers and forcibly return those enslaved people who had already fled. Enslavers loyal to the Crown were “entitled” to “protection ... in their persons and properties.” Black refugees who fled from enslavers who now pledged loyalty were to be re-enslaved. The Board sought to secure the loyalties of one-time combatants who, “by a dutiful and peaceable behaviour, ... manifest an attachment to His

⁹⁶ Ibid.

⁹⁷ Damian Alan Pargas, “Introduction,” in *Fugitive Slaves and Spaces of Freedom in North America*, ed. Pargas (Gainesville: University Press of Florida, 2018), 8.

⁹⁸ Pargas, “Introduction,” p. 9.

⁹⁹ Brown, *Tacky’s Revolt*, 28.

¹⁰⁰ Proceedings of the Board of Police, 13 June 1780, CO 5/520, NAUK.

Majesty's government." Their allegiance, British officials hoped, could be acquired by the "return [of] their slaves to them."¹⁰¹

It was against this backdrop that the Board of Police deliberated in its first meeting. Its members elaborated a series of measures that they conceived of as a compromise between the twin poles of "policy" and "justice."¹⁰² In Charleston, enslavers would be rewarded for their allegiance with the return to slavery of freedom-seeking people. The Board promised to issue certificates to enslavers for the re-enslavement of Black refugees. British officials also took the opportunity to demonstrate to both enslavers and the enslaved that the British army was the arbiter and guarantor not only of white Charlestonians' enslavement of the city's Black majority, but of the social, racial and economic hierarchy such enslavement represented. To secure their human property, enslavers were obliged to "make a solemn promise not to resent the behaviour of the slave" for having fled.¹⁰³ Enslavers were threatened with the British army's withdrawal of support if they failed to conform. If "either the slave punished, or any of slave belonging to him," the Board intoned, "should afterwards desert from him, he should not meet with any assistance to get him returned."¹⁰⁴

The Board of Police's strictures forced some enslavers into what they must have felt were humiliating concessions, often enacted publicly through advertisements placed in Charleston's newspapers. Even erstwhile loyalists like Charles Atkins must have balked at negotiating with those they enslaved. Atkins pursued a Black refugee named Titus who "went off about a week before the town surrendered."¹⁰⁵ Atkins believed that two months after the

¹⁰¹ Ibid.

¹⁰² Clarke to Cornwallis, 10 July 1780, PRO 30/11/2, NAUK.

¹⁰³ Proceedings of the Board of Police, 13 June 1780, CO 5/520, NAUK.

¹⁰⁴ Ibid.

¹⁰⁵ *Royal South-Carolina Gazette*, 20 June 1780.

surrender, Titus remained in Charleston, and confessed that he had “constantly offered among negroes of his acquaintance, to forgive him if he returned of his own accord.”¹⁰⁶ Perhaps Titus escaped Atkins to reunite with his wife, who Atkins had mentioned in 1774 when Titus made a bid for freedom.¹⁰⁷ Refugees like Titus, irrespective of their enslavers’ allegiances, took advantage of wartime dislocations to seek their freedom.

“Seized with the Smallpox”: Disease in Occupied Charleston

The Charleston into which Mary Ann and other refugees arrived was a city beset by a smallpox epidemic. After the siege and the disruption of war, it was, as historian Peter McCandless put it, in “prime condition for the spread of epidemics.”¹⁰⁸ On 1 July 1780, Simpson, newly appointed as the head of the Board of Police, described his impressions of the suffering endured by Charlestonians. “Nothing but the evidence of my senses,” Simpson noted, “would have convinced me that one half of the distress I am witness to could have been produced in so short a time in so rich and flourishing a country as Carolina was when I left it.”¹⁰⁹ Once prosperous families, Simpson noted, “who four years before had abounded in every convenience and luxury of life, are without food to live on, clothes to cover them, or the means to purchase either.”¹¹⁰ Enslaved people seeking sanctuary were the most vulnerable of the refugees who arrived in Charleston at this time. As McCandless has noted, they experienced the “greatest mortality” to diseases to “which they had no immunity.”¹¹¹

¹⁰⁶ Ibid.

¹⁰⁷ *South-Carolina and American General Gazette*, 7 October 1774.

¹⁰⁸ Peter McCandless, *Slavery, Disease, and Suffering in the Southern Lowcountry* (New York: Cambridge University Press, 2014), 91.

¹⁰⁹ Simpson to Clinton, 1 July 1780, in *Report on American Manuscripts in the Royal Institution of Great Britain* (Dublin: Historical Manuscripts Commission, 1906), 2:149.

¹¹⁰ Ibid.

¹¹¹ McCandless, *Slavery, Disease, and Suffering in the Southern Lowcountry*, 221.

On 21 May 1780, Alexander Innes, a British colonel in the occupying force, relayed how smallpox had “spread so universally that almost every family is inoculated.”¹¹² David Ramsay, the patriot historian and physician, later described the appalling conditions faced by Black refugees. “[B]eing crowded together,” Ramsay recalled, the refugees were “visited by the camp-fever.”¹¹³ At the same time as the sanctuary seekers were plagued by typhus, smallpox “broke out among them, and spread very rapidly.”¹¹⁴ The appalling mortality amongst refugees from slavery was recorded in Simpson’s reports to Clinton. In mid-July, Simpson reported that “a malignant fever hath broke out” amongst the Black refugee population.¹¹⁵ Freedom-seeking people, Simpson informed Clinton, had sought sanctuary in large numbers with the British forces and had “loitered in and about Charles Town since the surrender.”¹¹⁶ Now disease within the occupied city “sweeps away them in great numbers.”¹¹⁷ Outside Charleston, the picture was similarly grave. William Ancrum was charged with assessing the state of the Wadboo plantation 40 miles to the north. Ancrum confirmed that Wadboo had “suffered much by the different armies.”¹¹⁸ Wadboo represented the structural collapse of a slave society in microcosm. “[T]he desertion of the Negroes, which they have been too much encouraged to,” Ancrum lamented, had been accompanied by “the small pox spreading among them and their being under little or no subjection to the overseers.”¹¹⁹

The British military and the white population often exhibited a callous indifference as the mortality rate rose amongst the Black refugee population. On 14 July 1780, the Board of Police heard Mary Linfield’s complaint that “part of a lot of land fronting on Church Street

¹¹² Alexander Innes to John Andre, 21 May 1780, HCP.

¹¹³ Ramsay, *The History of the Revolution of South Carolina*, 2:67.

¹¹⁴ *Ibid.*

¹¹⁵ Simpson to Clinton, 16 July 1780, HCP.

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

¹¹⁸ William Ancrum to James Edward Colleton, 14 July 1780, Margaret Colleton Papers, South Caroliniana Library, University of South Carolina.

¹¹⁹ *Ibid.*

belonging jointly to herself and son in law had been converted into a burying place for Negroes and was likely to become a common nuisance.”¹²⁰ Four days later, it was reported that “the place hitherto used as a burying ground for Negroes was intirely [sic] taken up.”¹²¹ The bodies of deceased refugees were being buried “in different lots and places within the Town.”¹²² The Board concurred with the petitioners, deeming the practice “a public nuisance and extremely noxious to the inhabitants” and ordering the city officials “to look out for and set apart some proper place as a burying ground for Negroes.”¹²³

The British military’s response to the ongoing crisis amongst the refugee population was, according to Ramsay, one of inhumane neglect. Ramsay recorded that owing to “the impossibility of their being provided with proper accommodations and attendance in the British encampments, great numbers of them died and were left unburied in the woods.”¹²⁴ Stressing the neglect of the occupying force, Ramsay described instances in which “infants were found in unfrequented retreats, drawing the breasts of their deceased parent some time after life was gone.”¹²⁵

Newly arrived in the city, Boston King recalled how he was “seized with the small-pox, and suffered great hardships.”¹²⁶ Along with other refugees, King was “carried a mile from the camp, lest the soldiers should be infected, and disabled from marching.” King’s language, however understated, conveyed a sense of the extreme distress and dislocation that he must have felt. His removal was “a grievous circumstance to me and many others,” he

¹²⁰ Proceedings of the Board of Police, 14 July 1780, CO5/520, NAUK.

¹²¹ Proceedings of the Board of Police, 18 July 1780, CO5/520, NAUK.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Ramsay, *The History of the Revolution of South Carolina*, 2:67.

¹²⁵ Ibid.

¹²⁶ King, “Memoirs of the Life of Boston King,” 353.

remembered.¹²⁷ The refugees from slavery who had sought sanctuary with the royal forces were not so much isolated as abandoned. “We lay sometimes a whole day,” King recollected, “without any thing to eat or drink.”¹²⁸ Aided by a British soldier, King ultimately recovered. Many other Black refugees perished. Eliza Lucas Pinckney recorded in September 1780 that “the small pox was in the British camp [and] thousands of Negroes dyed [sic] miserably.”¹²⁹ Disease meant that Charleston became a site of both sanctuary and suffering for refugees from slavery who sought refuge within the British lines. The appalling consequences of the smallpox epidemic, however, was not the only threat to enslaved people’s ability to claim refuge with the British forces.

“Even to New England”: The Forced Removal of Enslaved People

The fall of Charleston sparked the flight of enslavers away from the city. Enslavers’ movements away from the British forces often meant the “refugeeing,” or forced removal, of enslaved communities. The forced removal of enslaved people jeopardised their ability to seek refuge with the troops from whom their enslavers fled. At the same time, the prospect of forced removal was sometimes the catalyst for enslaved people to flee from enslavers, whether before or during the forced removal. As he travelled south through Virginia, Moravian bishop John Frederick Reichel recorded in his diary how, following Charleston’s surrender, he “saw many people fleeing from South and North Carolina.”¹³⁰ News of Charleston’s fall, Reichel noted, caused “a great stir” in Virginia.¹³¹ By August, the Reverend James Madison reported from Williamsburg that “Some of ye Charleston families are fled here for refuge.”¹³² Stephen Bull

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Eliza Pinckney [?] to [?], 25 September 1780, Charles Cotesworth Pinkney Family Papers, Library of Congress, cited in Fenn, *Pox Americana*, 127.

¹³⁰ “Travel diary of Bishop Reichel, Mrs. Reichel, and their company from Lititz, Pa., to Salem, N.C., 1780,” in ed. Newton D. Mereness, *Travels in the American Colonies* (New York: Macmillan Company, 1916), 595.

¹³¹ Ibid.

¹³² James Madison Sr. to James Madison, 3 August 1780, in *The Papers of James Madison*, eds. William T. Hutchinson and William M. E. Rachal (Chicago: University of Chicago Press, 1962), 2:55.

was one Charlestonian enslaver whose lands were seized by the British army. By 1780, Bull was a brigadier general in the South Carolina militia. Although Bull was captured at the surrender of Charleston, he was soon paroled. As historian Ira Berlin demonstrated, many enslavers sought to refugee enslaved people “to areas from which flight would be impossible.”¹³³ Threatened with forced removal, freedom-seeking people “understood that removal reduced their chances of escaping to freedom.”¹³⁴ The “merest hint of removal set some slaves in motion. Others refused to budge.”¹³⁵

Following his release, Bull was determined not to allow the British to appropriate the labour and wealth represented by the population he enslaved. François Jean de Beauvoir, Marquis de Chastellux, a military officer serving in the French expeditionary forces, encountered Bull in Petersburg, Virginia, in 1782. As he recalled, Bull “did not think proper, after the capture of Charleston, to expose his wealth to the rapacity of the English.”¹³⁶ Fleeing Charleston, Bull headed north through South Carolina, North Carolina, and into Virginia. Bull, however, was not alone on his journey northwards. He forcibly removed some 200 enslaved people. Profiting from alliances between enslavers, Bull settled on land in Tuckahoe, on the James River, provided by Thomas Mann Randolph, using enslaved labour to build a home there. Bull settled there until the British returned to Virginia in 1781. Once more, Bull “departed with this treasures, his flocks and his Negroes,” this time further north to Fredericksburg, where he remained until the war’s end.¹³⁷ When asked by the Marquis what he would have done had British forces again invaded, Bull responded “I should have retired to

¹³³ Berlin, *Many Thousands Gone*, 292.

¹³⁴ Berlin, *Many Thousands Gone*, 299.

¹³⁵ Ibid.

¹³⁶ François Jean, Marquis de Chastellux, *Travels in North America in the Years 1780, 1781, and 1782*, ed. Howard C. Rice, Jr. (Chapel Hill: University of North Carolina Press, 1963), 2:425.

¹³⁷ Ibid.

Maryland, and if necessary, I should have proceeded to Pennsylvania, and so on, even to New England.”¹³⁸

Like Bull, Joseph Habersham decided to remove those he enslaved by making a journey northward following Charleston’s fall. In his journal, Reichel recorded encountering Habersham on the Virginia-North Carolina border by the Mayo River. Accompanied by his wife and children, Habersham was “fleeing from South Carolina and the British.”¹³⁹ Further down the road, the bishop went past Habersham’s “loaded wagons and 150 negroes.”¹⁴⁰ The enslaved people refueged by Habersham, along with their enslaver, stopped at temporary camps along the long arduous road from the Lowcountry towards Richmond, Virginia, a journey of some 400 miles. The war-torn landscape crossed by the hundreds of people displaced by Habersham, and other enslavers, was profoundly dangerous for an especially vulnerable population. While the presence of British troops sometimes created opportunities for flight from enslavers, contemporary accounts also testify to the kidnapping of enslaved people by predatory forces. In January 1780, for example, an enslaver advertised for the return of one hundred enslaved people, “carried off ... by a party of plunderers” from Georgia and brought into South Carolina.¹⁴¹

It was not the first time that Habersham had forcibly removed people. From a family of prosperous Savannah enslavers, Habersham had originally fled Savannah when the British invaded in 1778. In 1780, when he took flight to Virginia, he was joined by his brothers James Jr. and John. The Habersham brothers were accompanied by hundreds of enslaved people. The Virginia State Papers of 28 August 1780 record James Habersham Jr. as having brought “69

¹³⁸ Ibid.

¹³⁹ “Travel diary of Bishop Reichel,” 595.

¹⁴⁰ Ibid.

¹⁴¹ *South-Carolina and American General Gazette*, 2 August 1780.

negro slaves” into the state.¹⁴² Court papers for Amherst County on 5 February 1781 also attest to Joseph and John Habersham as having forcibly removed enslaved people into Virginia. Less than a year after having arrived in Virginia, Joseph and John Habersham were seeking capital from the sale of six enslaved people. Two women, a man, and three children, one as young as four years old, were recorded as being for sale.¹⁴³

According to a declaration made on 5 February 1781, Joseph Clay, the Habershams’ cousin, similarly refugeed eighteen enslaved men, eight enslaved women, and seven enslaved infants into Virginia.¹⁴⁴ George Hancock was another South Carolina enslaver who fled in the wake of Charleston’s fall. Hancock forcibly removed 63 enslaved people to Virginia. By August 1781, he was appealing to Thomas Nelson Jr., the revolutionary governor, for permission to sell six enslaved people, including Peter, a seven year old, “for the support of himself and family.”¹⁴⁵ As Sylvia Frey noted, the refugeeing and displacement of enslaved people “caused further confusion and disruption in the lives of Black families.”¹⁴⁶ Enslavers like Hancock obliterated ties of kinship amongst those they refugeed in order to maintain and support their own families.

As slaveholding revolutionaries forcibly removed enslaved people into Patriot-controlled territory or refugeed their enslaved communities out of the path of the British forces, the revolutionary state legislature in Virginia responded by facilitating the movement of both enslaver and enslaved across state lines. In October 1778, the revolutionary authorities had

¹⁴² 28 August 1780, Charlotte County, Virginia, in *Calendar of Virginia State Papers and Other Manuscripts*, ed. William P. Palmer (Richmond, VA: R. F. Walker, 1875), 1:371.

¹⁴³ “At a Court held for Amherst County,” February 1780, *CVSP*, 1:491.

¹⁴⁴ *Ibid.*

¹⁴⁵ Memorial of George Hancock Late of South Carolina to the Executive of Virginia, 1 August 1781, in *CVSP*, ed. William P. Palmer (Richmond, VA: James E. Goode, 1881), 2:281.

¹⁴⁶ Frey, *Water from the Rock*, 113.

prohibited “the further importation of slaves” into Virginia.¹⁴⁷ The fall of Charleston caused the state legislature to rethink this policy. No sooner had Charleston surrendered to the British than the General Assembly of Virginia passed an act which permitted slaveholding Georgians and South Carolinians to lawfully refugee enslaved people to the safety of Virginia.¹⁴⁸ The act’s terms also exempted enslavers from paying taxes on their human property for a year after their arrival and registration in the state. Virginia’s governor was also authorised to allow enslavers from Georgia and South Carolina “to dispose of or sell, any or so many of such slaves ... for the comfortable support and maintenance of such citizen, and his or her family.”¹⁴⁹

The fact that enslavers like Bull, Habersham, Clay and Hancock absented themselves from Georgia and South Carolina, thereby defining themselves as enslavers rather than as soldiers, brings into relief Gary Nash’s observation that when faced by the approach of British troops, the “idea of independence had its limits.”¹⁵⁰ The forced removal of enslaved people following the surrender of Charleston gained legal sanction from the Virginia revolutionary government. Virginian revolutionaries evinced solidarity with their Georgian and South Carolinian counterparts, not only as “brethren” of a “common cause,” but as enslavers.¹⁵¹ The flight of patriot enslavers underscored the contested nature of refugee status. When Charles Sims, an enslaver from South Carolina, removed twenty enslaved people to Halifax County, Virginia, the revolutionary state government authorised their arrival on account of Sims’s status as a white refugee. Enslaved people, “being owned by refugees, flying from the approach of

¹⁴⁷ An act for preventing the farther importation of slaves, 5 October 1778, *Statutes at Large: Being a Collection of All the Laws of Virginia from the First Session of the Legislature in the Year 1619*, ed. William Waller Hening (Richmond, VA: J. and G. Cochran, 1821), 9:471-472.

¹⁴⁸ An act to authorize the citizens of South Carolina and Georgia to remove their slaves into this state, May 1780, *Statutes at Large: Being a Collection of All the Laws of Virginia from the First Session of the Legislature in the Year 1619*, ed. William Waller Hening (Richmond, VA: George Cochran, 1822), 10:307-308.

¹⁴⁹ *Ibid.*

¹⁵⁰ Gary B. Nash, *The Unknown American Revolution: The Unruly Birth of Democracy and the Struggle to Create America* (New York: Viking, 2005), 331.

¹⁵¹ An act to authorize the citizens of South Carolina and Georgia to remove their slaves into this state, *Statutes at Large*, 10:307.

the enemy in that state” were given legal sanction in Virginia.¹⁵² Refugee status in revolutionary America was premised on whiteness and property-owning, including the enslavement of human beings.

Sequestration

Enslaved and enslaver were locked, as historian Anthony Kaye put it, in a “struggle over space.”¹⁵³ This was nowhere more evident than in the British military’s efforts to perpetuate slavery. Beginning in September 1780, the British enacted a policy of sequestration. The military seized plantations and compelled enslaved people to labour in support of the occupation. Sequestration was a means of controlling enslaved people’s labour and mobility, representing the British army’s vision of a “geography of containment;” a policy which Clinton had advocated in his 20 May letter to Cornwallis. The policy had implications for whom the British determined to have refugee status at the evacuation of Charleston in 1782. Refugees from slavery who laboured on the sequestered plantations surrounding Charleston were denied refugee status, even if they later sought sanctuary within the city.

Cornwallis appointed John Cruden as commissioner of sequestered estates. Cruden was a staunch loyalist who had fled from Wilmington, North Carolina, after having been declared “unfriendly to the American rights” by the revolutionary authorities.¹⁵⁴ Cruden did little to hide his hostility toward the revolutionaries whose plantations he was now to confiscate. In letters to his father, Cruden confessed his desire to see “a factious set of republican rascall’s [sic]

¹⁵² March 1781, *CVSP*, 1:613.

¹⁵³ Anthony E. Kaye, *Joining Places: Slave Neighborhoods in the Old South* (Chapel Hill: University of North Carolina Press, 2007), 182.

¹⁵⁴ Journal of the Provincial Congress at Halifax, 16 April 1776, in *Colonial Records of North Carolina*, ed. William L. Saunders (Raleigh: Josephus Daniels, 1890), 10:519-520.

brought to submission,” particularly “those imperious gentry of South Carolina and Charles Town.”¹⁵⁵

Cruden’s commission was considerable. In 1782, he described how, over the course of his tenure, “upwards of one hundred warrants were granted” while “nearly as many plantations and above five thousand Negroes were seized.”¹⁵⁶ The confiscation of rebel property afforded Cruden the opportunity for reprisal against, as Jeffery Crow put it, a “roll of prominent South Carolina whigs,” including Arthur Middleton, Ralph Izard, Charles Cotesworth Pinckney, John Rutledge, William Moultrie, and Henry Laurens.¹⁵⁷ Cruden’s own experiences as commissioner of sequestered estates, notwithstanding his hostility to the slaveholding class, did little to alter his conception of the enslaved. As late as January 1782, Cruden equated Black refugees’ service with the British military, including under arms, as “only changing one master for another.”¹⁵⁸

For enslaved people, sequestration placed severe limits on their ability to seek refuge from slavery. Prospects for self-emancipation were restricted by the impressment and appropriation of enslaved people’s labour to support the occupation of Charleston. In the weeks following his appointment, Cruden wrestled with the implications and meaning of the task to which he had been assigned. The commissioner foresaw that a policy of limited confiscation would allow revolutionaries to forcibly remove enslaved people away from the British occupying forces. “I am persuaded,” Cruden wrote to Cornwallis, “a thousand practices to

¹⁵⁵ John Cruden to the Reverend William Cruden, 20 January 1778, Dartmouth Manuscripts, 1720-1783, English Records, Box 1, State Archives of North Carolina, cited in Jeffrey J. Crow, “What Price Loyalty?: The Case of John Cruden, Commissioner of Sequestered Estates,” *North Carolina Historical Review* 58, no. 3 (1981): 218.

¹⁵⁶ The Commissioner’s Narrative, 19 April 1782, PRO 30/10/11, NAUK.

¹⁵⁷ Crow, “What Price Loyalty?,” 219.

¹⁵⁸ John Cruden to Lord Dunmore, 5 January 1782, in *An Historical Research Respecting the Opinions of the Founders of the Republic on Negroes as Slaves, as Citizens, and as Soldiers*, ed. George Livermore (Boston, MA: A. Williams and Company, 1863), 143.

remove or convey away such property as may be consider'd within the meaning of the proclamation."¹⁵⁹ By 5 November 1780, Nisbet Balfour confirmed that a more expansive vision of confiscation was being implemented, informing Cornwallis that "Cruden's business is begun ... but finding the very great danger of Negroes and property being carried off (which practice was already begun), he has extended his seizures very much."¹⁶⁰

Cruden queried whether he was authorised to forcibly remove enslaved people from plantations whether due to their "ruinous condition" or their "dangerous and remote situations."¹⁶¹ Those enslaved people left on the abandoned estates "will be destitute during the winter, which, if severe, may destroy many of them."¹⁶² Recognising that confiscation was premised on the tenuous British military presence in the Lowcountry, Cornwallis approved the enforced movement of enslaved people to support the occupation. In a letter to Balfour, Cornwallis acknowledged that the volatility of British forces' control over the Lowcountry meant that "there will be several estates sequester'd which will be too near the frontier to put them under peaceable culture."¹⁶³

Those compelled to labour on the plantations surrounding Charleston endured horrific conditions throughout the occupation. Cruden described how the plantations which came under his control were, "almost all," he insisted, "in very bad condition."¹⁶⁴ These conditions were reflected in the extreme deprivation experienced by the enslaved people who remained. "The slaves in general," Cruden explained, "were almost if not altogether naked, very scanty supplies

¹⁵⁹ John Cruden to Cornwallis, 29 September 1780, in *The Cornwallis Papers: The Campaigns of 1780 and 1781 in the Southern Theatre of the American Revolutionary War*, ed. Ian Saberton (Uckfield: Naval and Military Press, 2010), 2:324.

¹⁶⁰ Nisbet Balfour to Cornwallis, 5 November 1780, *TCP*, 3:67.

¹⁶¹ Queries from Cruden to Cornwallis about sequestration, undated, *TCP*, 2:326.

¹⁶² Cruden to Cornwallis, 29 September 1780, *TCP*, 2:324.

¹⁶³ Cornwallis to Balfour, 1 October 1780, *TCP*, 2:105.

¹⁶⁴ The Commissioner's Narrative, 19 April 1782, PRO 30/10/11, NAUK.

of cloathing [sic] having been attainable for many years.”¹⁶⁵ As Cruden outlined, “cloathing [sic] and food for the Negroes,” as well as other “plantation necessaries” had “exhausted a very large sum of money.”¹⁶⁶ The devastating impact of smallpox and other diseases “raged in general over the country,” transmitted and exacerbated by “the devastations of both armies.”¹⁶⁷ “It was therefore necessary,” Cruden explained, “to assist with advice and medicine those already seized with either disorder and to inoculate those that had not had the small pox.”¹⁶⁸ Later, the commissioner reported that “mortality among the negroes has been extremely frequent.”¹⁶⁹

The enslaved population forced to remain on the sequestered plantations were especially vulnerable to the war’s vicissitudes. The reverses suffered by British forces throughout 1781, beginning with the defeat at the Battle of Cowpens on 17 January 1781, precipitated the collapse of royal authority over South Carolina. As Cruden described, the “frontiers and great part of the interior of this province became scenes of confusion, robbery and murder.”¹⁷⁰ The internecine violence threatened enslaved people with the breaking up of their familial and kin networks. Kidnapping was rife. “Many overseers were murdered,” Cruden recounted, “and several Negroes [were] carried off.”¹⁷¹

As plantations were “destroyed,” many enslaved people “fled from the estates, and took refuge in the garrison.”¹⁷² Others who did not take flight were forcibly removed. Cruden

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ John Cruden, *Report on the Management of the Estates Sequestered in South Carolina, by Order of Lord Cornwallis, in 1780-1782*, ed. Paul Leicester Ford (Brooklyn, NY: Historical Printing Club, 1890), 17.

¹⁷⁰ The Commissioner’s Narrative, 19 April 1782, PRO 30/10/11, NAUK.

¹⁷¹ Ibid.

¹⁷² Ibid; Cruden, *Report on the Management of the Estates Sequestered in South Carolina*, 15.

ordered for a “great part of the Negroes [to be] saved and brought nearer town.”¹⁷³ The conflict between revolutionary and British forces prompted a further wave of refugees, including many refugees from slavery, to seek a desperate sanctuary in Charleston. Many overseers, Cruden noted, “with their wives and children have been obliged to fly to the British lines for protection.”¹⁷⁴ The “heaviest [sic] charge,” however, was what Cruden described as “a vast crowd of loyal and helpless refugees.”¹⁷⁵ These were loyalists who had “lost their all and been driven from their habitations by the rebels on account of their attachment to Government.”¹⁷⁶

Enslaved people resisted sequestration by fleeing the plantations. In December 1781, Cruden reported that “numbers of Negroes, the property of the enemy in general, and of the sequestered estates in particular, are held in this town by people who have no right or authority to detain them, as well as others the same property, who, under various pretences, go about uncontrolled.”¹⁷⁷ As Cruden’s account suggested, refugees remained extremely vulnerable within the garrison town, but it could also be a place of precarious sanctuary. Those who fled slavery and gathered in Charleston forged networks which helped them to carve out an uncertain refuge. Elsey had already escaped Andrew Williamson once before when she ran again in June 1782. On the previous occasion, Williamson noted that Elsey had been captured “upon Gadsden’s Wharf, with some of the sequestered negroes.”¹⁷⁸ Elsey, along with the other refugees, had likely gathered on the wharf hoping to board a vessel to escape Charleston.

¹⁷³ The Commissioner’s Narrative, 19 April 1782, PRO 30/10/11, NAUK.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ *Royal Gazette*, 26 December 1781.

¹⁷⁸ *RG*, 5 June 1782.

“They are Harboured by Six Fellows of Mine”: Networks of Refuge

Refugees from slavery who fled to Charleston experienced sanctuary within different Black refugee communities and networks that emerged during the occupation. Freedom seekers who sought and gained sanctuary behind the British lines were brought into contact with Black refugees from across the Revolutionary South who had themselves sought sanctuary with the royal forces earlier in the conflict. These networks, in turn, reflected the different degrees of sanctuary and freedom that refugees from slavery experienced and, ultimately, how the act of escaping an enslaver did not always translate into an enduring freedom.

Refugees from slavery who fled their enslavers in the South Carolina Lowcountry in 1780 encountered Black refugees from earlier waves of sanctuary-seeking, some of whom had assumed leadership positions in Black companies. Harry Washington, who had escaped from Mount Vernon in 1776, served during the occupation as a corporal of a Pioneer regiment attached to the Royal Artillery Department.¹⁷⁹ Murphy Steel, who reached royal forces at Cape Fear in the same year, served in the Black Pioneers as a sergeant in the siege. Black refugees like Washington and Steel may have shared strategies for sustaining and navigating militarised refuge with the newly arrived sanctuary seekers. Nancy Jenkins, Peggy Fenwick, and Sarah, who enlisted in Murphy Steel’s Black Pioneer regiment, may have sworn the same oaths of allegiance that Black Pioneers had made at Cape Fear in 1776.¹⁸⁰

Steel’s own conception of Black service in the royal forces was emboldened over the course of the war. In May 1780, while serving in Charleston, he showed himself unafraid to

¹⁷⁹ For Harry Washington’s role in the American Revolutionary War and beyond, see Cassandra Pybus, “Washington’s Revolution: Harry that is, not George,” *Atlantic Studies* 3, no. 2 (2006): 183-199. For Washington’s presence in Charleston during the British occupation, see George Wray Papers, William L. Clements Library, University of Michigan.

¹⁸⁰ Book of Negroes, *Black Loyalists: Our People, Our History*, http://Blackloyalist.com/cdc/documents/official/Black_loyalist_directory.htm, accessed 4 November 2022.

challenge white British officers, acting with what his military superiors interpreted as “the greatest and most provoking insolence.”¹⁸¹ Steel, nonetheless, remained as a key figure within the Pioneers. In August 1781, having returned to New York City, Steel demanded that Clinton be informed of his vision that “he and Lord Cornwallis was [sic] to put an end to this rebellion, for that the Lord would be on their side.”¹⁸² Steel prophesised that if “General Washington did not surrender, the Commr. in Chief was then to tell him, that he would raise all the Blacks in America to fight against him.”¹⁸³ British officials paid heed and forwarded Steel’s revelation to Clinton.

Family and kinship represented an important source of support for Black refugees. During the occupation, British forces brought Black refugees whose enslavers were revolutionaries into their lines with promises of protection for families. In March 1782, General Alexander Leslie promised “the Negroes of the enemy ... never to return them to their masters, but to take care of them and their familys [sic].”¹⁸⁴ Leslie qualified his conception of refuge with the caveat that “they may depend upon the generosity of the English government should they behave with fidelity during the course of the war.”¹⁸⁵ The presence of women and children amongst the Black refugees brought back to Charleston by British raids into the countryside bemused the Patriot officer Francis Marion. Women and children, Marion asserted, would “be of no use to [the British] in Charleston and will use up provisions.”¹⁸⁶ Marion, of course, was wrong. The labour of enslaved women, as much as men, was vital to sustaining the occupation.

¹⁸¹ George Townsend to John André, 9 May 1780, Clinton Papers, William L. Clements Library, University of Michigan.

¹⁸² Murphy Steel, 16 August 1781, HCP.

¹⁸³ Ibid.

¹⁸⁴ “Letter to Maj. Frasier [Thomas Fraser],” 27 March 1782, Manuscripts and Archives Division, New York Public Library Digital Collections, accessed 26 January 2022, <https://digitalcollections.nypl.org/items/c02c9a3b-67f1-7080-e040-e00a180631aa>.

¹⁸⁵ Ibid.

¹⁸⁶ Francis Marion to Nathanael Greene, 10 November 1781, in *The Papers of General Nathanael Greene*, ed. Richard K. Showman (Chapel Hill: University of North Carolina Press, 1997) 9:557; Marion to Greene, 14 November 1781, *The Papers of General Nathanael Greene*, 9:573.

Moreover, the precise nature of these elusive encounters is uncertain but enslaved people may have been more willing to go to Charleston than Patriots wished to believe. There might have been an element of negotiation between the enslaved people and British soldiers to ensure that family and kin groups went together. One muster roll for the artillery department, for example, listed 52 women, as well as children, in the returns.¹⁸⁷

The six men and five women enslaved by Francis Rose who found themselves working in the general hospital suggested how Black refugee communities sustained themselves in occupied Charleston.¹⁸⁸ The presence of hundreds of Black refugees in these departments contributed to forging ties that sustained sanctuary and supported freedom seekers' escape attempts. Enslavers recognised that an alternative power structure severely disrupted their pretended authority. Following the evacuation, one enslaver described Stephen as "very specious and knowing, having been some time with the British, and will endeavour to deceive any one that apprehends him."¹⁸⁹

Self-emancipated people exploited wartime disruption to seize their freedom. The British occupation relied not only on the labour of enslaved people whose enslavers had fled, but also that of those who, for now, at least had sworn oaths of loyalty. The hundreds of enslaved people compelled to sustain the occupation found opportunities to forge alliances in their quest for freedom. Prince, a twenty-one-year-old man, was made to work at the Quartermaster's department.¹⁹⁰ His enslaver, Samuel Baas, perhaps motivated by a desire to

¹⁸⁷ Return of Negroe Wenches and their Children belonging to the Artillery Department, 5 November 1782, George Wray Papers, William L. Clements Library, University of Michigan.

¹⁸⁸ *RG*, 14 March 1781.

¹⁸⁹ *South-Carolina Gazette and General Advertiser*, 12 April 1783.

¹⁹⁰ *RG*, 21 March 1781.

secure his human property, swore allegiance to the British on 28 August 1780.¹⁹¹ Nonetheless, Prince was removed from his enslaver and forced to work to provision Charleston.

When Baas advertised for Prince's capture on 17 March 1781, Prince had been free from his enslaver for around six weeks. Baas described Prince as having "his country marks on his face," suggesting that he had been born in Africa.¹⁹² Although it is not clear how long Prince had been enslaved in South Carolina, it is possible that he may have lacked familial and kinship networks. Prince might have spent his time in the Quartermaster's department building ties that would sustain his freedom. Baas revealed that Prince had "been seen a few days ago at the Quartermaster's yard in town," where he was, perhaps, protected by the Black refugee community.¹⁹³ Prince did though possess attributes that likely supported his flight to freedom. A "carpenter by trade," Prince may have leveraged his skillset to evade his enslaver.¹⁹⁴ Ultimately, Prince's freedom was not enduring. Three years later, Baas was again advertising for Prince's capture.¹⁹⁵

Prince would not have been alone in seeking refuge amongst allies who served in British military. Fifteen Black refugees, Somerset, Jemmy, Pompey, Mingo, Ellick, Sambo and Joe; Hercules, Riner, Charlotte, Bella, Statira, Melia and her daughter Judy, and Dolly, fled from Richard Walter and found sanctuary in the Quartermaster's department.¹⁹⁶ Their protectors were six men, also enslaved by Walter, named Sampson, Cuffee, Billy, Jack, Anthony, and Brass, "employed there," their enslaver noted sardonically, "for his Majesty's

¹⁹¹ CO 5/528, NAUK.

¹⁹² RG, 21 March 1781.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ *South Carolina Gazette and General Advertiser*, 6 July 1784.

¹⁹⁶ RG, 14 July 1781.

service.”¹⁹⁷ Such alliances brought enslavers into conflict with the British military apparatus, whose policies eroded enslavers’ control over their human property. When Johny fled James Skirving in February 1782, he had been “employed in the Commissary-General’s Department some time ago, for several months.”¹⁹⁸ The British army’s seizure of people enslaved by loyalists to work in the occupied city served to undermine the hierarchy of a slave society. The forcible movements of enslaved people to and from Charleston, moreover, provided opportunities for flight. They may also have afforded Johny the chance to cultivate ties within Charleston that he took advantage of when fleeing from Skirving.

Self-emancipated people resisted attempts by the British to restrict their mobility. Amidst the chaos of wartime, the presence of refugees from slavery in Charleston’s markets confounded British authorities. Such sites provided opportunities for the enslaved population to mix with those who had escaped their bondage and sought sanctuary with the British army. The marketplace provided not only a place for Black refugees to sustain themselves, but also a site to forge ties amongst the city’s Black community that could, in turn, provide sites of sanctuary. Tom, who fled in September 1781, was “well known in Charlestown as he [had] attended the market for many years.”¹⁹⁹ His enslaver suspected that Tom was “harboured in the town.”²⁰⁰ The military authorities recognised the threat presented to Charleston’s slave society, issuing orders prohibiting enslaved people from buying or selling “victuals or provisions of any kind for the use of his or her master or employer,” without their enslaver providing a ticket authorising the enslaved person’s presence.²⁰¹ By mid-1781 the price of vital provisions had soared to “near double the price of what they were in times of peace.”²⁰² White

¹⁹⁷ Ibid.

¹⁹⁸ *RG*, 23 February 1782.

¹⁹⁹ *RG*, 3 October 1781.

²⁰⁰ Ibid.

²⁰¹ *RG*, 7 March 1781.

²⁰² William Bull to Lord George Germain, 28 June 1781, in *Documents of the American Revolution*, 20:165.

Charlestonians, including a significant white loyalist refugee population in “indigent circumstances”, were turning a blind eye to the presence of freedom-seeking people.²⁰³ The orders sought to control the movement of the enslaved Carolinians, both within the city and those making journeys to and from Charleston from outlying plantations. This reliance on enslaved labour to provision the city, and now the British army, provided opportunities for flight. It was symptomatic of the conflict between enslavers who proclaimed loyalty to the royal cause and the British forces.

“Absent Themselves and Come to Charlestown”: Contested Refuge

The British army’s reliance on Black refugees’ labour created tensions between the military authorities and enslavers and exposed the liminal status of freedom-seeking people who sought sanctuary with the British forces. As in Savannah and New York, the British forces faced what historian Ryan Quintana has described as an “irresolvable conflict,” a reliance on Black refugees’ labour to sustain the occupation which, in turn, disrupted enslavers’ pretensions of mastery and created spaces of potential sanctuary for freedom-seeking people.²⁰⁴ Two factors brought into relief the conflict between the British military and enslavers. The first was the mutability of enslavers’ allegiances upon which Black sanctuary rested. If an enslaver pledged their loyalty to the British, they expected that they would be able to re-enslave Black refugees who had fled behind the army’s lines. At the same time, British forces sometimes resisted returning freedom seekers to their enslavers because their labour represented an essential part of the war effort. The second was that the distinction between enslaved people who were impressed as labourers and the Black refugees, some of whom had been promised their

²⁰³ *RG*, 7 March 1781.

²⁰⁴ Quintana, *Making a Slave State*, 92.

freedom, who served alongside them became increasingly tenuous. Moreover, for their part, Black refugees had their own conceptions about what refuge from slavery looked like.

The conflict between the British military and enslavers prompted Charleston's commandant, Lieutenant Colonel Nisbet Balfour, to issue a proclamation on 9 February 1781.²⁰⁵ Balfour sought to reach a compromise which reconciled the British military's labour needs, as he saw it, with enslavers' property rights. Asserting their loyalty, enslavers had been petitioning the British forces to return Black refugees to slavery. The re-enslavement of Black refugees "attached to the several departments, especially that of the engineers," had "greatly injured" the royal cause. Balfour sought to retain the labour force by acknowledging that it was "just" for enslavers, "being in the King's peace," to "receive a reasonable compensation for the services of their slaves."²⁰⁶ At the same time, the commandant resisted an immediate return to their enslavers. Black refugees had beseeched him not to acquiesce to their re-enslavement. Many of them had expressed their "apprehensions," Balfour acknowledged, "of ill treatment, if speedily restored to their respective masters."²⁰⁷ From "past experience," the commandant declared, "too many of them [had] cause to dread" such violent retribution.²⁰⁸ These fears tacitly suggested that the presence of at least some of the Black refugees who were then behind British lines was as a result of escape attempts, rather than having been impressed by the army.

Balfour attempted to navigate his way through the competing claims of enslavers and Black refugees. In doing so, the British army became a sort of barrier between enslavers and sanctuary seekers, granting Black refugees protection from retributory violence by those who sought to reclaim them. No Black refugee, Balfour ordered, "attached to any of the publick

²⁰⁵ *South-Carolina and American General Gazette*, 14 February 1781.

²⁰⁶ *Ibid.*

²⁰⁷ *Ibid.*

²⁰⁸ *Ibid.*

[sic] departments as aforesaid, shall be restored to his owner, without my permission, and his own free consent.”²⁰⁹ In this way, as historian Sean Gallagher has argued, freedom seekers became “early crafters of non-refoulement, the basic principle underlying refugee status in current international law” whereby a state refuses “to deport a person to a place where they face a credible threat of violence.”²¹⁰ Balfour’s offer of a circumscribed sanctuary, as with Alured Clarke in Savannah in 1780, rested on his recognition of the violent reprisals that awaited Black refugees.

Refugees from slavery occupied a liminal space where they were not being actively enslaved but nor were they free. At the same time as Balfour extended protection to the Black refugee labourers within his ranks, he sought to pacify their enslavers. Firstly, he offered enslavers financial recompense for Black refugees’ labour. Secondly, he ordered “the heads of publick [sic] departments” to “publish complete lists of all negroes by them thus retained.”²¹¹ The lists, Balfour dictated, should provide “the names of their respective owners, and the period for which they have severally been employed.”²¹² Within six weeks, the *Royal Gazette* published lists of the Black refugees within the British army’s various departments.²¹³ These lists testified to Black refugees’ sanctuary-seeking practices while simultaneously recognising enslavers’ future claims to the freedom-seeking people. They foreshadowed, too, a time when the British army would no longer position itself between Black refugees and their enslavers.

Throughout the occupation, Black refugees carried out the gruelling labour that freed British troops for combat operations. The British army impressed enslaved people who

²⁰⁹ Ibid.

²¹⁰ Sean Gallagher, “Black Refugees and the Legal Fiction of Military Manumission in the American Revolution,” *Slavery and Abolition* 43, no. 1 (2021): 142.

²¹¹ SCAGG, 14 February 1781.

²¹² Ibid.

²¹³ RG, 14 March 1781.

remained on the sequestered plantations, as well as appropriating the labour of enslaved people whose enslavers claimed to be loyal. In September 1780, Balfour ordered “a hundred Negroes from the country from the rebellious” to carry out work on defensive positions in Charleston.²¹⁴ Two months later, in November 1780, Balfour ordered “several hundred” enslaved people to be forcibly transported to Charleston.²¹⁵ Colonel Robert Ballingall was tasked with bringing “two hundred male slaves” from plantations outlying Charleston into the city.²¹⁶ In November 1781, Balfour ordered enslavers “to send all the negroes they can spare from the immediate attendance on their families, to the barrier, every morning by six o’clock.”²¹⁷ Indicative of the tensions between the military and enslavers, Balfour promised that enslaved labourers would “be allowed to go home in the evening.”²¹⁸

Such enforced movements were risky operations for the British military authorities and the enslavers whose human property and capital were being exposed. They represented significant disruption to slavery’s hierarchies, reflecting how enslavers had to submit to the imperative of occupation. In November 1780, acknowledging these risks, Balfour ordered Ballingall to “endeavour to persuade the owners of them to send down with them overseers or other white persons to take the charge and care of them.”²¹⁹ Such measures, he trusted, would “prevent any loss to the owners of such slaves and to procure them to go back to their labour.”²²⁰ These movements presented impressed enslaved people and Black refugees already within the British lines with opportunities for flight. Tom fled on 23 May 1782, carrying with him “a pass signed by Col. Robert Ballingall.”²²¹ His enslaver suspected that Tom would

²¹⁴ Nisbet Balfour to Lord Cornwallis, 14 September 1780, in *The Cornwallis Papers*, 2:85.

²¹⁵ Nisbet Balfour to Robert Ballingall, 7 November 1780, CO 5/520, NAUK.

²¹⁶ *Ibid.*

²¹⁷ *RG*, 7 November 1781.

²¹⁸ *Ibid.*

²¹⁹ Nisbet Balfour to Robert Ballingall, 7 November 1780, CO 5/520, NAUK.

²²⁰ *Ibid.*

²²¹ *RG*, 15 June 1782.

“attempt to hire himself out” or seek out a vessel as a means to escape from Charleston.²²² An enslaved man named Cuffee, or Jack, “made his escape from his Majesty’s sloop Savage” on 27 April 1782.²²³ In the past, the man had chosen the name Jack and denied being enslaved. His skills as a barber might have provided him with employment and resources. His enslaver believed that the freedom seeker might sustain his sanctuary through such means again.

Throughout the occupation, freedom-seeking people evaded their enslavers’ reach in numbers large enough to cause alarm. British officials, in turn, responded by attempting to regulate enslaved people’s movements. Garrison orders from 6 July 1781 asserted that refugees from slavery “frequently absent themselves from the service of their masters, mistresses and overseers, and come to Charlestown.”²²⁴ In language that echoed the Board of Police’s fears in June 1780, Charleston’s town-major, Charles Fraser, warned that Black refugees “live in a state of idleness.”²²⁵ Refugees from slavery who sought sanctuary by coming to Charleston faced the omnipresent threat of capture and re-enslavement. Fraser gave orders for refugees to “be immediately apprehended, and put on the publick [sic] works.”²²⁶ Three weeks later, on 28 July, the military authorities issued a further notice, that “all negroes found galloping horses in the streets, will be put into confinement in the Sugar-House, for the space of 10 days.”²²⁷ The notice reflected enslavers’ fears about one way in which enslaved people might make their escape.

In December 1781, an exasperated John Cruden implored white Charlestonians to cooperate with measures to control the Black population. Cruden’s orders highlighted how

²²² Ibid.

²²³ *Royal South-Carolina Gazette*, 2 May 1782.

²²⁴ *RG*, 14 July 1781.

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ *RG*, 4 August 1781.

enslaved people and Black refugees associated within the city, forging the connections that enabled some to seek and sustain their freedom. In spite of “orders that have been repeatedly issued to prevent such practises,” Cruden observed, Black refugees “under various pretences, go about uncontrolled, to the distress of the inhabitants.”²²⁸ British policies were, of course, profoundly conflicted. The reliance on Black refugees’ labour to support the occupation created potential sanctuary spaces for enslaved people. Some of those whose labour was appropriated, in Cruden’s account, were “hired out, or have leave to work out, under passes from me.”²²⁹ These passes served as a crucial element for freedom-seeking people to make their escape. Cruden ordered Black labourers in possession of such passes to report to a British official to “receive new passes, or be otherwise disposed of before the said 31st instant, on failure or neglect of which, they will be considered as vagrants, and confined.”²³⁰

Despite Cruden’s orders being published in six successive editions of the *Royal Gazette*, his measures met with little success. By April 1782, the British presence in South Carolina was confined to Charleston. Refugees, both Black and white, had fled from across the Lowcountry into the sanctuary of the city. As Black refugees desperately sought protection within the city, as Jim Piecuch has noted, “many South Carolinians began trying to reclaim their slaves.”²³¹ Preparing for evacuation, Lieutenant General Alexander Leslie sought to verify the identities of the Black population. The Board of Police ordered that “all owners of slaves in town, or their representatives, do, ... deliver ... an exact list of the number of their slaves, with their names, sex and ages.”²³² “Free mulattoes and negroes” were ordered to apply for passes “to prevent their being taken up as vagrant slaves.”²³³ The threat of “being apprehended as

²²⁸ *RG*, 26 December 1781.

²²⁹ *Ibid.*

²³⁰ *Ibid.*

²³¹ Piecuch, *Three Peoples, One King*, 308.

²³² *RG*, 20 April 1782.

²³³ *Ibid.*

vagrants” loomed over Charleston’s entire Black population.²³⁴ The British sent those they detained to be “employed upon the publick [sic] works,” highlighting the extent to which Black refugees who had been promised their freedom navigated degrees of unfreedom in their attempts to secure their liberty.²³⁵

Freedom-seeking people who fled from loyalist enslavers and were captured faced imprisonment and torture within the confines of the Sugar House, a building which must have quickly become synonymous with terror. Beginning in March 1781, the British authorities sought to regulate freedom seekers’ detention. In a notice dated 22 March 1781 and published in subsequent editions of the *Royal Gazette*, the Board of Police ordered that “all Negroes who are, or who may run away from their owners, when taken up, are to be secured in said house, and a list of their names published every month.”²³⁶ “Great numbers” of enslaved people, the Board noted, “are detained from their real owners, by persons having no right or title to them.”²³⁷ The Board’s notice revealed the scale of enslaved people’s flight. The “inhabitants of Charlestown, of the country, and all masters and commanders of transports or merchant ships” were all suspected of having enslaved people “in their possession that [are] not their property.”²³⁸ Refugees from slavery often sought sanctuary on plantations where they had ties of kinship. The Board of Police appealed to solidarity amongst enslavers to restore some order to Charleston’s slave society.

Although first-hand accounts do not exist for the occupation period, enslaved people would have faced brutal punishment inside the detention centre. J. W. Gibbs was one of many

²³⁴ Ibid.

²³⁵ Ibid.

²³⁶ *RG*, 2 May 1781.

²³⁷ Ibid.

²³⁸ Ibid.

enslavers who requested to have refugees detained within the Sugar House. When an enslaved man named Will fled in May 1781, Gibbs expressed his hope that “whoever apprehends [Will] will be so good as to give him a severe whipping.”²³⁹ This was, Gibbs, revealed, “the fifth time of his having eloped from me.”²⁴⁰ Refugees from slavery who survived being captured and re-enslaved might perish from the conditions which bred disease within the prison. In a March 1781 notice, the Board of Police sought to reassure white Charlestonians that “proper steps have been taken to remove from the Sugar-house every cause of an epidemical disorder, which prevailed there some time ago.”²⁴¹

Conclusion

For refugees from slavery, occupied Charleston was a place of paradoxes. Sanctuary-seeking people who fled to the city entered a space occupied by military forces who simultaneously upheld and weakened the institution of slavery. Occupied Charleston, where epidemic disease claimed the lives of many Black refugees, was a site of both sanctuary and suffering for refugees from slavery. During the occupation, enslavers shifted their allegiances to re-enslave freedom seekers. Black refugees’ flight and petitions for protection, together with the British forces’ need for a labour force, combined to create spaces of potential refuge within Charleston. The interests of enslavers and the British military were not aligned. The British army’s appropriation of enslaved labour disrupted enslavers’ control and presented Black refugees with opportunities to form networks to sustain sanctuary within the British lines. However, the degrees of refuge that they were able to carve out depended in large part on the loyalties of their enslavers. Black refugees who fled from revolutionary enslavers and entered into service with the British military experienced a “formal refuge,” which according to Clinton’s

²³⁹ *RG*, 26 May 1781.

²⁴⁰ *Ibid.*

²⁴¹ *RG*, 2 May 1781.

proclamation would lead to their freedom at the war's end. Despite the qualifications that British officials attached to this militarised refuge, the reality on the ground was considerably less clear. The lists that the military authorities published in Charleston's *Royal Gazette* in March 1781 made clear that enslaved people whose enslavers claimed loyalty to the Crown also found refuge within the same spaces that were occupied by Black refugees whose claims to freedom were on firmer ground. These refugees from slavery experienced a "semiformal refuge," whereby the British military, as Balfour's proclamation demonstrated, interceded, however arbitrarily and inconsistently, to prevent the return to bondage of freedom-seeking people. Refugees from slavery who fled to Charleston and did not, or chose not, to come within the orbit of the British military experienced an "informal refuge," whereby their sanctuary depended on the resilience of the city's Black refugee community.

In occupied Charleston, as elsewhere, the British military became a vehicle for refuge. The army's dependence on Black refugees' labour meant that it became increasingly complicit in Black refugees' sanctuary seeking. Refuge within the occupied city was most secure for Black refugees who laboured within its different departments. Refugees from slavery who sought sanctuary through "anonymity in the chaos of the occupied city" and Black refugees who fled from sequestered plantations and came within the British lines ultimately had weaker claims to having their refugee status recognised by the British military at the war's end.²⁴²

British policy towards enslaved people during the occupation ultimately perpetuated enslaved people's bondage far more than it liberated them. Freedom-seeking people, nonetheless, created what historian David Cecelski called "a landscape of opportunity."²⁴³ Occupied Charleston provided few opportunities for "freedom in the fullest sense."²⁴⁴

²⁴² Duval, "Mastering Charleston," 596.

²⁴³ Cecelski, *The Waterman's Song*, 122.

²⁴⁴ Nisbet Balfour used this intriguing phrase in a proclamation that he issued on 3 August 1781, and which was published in *RG*, 11 August 1781.

Irrespective of British policy, when refugees fled from enslavers, whether patriot or loyalist, they forged sanctuary spaces. Mary Ann's wartime history is unknown. The young mother, alongside her two children, may have left Charleston on 12 December 1782 with the fleet bound for New York, on which 50 Black refugees sailed.²⁴⁵ From Philadelphia, John Rutledge continued to pursue her, petitioning Carleton to return refugees to bondage.²⁴⁶ On 8 July 1783, Mary Ann boarded a ship named the *Esther*, bound for Nova Scotia, perhaps finally experiencing "the happiness of liberty."

²⁴⁵ Joseph W. Barnwell, "The Evacuation of Charleston by the British in 1782," *South Carolina Historical and Genealogical Magazine* 11, no. 1 (1910): 1-26. Mary Ann, or Marion, Princes, aged 24 is listed in the Port Roseway Associates records of Black refugees who settled at Birchtown in 1784. Marion Princes is listed together with John Princes, aged 23, who may be her husband, and two children named Elizabeth Princes, aged 12, and Nancy Princes, aged 1. Black Loyalist Refugees, 1782-1807 – Port Roseway Associates, Library and Archives Canada, accessed 5 December 2022, <https://www.bac-lac.gc.ca/eng/discover/military-heritage/loyalists/loyalist-port-roseway/Pages/port-roseway-associates-loyalists.aspx#a>.

²⁴⁶ The South Carolina Delegates [John Rutledge, David Ramsay, Ralph Izard, and John Lewis Gervais] to Sir Guy Carleton, 27 March 1783, *Letters of the Members of the Continental Congress*, ed. Edmund C. Burnett (Washington, DC: Carnegie Institution of Washington, 1934), 7:110.

Chapter Four. “Refuge in the English Army”: Black Refugees and the Yorktown Campaign, 1781

Introduction

This chapter examines how Black refugees created, sustained, and were denied refuge with the British army in Virginia in 1781. It explores how refugees from slavery experienced sanctuary following the return of British forces to Virginia in January 1781, culminating in their surrender at Yorktown in October 1781. Johann Ewald, a Hessian officer who served in the Yorktown campaign, remembered that Black refugees “were given their freedom by the army.”¹ In what sense, this chapter asks, were refugees from slavery free? Black freedom seekers’ experiences in Virginia during 1781 were defined by the extraction of their labour, epidemic disease, and the omnipresent threat of re-enslavement, all of which served to circumscribe their freedom. I argue that refuge from slavery, as fleeting, precarious, and uncertain as it often was, better characterizes the ambiguous relationship between Black refugees and the British army than the binary of slavery and freedom.

Black refugees, such as Boston King, may have hoped that “refuge in the English army” would translate into an enduring “happiness of liberty.”² Yet by 1781, as the historian Ira Berlin put it, Black refugees knew the British to be “unreliable liberators.”³ Black refugees could not control whether British officers would honour, or would even be capable of honouring, promises of freedom. Black refugees, though, could, and did, force royal forces to offer a tentative refuge from slavery by deciding to make for the British lines in large numbers. Some

¹ Johann Ewald, “Remarks Concerning the Army’s Baggage,” in *Diary of the American War: A Hessian Journal*, trans. and ed. Joseph P. Tustin (New Haven: Yale University Press, 1979), 305.

² Boston King, “Memoirs of the Life of Boston King, a Black Preacher. Written by Himself, during his Residence at Kingswood-School,” in *Unchained Voices: An Anthology of Black Authors in the English-Speaking World of the Eighteenth Century*, ed. Vincent Carretta (Lexington, KY: University Press of Kentucky, 1996), 356; 353.

³ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: Harvard University Press, 1998), 296.

Black refugees, too, articulated and enacted loyalism to the royal cause as a means by which to secure and sustain sanctuary.⁴

To be sure, the motivations of Black refugees and the British army were not one and the same. Yet, when their interests overlapped, Black refugees took advantage to forge what King described as “refuge in the British lines.”⁵ This chapter argues that, however fleetingly, Black refugees temporarily transformed the British army into an army of refuge. The historian Gary Nash suggested that during the Revolutionary War, “a place of refuge was as close as the British army.”⁶ This chapter contends that if the British army provided sanctuary for those fleeing bondage, it was as a result of the decisions and actions of Black refugees.

Black refugees experienced this sanctuary in different ways, depending on the roles they carved out for themselves or were ordered to carry out. Some refugees, like King, assumed various roles during their time with the royal forces, working as a guide, an officer’s servant, and nurse. Many more Black refugees performed the backbreaking work of constructing fortifications. Freedom seekers often, as historian Sylvia Frey put it, carried out “duties consistent with servile status in a slave society.”⁷ This chapter argues that Black refugees navigated these degrees of unfreedom to create sanctuary spaces within the British army.⁸

⁴ I am hesitant to use the terminology “Black loyalist” except in specific cases where there is clear evidence of Black refugees having sworn an oath of loyalty to the Crown. For an example of what an oath sworn by Black Pioneers looked like, see Black Pioneers Oath, The On-Line Institute for Advanced Loyalist Studies, accessed 20 May 2022, <http://www.royalprovincial.com/military/rhist/blkpion/blkoath.htm>. For a discussion of the appropriateness of the term “Black loyalist,” see Barry Cahill, “The Black Loyalist Myth in Atlantic Canada,” *Acadiensis* 29, no. 1 (1999): 76-87 and James W. St. G. Walker, “Myth, History and Revisionism: The Black Loyalists Revisited,” *Acadiensis* 29, no. 1 (1999): 88-105.

⁵ King, “Memoirs,” 353.

⁶ Gary B. Nash, *The Forgotten Fifth: African Americans in the Age of Revolution* (Cambridge, MA: Harvard University Press, 2006), 23.

⁷ Sylvia R. Frey, “Between Slavery and Freedom: Virginia Blacks in the American Revolution,” *Journal of Southern History* 49, no. 3 (1983): 389.

⁸ For some examples of scholarship on unfreedom in different contexts in the Americas, see Jared Ross Hardesty, *Unfreedom: Slavery and Dependence in Eighteenth-Century Boston* (New York: New York University Press, 2016); Yesenia Barragan, *Freedom’s Captives: Slavery and Gradual Emancipation on the Colombian Black Pacific* (Cambridge: Cambridge University Press, 2021). For the concept of “sanctuary

Movement with the British army represents an understudied but important feature of Black refugees' wartime experiences.⁹ Historians have explored Black refugees' movement *to* British forces; however, their movements *with* British forces have received less attention. The number of freedom seekers moving with Lord Cornwallis's forces was comparable to the Black population in New York City and smaller in number only to the Black refugee populations in occupied Charleston and Savannah.¹⁰ As such, studies of Black refugees' experiences of sanctuary are incomplete without taking into account Black refugees' movements with the British army. Scholars have rightly paid attention to the significance of what historian Graham Russell Gao Hodges termed Black "self-emancipation via flight;" however, freedom seekers' subsequent movements to sustain their freedom are worthy of further consideration.¹¹

Movement, as the scholar Leon Litwack suggested, might represent the "feel of freedom."¹² At Yorktown, however, Black freedom seekers were trapped and besieged by, as

spaces," see Damian Alan Pargas, "Introduction: Spaces of Freedom in North America," in *Fugitive Slaves and Spaces of Freedom in North America*, ed. Damian Alan Pargas (Gainesville: University Press of Florida, 2018), 8.

⁹ Matthew Spooner has explored movement, but not specifically movement with the British armed forces, in "Freedom, Reenslavement, and Movement in the Revolutionary South," in *Race and Nation in the Age of Emancipations*, eds. Whitney Nell Stewart and John Garrison Marks (Athens, GA: University of Georgia Press, 2018), 13-34. For studies which have examined Black refugees' movements in the American Civil War, see Yael A. Sternhell, *Routes of War: The World of Movement in the Confederate South* (Cambridge, MA: Harvard University Press, 2012) and David Silkenat, "Refugees and Movement in the Civil War," in *Affairs of the People, The Cambridge History of the American Civil War*, ed. Aaron Sheehan Dean (Cambridge: Cambridge University Press, 2019), 3:131-150.

¹⁰ For estimates of the size of the Black populations in British-occupied Charleston, Savannah, and New York City, see Sylvia R. Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton: Princeton University Press, 1991). Frey estimated that the Black population in Charleston was 10,000 to 12,000 (177) and in Savannah, between 5,000 to 6,000 (106). For New York City, one source suggests a Black population of at least 2,000, see Andrew Elliot, Memorandum Book, c. 1783, p. 104, box 7, folder 1, Andrew Elliot Papers, New York State Library, Albany, cited in Donald F. Johnson, *Occupied America: British Military Rule and the Experience of Revolution* (Philadelphia: University of Pennsylvania Press, 2020), n. 12, 222-223.

¹¹ Graham Russell Gao Hodges, "Black Self-Emancipation, Gradual Emancipation, and the Underground Railroad in the Northern Colonies and States, 1763-1804," in *Fugitive Slaves and Spaces of Freedom in North America*, ed. Damian Alan Pargas (Gainesville: University Press of Florida, 2018), 21.

¹² Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Alfred A. Knopf, 1981), 282.

one scholar put it, a “posse of slave catchers.”¹³ Ending this chapter at Yorktown reminds us that refuge with the British army was an uneven, uncertain, and ultimately reversible process, in spite of Black refugees’ agency. At Yorktown, the British army, the institution which had offered Black refugees a limited sanctuary, proved unwilling and unable to guarantee that refuge. In the face of military defeat, most Black refugees found to their cost that the mix of refuge, autonomy, and freedom that they experienced with the royal forces depended, in large measure, on the commander within whose lines they moved. When British general Sir Henry Clinton established the first Black Pioneer corps in 1776, he qualified their freedom and refuge with the clause “as far as [it] depends on me.”¹⁴ Five years later, Clinton had ascended to commander in chief of British forces in North America, but he was not present at Yorktown, nor did he negotiate the terms of surrender. That duty fell to Cornwallis.

In October 1781, there was no commander willing to insist on the sanctity of British proclamations, defend national honour, or accrue what historian Christopher Leslie Brown described as “moral capital” in upholding Black refuge within the British lines.¹⁵ The Black refugees who sought out British forces did not know that Cornwallis would surrender within months of their flight to his lines, jeopardizing their sanctuary, nor did they know that during the subsequent two years, Clinton’s successor, Sir Guy Carleton, would defy Article Seven of the Treaty of Paris by recognizing Black refuge.¹⁶ Before Carleton read a more enduring refugee status into the proclamations, the very few Black refugees who were spirited away

¹³ Gregory J. W. Urwin, “When Freedom Wore a Red Coat: How Cornwallis’ 1781 Campaign Threatened the Revolution in Virginia,” *Army History* no. 68 (2008): 23, n. 90.

¹⁴ Sir Henry Clinton to George Martin, 10 May 1776, Black Pioneers Formation Orders, *Loyalist Institute*, accessed 18 January 2022, <http://www.royalprovincial.com/military/rhist/blkpion/blkform.htm>.

¹⁵ Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006), 312.

¹⁶ For the text of the Provisional Treaty of Paris, see “British-American Diplomacy: Preliminary Articles of Peace; November 30, 1782,” The Avalon Project: Documents in Law, History and Diplomacy, Yale Law School, accessed 23 March 2022, https://avalon.law.yale.edu/18th_century/prel1782.asp.

from Yorktown instead relied on the relationships that they had cultivated with British officers to escape to New York City.¹⁷

The chapter begins by analysing Black refugees' role as allies to the British army before exploring refuge seeking through flight. I go on to assess how freedom-seeking people experienced refuge on the move and the persistent threat of re-enslavement that they faced. The chapter then considers Portsmouth as a site of both sanctuary and suffering. I conclude by exploring the limits of the sanctuary offered by the British army, when the royal forces abandoned most, but not all, of their sometime Black allies.

“Cornwallis is the Scourge”: Black Refugees as Allies of the British Army

In early April 1781, Cornwallis, frustrated and isolated in Wilmington, North Carolina, ruminated over the direction of the war. British military defeat at Cowpens in January under Cornwallis's protégé Banastre Tarleton and Cornwallis's own pyrrhic victory at Guilford Court House in March had convinced the general that the British should “quit the Carolinas” and make Virginia “the seat of war.”¹⁸ Cornwallis and the officers he commanded advocated striking at the heart of Virginia's slavocracy by waging “an offensive war.”¹⁹ Tarleton vowed to “carry the sword and fire through the land.”²⁰ Enslaved people formed an important part of this strategy, which aimed to undermine the socio-economic foundations of Virginia's slave society. Ewald described the British army's motivations. Black refugees were sometimes welcomed into the British lines “because it was actually thought this would punish the rich,

¹⁷ Alexander Leslie to Sir Guy Carleton, 18 October 1782, PRO 30/55/52/34, NAUK.

¹⁸ Lord Cornwallis to William Phillips, 10 April 1781, in *Correspondence of Charles, First Marquis Cornwallis*, ed. Charles Ross (London: John Murray, 1859), 1:87; Cornwallis to Clinton, 10 April 1781, in *Correspondence*, 1:86.

¹⁹ Cornwallis to Phillips, 10 April 1781, in *Correspondence*, 1:87.

²⁰ David Garland to Thomas Nelson Jr., 23 July 1781, in *Calendar of Virginia State Papers and Other Manuscripts*, ed. William P. Palmer (Richmond: James E. Goode, 1881), 2:241.

rebellious-minded inhabitants of Carolina and Virginia.”²¹ Once the campaign began, enslavers like Richard Henry Lee bemoaned how the British “affect to leave harmless the poor and they take everything from those they call the rich.”²²

In Virginia, no less than elsewhere in the South, freedom-seeking people were some of the British army’s most important allies.²³ Black refugees’ labour, knowledge, and expertise in support of British military operations convinced some royal officials that they were “perfectly attached to our sovereign.”²⁴ At the same time as British commanders increasingly came to rely on Black refugees, royal officers grew more and more frustrated with the inconsistent, or altogether absent, support from white loyalists. In North Carolina, Cornwallis lamented that the “idea of our friends rising in any number and to any purpose [had] totally failed.”²⁵ What he described as the “perpetual instances of the weakness and treachery of our friends in South Carolina” predisposed the general to tacitly accept, if not always actively welcome, the flight of Black refugees to British lines.²⁶ During Cornwallis’s summer campaign, Lafayette acknowledged this *de facto* alliance between the British army and freedom seekers. “Nothing but a treaty of alliance with the Negroes,” Lafayette bemoaned, “can find us dragoon horses.”²⁷ It was “by this means the enemy have so formidable a cavalry.”²⁸ As they had done ever since the outbreak of hostilities, in escaping to British lines in large numbers, and labouring in

²¹ Ewald, “Remarks Concerning the Army’s Baggage,” in *Diary of the American War*, 305.

²² Richard Henry Lee to Arthur Lee, 4 June 1781, in *The Letters of Richard Henry Lee*, ed. James Curtis Ballagh (New York: Macmillan, 1914), 2:230.

²³ For scholars who have employed the term “alliance” to refer to the relationship between Black refugees and the British military, see Graham Russell Gao Hodges, “Introduction,” in *The Book of Negroes: African Americans in Exile after the American Revolution*, eds. Graham Russell Gao Hodges and Alan Edward Brown (New York: Fordham University Press, 2021), xii; Woody Holton, *Liberty is Sweet: The Hidden History of the American Revolution* (New York: Simon and Schuster, 2021), 205, 210, 246.

²⁴ Lord Dunmore to Clinton, 2 February 1782, in *An Historical Research Respecting the Opinions of the Founders of the Republic on Negroes as Slaves, as Citizens, and as Soldiers*, ed. George Livermore (Boston, MA: A. Williams and Company, 1863), 146.

²⁵ Cornwallis to Phillips, 10 April 1781, in *Correspondence*, 1:87.

²⁶ Cornwallis to Lord Rawdon, 20 May 1781, in *Correspondence*, 1:98.

²⁷ Marquis de Lafayette to George Washington, 20 July 1781, *Founders Online*, National Archives, accessed 9 January 2022, <https://founders.archives.gov/documents/Washington/99-01-02-06458>.

²⁸ *Ibid.*

support of the British army's operations, Black refugees forged sanctuary status for themselves. While for white revolutionaries, Cornwallis was "the scourge;" for Black freedom seekers his army represented refuge.²⁹

"A Right to Freedom": Black Refugees' Flight and Refuge-Seeking Practices

Enslaved people hoped to transform the British army into a "portal to freedom."³⁰ Throughout the revolutionary South, the British army sometimes acted, as historian Ruth Holmes Whitehead put it, as "facilitators" for enslaved people resolved to escape bondage.³¹ Black refugees joined and moved with the British army to put distance between them and their enslavers. In the first instance, they fled to seek protection from their enslavers. They surely hoped that, ultimately, freedom might result from joining royal forces, but, in the short term, they sought and often gained refuge from slavery. The British military became the institution which, however inconsistently, offered that protection. Although scholars dispute the precise figure, Ewald estimated that during the Yorktown campaign, "behind the baggage followed well over four thousand Negroes of both sexes and all ages."³² General Clinton, although not present at Yorktown, had "always understood" that there were "thousands of poor blacks" within the British lines by October 1781.³³ These Black refugees were not always formally incorporated within the army, but instead exercised some autonomy in following Cornwallis's troops.

²⁹ Richard Henry Lee to Arthur Lee, 4 June 1781, in *The Letters of Richard Henry Lee*, 2:231.

³⁰ For this term, see Alan Taylor, *The Internal Enemy: Slavery and War in Virginia, 1772-1832* (New York: W. W. Norton and Company, 2013), 1; Abigail Cooper, "'Away I Goin' to Find My Mamma': Self-Emancipation, Migration, and Kinship in Refugee Camps in the Civil War Era," *Journal of African American History* 102, no. 4 (2017): 447.

³¹ Ruth Holmes Whitehead, *Black Loyalists: Southern Settlers of Nova Scotia's First Free Black Communities* (Halifax, NS: Nimbus Publishing, 2013), 111.

³² Cassandra Pybus estimated that, based on British sources, there were "some three thousand African Americans at the garrison" at Yorktown, "At least one thousand had traveled north from the Carolinas," and "By July 1781 there were another fifteen hundred at nearby Portsmouth," in Cassandra Pybus, "Jefferson's Faulty Math: The Question of Slave Defections in the American Revolution," *William and Mary Quarterly* 62, no. 2 (2005): 256; Ewald, "Remarks Concerning the Army's Baggage," 305.

³³ Sir Henry Clinton, in *The Campaign in Virginia, 1781*, ed. Benjamin Franklin Stevens (London: 1888), 1:76.

The interactions between British forces and enslaved communities remain ambiguous, particularly in terms of whether Black refugees' movements with royal troops were enforced or voluntary. The impact of British forces' arrival at a plantation, as historian Robert Olwell argued, might lead enslaved communities to believe "that not only their masters but slavery itself had been swept away by the arrival of the redcoats."³⁴ The British army's approach made a lasting impression on enslaved and enslaver alike. The very presence of British forces exposed what historian Vincent Brown, in another context, termed "the fissures in the landscape of planter power" that enslavers so feared.³⁵ As the Continental Army general Charles Lee told one Virginian enslaver at the war's outset, "Your dominion over the blacks is founded on opinion; if this opinion fails, your authority is lost."³⁶

For the young Isaac Jefferson, enslaved in Richmond, the British troops' arrival in Virginia's capital in January 1781 "seemed like the day of judgment was come."³⁷ For the enslaved communities who longed for the British army's approach, it may have seemed more like a day of jubilee. Decades later, Isaac still remembered the soldiers, who "formed in line and marched up to the palace with drums beating."³⁸ Isaac's account reveals how, on this occasion, the British troops' arrival was "expected."³⁹ In the days and hours before British troops arrived, enslaved communities would have discussed how to respond. As their enslavers

³⁴ Robert Olwell, *Masters, Slaves, and Subjects: The Culture of Power in the South Carolina Low Country, 1740-1790* (Ithaca, NY: Cornell University Press, 1998), 248.

³⁵ Vincent Brown, *Tacky's Revolt: The Story of an Atlantic Slave War* (Cambridge, MA: Harvard University Press, 2020), 15.

³⁶ For Charles Lee's fears, see Charles Lee to George Washington, 5 April 1776, in *The Lee Papers* (New York: New York Historical Society, 1872), 1:376-378, and Charles Lee to Richard Henry Lee, 5 April 1776, in *The Lee Papers* (New York: New York Historical Society, 1872), 1:378-380.

³⁷ "Memoirs of a Monticello Slave, as Dictated to Charles Campbell by Isaac," in *Jefferson at Monticello*, ed. James A. Bear, Jr., (Charlottesville: University of Virginia Press, 1967), 8.

³⁸ *Ibid.*

³⁹ "Memoirs of a Monticello Slave," 7.

made plans to move away from the British troops, enslaved people planned movements *towards* and *with* the royal forces.

Enslaved people's mobility and communication networks meant that they often learnt of British troops' movements before their enslavers. As the historian Jeffrey Crow put it, enslaved people "closely observed the progress of the British army, hung on rumors, generated a few themselves, and waited for the right moment to bolt for freedom."⁴⁰ Enslavers like the North Carolinian Jean Blair sometimes discovered enslaved communities' deliberations, but were not always successful in preventing their escape. "The Negroes bring strange storys [sic]," wrote Blair in January 1781. "They say people are getting ready to run again and the English are to be in Edenton by Saturday."⁴¹

Enslaved people made decisions individually and collectively about whether to stay or leave with the British. As the historian Ellen Gibson Wilson argued, enslaved communities were "accustomed to sorting out degrees of exploitation."⁴² Jack Cousins, a sixteen-year-old, had been promised "a right to freedom" at twenty-one.⁴³ Cousins, however, refused to wait for his Quaker enslaver, Thomas Pleasants, to make good his liberty. When Benedict Arnold led British forces up the James River in January 1781, Cousins had to decide whether to stay in the hope that Pleasants would fulfil his promise or self-emancipate. Ultimately, Cousins took part in a bid for not only his own but collective freedom. When the young ploughman escaped, he

⁴⁰ Jeffrey J. Crow, "Slave Rebelliousness and Social Conflict in North Carolina, 1775 to 1802," *William and Mary Quarterly* 37, no. 1 (1980): 88.

⁴¹ Jean Blair to Helen "Nelly" Blair, 4 January 1781, in *The Papers of James Iredell*, ed. Don Higginbotham (Raleigh: North Carolina Department of Cultural Resources, Division of Archives and History 1976), 2:203.

⁴² Ellen Gibson Wilson, *The Loyal Blacks* (New York: Capricorn Books, 1976), 21.

⁴³ Thomas Pleasants, "Account of property taken and damages Sustained by the British Army viz.," 27 September 1782. Goochland County (Va.) Circuit Court, Goochland County (Va.) Citizens claims of property lost to British Army, 1782, Library of Virginia, Richmond, Virginia. I am grateful to Dr. Gregory J. W. Urwin for providing me with this reference.

was joined by at least two other freedom seekers, Miles and Arthur.⁴⁴ Nine other enslaved people escaped from Pleasants in 1781.⁴⁵

John Twine, a Black refugee from nearby Petersburg made the decision to join the royal forces because he “heard there was more money and better usage in the British army.”⁴⁶ Twine had been “a waggoner to the Virginia Regt. and deserted to the English.”⁴⁷ Twine later declared that he had “always [been] a free man,” a common strategy employed by Black refugees when seeking post-war support from the British government.⁴⁸ Irrespective of his status, by casting his lot with the enemy, Twine, like enslaved people who fled to the royal troops, came to rely on the British army for both protection and freedom.⁴⁹ Testimonies such as those left by Black refugees like Cousins and Twine tell us that the decision-making process depended on factors which were specific to the individual or community.

Determined to reach the royal forces, freedom seekers “flocked to the enemy from all quarters, even from very remote parts.”⁵⁰ Black refugees evinced their determination to reach British forces despite knowing that flight was fraught with danger. Daniel, Dinah, Tom, and Lewis fled from Samuel Hatcher on 1 May 1781 “when the British troops were there.”⁵¹ The refugees’ compelling case for protection was written on their bodies. In their enslaver’s account, Daniel had “on his sides and back several large bumps like warts, occasioned by whipping” while Tom was “badly burnt from his knees up to his breast, occasioned by his

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Petition of John Twine, AO 12/54/142-145, National Archives, United Kingdom (hereafter NAUK).

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Robert Honyman, Entry of 11 May 1781, in “News of the Yorktown Campaign: The Journal of Dr. Robert Honyman, April 17 – November 25, 1781,” ed. Richard K. MacMaster, *Virginia Magazine of History and Biography* 79, no. 4 (1971): 394

⁵¹ *Virginia Gazette* (Hayes), 22 June 1782.

cloaths [sic] catching fire.”⁵² Hatcher noted that Daniel and Dinah “were much given to singing hymns.”⁵³ Whether they read a providential meaning in the arrival of the British troops we do not know; the four refugees did not hesitate, however, to join them.

By early June 1781, the Virginian revolutionary Richard Henry Lee, at Epping Forest in the Northern Neck of Virginia, had received intelligence that “2 or 3000 negroes march in their train.”⁵⁴ By mid-July 1781, Lee reported the collective flight of entire enslaved communities to the British. In a letter to his brother William, he wrote “Col. [Edward] Taliaferro and Col. [Edward] Travis lost every slave they had in the world, and Mr. [Richard] Paradise has lost all his but one.”⁵⁵ “This has been,” Lee believed, “the general case of all those who were near the enemy.”⁵⁶ Sixty-five enslaved people fled William Lee that summer too.⁵⁷

Tarleton recalled how, “upon the approach of any detachment of the King’s troops,” enslaved “men, women, and children ... thought themselves absolved from all respect to their American masters, and entirely released from servitude.”⁵⁸ He wrote from personal experience. Virginian enslavers denounced Tarleton’s “plundering banditti” as the catalyst for many freedom-seekers’ escape.⁵⁹ Witnesses to the collapse of enslavers’ authority, enslaved communities “quitted the plantations, and followed the army.”⁶⁰ Charles Stedman, Cornwallis’s commissary officer, concurred, recalling how “The negroes in general followed

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Richard Henry Lee to Arthur Lee, 4 June 1781, in *The Letters of Richard Henry Lee*, 2:230.

⁵⁵ Richard Henry Lee to William Lee, 15 July 1781, in *The Letters of Richard Henry Lee*, 2:242.

⁵⁶ Ibid.

⁵⁷ Richard Henry Lee to Washington, 17 September 1781, in *The Letters of Richard Henry Lee*, 2:256.

⁵⁸ Banastre Tarleton, *A History of the Campaigns of 1780 and 1781, in the Southern Provinces of North America* (Dublin: Coles, 1787), 91.

⁵⁹ *Virginia Gazette* (Nicolson and Prentis), 27 July 1782.

⁶⁰ Tarleton, *A History of the Campaigns of 1780 and 1781*, 91.

the British army.”⁶¹ Robert Honyman, who observed Tarleton’s forces in Virginia, described how “where ever [sic] they had an opportunity, the soldiers and inferior officers likewise, enticed and flattered the Negroes, and prevailed on vast numbers to go along with them, but they did not compel any.”⁶² What this enticement and flattery may have involved is suggested by earlier encounters between enslaved people and British forces. From the outset of the conflict, British troops promised Black refugees their freedom, sanctuary for their family and kin, and, for those formally incorporated into the army’s apparatus, payment for their labor.⁶³

Black refugees who came into the lines were welcomed by British forces for their familiarity with the local geography, intelligence about enemy troop movements, and knowledge about how and where to obtain supplies to provision the army. Ever since the outbreak of hostilities, British officers had been quick to offer sanctuary to Black refugees in exchange for their assistance in navigating an unfamiliar environment.⁶⁴ As late as the culmination of the Yorktown campaign, in September 1781, Benjamin Booth Boote recommended that the assistant commissary of captures seek out Black refugees at the British headquarters. Black refugees were “useful and intelligent in these matters,” Booth reported, and “a little flattery” would “sometimes have a very good effect.”⁶⁵ However, what the British army needed above all was labour. Humanitarian concerns did not motivate Clinton, who encouraged Cornwallis to appropriate Black refugees’ labour for “working on the fortifications” and “other drudgeries.”⁶⁶ Cornwallis concurred, bemoaning in August 1781, that

⁶¹ Charles Stedman, *The History of the Origin, Progress, and Termination of the American War* (London, 1794), 2:217.

⁶² Robert Honyman, Entry of 5 June 1781, in “News of the Yorktown Campaign,” 400.

⁶³ See examples from Chapter One and Chapter Two.

⁶⁴ See “List of the Names of the Negroes belonging to Capt. Martin’s Company, who they belonged to and the respective places they lived at,” undated, Henry Clinton Papers, William L. Clements Library, University of Michigan.

⁶⁵ Benjamin Booth Boote to Assistant commissaries of captures, 30 September 1781, in *The Cornwallis Papers: The Campaigns of 1780 and 1781 in the Southern Theatre of the American Revolutionary War*, ed. Ian Saberton (Uckfield: Naval and Military Press, 2010), 6:110.

⁶⁶ Clinton to Lord Cornwallis, 30 August and 1 September 1781, *TCP*, 6:149.

“the heat is too great to admit of the soldiers doing it.”⁶⁷ The occupations of Savannah and Charleston had established a clear precedent for the British compelling Black refugees to carry out this gruelling work.

Whatever the British army’s motivations, Black refugees repeatedly demonstrated a capacity to transform royal officers’ limited conceptions of refuge into something both more enduring and radical. Through their knowledge, labour, and expertise, Black refugees forged sanctuary status within the British army. For some like Thomas Johnson, who “was pressed into his Majesty’s service” outside Charleston in October 1780, serving as a guide led to a more lasting refuge from slavery.⁶⁸ In the ensuing months, Johnson was “constantly employed with Lord Cornwallis’s army as a guide” and forged a relationship with the British commander that enabled him to escape from Yorktown.⁶⁹

Walter Harris had joined Arnold’s forces in January 1781 when they sailed up the James River to Mary Byrd’s Westover plantation. Arnold readily incorporated Harris into the British ranks, with Harris testifying that “he went with him as a guide.”⁷⁰ “While the troops were halting at Westover to refresh themselves,” British officer John Graves Simcoe recalled, an enslaved man was “taken whom these videttes had intercepted on his way to the British army.”⁷¹ The freedom seeker, possibly Harris, provided the British forces with vital intelligence. As Simcoe recorded, Patriot militia manoeuvres meant that “no intelligence could

⁶⁷ Lord Cornwallis to Charles O’Hara, 4 August 1781, PRO 30/11/89, NAUK.

⁶⁸ Petition of Thomas Johnson, AO 13/70b/301-302, NAUK.

⁶⁹ *Ibid.*

⁷⁰ Petition of Walter Harris, 24 June 1783, AO 12/99/334, NAUK.

⁷¹ John Graves Simcoe, *Simcoe’s Military Journal* (New York: Bartlett and Welford), 165-166.

be received.”⁷² The freedom seeker “promised to guide the party so as to avoid the high road, and to conduct them by an unfrequented pathway, which led close to the creek.”⁷³

While Arnold was keen to bring Harris with him, for Harris the choice must have been an agonizing one. When he departed with the British, Harris left behind his wife and children at Westover.⁷⁴ Arnold’s reception of Harris, but not his family, emphasizes how the British army’s willingness to receive Black refugees was conditioned by military utility. Around the same time, Arnold appointed an “Inspector of Negroes” to distribute food and clothing to “able bodied men who come in for protection and employ.”⁷⁵ As such, Arnold’s conception of refuge, like that of other British officers, had clear gendered limitations.

“Belonging to the Army”: Refuge on the Move

Despite Clinton’s orders to Cornwallis to “discourage” enslaved people from fleeing to British lines in Charleston, significant numbers of Black refugees “went with the army to the northward” in 1780.⁷⁶ The appeal of becoming a “follower of the army” was unsurprising. Clinton, after all, had reaffirmed and extended the promise of protection made under the 1779 Philipsburg Proclamation.⁷⁷ A year later, in 1780, Clinton ordered that those Black refugees “who belong to rebels and those persons who are not under protection of Government of course belong to the public, and after serving it faithfully during the war are entitled to their freedom.”⁷⁸ This tentative promise of freedom, itself the product and consequence of Black

⁷² Ibid.

⁷³ Ibid.

⁷⁴ See Mary Willing Byrd to Neil Jamieson, April 1783, Neil Jamieson Papers, John D. Rockefeller Jr. Library, Colonial Williamsburg Foundation.

⁷⁵ Benedict Arnold to Clinton, 23 January 1781, Henry Clinton Papers, William L. Clements Library, University of Michigan.

⁷⁶ Clinton to Cornwallis, 20 May 1780, PRO 30/11/2, NAUK; Clinton, Memoranda for the Commandant of Charlestown and Lieu. General Earl Cornwallis, 3 June 1780, PRO 30/55/23, NAUK.

⁷⁷ Philipsburg Proclamation, 30 June 1779, PRO 30/55/17, NAUK.

⁷⁸ Clinton, Memoranda for the Commandant of Charlestown, 3 June 1780, PRO 30/55/23, NAUK.

flight, induced Black refugees to continue fleeing to British lines. Freedom seekers, encouraged by the British response at Charleston, made their way to the British army as it marched into the South Carolina backcountry. From his headquarters at Winnsboro, Cornwallis warned Tarleton that “there were rather more black attendants, both male and female, than I think you will like to see.”⁷⁹ Cornwallis’s aside reveals the hostility that Black freedom seekers sometimes met with, but also how, despite resistance to receiving them, on the ground, British officers nonetheless often employed them.

In orders of 27 September 1780, Cornwallis began a series of attempts to create at least an impression of order among the throngs of refugees who had fled to British lines. All Black refugees, Cornwallis ordered, “belonging to the army,” should be marked “with the number of the regiment, or the initial letters of the department that employs them.”⁸⁰ For Black refugees who followed the British army, one of the conditions of their “belonging to the army” were the visual identifiers that signified a circumscribed sanctuary.⁸¹ Cornwallis ordered the deputy provost marshal to “flog out of the encampment” any Black refugee found “not marked agreeable to orders.”⁸² A week later, Cornwallis remained worried about the unregulated Black presence within his lines. Although he did not “wish to enforce the restriction relative to Negroes,” the general again reminded “commanding officers” that they “must be responsible that none (excepting those allowed for regimental purposes) attend their respective battalions.”⁸³

⁷⁹ Cornwallis to Tarleton, 15 December 1780, *TCP*, 3:351.

⁸⁰ Lord Cornwallis’s Orders, 27 September 1780, in “A British Orderly Book, 1780-1781: III,” ed. A. R. Newsome, *North Carolina Historical Review* 9, no. 3 (1932): 276.

⁸¹ *Ibid.* See also Head Quarters, Petersburg, 22 May 1781, in Charles Cornwallis Orderly Book, William L. Clements Library, University of Michigan, for Cornwallis’s order that “All Negroes who are not marked agreeable to the order repeated at Petersburg [sic] will be taken up and sent away from the Army.”

⁸² *Ibid.*

⁸³ Regulations for Horses etc., 4 October 1780, in “A British Orderly Book, 1780-1781: III,” 277.

Movement and sanctuary status was predicated on Black refugees' utility to the royal cause. On 12 January 1781, British commanders repeated their order that "no Negroes ... be permitted to follow the Army who do not wear a mark to distinguish the corps they belong to."⁸⁴ Despite British officers' gendered conceptions of refuge, Black women persisted in making claims to sanctuary status. On the same date, officers demanded an immediate list "of the number of Negroes, male and female, attached to each corps and departments."⁸⁵

Provisioning the followers of the army was a huge logistical challenge. On 12 January 1781, for example, Cornwallis warned of the "very great scarcity of forage."⁸⁶ For British commanders, Black refugees represented both a challenge and an asset in feeding the army and its followers. The army relied on the expertise and knowledge of the Black refugees to do so. Charles Stedman, the commissary of captures for Cornwallis's army, described how, in the South Carolina backcountry, Black refugees "mounted on horses, were employed ... in driving in cattle for the support of the army."⁸⁷ Although Stedman emphasized that these refugees were supervised by "proper conductors," enslavers perceived the threat to the social and economic order that these refugees represented.⁸⁸

Cornwallis struggled to reconcile his army's immediate needs with the necessity of gaining the allegiance of the local white population. As the royal forces marched through the Piedmont in North Carolina, the white inhabitants besieged him with "great complaints" about his army's conduct.⁸⁹ Black refugees asserted an autonomy of movement that officers struggled

⁸⁴ Head Quarters Harrison's House, 12 January 1781, in "A British Orderly Book, 1780-1781: III," ed. A. R. Newsome, *North Carolina Historical Review* 9, no. 3 (1932): 280.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ Stedman, *History*, 2:193.

⁸⁸ *Ibid.*

⁸⁹ Head Quarters Salisbury, 5 February 1781, in "A British Orderly Book, 1780-1781: III," ed. A. R. Newsome, *North Carolina Historical Review* 9, no. 3 (1932): 296.

to control. White North Carolinians were horrified by Black followers of the army “stragling [sic] from the line of march, plundering and using violence to the inhabitants.”⁹⁰ As Jeffrey Crow put it, “A stronger image of social revolution could hardly have existed in the South than a band of black foragers swooping down on a small farm and stripping it of foodstuffs and livestock.”⁹¹ When these operations were carried out by armed Black refugees, slavery seemed to be collapsing. Although Cornwallis was adamant that “no Negroe shall be suffer[e]d to carry arms on any pretence,” he was loath to stop Black participation in foraging.⁹² After all, his army relied on their knowledge of the local geography to guide them. Black refugees often knew better than British troops where to procure provisions.

“Every Soul of Them Returned Me:” The Re-enslavement of Black Refugees

As in Savannah and Charleston, acquiescing to, and facilitating, the re-enslavement of Black refugees became the means by which British forces sought to reconcile enslavers to royal rule. At the same time as he offered a selective sanctuary to some enslaved people, Arnold was prepared to return others to slavery to win their enslavers’ allegiance. In January 1781, while Arnold was at Westover, he expressed his “wish to give every possible satisfaction in my power to the peaceable and innocent inhabitants of this unhappy country.”⁹³ To gain their support, Arnold was prepared to return “such Negroes, horses etc. as can be given up consistent and with my duty.”⁹⁴ That Arnold saw Black refugees as property reflected the limits of British refuge and the degree to which such refuge involved degrees of unfreedom.

⁹⁰ Ibid.

⁹¹ Crow, “Slave Rebelliousness,” 88.

⁹² Head Quarters Salisbury, 5 February 1781, in “A British Orderly Book, 1780-1781: III,” 296.

⁹³ John Nicholas to Thomas Jefferson, 10 January 1781, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1951), 4:330.

⁹⁴ Nicholas to Jefferson, 10 January 1781, in *The Papers of Thomas Jefferson*, 4:330-331.

In February, Arnold reaffirmed that loyalty to the British forces was a prerequisite for denying Black refugees sanctuary and re-enslaving them. In a letter to the Continental officer Peter Muhlenberg, Arnold asserted that no Black freedom seekers would “be returned to persons in arms, or office.”⁹⁵ However, Arnold insisted that Black refugees “shall be immediately delivered up” to “persons not under the above description.”⁹⁶ On 7 April, General William Phillips confirmed that he was prepared to consider petitions from enslavers who recognized British authority. When Muhlenberg appealed to Phillips for the re-enslavement of Black refugees, Phillips suggested that Muhlenberg “refer to the explanations already given by Brigr. Genl. Arnold upon the subject of Negroes which seem to me to carry every proper weight upon the occasion.”⁹⁷ Phillips, like Arnold before him, stated that “attention [would] be given” to “requests of persons respecting Negroes or otherwise,” but they should not come “directly from an American General.”⁹⁸

The presence of Black refugees created conflict between British commanders and rank-and-file soldiers. Soldiers became accustomed to Black refugees performing the arduous work in their place. When enslavers petitioned British commanders to return freedom seekers to slavery, British officers sometimes acquiesced in their re-enslavement. As Cornwallis’s army marched into Virginia and Black refugees sought to reach British lines, enslavers were in pursuit. On 17 May 1781, as British forces advanced towards Petersburg, Cornwallis issued orders reprimanding troops for interceding in the return of Black refugees to slavery.

⁹⁵ Benedict Arnold to Peter Muhlenberg, 23 February 1781, New-York Historical Society, cited in Baron Steuben to Thomas Jefferson, 21 February 1781, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1951), 4:681.

⁹⁶ *Ibid.*

⁹⁷ William Phillips to Peter Muhlenberg, 7 April 1781, American Philosophical Society, Philadelphia, cited in Lindsay Opie and James Ball to Jefferson, 12 April 1781, *Founders Online*, National Archives, accessed 17 January 2022, <https://founders.archives.gov/documents/Jefferson/01-05-02-0528>.

⁹⁸ *Ibid.*

“Complaints having been made,” Cornwallis noted, “that soldiers have presumed to stop and detain Negroes, who have been given up to their masters by orders from Head Quarters.”⁹⁹

Soldiers who acted in this way were unlikely to have been motivated by humanitarian impulses. Instead, they may have resisted orders to return Black refugees because it meant they would be forced to carry out the gruelling labour demanded of Black freedom seekers. At the same time, soldiers appreciated that welcoming Black refugees to British lines was a powerful and effective means of defeating their enemy. Long on campaign, they knew the mutable loyalties of enslavers whose allegiance shifted depending on which belligerent was in ascendance. Cornwallis, however, was in no mood to turn a blind eye to his soldiers’ defiance, warning them “that any soldier who shall dare to stop Negroes (when ordered to be given up) will be severely punished.”¹⁰⁰ The incident illustrated the fragility of the sanctuary offered by the British army. Black refugees knew they were vulnerable to being returned to slavery on the whim of a British commander.

The British military and American revolutionaries alike recognized the political ramifications of the politics of Black refuge. Writing to Thomas Jefferson, John Nicholas warned that to negotiate with the British army for the return of Black sanctuary seekers would weaken the revolutionary cause by “encourag[ing] our internal enemies.”¹⁰¹ “The principles by which [Arnold’s] discrimination would be governed are but too obvious and they are the reverse of what we should approve,” Jefferson concurred.¹⁰² Responding to British attempts to sacrifice Black refugees in return for white support, Virginia’s revolutionary council sought to stem the flood of petitions to the British. On 3 February, the Council ordered that “no flag for

⁹⁹ Head Quarters, Steward’s Shop, 17 May 1781, in Cornwallis Orderly Book.

¹⁰⁰ Ibid.

¹⁰¹ Nicholas to Jefferson, 10 January 1781, in *The Papers of Thomas Jefferson*, 4:331.

¹⁰² Jefferson to Nicholas, 10 January 1781, in *The Papers of Thomas Jefferson*, 4:331.

the purpose of soliciting [sic] a restitution of plundered property from the enemy, shall be again permitted.”¹⁰³ Notwithstanding Arnold’s ambiguous attitude to the Black refugees who sought out his fleet, nine Black refugees recognized the general as the inadvertent facilitator of their sanctuary when they boarded British vessels bound for Nova Scotia in 1783.¹⁰⁴

Despite the revolutionary council’s efforts to outlaw the practice, Virginian enslavers did not cease to petition Thomas Nelson Jr., the Patriot governor, in a bid to return Black refugees to slavery. Nelson received “frequent applications” from “citizens of this Commonwealth to grant flags for the recovery of their Negroes.”¹⁰⁵ Writing to Cornwallis on 23 July, Nelson demanded to know “whether restitution will be made at all, what species of property will be restored, and who may expect to be the objects of such an indulgence.”¹⁰⁶ Nelson was not a disinterested party in pressuring Cornwallis to return Black refugees to slavery. When Baron Ludvig von Closen visited Nelson in 1782, he was struck by enslaved people’s mass escapes to the British lines. Nelson “had 700 negroes *before the war*,” Closen observed, while “He has now only 80 or 100.”¹⁰⁷

Mary Byrd was one of the most persistent enslavers in attempting to re-enslave Black freedom seekers. Forty-nine enslaved people escaped Byrd to seek refuge with the British during their campaigns in the Chesapeake region, including Walter and Fanny Harris, likely a relation of Walter.¹⁰⁸ Byrd’s machinations in pursuit of the Black refugees who had escaped

¹⁰³ 3 February 1781, in *Journals of the Council of the State of Virginia*, ed. H. R. McIlwaine (Richmond, VA: Virginia State Library, 1932) 2:285.

¹⁰⁴ The Book of Negroes, *Black Loyalist*, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>, accessed 17 January 2022.

¹⁰⁵ Nelson to Cornwallis, 23 July 1781, *TCP*, 6:86.

¹⁰⁶ *Ibid.*

¹⁰⁷ Baron Ludvig von Closen, *The Revolutionary Journal of Baron Ludvig von Closen*, trans. and ed. Evelyn M. Acomb (Chapel Hill: University of North Carolina Press, 1958), 180.

¹⁰⁸ Byrd to Nelson, 10 August 1781, Appendix 1, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1952), 5:704.

her brought suspicions about her loyalty to the revolutionary cause.¹⁰⁹ Nevertheless, Byrd continued to petition belligerents on both sides. Freedom-seeking people showed themselves to be well aware of the attempts by enslavers like Byrd to return them to bondage. When Byrd covertly negotiated with a British naval officer for their re-enslavement, “my people finding a flag was to come up, had hid themselves, and tho searched for, seven days, could not be found.”¹¹⁰ Byrd claimed to have received promises from Arnold, Phillips, and Cornwallis that “all my people should be returned.”¹¹¹ Arnold and Phillips, Byrd declared, “assured me that not one single vessel should be allowed to depart this river untill [sic] they had undergone a search for my people, and every soul of them returned me.”¹¹²

Even before Nelson interceded, enslavers had been attempting to reach the same British lines where Black refugees found sanctuary. The extent of Black refugees’ flight to British lines forced royal officers to reconsider their policy. The large numbers of Black refugees who sought sanctuary, the ties they forged with British officers, and the labour that they provided to sustain Cornwallis’s campaign, brought about a change in British policy. Whereas Arnold and Phillips were willing to return Black refugees to slavery, Cornwallis suggested that, at least on some occasions, Black refugees themselves could decide whether or not to remain with his army. At other times, however, as Cornwallis’s orderly book shows, Black refugees were re-enslaved at the commander’s behest. In response to a lieutenant who sought clarification on the army’s policy, Cornwallis’s aide de camp Major Alexander Ross summed up the army’s ambiguous attitude toward freedom-seeking people. “Our rule with the army ... relative to the

¹⁰⁹ Byrd to Jefferson, 23 February 1781, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1951), 4:690-692.

¹¹⁰ Byrd to Friedrich Wilhelm von Steuben, 15 February 1781, Appendix 1, in *The Papers of Thomas Jefferson*, 5:688.

¹¹¹ Byrd to Sir Guy Carleton, 5 June 1783, PRO 30/55/71/31, NAUK.

¹¹² *Ibid.*

demand of Negroes,” Ross wrote, “is to give up those that are willing to return and can be conveniently spared from the publick [sic] service.”¹¹³

In response to the revolutionary governor, meanwhile, Cornwallis emphasized that the Black refugees within his lines had made a conscious decision to seek out and reach British forces. “Great numbers,” Cornwallis acknowledged, “have come to us from different parts of the country.”¹¹⁴ However, the commander denied having forcibly seized enslaved people. “No Negroes have been taken by the British troops by my orders nor to my knowledge,” he asserted.¹¹⁵

Sanctuary for Black refugees, however, remained a war measure to punish enslavers in rebellion. Cornwallis stated that he would allow any enslaver “not in arms against us or holding an office of trust under the authority of Congress” to come to the British lines, where they would have “permission to search the camp.”¹¹⁶ When challenged by Nelson, Cornwallis repeated that Black refugees could decide whether they would leave his army’s lines. Like Ross, Cornwallis stated that an enslaver was permitted to seize Black refugees “if they are willing to go with him.”¹¹⁷ With disease decimating the Black refugees at Portsmouth, Cornwallis had little inclination to lose the source of the labour that sustained his campaign.

Portsmouth as a Site of Sanctuary and Suffering

Many Black refugees who joined the British forces were swiftly organized into Pioneer companies. Portsmouth became a British garrison where hundreds of Black refugees laboured

¹¹³ Alexander Ross to George Pattison, 20 June 1781, *TCP*, 5:211.

¹¹⁴ Cornwallis to Nelson, 6 August 1781, *TCP*, 6:87.

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

in building fortifications. In early April 1781, Phillips oversaw the incorporation of Black refugees into the labour force that sustained British operations. Black refugees “who have come in,” Phillips informed Clinton, were “given to Captain Frazer of the Pioneers to be distributed to the several publick [sic] departments and for the works.”¹¹⁸ On 3 April, Phillips reported that he had employed 250 Black refugees in the construction of dams to raise the water of the creeks. Phillips advocated formalizing their status within the British lines, arguing “I really think a Corps of Black Pioneers may prove of real use.”¹¹⁹ Phillips sought Clinton’s approval both for forming this corps and offering them, in line with established British policy for Pioneers, “a very small pay.”¹²⁰ The Pioneer corps formed at Portsmouth sustained itself as part of a larger Black refugee community. Black Pioneers who received payment for their labour likely bought provisions at the same market attended by soldiers such as the Hessian officer Johann Conrad Doehla. Doehla recorded in his journal entry of 13 July that there was “no shortage of provisions, which the inhabitants bring to our camp most of the time fresh and in abundance.”¹²¹

At Portsmouth, Phillips emphasized, Black refugees had “undoubtedly been of the greatest use.”¹²² Two months later, Alexander Leslie informed Cornwallis that the “black regiment” formed by Phillips numbered “near 500.”¹²³ From Richmond, Cornwallis urged Leslie not to disband the Pioneers as they would be “very usefull [sic] in carrying our works.”¹²⁴ All “able bodied Negroes” Cornwallis ordered, should “be taken up and sent to Captain Brown of the Pioneers.”¹²⁵

¹¹⁸ Phillips to Clinton, 3-4 April 1781, *TCP*, 5:28.

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ Johann Conrad Doehla, Entry of 13 July 1781, in “The Doehla Journal,” trans. and ed. Robert J. Tilden, *William and Mary Quarterly* 22, no. 3 (1942): 240.

¹²² Phillips to Clinton, 3-4 April 1781, *TCP*, 5:28.

¹²³ Leslie to Cornwallis, 3 June 1781, in *TCP*, 5:164.

¹²⁴ Cornwallis to Leslie, 19 June 1781, in *TCP*, 5:166.

¹²⁵ 5 June 1781, Cornwallis Orderly Book.

Portsmouth became a site of both sanctuary and suffering. Many Black refugees suffered and died at Portsmouth from a smallpox epidemic which exposed the limits of British sanctuary. On 18 June, while at Richmond, Cornwallis had ordered the “different departments who have Negroes in their employ to get them inoculated.”¹²⁶ British officers who congratulated themselves on the “good order” they had imposed on the Black refugees who came to Portsmouth were quickly overwhelmed by the scale of the crisis.¹²⁷ Black refugees continued to arrive at Portsmouth in large numbers. The small town became both a place of sanctuary, but also terrible suffering. On 13 July, Leslie refused sanctuary to “above 700 Negroes” who “are come down [sic] the river in the small pox.”¹²⁸

Three weeks later, on 5 August, General Charles O’Hara urgently sought orders from Cornwallis, demanding to know “what will you have done with the hundreds of wretched Negroes that are dying by scores every day?”¹²⁹ Cornwallis’s reply, written two days later from Yorktown, emphasized how Black refugees’ utility to the British forces dictated promises of refuge with the royal forces. “It is shocking to think of the state of the Negroes,” Cornwallis admitted, “but we cannot bring a number of sick and useless ones to this place.”¹³⁰ Illness prevented Black refugees from labouring on the fortifications at Yorktown; as a result, Cornwallis withdrew protection to the Black refugees sick with smallpox. “Some flour must be left for them,” Cornwallis ordered, “and some person of the country appointed to take charge of them to prevent their perishing.”¹³¹ Officers, Cornwallis instructed, “must draw only for

¹²⁶ 18 June 1781, Cornwallis Orderly Book.

¹²⁷ Leslie to Cornwallis, 3 June 1781, in *TCP*, 5:164.

¹²⁸ Leslie to Cornwallis, 13 July 1781, in *TCP*, 5:183.

¹²⁹ O’Hara to Cornwallis, 5 August 1781, in *TCP*, 6:45.

¹³⁰ Cornwallis to O’Hara, 7 August 1781, *TCP*, 6:46.

¹³¹ *Ibid.*

those that can work and that will be usefull [sic] to us here.”¹³² O’Hara knew that he would be condemning the Black refugees abandoned at Portsmouth, “above 1,000 in number,” “to disease, to famine, and, what is worse than either, the resentment of their enraged masters.”¹³³

Without British sanctuary, Black refugees would, O’Hara realised, “inevitably perish.”¹³⁴ According to the general, the local white inhabitants were “more inclined to fire upon than receive and protect a Negroe whose complaint is the small pox.”¹³⁵ For the time being, the general declared his intention “to victual the *sick Negroes* [emphasis in original]” until Cornwallis sent him “positive instructions to the contrary.”¹³⁶ Cornwallis, replying a day later, determined to “leave it to your humanity to do the best you can for the poor Negroes.”¹³⁷ However, the commander reminded O’Hara that offering sanctuary to Black refugees who were unable to labour in the British lines represented “an evil which not only destroys a great quantity of provisions but will certainly produce some fatal distemper in the army.”¹³⁸ The abandonment of Black refugees at Portsmouth would, O’Hara said, “bury the last atom of confidence the people of America will ever place in English *proclamations* and *declarations* [emphasis in original].”¹³⁹ Amongst those “people of America” were the Black refugees who reached British lines and demanded the protection of the “proclamations and declarations” issued by Dunmore, Howe, and Clinton.

When O’Hara left Portsmouth on 18 August, he estimated that British forces were “obliged to leave near 400 wretched Negroes” behind.¹⁴⁰ The general ordered transports to

¹³² Ibid.

¹³³ O’Hara to Cornwallis, 9 August 1781, in *TCP*, 6:48.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Cornwallis to O’Hara, 10 August 1781, *TCP*, 6:48.

¹³⁸ Ibid.

¹³⁹ O’Hara to Cornwallis, 11 August 1781, *TCP*, 6:49.

¹⁴⁰ O’Hara to Cornwallis, 17 August 1781, in *TCP*, 6:52.

carry those refugees across the Elizabeth River to Norfolk, which was, he judged, “the most friendly quarter in our neighbourhood.”¹⁴¹ O’Hara “begg’d of the people of Princess Ann and Norfolk Countys [sic] to take them” and left “*fifteen days’ provisions* [emphasis in original]” in a final effort to sustain them.¹⁴² Fifteen days, he judged, would “either kill or cure the greatest number of them.”¹⁴³ Among the Black refugees left behind at Norfolk was Sam, aged twenty-five. Sam had joined Tarleton only months before but was, his enslaver believed, “left at Norfolk when Lord Cornwallis went to York, being at that time in the smallpox.”¹⁴⁴ A year later, Sam’s enslaver did not know whether the young freedom seeker had survived. David, too, was “left at Portsmouth when the enemy evacuated it.”¹⁴⁵ David survived and in March 1782, he had “been seen in that part of the country since,” as he continued to elude his enslaver.¹⁴⁶ Ben, too, “was left [in Portsmouth] ill with the small-pox,” having escaped from New Bern, North Carolina.¹⁴⁷ Seven months after the British departure from Portsmouth, Ben was still beyond his enslaver’s reach.

“Between Two Fires”: Black Refugees at Yorktown

When Cornwallis’s forces arrived at Yorktown on 1 August, they found it had been largely abandoned. Johann Doehla, a Hessian officer, observed that, “we found few inhabitants here, as they had mostly gone with bag and baggage into the country.”¹⁴⁸ One enslaver, allied to the revolutionary cause, who fled Yorktown was David Jameson. Seven enslaved people had escaped from Jameson “some time” before Cornwallis’s arrival at Yorktown.¹⁴⁹ Fearing further

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ *Virginia Gazette* (Nicolson and Prentis), 27 July 1782.

¹⁴⁵ *Virginia Gazette or American Advertiser* (Hayes), 30 March 1782.

¹⁴⁶ Ibid.

¹⁴⁷ *VG* (Hayes), 20 April 1782.

¹⁴⁸ Doehla, Entry of 31 July 1781, in “The Doehla Journal,” 241.

¹⁴⁹ David Jameson to James Madison, 10 August 1781, *Founders Online*, National Archives, accessed 10 January 2022, <https://founders.archives.gov/documents/Madison/01-03-02-0109>.

escapes, Jameson accepted with resignation that “now that Cornwallis has taken post at York I suppose more must go.”¹⁵⁰ As white revolutionaries fled, compelling enslaved Virginians to move with them, the British forces’ removal to Yorktown brought with it the movement of “a great number of refugees” who joined O’Hara “from the counties of Norfolk, Suffolk and Princess Anne.”¹⁵¹ The revolutionary officer Josiah Parker reported that a “vast concourse of runaway Negroes” boarded vessels alongside these loyalist refugees as they made their way northward to Yorktown.¹⁵²

As early as 1 September, Lafayette predicted that if Cornwallis were to have any hopes of escaping the amassed Continental and French forces, “he must give up ships, artillery, baggage[,] part of the horses[, and] all the Negroes.”¹⁵³ The rejection of Black refugees demonstrated the limits of British sanctuary. Revolutionary and French forces anticipated that, such were the perilous circumstances in which his army found themselves, Cornwallis would sacrifice Black refugees. Even before the surrender, British troops forced Black refugees out of the garrison. Abandoned by the British and pursued by the revolutionaries, Black refugees were, as Ewald put it, caught “between two fires.”¹⁵⁴ Black refugees who were denied sanctuary were quickly detained by the Continental forces amassed outside Yorktown. On 9 October, Washington wrote in his General Orders that he had “been informed that there are in the possession of some officers of the Army, Negroes who have come out of York.”¹⁵⁵ Washington ordered those Black refugees to be detained. Any officer who kept “in his service a Negroe

¹⁵⁰ Ibid.

¹⁵¹ Cornwallis to Clinton, 22 August 1781, in *Correspondence of Charles, First Marquis Cornwallis*, 1:116.

¹⁵² Josiah Parker to Lafayette, 19 August 1781, in *Lafayette in the Age of the American Revolution*, 4:334.

¹⁵³ Lafayette to Washington, 1 September 1781, *Founders Online*, National Archives, accessed 12 January 2022, <https://founders.archives.gov/documents/Washington/99-01-02-06850>.

¹⁵⁴ Ewald, Entry of 14 October 1781, in *Diary of the American War*, 336.

¹⁵⁵ Washington, General Orders, 9 October 1781, George Washington Papers, Series 3, Varick Transcripts, 1775 to 1785, Subseries 3G, General Orders, 1775 to 1783, Library of Congress, accessed 12 January 2022, <https://www.loc.gov/resource/mgw3g.006/?sp=35>.

under the above description ... may depend upon being called to the severest account for it,” Washington warned.¹⁵⁶

In his diary entry for 14 October 1781, Ewald described how the royal forces, which for so long had offered refuge from slavery, now used force to drive “back to the enemy all of our black friends.”¹⁵⁷ Like O’Hara at Portsmouth, Ewald recognized that, abandoned by the British, Black refugees would have “to face the reward of their cruel masters.”¹⁵⁸ The “scarcity of provisions” made the royal forces sacrifice Black refugees in the hope that they could sustain themselves a little longer.¹⁵⁹ “In their hunger,” he reflected, “these unhappy people would have soon devoured what I had.”¹⁶⁰ A month earlier, Doehla had noted, “we get terrible provisions now, putrid ship’s meat and wormy biscuits that have spoiled on the ships.”¹⁶¹

The Black refugees who remained with the British must too have sensed that the refuge they had experienced with the royal forces was increasingly imperilled. As they had done at Portsmouth, the British expelled Black refugees afflicted with smallpox from their lines. The Virginia militia officer George Weedon wrote to Washington on 18 September reporting that the British had “two nights past tu[rned] out of the garrison at Gloster [sic] near 150 Negroes, all with the small pox on them.”¹⁶² Among those expelled was Dick, a nine-year old boy, who said “his father and mother died of smallpox when with the British.” Dick was kidnapped by John Elliott in October in Gloucester; five months later, Elliott was advertising for Dick’s return to slavery.¹⁶³

¹⁵⁶ Ibid.

¹⁵⁷ Ewald, Entry of 14 October 1781, 335.

¹⁵⁸ Ibid.

¹⁵⁹ Ewald, Entry of 14 October 1781, 336.

¹⁶⁰ Ibid.

¹⁶¹ Doehla, Entry of 11 September 1781, 245.

¹⁶² George Weedon to Washington, 18 September 1781, *Founders Online*, National Archives, accessed on 10 January 2022, <https://founders.archives.gov/documents/Washington/99-01-02-06981>.

¹⁶³ VG (Nicolson and Prentis), 2 March 1782.

Soldiers' accounts testify to the appalling mortality at Yorktown. Virginia militia officer St. George Tucker recorded in his journal that "an immense number of Negroes have died in the most miserable manner at York."¹⁶⁴ Joseph Plumb Martin, serving in the Continental army, remembered seeing "in the woods herds of Negroes" during the siege.¹⁶⁵ The Black refugees abandoned at Yorktown died from disease or starvation. According to Martin, they "might be seen scattered about in every direction, dead and dying, with pieces of ears of burnt Indian corn in the hands and mouths, even of those that were dead."¹⁶⁶ Major Ebenezer Denny, a Continental army soldier, recorded how "Negroes lie about, sick and dying, in every stage of the small pox."¹⁶⁷ Isaac Jefferson remembered that it was "very sickly at York" and a "great many" Black refugees died.¹⁶⁸ Many Black refugees who remained within the garrison lost their lives in the bombardment, which began on 9 October. On 11 October, Doehla recorded in his journal that "the bombs and cannon balls hit many inhabitants and negroes of the city."¹⁶⁹ Isaac remembered "the tremendous firing and smoke."¹⁷⁰ It "seemed," he recalled, "like heaven and earth was come together."¹⁷¹

"I Scarce Ever Bestowed a Thought on Them": The Re-Enslavement of Black Refugees at Yorktown

The Articles of Capitulation agreed by Washington and Cornwallis on 19 October did not recognize Black refugees' claims to protection under the military proclamations issued by

¹⁶⁴ St. George Tucker, Entry for 11 October 1781, in "St. George Tucker's Journal of the Siege of Yorktown, 1781," ed. Edward M. Riley, *William and Mary Quarterly* 5, no. 3 (1948): 387.

¹⁶⁵ Joseph Plumb Martin in *Private Yankee Doodle: Being a Narrative of Some of the Adventures, Dangers, and Sufferings of a Revolutionary Soldier*, ed. George F. Scheer (Boston, MA: Little, Brown and Company), 241.

¹⁶⁶ *Ibid.*

¹⁶⁷ Ebenezer Denny, *Military Journal of Major Ebenezer Denny: An Officer in the Revolutionary and Indian Wars* (Philadelphia: J. B. Lippincott and Company, 1859), 45.

¹⁶⁸ "Memoirs of a Monticello Slave," 10.

¹⁶⁹ Doehla, Entry of 11 October 1781, 251.

¹⁷⁰ "Memoirs of a Monticello Slave," 10.

¹⁷¹ *Ibid.*

British commanders. Under the terms of surrender, those Black refugees who remained within the garrison were left unprotected. Although there are no definitive records, historian Cassandra Pybus estimated that perhaps “two thousand” Black refugees survived.¹⁷² Through Article Four, Cornwallis sought to guarantee that “Both officers and soldiers [would] keep their private property of every kind; and no part of their baggage or papers [would] be at any time subject to search or inspection.”¹⁷³ Realizing that this clause could be construed so as to carry Black refugees to New York, out of their enslavers’ grasp, Washington insisted that “any property obviously belonging to the inhabitants of these States, in the possession of the garrison, shall be subject to be reclaimed.”¹⁷⁴ Washington did, however, allow the “*Bonetta* sloop-of-war to be equipped, and . . . to be permitted to sail without examination.”¹⁷⁵ Cornwallis requested through Article Ten that “Natives or inhabitants of different parts of this country, at present in York or Gloucester, are not to be punished on account of having joined the British army.”¹⁷⁶ Again, Washington refused to recognize any notion of Black refugees being offered any degree of protection. “This article cannot be assented to,” he affirmed, “being altogether of civil resort.”¹⁷⁷

British officers’ inability or unwillingness to enforce the protection clauses of previous proclamations left Black refugees with few options. No sooner had British forces surrendered, Martin recalled, than enslavers “came to our camp and engaged some of our men to take them up.”¹⁷⁸ Victorious revolutionary forces became hired capturers of Black refugees, paid “a

¹⁷² Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston, MA: Beacon Press, 2006), 53.

¹⁷³ Articles of Capitulation, 19 October 1781, *The Avalon Project: Documents in Law, History, and Diplomacy*, Lillian Goldman Law Library, Yale Law School, accessed on 12 January 2022, https://avalon.law.yale.edu/18th_century/art_of_cap_1781.asp.

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

¹⁷⁸ Martin, in *Private Yankee Doodle*, 241.

guinea a head” for each refugee they captured and re-enslaved.¹⁷⁹ Among the first enslavers to arrive was John Banister. In Martin’s account, the Continental troops purported to seek assurances from Banister that he would “promise not to punish them” before they released the Black refugees from their custody.¹⁸⁰ The soldiers’ uneasiness likely came from the strength of the refugees’ pleas and their fears of violent reprisals. Moreover, as historian Michael McDonnell has suggested, the presence of Black Virginians in Continental forces meant that “Martin and his colleagues might have even fought alongside formerly enslaved Virginians.”¹⁸¹ Despite Banister’s efforts, at least one Black refugee did escape him. Nathaniel, aged fourteen in 1781, fled his enslaver and “joined General Arnold in 1781.”¹⁸² Whether Nathaniel was at Yorktown or had left Virginia for New York City earlier that same year is unclear. On 8 September 1783, Nathaniel boarded the *Elizabeth* as it sailed for St John’s.¹⁸³

Whatever their own views, Martin’s fellow soldiers were unlikely to have done anything but return the refugees to slavery since doing so was the official Continental army policy. On 25 October, Washington issued general orders from his headquarters at Yorktown. Despite the terms of Cornwallis’s surrender, freedom seekers desperately sought to evade their enslavers. “Many Negroes and Mulattoes the property of citizens of these states have concealed themselves on board the ships in the harbor [sic],” Washington warned.¹⁸⁴ Other Black refugees “still continue to attach themselves to British Officers” while “others have attempted to impose

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Michael A. McDonnell, *The Politics of War: Race, Class, and Conflict in Revolutionary Virginia* (Chapel Hill: University of North Carolina Press, 2007), 476; Jean François Louis, comte de Clermont-Crèvecoeur, noted in his journal that “There were many negroes, mulattoes, etc” when Washington reviewed Continental Army troops on 8 July 1781. See Howard C. Rice, Jr., and Anne S. K. Brown, eds. *The American Campaigns of Rochambeau’s Army, 1780, 1781, 1782, 1783* (Princeton: Princeton University Press, 1972), 1:33.

¹⁸² The Book of Negroes, *Black Loyalist*, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>, accessed 14 January 2022.

¹⁸³ Ibid.

¹⁸⁴ Washington, General Orders, 25 October 1781, *Founders Online*, National Archives, accessed on 14 January 2022, <https://founders.archives.gov/documents/Washington/99-01-02-07264>.

themselves upon the officers of the French and American Armies as Freeman and to make their escapes in that manner.”¹⁸⁵ Washington ordered Black refugees to be detained under armed guard at Yorktown and across the York River at Gloucester. In the wake of Cornwallis’s surrender, Nelson, too, was alerted to the attempts of “a number of the refugees from this state and also negroes” to “make their escape, by getting on board the *Bonnetta* [sic] sloop of war.”¹⁸⁶ Writing to Cornwallis on 20 October, the rebel governor did not cease in his efforts to capture Black refugees. Sanctuary seekers, Nelson suspected, would “endeavour to be concealed from your Lordship’s notice till the vessel sails.”¹⁸⁷

Even before Washington issued his general orders on the subject of the Black refugees, he was in correspondence with Virginia commercial agent David Ross. On 23 October, Ross had asked Washington what the Continental army’s policy was toward the Black refugees abandoned by the British. Washington wasted little time in responding.¹⁸⁸ The following day, Washington instructed Ross to detain Black refugees until their enslavers arrived. The general ordered Black refugees “whose owners do not appear” to “be sent into the County to work for their victuals and cloathes [sic].”¹⁸⁹ Washington also instructed Ross to alert enslavers from New Jersey and New York that Black refugees who had joined British forces there to arrange for their re-enslavement.¹⁹⁰

Indeed, Washington’s orders of 25 October were the product of intelligence he had received from Ross. On the same day as Washington issued his orders, Ross had warned him

¹⁸⁵ Ibid.

¹⁸⁶ Nelson to Cornwallis, 20 October 1781, *CVSP*, 2:560.

¹⁸⁷ Ibid.

¹⁸⁸ David Ross to Washington, 23 October 1781, *Founders Online*, National Archives, accessed on 14 January 2022, <https://founders.archives.gov/documents/Washington/99-01-02-07248>.

¹⁸⁹ Washington to Ross, 24 October 1781, *Founders Online*, National Archives, accessed on 15 June 2021, <https://founders.archives.gov/documents/Washington/99-01-02-07260>.

¹⁹⁰ Ibid.

that Black refugees would “be lost to the owners if not immediately secured.”¹⁹¹ Black refugees were seeking passage out of Yorktown with both the American and French armies “by passing them selves [sic] as free people.”¹⁹² The dynamics of Black recruitment in Virginia into the revolutionary forces meant that Black refugees could plausibly make this claim. Black refugees, Ross warned, had boarded “Ships in the harbour, as well those captured as the French ships of war.”¹⁹³ Others remained with British officers “at their quarters.”¹⁹⁴

Although Washington later protested that “I scarce ever bestowed a thought on them,” the general, in common with other Virginian enslavers, expended considerable effort in capturing and re-enslaving the Black refugees who had fled from Mount Vernon in April 1781.¹⁹⁵ Two freedom-seeking women, Lucy, aged 20, and Esther, aged 18, “were recovered after the siege of York,” their refuge with the British having lasted just six months.¹⁹⁶ Five of the men who fled at the same time, “Frederick, Frank, Gunner, Sambo, [and] Thomas,” were captured in Philadelphia.¹⁹⁷ The Black refugees who reached Philadelphia may have travelled there with French forces. What happened to the other eight freedom seekers who escaped Mount Vernon at the same time is unknown. It is likely that they died at Portsmouth or Yorktown.

¹⁹¹ Ross to Washington, 25 October 1781, *Founders Online*, National Archives, accessed on 15 June 2021, <https://founders.archives.gov/documents/Washington/99-01-02-07271>.

¹⁹² *Ibid.*

¹⁹³ *Ibid.*

¹⁹⁴ *Ibid.*

¹⁹⁵ Washington to Benjamin Harrison, 30 April 1783, in *The Writings of George Washington*, ed. John C. Fitzpatrick (Washington, DC: Government Printing Office, 1938), 26:370.

¹⁹⁶ Lund Washington, List of slaves returned from British, 1781, Lund Washington Manuscripts, The Fred W. Smith National Library for the Study of George Washington at Mount Vernon, accessed on 14 January 2022, <http://catalog.mountvernon.org/digital/collection/p16829coll13/id/153>.

¹⁹⁷ *Ibid.*

Escaping Yorktown

The surrender at Yorktown precipitated a crisis for Black and white refugees. White loyalists accused Cornwallis of having “acknowledged the right of punishment claimed by the rebels” in Article Ten of the terms of the Articles of Capitulation.¹⁹⁸ The general, they claimed, was guilty of a dereliction of duty in leaving a “number of the inhabitants ... to the mercy of the rebels.”¹⁹⁹ New York’s royal governor, William Franklin, articulated their fury. White loyalists, according to Franklin, “were in fact considered by the capitulation in no better light than as runaway slaves restored to their former masters.”²⁰⁰ As free white subjects, white loyalists felt their world had been turned upside down by the denial of sanctuary.

The British fleet suddenly became a contested sanctuary space for refugees. In the days following the surrender on 19 October, both Black and white refugees desperately sought to board royal vessels. Chaos and confusion reigned. White refugees argued that “only a few (who happened accidentally to get a hint that they might possibly save themselves in that way)” were able to board the *Bonetta*.²⁰¹ Cornwallis protested that “he was much hurried” and his actions had been constrained by being “in the power of the enemy.”²⁰² The general instead empowered an “Inspector of Refugees,” and Ralph Dundas, the captain of the *Bonetta*, to oversee the evacuation.²⁰³ White loyalist refugees complained that they were “grossly abused and ill treated by Captain Dundas.”²⁰⁴ Far from carrying only “12 or 14” refugees, as loyalists claimed, Cornwallis testified that “upwards of 400 persons” left Yorktown on board the *Bonetta*.²⁰⁵ A

¹⁹⁸ William Franklin to Clinton, 19 December 1781, in *Documents of the American Revolution*, ed. K. G. Davies (Dublin: Irish University Press, 1979), 20:280.

¹⁹⁹ *Ibid.*

²⁰⁰ *Ibid.*

²⁰¹ Franklin to Lord George Germain, 6 November 1781, in *Documents of the American Revolution*, 20:255.

²⁰² Franklin to Clinton, 19 December 1781, *DAR*, 20:280.

²⁰³ Franklin to Clinton, 19 December 1781, *DAR*, 20:281.

²⁰⁴ *Ibid.*

²⁰⁵ Cornwallis to Philip Stephens, Secretary of the Board of Admiralty, 9 March 1782, Report of the Court Martial of Capt. Dundas of the *Bonetta*, 16 March 1782, SP 42/57, PRO, NAUK, cited in John O. Sands, *Yorktown's Captive Fleet* (Charlottesville: University of Virginia Press, 1983), 101.

court martial later cleared Dundas, recording that he had received “upwards of 340” refugees “with every attention and humanity.”²⁰⁶

Faced with such a constrained conception of sanctuary, the few Black refugees who escaped Yorktown with the British forces relied on the patronage of royal officers to sustain their sanctuary. Walter Harris received a recommendation from Simcoe when he joined Cornwallis’s forces and Cornwallis later testified to Harris’s “attachment and fidelity to him and the British cause.”²⁰⁷ The relationship that Harris cultivated with British officers likely secured his passage from Yorktown to New York. Johnson, too, appealed to Cornwallis to protect him. In the aftermath of the surrender, Johnson told how he was “particularly inquired after” by the Continental army general Robert Howe “on account of his activity” with the British forces.²⁰⁸ Johnson believed he “would have been hanged” if Patriot forces had succeeded in capturing him.²⁰⁹ Unlike the majority of Black refugees who the British abandoned, Johnson, his wife Margaret and their children were “privately sent on board the *Bonetta* sloop to New York by Lord Cornwallis’s directions.”²¹⁰ Unlike Harris, Johnson was able to secure sanctuary not only for himself, but for his family. Johnson’s desperate appeal anticipated the claims to refugee status that Black refugees would make in Charleston and New York City in front of military commissions in the subsequent two years. They were, as historian Sean Gallagher has argued, part of a longer history of “asylum-seeking practices” that Black refugees had enacted throughout the Revolutionary War.²¹¹

²⁰⁶ Ibid.

²⁰⁷ Petition of Walter Harris, 24 June 1783, AO 12/99/334, NAUK.

²⁰⁸ Petition of Thomas Johnson, AO 13/70b/301-302, NAUK.

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ Sean Gallagher, “Black Refugees and the Legal Fiction of Military Manumission in the American Revolution,” *Slavery and Abolition* 43, no 1 (2021): 142.

The testimonies of white loyalists who served with Cornwallis's army offer insight into the desperate flight to get on board one of the departing British vessels. The vessel named in the Articles of Capitulation, the *Bonetta*, lay for several anxious days at the mouth of the York River. Washington did not grant permission for another three vessels to depart until 5 November.²¹² William P. Mathews, from Hampton, had served as deputy assistant quartermaster general and thought that his status as lieutenant in a "Corps of Pioneers" would make him "secure" against retributions.²¹³ Years later, his widow recounted how "rebel officers burst into his room and would have murdered him, but for a friend who helped him escape to H. M. S. *Bonetta*."²¹⁴ Mathews and his wife found sanctuary on board the same vessel which carried Johnson and his wife and child, "privately sent on board the *Bonetta* sloop to New York by Lord Cornwallis's directions."²¹⁵

Like those Black refugees who served as guides for the British, Richard Jolliffe, a white loyalist from nearby Norfolk, had "often risked [his] life" by "offering to gather intelligence" for Benedict Arnold.²¹⁶ Jolliffe received a captain's commission and served with Cornwallis's army until the surrender. The loyalist recalled what he perceived as the indignity of having been "imprisoned with several hundred" Black refugees "despite evidence that he was a commissioned officer."²¹⁷ Jolliffe "escaped on board one of the cartels to New York by concealing himself in [the] hold."²¹⁸ In his testimony, he described how "despite three searches

²¹² Washington to François-Joseph-Paul, Comte de Grasse-Tilly, 5 November 1781, in *The Writings of George Washington from the Original Manuscript Sources, 1745-1799*, ed. John C. Fitzpatrick (Washington, DC: U.S. Government Printing Office, 1937), 23:337.

²¹³ Petition of Margaret Mathews, in *American Loyalist Claims*, ed. Peter Wilson Coldham (Washington, DC: National Genealogical Society, 1980), 1:337.

²¹⁴ *Ibid.*

²¹⁵ Petition of Thomas Johnson, AO 13/70b/301-302, NAUK.

²¹⁶ Petition of Richard Jolliffe, in *American Loyalist Claims*, 1:265.

²¹⁷ *Ibid.*

²¹⁸ *Ibid.*

with candles, [he] was not discovered.”²¹⁹ Black refugees would have shared the fears that Joliffe recalled.

Despite the searches carried out on vessels such as the one on which Joliffe sailed, some Black refugees made similarly miraculous escapes. Johann Ewald departed Yorktown on board the *Andrew*, which set sail on 3 November. In his diary, the Hessian officer recorded that “There were some fifty various black and white two-footed creatures of both sexes.”²²⁰ Ewald added, “I could not see their faces because they hid them; they probably were contraband.”²²¹ Carl Leopold Baurmeister, a Hessian officer in New York, recorded the arrival of the *Andrew* on 25 November. His account, too, referred to “some fifty persons” who “had concealed themselves in the hold, thus escaping the inevitable revenge of the rebels.”²²²

Conclusion

Black freedom seekers in Virginia judged that their best hopes of escaping slavery and putting a liberating distance between themselves and their enslavers lay with the British army. Rather than a sanctuary space, refuge instead became mobile. Sanctuary from slavery was, however, no guarantee of freedom. Despite British generals’ proclamations, the sanctuary, or “freedom of sorts,” experienced by Black refugees on the move with the royal army was fragile and reversible.²²³ Refuge with the British army was contingent on several factors, including the patronage of British officers and British forces’ wartime fortunes. As in occupied Savannah

²¹⁹ Ibid.

²²⁰ Ewald, Entry of 3 November 1781, 343.

²²¹ Ibid.

²²² Carl Leopold Baurmeister, Entry of 8 December 1781, in *Revolution in America: Confidential Letters and Journals 1776- 1784 of Adjutant General Major Baurmeister of Hessian Forces*, trans. and ed. Bernhard A. Uhlendorf (New Brunswick, NJ: Rutgers University Press, 1957), 480.

²²³ Urwin, “When Freedom Wore a Red Coat,” 13.

and Charleston, Black freedom seekers staked their claim to refugee status through their labor, without which Cornwallis's campaign, like the occupations, would not have been possible. As in Savannah and Charleston, enslavers pursued Black refugees and pressured British officers to return them to slavery.

Whether in occupied cities or on the move with the British army, Black refugees forged refugee status by articulating and enacting loyalism. Historian Alexander Byrd has argued that "Most important to grasping the nature of the passages such refugees took from slavery to liberty is the length of their journeys."²²⁴ These passages were not only physical, but spiritual and emotional. The length of Black refugees' refuge from their enslavers allowed Black refugees to experience and practise autonomy and freedom. As Byrd noted, when Black refugees departed from New York City in 1783, on average they had "trailed alongside royalist forces and/or maintained themselves within British lines for nearly five years."²²⁵ As will be argued in Chapter Five, the length of time Black refugees spent with the British forces became crucial in recognising refugee status.²²⁶ In April 1783, Sir Guy Carleton made having "resided twelve months within the British lines," or "a special passport from the Commandant," conditions for refugee status.²²⁷

In contrast, many of the Black refugees who joined Cornwallis's army as it made its way north towards Yorktown spent far less time with the British troops, although they did not know it when they reached the royal forces. The limited amount of time that these Black refugees spent following the army circumscribed their ability to force British commanders to

²²⁴ Alexander X. Byrd, *Captives and Voyagers: Black Migrants across the Eighteenth-Century British Atlantic World* (Baton Rouge: Louisiana State University Press, 2008), 155.

²²⁵ Ibid.

²²⁶ Sir Guy Carleton's orders in New York of 15 April 1783, published in the *Royal Gazette* (New York), 23 April 1783.

²²⁷ Ibid.

recognize their status as refugees. Refuge with the British army was contingent on the royal forces' fortunes. At Portsmouth and then at Yorktown, Cornwallis withdrew refuge. The Articles of Capitulation, negotiated by Washington and Cornwallis, did not recognize the sanctuary that Black refugees had forged with the British army. When the British surrendered, many Black refugees had already been denied protection within the garrison. In contrast to the evacuations from Charleston and New York, most Black refugees did not receive protection behind British lines nor were there hearings at which freedom seekers could appeal to British officers to recognize their refugee status.

The failure and inability of the British to honour proclamations made to Black refugees who followed the army to Yorktown, therefore, stands in contrast to Black refugees' experiences during the evacuations from Charleston and New York City, to be discussed in Chapter Five. The British departure from the newly independent United States forced British generals and Sir Guy Carleton, their new commander in chief, to reckon definitively with the thousands of Black refugees who, in response to royal proclamations, had created sanctuary spaces for themselves. At Yorktown, however, when the departure of British forces from New York was more than two years away, British commanders had still not formulated a clear, uniform policy towards the Black refugees who had been persistently fleeing to their lines since 1775.

The Articles of Capitulation at Yorktown exposed the British military's lack of a clear policy towards refugees more generally, both Black and white. After Yorktown, white loyalists rebuked their government for failing to protect them. In the aftermath, British officers were unable to argue for their nation's exceptionalism or higher moral authority. Determined to regain the "moral capital" lost in Virginia, even as British and American negotiators debated

the terms of independence for the United States, British officers, as Sylvia Frey put it, “began to anxiously promote the formulation of a comprehensive plan which would recognize the valuable service rendered” by Black refugees.²²⁸

²²⁸ Sylvia R. Frey, “The British and the Black: A New Perspective,” *The Historian* 38, no. 2 (1976): 234.

Chapter Five. “Refuge in the British Lines”: Refugees from Slavery and Sanctuary Status in Charleston and New York City, 1782-1783.

Introduction

In 1783, as British forces prepared to depart from New York City, a royal official sat down to review British policy towards enslaved people during the Revolutionary War. This remarkable document, titled a “Précis relative to Negroes in North America,” represents the most comprehensive single evaluation of how the British military interpreted its own response to Black freedom seekers.¹ The “Précis” was composed in the war’s final year by an unnamed writer, though Sir Guy Carleton, the British commander-in-chief, was the likeliest author.²

From the war’s outset, the author acknowledged, enslaved people freed themselves by “taking advantage of the general confusion” to flee “their masters.”³ In escaping, self-emancipated people became refugees from slavery. Women, men, and children who fled their enslavers “took refuge within the British lines,” where the king’s forces, eager to undermine the revolt against royal rule, “received” and gave “a *tacit* protection ... to them [emphasis in original].”⁴ Self-liberated people were refugees from slavery, irrespective of their enslavers’ wartime allegiances. However, the question of whether the British military and government would recognize Black people who escaped slavery as refugees remained contested until the royal forces left the newly independent United States in December 1783.

¹ “Précis relative to Negroes in North America,” undated, CO 5/8, National Archives, United Kingdom, hereafter NAUK.

² Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill: University of North Carolina Press, 1961), 171. Simon Schama, *Rough Crossings: Britain, the Slaves, and the American Revolution* (London: BBC Books, 2005), 179. Schama suggested that the document was “probably drafted by Carleton himself in the latter part of 1783.”

³ “Précis,” CO 5/8, NAUK.

⁴ Ibid.

Black refugees, the author observed, interpreted Sir Henry Clinton's Philipsburg Proclamation as "an actual emancipation" and "flocked" to the British army.⁵ In doing so, as historians have argued, Black refugees made documents which did not promise freedom into ones which, by 1783, had become emancipation proclamations for some freedom seekers.⁶ Refugees from slavery, both in the Lowcountry and New York, appealed to royal forces to recognize them as refugees. They petitioned officers for "formal certificates of protection [emphasis in original]," which they regarded as "equal to emancipation [emphasis in original]" and guarantees of refugee status.⁷

The "Précis" both illuminated and obscured how refugees from slavery gained recognition as refugees. Although the author declared that the British government guaranteed freedom, and with it refuge, to "all such Negroes as had, previous to the Treaty taken protection under Sir Henry Clinton's Proclamation [emphasis in original]," recognition of that sanctuary status was circumscribed by several factors.⁸ Refuge seeking and refuge making were, above all, uncertain and uneven processes. For the refugees from slavery who beseeched the British to recognize them as refugees, they must have experienced something that felt like an arbitrary, traumatic ordeal.

Firstly, enslavers' always mutable wartime allegiances determined whether British officials would acknowledge a Black freedom seeker's refugee status.⁹ Refugees from slavery

⁵ Ibid.

⁶ See Sylvia R. Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton: Princeton University Press, 1991). Frey argued that "thousands of South Carolina's slaves chose to interpret [Clinton's] offer of freedom to 'enemy Negroes' as a general emancipation," 118. More recently, Sean Gallagher has reminded us that the Philipsburg Proclamation offered refuge but "It still did not promise freedom," see Sean Gallagher, "Black Refugees and the Legal Fiction of Military Manumission in the American Revolution," *Slavery & Abolition* (2021): 6.

⁷ "Précis," CO 5/8, NAUK.

⁸ Ibid.

⁹ Like Dunmore's proclamation, Clinton's Philipsburg Proclamation, issued on 30 June 1779, was directed towards enslaved people fleeing from revolutionaries. It promised "full security to follow within these lines, any

who had fled from a loyalist enslaver had no claims to refugee status. Black and white loyalism, and in turn, refugee status were, therefore, in conflict. Loyalism meant different things to Black and white refugees.¹⁰ For white loyalists, it meant the retention of enslaved human beings; for those fleeing bondage, it meant the possibility of sanctuary and, perhaps, some kind of freedom. Black freedom, however, was contingent on British recognition of refugee status, and Black refuge was, at least theoretically, contingent on an enslaver's allegiance.

Secondly, Black refugees had to have sought sanctuary within the British lines before the provisional peace treaty was agreed, or published.¹¹ Thirdly, Black refugees' ability to claim refugee status was often linked to their physical ability to serve in, and with, the British armed forces. Refugee status had gendered contours which threatened to break apart family and kin networks. British proclamations, such as Clinton's, appealed directly to enslaved men, even if Black women nevertheless responded in large numbers.¹² British adjudicators of refugee status, moreover, sometimes deemed children as being incapable of responding to royal proclamations.¹³ Finally, whether Black refugees made the decision to come voluntarily within

occupation which he shall think proper" to "every Negroe who shall desert the rebel standard," see PRO 30/55/17, NAUK.

¹⁰ For a discussion of the appropriateness of the term "Black loyalist," see Barry Cahill, "The Black Loyalist Myth in Atlantic Canada," *Acadiensis* 29, no 1 (1999): 76-87 and James W. St. G. Walker, "Myth, History and Revisionism: The Black Loyalists Revisited," *Acadiensis* 29, no. 1 (1999): 88-105.

¹¹ Carl Leopold Baurmeister, Entry of 29 April 1783, in *Revolution in America: Confidential Letters and Journals 1776- 1784 of Adjutant General Major Baurmeister of Hessian Forces*, trans. and ed. Bernhard A. Uhlendorf (New Brunswick, NJ: Rutgers University Press, 1957), 556; Substance of a Conference Between General Washington and Sir Guy Carleton, 6 May 1783, in *The Writings of George Washington*, ed. John C. Fitzpatrick (Washington, DC: Government Printing Office, 1938), 26:403.

¹² For a detailed analysis of Black women's presence in the "Book of Negroes" and Black women's response to British proclamations, see "Appendix 1," in *The Book of Negroes: African Americans in Exile after the American Revolution*, eds. Graham Russell Gao Hodges and Alan Edward Brown (New York: Fordham University Press, 2021), 215-223. 322 women, compared to 601 men, claimed that they had responded to a British proclamation in seeking freedom while 247 women, compared to 372 men, affirmed that they had escaped their enslavers during the Revolutionary War. For an example of the gendered contours of British proclamations, see John Graves Simcoe's Proclamation, 2 December 1780, in John Graves Simcoe Papers, William L. Clements Library, University of Michigan, cited in Ruma Chopra, *Unnatural Rebellion: Loyalists in New York City During the Revolution* (Charlottesville: University of Virginia Press, 2011), 146. Simcoe promised the "able bodied men slaves to those who are in arms against his Majesty's government" that they "would have their liberty and be protected by King George provided they come without their wives and children who cannot be received or protected at present."

¹³ Hodges, "Introduction," in *The Book of Negroes*, eds. Hodges and Brown, xviii.

the British lines or were forcibly removed into those lines by royal forces, further constricted British notions of refuge. This distinction became particularly important in South Carolina where Black refugees who laboured on the sequestered plantations surrounding Charleston were denied refugee status.

This chapter explores how refugees from slavery gained recognition from the British forces as refugees during the war's final two years. It focuses on the British evacuations from Charleston in 1782 and New York City in 1783 as moments when the distinction between being a refugee from slavery and gaining the acknowledgement of refugee status became most acute. Although historians have rightly paid a great deal of attention to the British evacuation from New York, the evacuation from Charleston is important for what it reveals about how Black refugees navigated the severe limitations of British conceptions of refugee status. In some ways, Charleston was a prelude to, and provided British officials with a model for, what happened later in New York. The evacuation from the final British enclave in the South took place against the backdrop of peace negotiations in Paris, but crucially the British departed before the terms of the Provisional Treaty, and Article Seven, were known.¹⁴ Nonetheless, British and revolutionary forces in South Carolina argued over the status of Black refugees within the garrison in a way that foreshadowed the dispute between Carleton and Washington in 1783. This chapter argues that although there are important continuities between the evacuations from Charleston and New York, key differences also emerged. Carleton's conception of Black refuge was more expansive than General Alexander Leslie's. In New York, in contrast to Charleston, military service with the British was not necessarily a prerequisite for refugee status.

¹⁴ For the text of the Provisional Treaty of Paris, see "British-American Diplomacy: Preliminary Articles of Peace; November 30, 1782," *The Avalon Project: Documents in Law, History and Diplomacy*, Yale Law School, accessed 23 March 2022, https://avalon.law.yale.edu/18th_century/prel1782.asp.

This chapter distinguishes between refugees from slavery and refugee status. An enslaved person who escaped slavery was a refugee from slavery, an autonomous condition that depended solely on a freedom seeker's actions. Gaining recognition as a refugee, however, depended on the British army's willingness to accept that status. As shown in Chapter Four, the ordeal of Black freedom seekers at Yorktown demonstrated what happened when British commanders were unwilling, or unable, to provide sanctuary and recognize refugee status. In Charleston and New York, refugees from slavery, as one Hessian officer put it, desperately sought to be "recognized as a refugee" by the British military authorities.¹⁵ Drawing on historian Damian Alan Pargas's concepts of "spaces of informal, semi-formal, and formal freedom," this chapter argues that refugees from slavery carved out an "informal freedom" for themselves in sanctuary spaces such as Charleston and New York City.¹⁶ However, only at the end of the war did some Black refugees experience a "formal freedom."

Black freedom seekers faced severe obstacles in carving out refugee status. In Savannah and Charleston, the vast majority of the Black population remained enslaved when the British evacuated in July and December 1782.¹⁷ In New York, too, although historians have generally paid more attention to the almost three-thousand refugees from slavery, recognized as refugees,

¹⁵ Baurmeister, Entry of 29 April 1783, in *Revolution in America*, 556.

¹⁶ Damian Alan Pargas, *Freedom Seekers: Fugitive Slaves in North America, 1800-1860* (Cambridge: Cambridge University Press, 2022), 1-14.

¹⁷ Scholars have estimated that between 5-6,000 enslaved people were forcibly removed from Savannah as part of the British evacuation in July 1782. See Jim Piecuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the Revolutionary South, 1775-1782* (Columbia, SC: University of South Carolina, 2008), 326; Sylvia R. Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton: Princeton University Press, 1991), 106; Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill: University of North Carolina Press, 1961), 163. For the evacuation from Charleston, historian Cassandra Pybus has estimated that "about 15 percent, maybe twelve hundred," of 7-8,000 Black people "left free, in one capacity or another, as indentured servants, cooks, soldiers, or free settlers," see Pybus, "Jefferson's Faulty Math: The Question of Slave Defections in the American Revolution," *William and Mary Quarterly* 62, no. 2 (2005): 263.

who left the city in 1783, an estimated 1,500 Black people were enslaved when they left.¹⁸ This chapter contends, then, that historians who have suggested that occupied New York City became “free soil” overlook the limitations of British conceptions of sanctuary for Black refugees.¹⁹ Although recent scholarship has suggested that “enslaved people freed themselves in a four-stage process of flight, documentation, testimony, and resettlement that shaped British policy as much as it responded to it,” I contend that this argument does not take into account those severe obstacles to claiming refugee status or the degrees of unfreedom which Black refugees experienced.²⁰

“Such as Have Been Promised their Freedom, To Have It”: Sanctuary’s Limits in the Southern Lowcountry, 1782

On 23 May 1782, Carleton, newly installed as commander-in-chief of the British armed forces in North America, wrote to General Leslie, the British commanding officer in Charleston.²¹ Carleton’s letter, marked “Secret,” contained the orders for the British withdrawal from the South. The impending evacuation was “a deplorable necessity due to the unsuccessful war,” a gloomy Carleton wrote from New York.²² Britain’s departure from Savannah and Charleston forced the British military to confront the question of whether to recognize the thousands of refugees from slavery within their lines as refugees. For the Black refugee population within the two Lowcountry enclaves, news of the imminent withdrawal was terrifying. The precedent set at Yorktown less than a year earlier meant Black refugees could not be sure how the royal

¹⁸ James W. St. G. Walker, *The Black Loyalists: The Search for a Promised Land in Nova Scotia and Sierra Leone, 1783-1870* (Toronto: University of Toronto Press, 1992). Walker estimated that “1,232 slaves, often designated ‘servants’ or ‘servants for life,’ were brought by Loyalists from the former American colonies,” 40. For a more recent evaluation of the methodological challenges in determining the number of enslaved people removed to Nova Scotia, see Harvey Amani Whitfield, *North to Bondage: Loyalist Slavery in the Maritimes* (Vancouver: University of British Columbia Press, 2016), 10-12.

¹⁹ Hodges, “Introduction to the 2021 Edition,” in *The Book of Negroes*, iii.

²⁰ For this argument, see Gallagher, “Black Refugees,” 3.

²¹ Carleton to Leslie, 23 May 1782, Manuscripts and Archives Division, New York Public Library Digital Collections, accessed 24 March 2022, <https://digitalcollections.nypl.org/items/c02c9a3b-6868-7080-e040-e00a180631aa>.

²² Carleton to Leslie, 15 July 1782, PRO 30/55/44, NAUK.

forces would proceed. Would the British army abandon them as in Virginia, or would British officers honor the proclamation issued by Carleton's predecessor, Sir Henry Clinton, three years before? Carleton's orders, in which he warned that he would "admit no useless incumbrances," did not bode well.²³ Throughout the conflict, British policy towards enslaved and self-emancipated people, even as the war entered its eighth year, had been defined by its ambiguity. The question of how to deal with the flight of enslaved people toward their lines had been, as historian Jim Piecuch put it, "a dilemma that British leaders never solved."²⁴ In the wake of Carleton's orders, however, the royal forces could no longer evade that dilemma.

By the spring of 1782, the British had retreated within the garrison towns of Savannah and Charleston. The withdrawal within these enclaves exacerbated a refugee crisis. White loyalist refugees, often forcibly removing enslaved communities, sought sanctuary within the occupied cities, while refugees from slavery made them places of uncertain refuge. "Since our misfortunes in Virginia," Leslie warned in January 1782, the refugee population, both Black and white, within Charleston had swelled.²⁵ Loyalists who had been "drove with their families from their possessions," the general cautioned, had "become a burthen upon us."²⁶ Within Charleston, the combined Black population, enslaved and free, numbered approximately ten thousand people.²⁷ As he prepared for the evacuation, Leslie estimated that within Charleston, there were four thousand Black refugees who had fled from their rebel enslavers. White loyalists, he predicted, would seek to forcibly remove six thousand enslaved people with them.²⁸ For the majority of the Black refugee community, Charleston represented at best a

²³ Carleton to Leslie, 23 May 1782.

²⁴ Jim Piecuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the Revolutionary South, 1775-1782* (Columbia, SC: University of South Carolina Press, 2008), 221.

²⁵ Leslie to Lord George Germain, 3 January 1782, in *Report on American Manuscripts in the Royal Institution of Great Britain* (Dublin: Historical Manuscripts Commission, 1906), 2:378.

²⁶ Leslie to Lord George Germain, 3 January 1782, *RAM*, 2:379.

²⁷ Frey, *Water from the Rock*. Frey estimated that the Black population in Charleston was 10,000 to 12,000 (177).

²⁸ Leslie to Carleton, 27 June 1782, PRO 30/55/43, NAUK.

space of fleeting “informal freedom,” where refugees from slavery navigated the ambiguities of British policy to carve out degrees of freedom for themselves.²⁹ In the minority were those Black refugees, like the George family, who had received explicit promises of freedom from the British military authorities in response to their service behind British lines.³⁰ With the evacuation came renewed fears about whether the British forces would honour those promises.

Even before the Black refugee community learned of the withdrawal plans, refugees’ anxieties had been mounting in the wake of the surrender at Yorktown. The capitulation terms were published in full by Charleston’s loyalist newspapers on 28 November 1781.³¹ Across the Lowcountry, loyalists, both Black and white, feared that they would face a similar abandonment. From Savannah, General Alured Clarke sought assurances from Clinton that the British would not depart the Lowcountry in a similar fashion. The “tenth article of the capitulation of Yorktown,” Clarke warned, had “made a very alarming impression on the minds of the people in general.”³² Loyalists were haunted by the fear, seized on by revolutionaries, that a “similar fate” awaited the refugee population within Charleston.³³ Now “flattered with the promises of protection, support, and reward,” revolutionaries taunted loyalists with the prospect that “when danger threatens, ... you will discover ... that you have been the dupes of the British Commanders, who will endeavour to secure favourable terms for themselves and their troops, by sacrificing you to the vengeance of your injured country.”³⁴ Black refugees

²⁹ Pargas, *Freedom Seekers*, 3. Pargas defines “spaces of informal freedom” as places where “runaways had no legal claim to freedom or protection from reenslavement,” 3.

³⁰ David George’s lease and passports, 1779-1781, Commissioner of Public Records, Nova Scotia Archives, RG 1 170: 332-333 (microfilm 15282), accessed 20 March 2022, <https://archives.novascotia.ca/africanns/archives/?ID=19>.

³¹ *Royal Gazette* (Charleston), 28 November 1781.

³² Alured Clarke to Sir Henry Clinton, 20 December 1781, in *The American Rebellion: Sir Henry Clinton’s Narrative of his Campaigns, 1775-1782, with an Appendix of Original Documents*, ed. William B. Willox (New Haven: Yale University Press, 1954), 591.

³³ *Royal Gazette* (Charleston), 1 December 1781.

³⁴ *Ibid.*

must have shared the fears that they would be used as “bargaining chips” to secure not only the withdrawal of the British forces, but the interests of the white loyalist population.³⁵

It was against this backdrop that Black refugees who were serving in the engineer department appealed to Lieutenant Colonel James Moncrief to offer them guarantees that the British would not abandon them. In March 1782, Moncrief wrote to Clinton, expressing his “serious concern” at the number of Black refugees who had “attached themselves to the Engineer Department since my arrival,” beseeching him “for protection.”³⁶ As historian Sylvia Frey argued, the circumstances of the British surrender at Yorktown compelled some British officers deployed within garrisons with large Black refugee communities “to anxiously promote the formulation of a comprehensive plan which would recognize the valuable service rendered by the former slaves.”³⁷ The terms of Cornwallis’s capitulation, Frey suggested, had exposed the extent to which “the military had not given any serious thought to their disposition at the war’s end.”³⁸ Black refugees who had served with the British forces, however, were active agents in shaping British officers’ attitudes by forcing officers like Clarke, Moncrief, and Leslie to reckon with their fates.

In the Lowcountry, Leslie became the architect of the British withdrawal. The general did not conceive of evacuation as an act of mass emancipation. Rather he ordered the forced removal of thousands of enslaved people to various points of the British empire. In June 1782, Leslie contemplated the impending evacuation from Savannah to East Florida and its consequences for white refugees. The “neighbouring province,” would, Leslie reflected,

³⁵ Piecuch, *Three Peoples, One King*, 308. As the historian Robert Stansbury Lambert put it, enslaved communities “became valuable pawns in the contest between the two sides,” see Lambert, *South Carolina Loyalists in the American Revolution* (Columbia, SC: University of South Carolina Press, 1987), 242.

³⁶ James Moncrief to Clinton, 13 March 1782, *RAM*, 2:419.

³⁷ Sylvia R. Frey, “The British and the Black: A New Perspective,” *The Historian* 38, no. 2 (1976): 234.

³⁸ *Ibid.*

“afford them a convenient refuge.”³⁹ East Florida was “a country where their Negroes may continue to be useful to them.”⁴⁰ Days later, Leslie acquiesced to white loyalists’ demands to “order shipping for the accommodation of fifty white men and nineteen hundred Negroes,” thereby facilitating their forced removal to Jamaica.⁴¹

Leslie, however, personified what historian Donald Johnson described as the British military’s “ambiguous” position towards Black refugees, if not slavery as an institution.⁴² At the same time as Leslie acted as guarantor of white loyalists’ human property through the forced removal of entire enslaved communities, he also argued for offering protection to Black refugees who had served with the British military. Leslie, like Moncrief, had experience commanding Black soldiers and Pioneer corps. Until the very end of the occupation, the general deployed Black dragoons on military operations outside the garrison. Indeed, Black troops represented some of the most loyal of Charleston’s population, with one revolutionary soldier noting that Leslie relied on the Black cavalry to stem the tide of desertions.⁴³

On 27 June, Leslie wrote to Carleton with “some remarks I wish to have answered.”⁴⁴ The general’s correspondence with Carleton had critical implications for Charleston’s Black refugee population. At the same time as he ordered the forced removal of enslaved communities to East Florida and the Caribbean, Leslie sought clarification on whom amongst Charleston’s

³⁹ Leslie to Carleton, 28 June 1782, *RAM*, 2:546.

⁴⁰ *Ibid.*

⁴¹ Leslie to William Swiney, 6 July 1782, Manuscripts and Archives Division, New York Public Library Digital Collection, accessed 28 March 2022, <https://digitalcollections.nypl.org/items/c02c9a3b-6754-7080-e040-e00a180631aa>

⁴² Donald F. Johnson, “The Failure of Restored British Rule in Revolutionary Charleston, South Carolina,” *Journal of Imperial and Commonwealth History* 42, no. 1 (2014): 30.

⁴³ Colonel Thaddeus Kosciuszko to Nathanael Greene, 5 November 1782, in *The Papers of General Nathanael Greene*, eds. Dennis M. Conrad and Roger N. Parks (Chapel Hill: University of North Carolina Press, 2002), 12:150; William Seymour, “A Journal of the Southern Expedition, 1780-1783,” *Pennsylvania Magazine of History and Biography* 7, no. 4 (1883): 389; *Ibid.*, 393.

⁴⁴ Leslie to Carleton, 27 June 1782, *RAM*, 2:543.

Black refugee population should be included as part of the evacuation. The general asked for Carleton's guidance on whether to distinguish between Black refugees who had served with the British military and the refugees from slavery who had once laboured on the sequestered plantations surrounding Charleston or who had been compelled to work for the royal forces and were then within the British lines. These categories, moreover, did not take into account the Black population who remained enslaved by white loyalists. Although Leslie attempted to draw clear distinctions, the chaotic conditions within the occupied city made doing so increasingly difficult.

In his first query, Leslie asked Carleton, "if this town is to be evacuated, what will be done with the sequestered negroes now under charge of Mr. [John] Cruden, and employed in the different departments."⁴⁵ The implication of Leslie's question was that Black refugees who had, at least initially, been compelled to labour as part of the British war effort rather than seeking sanctuary under proclamations or choosing to fight for the British had uncertain claims to refugee status. Leslie distinguished between this first group and the "many" Black refugees who had "been very useful, both at the siege of Savannah and here."⁴⁶ Through military service, especially as guides, these Black refugees "from their loyalty [had] been promised their freedom."⁴⁷ It was this demonstration of loyalty to the British cause, Leslie suggested, that meant that the British military should remove them beyond their enslavers' reach.

In his reply, dated 15 July, Carleton ruled that Black refugees, "such as have been promised their freedom, to have it."⁴⁸ At the same time as he reaffirmed the promise of freedom made by Clinton in June 1780 at the beginning of the city's occupation, Carleton gave Leslie

⁴⁵ Leslie to Carleton, 27 June 1782, *RAM*, 2:544.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ Carleton to Leslie, 15 July 1782, PRO 30/55/44, NAUK.

considerable discretion to determine Black refugees' status.⁴⁹ Black refugees who did not possess documentation of their status were "left to the General's decision."⁵⁰ For those Black refugees who had not voluntarily come within the British lines, Carleton again gave Leslie responsibility for British policy towards this displaced population. "It is left to Genl. Leslie's decision," he wrote, "to act as he judges best."⁵¹ The categories of Black refugee status conceived of by the British military, then, simultaneously limited Black refugees' ability to claim sanctuary status, while giving officers a considerable degree of flexibility, which Black refugees could, in turn, potentially exploit.

Having received significant discretion, Leslie set about conceptualizing what would merit being recognized as a refugee. The refugee status he conceived of was one forged through military service with the British forces. Leslie was ambivalent towards Black refugees whose labour had been appropriated by the royal forces, whether on plantations or in the army's different departments. However, "those who have voluntarily come in, under the faith of our protection," Leslie judged, "cannot in justice be abandoned to the merciless resentment of their former masters."⁵² To be recognized as a refugee, Black refugees needed to have made an explicit choice to join the British. The parameters of Leslie's conceptions of refuge were bounded by military service, revealing the extent to which refuge was on a spectrum of unfreedom. Leslie contemplated sending Black refugees "to Florida, to Jamaica, or other parts of the West Indies, ... where their past services will engage the grateful attention of government, to which they will continue to be useful."⁵³

⁴⁹ Clinton, Memoranda for the Commandant of Charlestown and Lieu. General Earl Cornwallis, 3 June 1780, PRO 30/55/23, NAUK.

⁵⁰ Carleton to Leslie, 15 July 1782.

⁵¹ *Ibid.*

⁵² Leslie to Carleton, 19 August 1782, PRO 30/55/46, NAUK.

⁵³ *Ibid.*

The circumscribed nature of refugee status with the royal army meant that Black refugees were right to fear being sacrificed as part of British plans for withdrawal from Charleston. In October, Leslie negotiated an agreement with the revolutionary government that would return to bondage “all the slaves, the property of American subjects in South Carolina, now in my power.”⁵⁴ Leslie reaffirmed that there were two means by which Black refugees could avoid re-enslavement and claim refugee status, but they were conditioned by service with the royal forces. Reaching the British lines was not in itself enough for the British to recognize a Black freedom seeker’s refugee status. The treaty “recommended” that enslavers “forgive” refugees from slavery “for having left their masters and having attached themselves to the British troops.”⁵⁵ As a result, Black refugees needed British soldiers’ testimony or a physical certificate as evidence of their claims to refugee status. The British conceded sanctuary to those Black refugees within Charleston who had “rendered themselves particularly obnoxious by their attachment and services to the British troops” and those who had received “specific promises of freedom,” two qualifications which were often linked.⁵⁶ As part of their agreement, Leslie and the revolutionary governor John Mathews appointed commissioners to represent them in supervising the evacuation. Black refugees who claimed refugee status were valued by these commissioners in the expectation that the British government would agree to pay their former enslavers compensation.⁵⁷ The agreement, then, acknowledged enslavers’ property claims even as it freed some Black refugees.

With an agreement reached with the revolutionary forces, Leslie set in motion the process for establishing who among Charleston’s Black refugee population could claim sanctuary status. In October, the commander established a tribunal at the Statehouse where

⁵⁴ Leslie to Alexander Wright and James Johnston, 7 October 1782, CO 5/107, NAUK.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ 10 October 1782, CO 5/107, NAUK.

Black refugees appeared before commissioners to testify in an effort to convince them that they were “obnoxious.” As historian Maya Jasanoff suggested, Leslie’s actions “provided an important model for the still larger evacuation of blacks that Sir Guy Carleton would soon superintend in New York.”⁵⁸ Leslie’s orders to the commissioners established the parameters within which Black refugees could claim refugee status. To do so, Black refugees were required to be “serving with the army and in the several public departments,” to have “come in under the faith of various proclamations and promises, in hope of obtaining their freedom,” and to “have borne arms with the King’s forces and by other services of a peculiar nature have rendered themselves more particularly obnoxious.”⁵⁹ Leslie recognized that Black refugees could be subjected both to individual and state violence, asking the commissioners to assess whether refugees would be exposed “to the severity of the rebel laws and the resentment of their former masters.”⁶⁰

The hearings had unexpected consequences. Black refugees sought refugee status in such large numbers that Leslie balked at the “monstruous expence [sic]” that the agreement would commit the British government to paying in compensation, assuring Carleton that he would “use every exertion to restrain it within the narrowest possible limits.”⁶¹ Leslie anticipated that, such was Black refugees’ clamour for refugee status, compensation to enslavers would be “considerable” due to “the number of families which must of necessity be

⁵⁸ Maya Jasanoff, *Liberty’s Exiles: The Loss of America and the Remaking of the British Empire* (London: Harper Press, 2011), 75.

⁵⁹ Leslie to Robert Powell et al, October 1782, Manuscripts and Archives Division, New York Public Library Digital Collections, accessed 26 January 2022, <https://digitalcollections.nypl.org/items/c02c9a3b-6808-7080-e040-e00a180631aa>.

⁶⁰ Ibid.

⁶¹ Leslie to Carleton, 18 October 1782, *RAM* (Hereford: Historical Manuscripts Commission, 1907), 3:175; Leslie to Carleton, 18 October 1782, Manuscripts and Archives Division, New York Public Library Digital Collections, accessed 26 January 2022, <https://digitalcollections.nypl.org/items/c02c9a3b-67e2-7080-e040-e00a180631aa>

included, and the high price this property now bears.”⁶² Despite its precarious nature, Black refugees sought to navigate degrees of unfreedom to secure sanctuary status. In early November 1782, one enslaver in Charleston confessed that he had “used for this three months past every argument I was master of to get them to return, but to no effect.”⁶³ The correspondent had “spoke[n] to several of them I knew, who told me with an air of insolence they were not going back.”⁶⁴

By including the term “obnoxious” in the agreement, Leslie had unwittingly allowed Black refugees to carve out further categories of refuge, beyond explicit, and demonstrable, written promises of freedom. As historian Sean Gallagher has argued, the concept of being “obnoxious” to both their individual former enslavers and the revolutionary state of South Carolina was one which Black refugees themselves had articulated throughout the British occupation.⁶⁵ The word denoted that Black refugees would be subject to violent reprisals at both an individual and state level. It was an argument that Black refugees had made in fleeing to British lines across the Lowcountry and one that British commanders found compelling.⁶⁶ In employing the term “obnoxious,” Black refugees and British officers evoked an understood language and vocabulary of refugeedom, or refugee status that in New York, if not in Charleston, offered the potential for a more expansive conception of refugee status.

Black refugees, then, experienced degrees of unfreedom even as they sought sanctuary status. Although service with the British army was a means by which to escape slavery, British

⁶² Leslie to Carleton, 18 October 1782, Manuscripts and Archives Division, New York Public Library Digital Collections, accessed 26 January 2022, <https://digitalcollections.nypl.org/items/c02c9a3b-67e2-7080-e040-e00a180631aa>

⁶³ Unknown to unknown, 2 November 1782, in “Marion-Gadsden Correspondence,” ed. John Bennett, *South Carolina Historical and Genealogical Magazine* 41, no. 2 (1940): 48.

⁶⁴ *Ibid.*

⁶⁵ For the significance of the term “obnoxious” in determining refugee status, see Gallagher, “Black Refugees,” especially 3-9.

⁶⁶ See Alured Clarke to Lord Cornwallis, 10 July 1780, PRO 30/11/2, NAUK.

officers had their own interests. Royal “officers long in this country,” Leslie acknowledged, “look on negroes as their property.”⁶⁷ “Every department, and every officer,” the increasingly exasperated general complained, “wishes to include his slave into the number to be brought off.”⁶⁸ British officers “pretend[ed] them spys [sic], or guides, and of course obnoxious, or under promises of freedom from Genl. Prevost, Ld. Cornwallis, Ld. Rawdon, or some other officer of rank, or free by proclamation.”⁶⁹ The words “property” and “slave” were revealing. Refuge through military service did not represent unqualified freedom.

British officers like Moncrief employed, or appropriated, the language of refugedom to justify the retention of what they saw as a valuable labour force. Indeed, historian Gary Sellick has argued that Moncrief “became the most vocal advocate for the evacuation of fugitive slaves within British service at the end of the Revolutionary War.”⁷⁰ Moncrief’s motivations for removing the Pioneers from Charleston are best understood as part of a British imperial mindset that viewed Black men as “better suited to warfare in the Caribbean.”⁷¹ In his post-war memorial, Moncrief argued that “it was absolutely necessary for the success of the war and for the preservation of the lives of the soldiers in that climate, to employ a number of slaves in the different works necessary for the operations and defence of the army.”⁷²

In March 1782, Moncrief had reminded Clinton of “the many advantages which His Majesty’s service has derived from their labour.”⁷³ A “great advantage may be gained by embodying a Brigade [of] the negroes of this country,” Moncrief explained, “should any future

⁶⁷ Leslie to Carleton, 18 October 1782, *RAM*, 3:175.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ Gary Sellick, “Black Men, Red Coats: The Carolina Corps, Race, and Society in the Revolutionary British Atlantic” (PhD diss., University of South Carolina, 2010), 38.

⁷¹ Maria Alessandra Bollettino, “‘Of Equal or of More Service’: Black Soldiers and the British Empire in the Mid-Eighteenth-Century Caribbean,” *Slavery & Abolition* 38, no. 3 (2017): 519.

⁷² James Moncrief memorial, James Moncrief Papers, William L. Clements Library, University of Michigan.

⁷³ Moncrief to Clinton, 13 March 1782, Moncrief Papers, Clements Library.

service be going forward, which may require the labour of men in carrying on works.”⁷⁴ By September, Moncrief employed the language of refugeedom in an effort to provide justification for their removal. In a letter of 27 September, Moncrief expressed “how anxious [he was] to know the fate of the unfortunate Negroes, who have followed me on every service since the first period of my arrival in the province of Georgia.”⁷⁵ It “would be the height of injustice and inhumanity,” he stressed, “to suffer them to remain behind at the mercy of every rebel in this country.”⁷⁶ Moncrief’s conceptions of refuge aligned with those of Leslie. Leslie agreed that martial service for the British, and the promise of a future labour force, were compelling arguments for removing Moncrief’s Pioneer corps. Writing to Carleton three weeks after Moncrief’s intervention, Leslie “insisted ... on the impossibility of delivering up, under any stipulation a certain description of Negroes” who “having claimed our protection have borne arms in our service or otherwise rendered themselves more peculiarly obnoxious to the resentment of their former masters.”⁷⁷

Although military service conditioned the contours of Black refuge in Charleston, a smaller number of refugees from slavery who were not destined for martial duties departed at the same time. Black refugees from across the Lowcountry made their way to Charleston to testify before British officials, claim refugee status and secure their passage out of the South. Their journeys and petitions reveal their own conceptions of refuge. Being recognized as refugees was a means by which Black refugees could protect their families from the threat of displacement and re-enslavement.

⁷⁴ Ibid.

⁷⁵ Moncrief to Leslie, 27 September 1782, Moncrief Papers, Clements Library.

⁷⁶ Ibid.

⁷⁷ Leslie to Carleton, 18 October 1782, CO 5/107, NAUK.

David George, his wife Phyllis, and their three children, Jesse, David, and Ginny, relied on the solidarity of the Black community in Savannah to secure their “passage to Charlestown.”⁷⁸ The George family raised the money for paying their passage, when the “British light horse came in, and took it all away.”⁷⁹ David George “borrowed money from some of the Black people to buy hogs, and soon repaid them,” allowing the family to make the treacherous journey north.⁸⁰ The George family closely guarded the passports issued to them in Savannah which declared them “free” and “recommended [them] to the protection of his Majesty’s subjects.”⁸¹ Once in Charleston, David George remembered how “the British Commander was very kind to me.”⁸² A royal officer, most likely Leslie, “advised [George] to go to Halifax, in Nova Scotia, and gave the few Black people, and it may be as many as 500 White people, their passage for nothing.”⁸³ David George was likely on the vessel that departed Charleston for Halifax on 20 October.⁸⁴

Like the George family, other Black refugees prized the certificates that they had obtained from British officials during the occupations of Savannah and Charleston. On 14 October 1782, Ned, his wife Jemimah, and their three children, Castle, Ned, and Dublin, appeared before Robert Ballingall, the commissioner of claims. Ballingall recognized their status as refugees, granting them “permission” to go from Charleston to “York, Halifax, or elsewhere at their option.”⁸⁵ The family’s ability to claim sanctuary status rested on their

⁷⁸ David George, “An Account of the Life of Mr. David George, from Sierra Leone in Africa; given by himself in a Conversation with Brother Rippon of London, and Brother Pearce of Birmingham,” in *Unchained Voices: An Anthology of Black Authors in the English-Speaking World of the Eighteenth Century*, ed. Vincent Carretta (Lexington, KY: University Press of Kentucky, 1996), 336.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ David George’s lease and passports, 1779-1781, Nova Scotia Archives.

⁸² George, “An Account of the Life of Mr. David George,” 336.

⁸³ *Ibid.*

⁸⁴ PRO 30/55/52/48, NAUK; RAM, 3:179.

⁸⁵ Certificate of Ned, his wife and family, Commissioner of Public Records, Nova Scotia Archives, RG 1 170:336 (microfilm 15282), accessed 28 March 2022, <https://archives.novascotia.ca/africans/archives/?ID=21>.

possession of a certificate initially issued three years before, in November 1779, which recognized their service in support of British forces in Savannah and declared them “free Negroes and friends to his Majesty.”⁸⁶

Michael Thomas, his wife Sarah, and their children Michael and Thomas also secured passage from Charleston to Halifax. They possessed a certificate from July 1780, signed by Augustine Prevost and Alured Clarke, which declared that Michael Thomas had been “a friend and Loyalist since the arrival of Col. [Archibald] Campbell into Georgia” and had been “since in his Majesty’s employ.”⁸⁷ Thomas and Hannah Williams carried with them papers that affirmed that they were “both free born blacks.”⁸⁸ The couple had been travelling from Tybee to Savannah when they “lost every thing they had” in a shipwreck.⁸⁹ Their lost possessions included their “free pass,” which William Jones, a justice of the peace, affirmed that he “saw them with before.”⁹⁰

Black refugees bore the scars of their loyalty. In turn, they argued that their military service and physical sacrifice should guarantee refugee status. Samuel Burke testified that “his losses, suffering, zeal and services have been inferior to none.”⁹¹ In his post-war appearance before the Loyalist Claims Commission, Burke described how “he was badly wounded at Danbury, and so severely so at Hanging Rock that it was supposed to be mortal which obliged him to return to Charles Town.”⁹² Burke appealed to the British to acknowledge not only his own status as a refugee, but that of “his wife who had accompanied him in all his marches and

⁸⁶ Ibid.

⁸⁷ Certificate of Michael Thomas, 24 July 1780, Commissioner of Public Records, Nova Scotia Archives, RG 1 170:338 (microfilm 15282), accessed 28 March 2022, <https://archives.novascotia.ca/africanns/archives/?ID=23>.

⁸⁸ Certificates for Thomas and Hannah Williams, Commissioner of Public Records, Nova Scotia Archives, RG 1 170:333 (microfilm 15282), accessed 28 March 2022, <https://archives.novascotia.ca/africanns/archives/?ID=20>.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Claim of Samuel Burke, Loyalist Claims Commission, AO 12/19, NAUK.

⁹² Ibid.

routes, during upwards of 8 years hard service in America.”⁹³ Scipio Handley, too, bore wounds from his service with the British. Handley told how he “received a musket ball in his right leg, which proved to be a very dangerous wound” at the siege of Savannah.⁹⁴

In mid-October, only days after it was signed, the agreement between Leslie and Mathews fell apart. The revolutionary commissioners, Edward Blake and Roger P. Saunders, found their efforts frustrated by the obfuscation of British officers. Then, on 16 October, Nathanael Greene’s troops captured three British soldiers near the British position at Charleston Neck.⁹⁵ On 18 October, Leslie demanded that “the soldiers taken away will be returned.”⁹⁶ Until that time, the general declared that he was “under the necessity of putting a stop to the farther completion of the agreement.”⁹⁷ An indignant Mathews replied directly to Leslie a day later, declaring that he “look[ed] on that agreement as dissolved.”⁹⁸

British conceptions of sanctuary for refugees from slavery were shaped by military service for the royal forces. Confronted with such a circumscribed vision of refuge, Black refugees faced severe obstacles to gaining recognition as refugees. The total number of Black people, enslaved and free, who left Charleston in 1782, as Frey put it, “lies beyond historical recovery.”⁹⁹ The records are fragmentary and incomplete. However, historian Cassandra Pybus has suggested that “between 7,000 and 8,000 blacks left Charleston,” estimating that around 1,200 Black refugees were “free in one capacity or another.”¹⁰⁰ For the majority, their

⁹³ Ibid.

⁹⁴ Claim of Scipio Handley, Loyalist Claims Commission, AO 13/119, NAUK.

⁹⁵ James Wemyss to Roger P. Saunders and Edward Blake, 18 October 1782, in William Moultrie, *Memoirs of the American Revolution, so far as it related to the states of North and South Carolina, and Georgia* (New York: David Longworth, 1802), 2:347-348.

⁹⁶ Wemyss to Saunders and Blake, 18 October 1782, in Moultrie, *Memoirs of the American Revolution*, 2:348.

⁹⁷ Ibid.

⁹⁸ John Mathews to Leslie, 19 October 1782, in Moultrie, *Memoirs of the American Revolution*, 2:349.

⁹⁹ Frey, *Water from the Rock*, 174.

¹⁰⁰ Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston, MA: Beacon Press, 2006), 60. See, too, Robert Olwell, *Masters, Slaves, and*

enslavement was perpetuated by their forced removal. The figures suggested by Pybus and other scholars reveal how Charleston was, at best, a place of a fleeting, “informal freedom” for the majority of refugees from slavery. If approximately 1,200 Black refugees gained recognition as refugees, it represents a little more than a quarter of those freedom seekers who Leslie estimated had escaped their rebel enslavers by June 1782.

“That Liberty I Found Them Possessed Of”: Refugee Status in New York City, 1783

For the Black refugee population within New York City, the news that the provisional treaty committed the British forces to withdrawing “without ... carrying away any Negroes or other property of the American inhabitants” was, as Boston King remembered, the cause of “universal joy among all parties; except us.”¹⁰¹ Refugees from slavery were already the target of predators, seeking to re-enslave freedom seekers who had escaped with the British to New York or sought sanctuary behind British lines. Now Article Seven, included at a South Carolinian enslaver’s behest, sent tremors through the city’s Black refugee community.¹⁰² The treaty seemed to provide official sanction for enslavers to do as they wished. Although the peace negotiations had culminated in Paris on 30 November 1782, news of the treaty did not reach New York for several months. King, along with other Black refugees, likely found out

Subjects: The Culture of Power in the South Carolina Low Country, 1740-1790 (Ithaca, NY: Cornell University Press, 1998), 270.

¹⁰¹ Boston King, “Memoirs of the Life of Boston King, a Black Preacher. Written by Himself, during his Residence at Kingswood School,” in *Unchained Voices*, 356. For the text of the Provisional Treaty of Paris, see “British-American Diplomacy: Preliminary Articles of Peace; November 30, 1782,” *The Avalon Project: Documents in Law, History and Diplomacy*, Yale Law School, accessed 23 March 2022, https://avalon.law.yale.edu/18th_century/prel1782.asp.

¹⁰² Henry Laurens stated that he “urged [an] addition of the latter part of Article 7th prohibiting the carrying away Negroes or other property which I hope will lay a foundation for a future claim.” See Laurens to John Lewis Gervais, Ralph Izard, David Ramsay, and John Rutledge, 16 December 1782, in *The Papers of Henry Laurens*, eds. David R. Chesnut and C. James Taylor (Columbia, SC: University of South Carolina Press, 2003), 16:79-80. In his diary, John Adams, one of Laurens’s fellow negotiators, wrote “Mr. Laurens said there ought to be a stipulation that the British troops should carry off no Negroes or other American property. We all agreed. Mr. [Richard] Oswald consented,” entry of 30 November 1782, John Adams diary 37, 22-30 November 1782 [electronic edition]. *Adams Family Papers: An Electronic Archive*, Massachusetts Historical Society, accessed 23 March 2022, <https://www.masshist.org/digitaladams/archive/doc?id=D37>.

about the treaty for the first time when a summary was published in the city's *Royal Gazette* on 22 March 1783.¹⁰³

The treaty galvanized enslavers' efforts to re-enslave Black refugees. Whereas before, the issue of throwing the collective weight of the Continental Congress behind re-enslaving freedom seekers had provoked tensions between the states, the treaty's terms now seemed to endorse their efforts.¹⁰⁴ Virginia's revolutionary governor Benjamin Harrison boasted that "by a clause in the articles we are to have our negros again."¹⁰⁵ George Washington claimed that Article Seven "had escaped [his] notice," but he, like other enslavers, saw the treaty as sanctioning the capture and re-enslavement of refugees from slavery.¹⁰⁶ Buoyed by Henry Laurens's efforts, South Carolina swiftly appointed two commissioners to "recover Negroes and other property belonging to the State."¹⁰⁷

Black refugees' fears seemed to be well founded for both the British and United States authorities swiftly began to implement the article's terms. On 15 April, Carleton ordered Article Seven to "be strictly attended to and complied with by all persons whatsoever under his command."¹⁰⁸ "All masters of vessels are particularly cautioned, at their peril, not to commit any breach of the above article," Carleton ruled.¹⁰⁹ The British general, moreover, invited

¹⁰³ *Royal Gazette* (New York), 22 March 1783.

¹⁰⁴ For tensions over returning Black refugees to slavery, see Benjamin Harrison to Virginia Delegates, 30 August 1782, and Virginia Delegates to Benjamin Harrison, 10 September 1782, *The Papers of James Madison*, eds. William T. Hutchinson and William M. E. Rachal (Chicago: University of Chicago Press, 1967) 5:90 and 5:113.

¹⁰⁵ Benjamin Harrison to Washington, 31 March 1783, *Founders Online*, National Archives, accessed 28 March 2022, <https://founders.archives.gov/documents/Washington/99-01-02-10969>.

¹⁰⁶ Washington to Theodorick Bland, 31 March 1783, in *The Writings of George Washington*, ed. John C. Fitzpatrick (Washington, DC: Government Printing Office, 1938), 26:274.

¹⁰⁷ Proceedings of the Privy Council, 30 April 1783, in *Journals of the Privy Council, 1783-1789*, ed. Adele Stanton Edwards (Columbia, SC: University of South Carolina Press, 1971), 30.

¹⁰⁸ 15 April 1783, PRO 30/55/100, NAUK. The same orders were published in the *Royal Gazette* (New York), 23 April 1783.

¹⁰⁹ *Ibid.*

merchant and army contractor Daniel Parker and revolutionary officer David Hopkins to oversee “the first embarkation of the refugees” which was then taking place.¹¹⁰ According to Parker, Carleton initially “expressed the most friendly and conciliating intentions.”¹¹¹ The British commander desired Parker to be “a witness to the most exact fulfillment [sic] of the Treaty of Peace on his part [,] particularly as it relates to Negroes and other property.”¹¹² On the same day, the Continental Congress reviewed the terms of the provisional treaty and instructed Washington “to make the proper arrangements with the Commander in Chief of the British forces, ... for obtaining the delivery of all negroes and other property of the inhabitants of the United States in the possession of the British forces.”¹¹³

Following the provisional treaty’s publication, emboldened enslavers, acting both independently and as representatives of the revolutionary states, flooded into New York City to re-enslave Black freedom seekers. In late April, the Hessian officer Carl Leopold Baurmeister estimated that “Almost five thousand persons have come into this city to take possession again of their former property.”¹¹⁴ Among them was the Virginian John Willoughby Jr., from whom eighty-one enslaved people had fled in 1776. Seven years after the enslaved community’s collective escape, Willoughby arrived in New York in April to petition the British commander-in-chief on behalf of “sundry inhabitants of the Counties of Norfolk and Princess Anne.”¹¹⁵ Willoughby and other Virginian enslavers had made the “disagreeable journey to New York” to capture “at least three hundred” refugees.¹¹⁶ These freedom seekers had

¹¹⁰ Daniel Parker to Washington, 20 April 1783, *Founders Online*, National Archives, accessed 28 March 2022, <https://founders.archives.gov/documents/Washington/99-01-02-11121>.

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ 15 April 1783, in *Journals of the Continental Congress, 1774-1789*, ed. Gaillard Hunt (Washington, DC: Government Printing Office, 1922), 24:242-243.

¹¹⁴ Baurmeister, Entry of 29 April 1783, in *Revolution in America*, 556.

¹¹⁵ John Willoughby Jr. et al to Carleton, undated, endorsed 28 April 1783, in *RAM* (Hereford: Historical Manuscripts Commission, 1909), 4:61.

¹¹⁶ *Ibid.*

originally fled to Lord Dunmore's forces in 1776. By 1783, they had become part of the Black refugee community in lower Manhattan.

On their arrival in New York, the enslaver delegation led by Willoughby received startling news. The freedom seekers who they pursued had received "passports ... to embark for Port Roseway," gaining recognition as refugees.¹¹⁷ Five days after their petition was received, Thomas Walke, one of Willoughby's companions, was already travelling south back to Virginia. While on his way home, he updated the Virginian delegates at the Continental Congress on the unexpected British intransigence that they had encountered. The enslavers had gone to New York, "supposing there could be no obstacle to our recovering, at least such of the slaves as we could find and prove to be our property."¹¹⁸ However, Carleton's aide de camp revealed Carleton's broader conception of refugee status, telling the delegation that "no slaves were to be given up, who claimed the benefit of their former proclamations for liberating such slaves as threw themselves under the protection of the British government."¹¹⁹ It was "unnecessary," the official advised them, "to wait longer on business of that nature."¹²⁰

Hugh Walker arrived in New York at around the same time as Walke and Willoughby. Like them, his mission was to return Black refugees to slavery in Virginia. Like them, he too was frustrated in his attempts. On his return to Virginia, Walker stressed that he had "waited on Sir Guy Carlton's [sic] secretary every day, till I got the answer sent."¹²¹ Maurice Morgann insisted that Walker "was not allowed to take any slaves without their own consent [sic]."¹²²

¹¹⁷ Ibid.

¹¹⁸ Thomas Walke to Virginia Delegates, 3 May 1783, *Founders Online*, National Archives, accessed 28 February 2022, <https://founders.archives.gov/documents/Madison/01-07-02-0003>.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Hugh Walker to Benjamin Harrison, 23 May 1783, in *Calendar of Virginia State Papers and Other Manuscripts*, ed. William P. Palmer (Richmond, VA: James E. Goode, 1883), 3:491.

¹²² Ibid.

As enslavers had done in both Charleston and New York, Walker denied Black agency by lamenting that Black refugees were “taught not to come here.”¹²³ The threat to Black refugees remained, however. With the example of Yorktown in mind, the Virginian promised Harrison that he would monitor the prospects of a British withdrawal closely. “I think of being there when they evacuate, if I can know the time,” he told the governor, for he anticipated that “many slaves may be recovered then.”¹²⁴

Enslavers’ pursuit of Black freedom seekers forced refugees from slavery to repeatedly petition British forces to acknowledge their refugee status, a process of refuge seeking and refuge making that lasted for the duration of the war. Like Hugh Walker, Thomas and Margaret Johnson must have had the legacy of Yorktown on their mind. Having escaped with the British to New York, the couple and their children gained recognition as refugees to depart for Nova Scotia.¹²⁵ The Black refugees who had fled from Willoughby in 1776 faced another anxious three months before they finally left New York. Mary Perth, Patience Freeman, Richard Swan, Zilpah Cevils, Hannah Cevils, and William Patrick all boarded the ship *L’Abondance* bound for Port Roseway.¹²⁶ Another refugee from Willoughby Point was Abby Brown, who was accompanied in 1783 by her three-year old daughter, Dina. The British officials recorded that Dina was “a sickly child,” who had been born “within the British lines.”¹²⁷ The freedom seekers who had escaped Willoughby in 1776 all received certificates from General Samuel Birch granting them refugee status and the chance to raise families in freedom. Boston King, together with his wife Violet, departed on the same vessel.¹²⁸

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Pybus,

¹²⁶ The Book of Negroes, *Black Loyalist*, accessed 28 March 2022, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>.

¹²⁷ Ibid.

¹²⁸ Ibid.

Enslavers employed a variety of techniques in their attempts re-enslave Black refugees. Walter Harris, having fled Yorktown with the British, was now in New York.¹²⁹ From Virginia, in April, his former enslaver Mary Byrd wrote to the loyalist Neil Jamieson with the aim of manipulating Harris into returning to Virginia. Harris's wife, Jenny, and his children, Byrd relayed, were "very anxious to see him."¹³⁰ Byrd even offered to pay Harris a "handsome" sum of money if he would assist her in returning other Black refugees to bondage at Westover.¹³¹ Any refugee who returned, Byrd insisted, "may rely on the best useage [sic] from me," before adding the chilling caveat, "if they will merit it."¹³² Harris chose not to return. In April 1783, he had been free for more than two years. Fanny Harris, likely a relation of Walter, was similarly resolute in her determination to live in freedom, even if it came at the cost of removing herself from kin in Virginia. According to her own testimony, Fanny Harris had escaped Byrd in 1779, likely during Sir George Collier and Edward Mathew's Chesapeake campaign.¹³³ On 31 October, she boarded the *Elijah* with her seven-month-old daughter.¹³⁴ As the historian Alexander X. Byrd suggested, the extensive time that Black refugees spent beyond their enslavers' reach "fostered ... a grasp of and attachments to liberty," which "normalized ... what before had only been a notion."¹³⁵

¹²⁹ Mary Byrd to Neil Jamieson, April 1783, Neil Jamieson Papers, 1757-89, Correspondence, Library of Congress, Box 5, quoted in Philip D. Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry* (Chapel Hill: University of North Carolina Press, 1998), 284-285, and Ami Pflugrad-Jackisch, "'What Am I but an American?': Mary Willing Byrd and Westover Plantation during the American Revolution," in *Women in the American Revolution: Gender, Politics, and the Domestic World*, ed. Barbara B. Oberg (Charlottesville: University of Virginia Press, 2019), 184. For Mary Byrd's later petition to Sir Guy Carleton, 5 June 1783, see *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1952), 5:704-705.

¹³⁰ Ibid. Jamieson was a white loyalist who had come to New York with Dunmore in August 1776, see AO 12/55. Jamieson petitioned the British government for compensation for an enslaved woman and her two children "taken from" him, and an enslaved carpenter named Sandy.

¹³¹ Ibid.

¹³² Ibid.

¹³³ The Book of Negroes, *Black Loyalist*, accessed 28 March 2022, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>.

¹³⁴ Ibid.

¹³⁵ Alexander X. Byrd, *Captives and Voyagers: Black Migrants across the Eighteenth-Century British Atlantic World* (Baton Rouge: Louisiana State University Press, 2008), 158.

The emergence of Black refugee communities in sanctuary spaces like New York troubled enslavers and their emissaries. As historian Ruma Chopra has demonstrated, Black refugees sought to maintain regionally distinctive identities following their displacement to New York City.¹³⁶ Enslavers sought to capture freedom seekers like Bina who, in 1779, sought refuge “lurking about the Virginia negro houses.”¹³⁷ A year later, a fourteen year old boy named Bill was supposed by his enslavers to be “lurking amongst some of the Amboy refugee negroes.”¹³⁸ Jacob Morris warned the Virginian Theodorick Bland that even if he was successful in returning freedom seekers to slavery, “unless they are fellows of uncommon virtue,” their enslaver would “find them vastly altered for the worse.”¹³⁹ Black refugees’ experience of degrees of freedom in New York had, Morris denounced, made them “the most worthless, profligate set of scoundrels in the world.”¹⁴⁰ Black refugees knew the reality that hid behind the paternalistic rhetoric employed by enslavers like Byrd and Bland. Isaac White, who had escaped from Bland in Prince George County, Virginia, in 1779, told his enslaver’s agent that “by intelligence from Virginia he finds the negroes have been treated with very great severity by their former masters after they returned.”¹⁴¹ In July, Isaac agreed to meet Morris for “some further conversation with me on the subject,” but he evidently remained unconvinced.¹⁴² Later that same month, he embarked with the British fleet.¹⁴³

¹³⁶ Ruma Chopra, *Unnatural Rebellion: Loyalists in New York City During the Revolution* (Charlottesville: University of Virginia Press, 2011), 144.

¹³⁷ *New-York Gazette, and Weekly Mercury*, 26 July 1779.

¹³⁸ *New-York Gazette, and Weekly Mercury*, 2 October 1780.

¹³⁹ Jacob Morris to Theodorick Bland, 17 July 1783, in *The Bland Papers: Being a Selection from the Manuscripts of Colonel Theodorick Bland, Jr. of Prince George County, Virginia*, ed. Charles Campbell (Petersburg, VA: Edmund and Julian C. Ruffin, 1843), 2:111.

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*

¹⁴² *Ibid.*

¹⁴³ The Book of Negroes, *Black Loyalist*, accessed 30 March 2022, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>.

Boston King conveyed the fears of the Black refugee community, who saw their former enslavers “coming from Virginia, North Carolina, and other parts, and seizing upon their slaves in the streets of New York, or even dragging them out of their beds.”¹⁴⁴ King was not being hyperbolic. In July 1783, enslaver Jacob Duryee was tried and convicted of “by force and violence having carried off” a Black refugee named Francis Griffin from New York.¹⁴⁵ Duryee kidnapped Griffin and hastily bundled him onto a vessel where his two accomplices, Adam Todd and Frederick Tighliman, quickly set sail. The ship was already “upon the passage” from New York, when “a party of German troops” led by a Black soldier, part of the Black refugee community that enslavers feared, ordered the kidnappers’ vessel back to the wharf.¹⁴⁶ Griffin, who a British court martial declared to be “under the protection of the British Government,” was freed.¹⁴⁷ His enslaver was ordered “to be expelled [from] the King’s lines, and not to be suffered to return, whilst the British troops remain and hold command therein.”¹⁴⁸ Duryee was also fined, which the court directed “should be appropriated to the use, comfort, and relief of the poor and sick Negroes who have taken protection under the British government.”¹⁴⁹ Such an order reflected the disruption to enslavers’ power wrought during the city’s wartime occupation.

Ultimately, however, the weakness of the British position in the final year of the occupation made the rhetoric of British threats to rebel enslavers fiercer than the reality. In “consideration of the state of things,” Carleton remitted Duryee’s sentence, allowing him to remain within the royal lines on the condition that he “find reasonable bail for his good and

¹⁴⁴ King, “Memoirs of the Life of Boston King,” 356.

¹⁴⁵ Court Martial Proceedings, 21 July 1783, CO 5/110, NAUK.

¹⁴⁶ Memorial of John Barnes, CO 5/110, NAUK.

¹⁴⁷ Court Martial Proceedings, 21 July 1783, CO 5/110, NAUK.

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

peaceable behaviour during the time he may be within them.”¹⁵⁰ Carleton similarly pardoned Tighliman “on the abovementioned considerations.”¹⁵¹ The court martial had originally ordered Tighliman “to be set in the stocks, and there to be exhibited to public view for the space of one hour in some one of the most conspicuous places within the City of New York.”¹⁵² Griffin, meanwhile, did not wait in New York for long. On 31 July, ten days after Carleton pardoned Duryee, Griffin, together with his wife Dinah and their one-year-old daughter Sal, boarded the *Clinton* bound for Annapolis and St. John’s.¹⁵³

On 6 May, at Washington’s behest, the opposing commanders met to discuss the evacuation. By the time Carleton and Washington came face-to-face, hundreds of Black refugees had already departed from New York. At least 660 people, including 382 men, 230 women, and 48 children, had boarded the vessels in the embarkation which Parker had described in his April correspondence with Washington.¹⁵⁴ They had endured the ordeal of inspections between 23 and 27 April, ostensibly overseen by the U.S. representatives Parker and Hopkins, before sailing from New York. Although Carleton formalized, and publicized, the procedure for evacuation following his meeting with Washington, the April evacuations demonstrate that the process was already underway. They also reveal Black refugees’ knowledge and understanding of how to navigate British conceptions of sanctuary status. 174 of these evacuees carried with them certificates of freedom issued by General Birch, affirming that the refugee “resorted to the British Lines, in consequence of the proclamations of Sir William Howe, and Sir Henry Clinton.”¹⁵⁵ Black refugees had Carleton’s “permission to go to

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ The Book of Negroes, *Black Loyalist*, accessed 30 March 2022,

<http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>.

¹⁵⁴ “Inspection Roll of Negroes Book No. 1,” in *The Book of Negroes*, 50.

¹⁵⁵ For an example of a certificate issued by General Birch, see Passport for Cato Ramsay to emigrate to Nova Scotia, Gideon White family fonds, Nova Scotia Archives, MG 1 volume 948 number 196 (microfilm 14960), accessed 30 March 2022, <https://archives.novascotia.ca/africanns/archives/?ID=24>.

Nova-Scotia, or wherever else [they] may think proper.”¹⁵⁶ These certificates represented both Black refugees’ determination to gain recognition as refugees and an increased willingness on the part of the British to acknowledge that status, without military service being a determining factor. Indeed, the U.S. commissioners complained that Black refugees “always, except in a very few instances, produced a printed certificate from the commandant of the city,” accusing the British officers of distributing blank certificates “to individuals to be filled up as their convenience might require.”¹⁵⁷

Some Black refugees did not possess a certificate, but British officers nevertheless often recognized them as refugees. Isaac testified that he had been “brought off by his parents 5 years ago by proclamation” when the family escaped from Williamsburg, Virginia.¹⁵⁸ In April 1783, Isaac boarded the *London* alone, bound for Port Roseway, having only his word as a shield against re-enslavement.¹⁵⁹ Adam and Charity Bush, a married couple who had escaped together from Princess Anne County, Virginia, in 1777 told the British officials that they were responding to General Howe’s proclamation when they fled.¹⁶⁰ Amongst the April evacuees were Black refugees who had responded to Dunmore’s proclamation seven and a half years earlier. James Jackson had enlisted with Dunmore’s forces as a pilot and came to New York in August 1776. His wife Judith had also forged refugee status with the British forces at the same time in North Carolina. Judith responded to General Clinton’s appeal for a Pioneer corps and

¹⁵⁶ Ibid.

¹⁵⁷ Egbert Benson, William Stephens Smith, and Daniel Parker to Washington, 18 January 1784, *Founders Online*, National Archives, accessed 23 March 2022, <https://founders.archives.gov/documents/Washington/04-01-02-0038>. The certificates issued by General Samuel Birch and General Thomas Musgrave were important components in the recognition of refugee status, although they were not as ubiquitous as the US commissioners suggested. The “Book of Negroes” recorded 878 Black refugees as holding a General Birch Certificate and 278 Black refugees as holding a General Musgrave Certificate, see “Introduction,” in *The Book of Negroes*, eds. Hodges and Brown, xix.

¹⁵⁸ The Book of Negroes, *Black Loyalist*, accessed 30 March 2022, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

departed from Cape Fear with the royal troops in 1776. The couple left New York as refugees with their son Harry.¹⁶¹ Other Black refugees, such as the Dixon family, did not possess a certificate or testify that they were responding to a specific proclamation. Instead, the context in which they had escaped shaped and sustained their claims to refugee status. Charles and Dolly Dixon, together with their five children, testified that they had escaped from Nansemond County in 1779, most likely during Collier and Mathews's operations in the Chesapeake.¹⁶²

Despite "rumors about the flight of Black Loyalists [having] circulated along the Atlantic coast for months," when the two generals met, Washington was astonished, or at least affected disbelief, when Carleton revealed that six thousand loyalist refugees had already left New York and "that in this embarkation a number of Negroes were comprised."¹⁶³ Although Washington remonstrated that the recognition of refugee status for refugees from slavery represented a violation of the treaty, Carleton, as the April evacuations revealed, had already established his policy towards freedom seekers. It "could not have been the intention of the British government by the treaty of peace," Carleton argued, "to reduce themselves to the necessity of violating their faith to the Negroes."¹⁶⁴ Black refugees, Carleton insisted, "who came into the British lines under the proclamation of his predecessors in command" would not be re-enslaved.¹⁶⁵

Although Carleton drew on the model of the treaty negotiated by Leslie and Mathews in South Carolina, his conception of refugee status was much more expansive. Military service was not a prerequisite for recognition as a refugee. Instead, Carleton asserted the primacy of

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Hodges, "Introduction" in *The Book of Negroes*, xi; Substance of a Conference, 6 May 1783, in *The Writings of George Washington*, 26:403, hereafter *GW*.

¹⁶⁴ Substance of a Conference, 6 May 1783, *GW*, 26:404.

¹⁶⁵ Ibid.

the proclamations issued by Generals Howe and Clinton. Carleton insisted that upon becoming commander in chief, “I had no right to deprive [Black refugees] of that liberty I found them possessed of.”¹⁶⁶ Carleton linked the freedom of Black refugees to a mobility which would protect that refuge. “I had ... no right, as I thought, to prevent their going to any part of the world they thought proper,” Carleton argued.¹⁶⁷ The act of flight to British lines became more important than military service.

Carleton’s conception of refugee status represented not so much a continuation of the policy advocated by British officers in the Lowcountry, but the persistent arguments made throughout the Revolutionary War by Black refugees themselves. Indeed, when Carleton put it that “delivering up the Negroes to their former masters would be delivering them up some possibly to execution and others to severe punishment,” he was repeating the same appeals that Black refugees had made when they first sought refuge within the British lines.¹⁶⁸ In New York, Black refugees continued to make these arguments to compel the British forces to recognize their refugee status. According to Baurmeister, Black refugees “insist[ed] on their rights under the proclamation.”¹⁶⁹ Although he did not use the term, Carleton, like Leslie before him but with a more expansive conception, articulated the idea of Black refugees having made themselves “obnoxious” to their enslavers and, as a result, their refugee status should be recognized.

Carleton’s April meeting with Washington forced the British commander to consider the parameters and contours of Black refugee status. In their encounter, Carleton had informed

¹⁶⁶ Carleton to Washington, 12 May 1783, *Founders Online*, National Archives, accessed 30 March 2022, <https://founders.archives.gov/documents/Washington/99-01-02-11252>.

¹⁶⁷ *Ibid.*

¹⁶⁸ Substance of a Conference, *WGW*, 26:404.

¹⁶⁹ Baurmeister, Entry of 17 June 1783, in *Revolution in America*, 569.

Washington that “if the sending off the Negroes should hereafter be declared an infraction of the treaty,” he had “taken measures to provide for this by directing a register to be kept of all the Negroes who were sent off specifying the name[,] age and occupation of the slave and the name and place of residence of his former master.”¹⁷⁰ On his return to New York City, perhaps as a concession to Washington and to secure the legal foundations for Black refuge, Carleton established a commission, comprising both British and U.S. officials, which met at Fraunces’s Tavern every Wednesday between ten o’clock and two o’clock “to receive and settle all claims relative to Negroes etc.”¹⁷¹

In his orders, Carleton also included a qualification to refugee status which he hoped would solidify his policy, ruling that “no person is permitted to embark as a refugee, who has not resided twelve months within the British lines, without a special passport from the Commandant.”¹⁷² In doing so, as Baumeister remarked, “no one who has come in since March, 1782, is recognized as a refugee.”¹⁷³ Nonetheless, Carleton’s conception of refugee status was still more expansive than Leslie’s since military service was not the foundation or prerequisite for recognition as a refugee. Boston King was part of a Black refugee community who interpreted Carleton’s orders as “a proclamation,” guaranteeing “that all slaves should be free, who had taken refuge in the British lines, and claimed the sanction and privileges of the proclamations respecting the security and protection of Negroes.”¹⁷⁴ As historian Graham Russell Gao Hodges put it, British officers often “took black statements about their status at face value, a new acceptance of the validity of black testimony.”¹⁷⁵ The “Book of Negroes,”

¹⁷⁰ Substance of a Conference,” 6 May 1783, *WGW*, 26:404.

¹⁷¹ Orders, British Head Quarters, 22 May 1783, PRO 30/55/100, NAUK.

¹⁷² Ibid. The orders were published in *Royal Gazette* (New York), See the edition of 31 May 1783.

¹⁷³ Baumeister, Entry of 29 April 1783, in *Revolution in America*, 556. As the date of the Hessian officer’s diary entry suggests, it seems that this qualification was one already known to royal officers and most likely Black refugees.

¹⁷⁴ King, “Memoirs,” 356.

¹⁷⁵ Graham Russell Gao Hodges, “Introduction,” in *The Book of Negroes*, xix.

then, represented an explicit recognition of some Black refugees' status as refugees. At the same time, this ambiguous document, as the historian Maya Jasanoff observed, "reinscribed" Black refugees' "former status as slaves."¹⁷⁶

Despite Carleton reading sanctuary status into Black refugees' mobility through their response to royal proclamations, the encounters between Black refugees, enslavers, and the commissioners revealed how arbitrary that sanctuary status could be. As historian Abigail Cooper has observed in her work on the Black refugee experience in the Civil War, "freedom's function" was the "the reconstitution of kinship."¹⁷⁷ The same was true for Black refugees in the Revolutionary War. What, then, did freedom, or refuge, mean for refugees from slavery like Anthony Bartram, Judith Jackson, Dinah Archey, whose efforts to make freedom meaningful came up against a severely constrained conception of liberty?

On 30 May 1783, a twenty-five-year-old father, Anthony Bartram, appeared before the commissioners, appealing to them to intercede on his behalf to rescue his daughter, Nancy. Nancy had been kidnapped by Henry Rogers, who argued that he was acting lawfully to return her to slavery in Connecticut. Bartram, however, produced a certificate from a British officer declaring that he, "with his two daughters Nancy and Flora came within the British lines in July 1779," a supposed guarantee of refuge and protection.¹⁷⁸ Rogers, meanwhile, "could not produce any authority for detaining" Nancy.¹⁷⁹ The commissioners ordered Rogers to free Nancy immediately. What happened in the intervening six months is unclear. On 30 November,

¹⁷⁶ Jasanoff, *Liberty's Exiles*, 89.

¹⁷⁷ Abigail Cooper, "'Away I Goin' to Find My Mamma': Self-Emancipation, Migration, and Kinship in Refugee Camps in the Civil War Era," *Journal of African American History* 102, no. 4 (2017): 445, 447.

¹⁷⁸ Minutes of the Board of Commissioners for Superintending Embarkations, 30 May 1783, PRO 30/55/100, NAUK.

¹⁷⁹ *Ibid.*

Bartram boarded the Brig *Concord*, bound for Port Mattoon.¹⁸⁰ There is no record of his daughters, however.

Although the Board was cloaked with legal authority, it is possible that Rogers defied the commissioners and returned Nancy to slavery. Similarly, Flora's fate is unknown. Bartram, like other parents, may have ultimately boarded a departing vessel without his children. In the final year of occupation, British troops struggled to maintain order. Black refugees within the city, in particular children, were especially vulnerable to enslavers and their paid associates who stalked the streets of New York. When challenged by enslavers who claimed loyalty to the Crown, the certificates issued by the British military offered only limited protection against white loyalists determined to re-enslave freedom-seekers.

Judith Jackson's agonizing experiences vividly demonstrated the limits of British refuge.¹⁸¹ Jackson appeared before the commission on 2 August. The refugee had been on board a vessel bound for Nova Scotia when officials inspecting the fleet "brought [her] on shore for examination."¹⁸² Jackson's ordeal, having been on the brink of escaping slavery, was the result of a claim made by Jonathan Eilbeck, who claimed Jackson and her daughter as his property. The enslaver "declare[d] himself to be a British subject," thereby jeopardizing Jackson's claim to refugee status.¹⁸³ Jackson, however, was in possession of "a certificate from Brigadier General Birch Commandant of the City dated 5th June 1783."¹⁸⁴ Jackson claimed to

¹⁸⁰ The Book of Negroes, *Black Loyalist*, accessed 28 March 2022, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>.

¹⁸¹ For Judith Jackson's escape with her daughter from John Maclean in 1773, see *Virginia Gazette* (Purdie and Dixon), 6 May 1773, accessed 24 March 2022, http://www2.vcdh.virginia.edu/saxon/servlet/SaxonServlet?source=/xml_docs/slavery/ads/rg73.xml&style=/xml_docs/slavery/ads/display_ad.xml&ad=v1773050858.

¹⁸² Minutes of the Board of Commissioners for Superintending Embarkations, 2 August 1783, PRO 30/55/100, NAUK.

¹⁸³ *Ibid.*

¹⁸⁴ *Ibid.*

have served with both Lord Dunmore and Alexander Leslie, moving from Virginia to Charleston, and then to New York with the British troops. Eilbeck claimed Jackson as his property.

When the commissioners sought guidance from the British commandant, Jackson petitioned Carleton directly in September. Since her testimony to the commissioners in August, Jackson revealed that Eilbeck had “stole[n] my child from me and sent [her] to Virginia.”¹⁸⁵ It was unclear, though possible, that in her initial bid for freedom, Jackson had boarded a departing vessel with her daughter. Jackson’s appeal to the Commander-in-Chief was in vain. On 20 September, the commissioners concluded their investigation and ruled that Jackson should be re-enslaved.¹⁸⁶ As this case suggested, the wartime allegiances of enslavers trumped Black refugees’ claims to sanctuary status.

Miraculously, Jackson found a way both to escape from Eilbeck and ultimately board a vessel to Nova Scotia.¹⁸⁷ How this happened is unclear. Jackson perhaps still possessed the certificate from General Birch. Perhaps by 30 November, when Jackson boarded a vessel for a second time, British officers were more inclined to offer her sanctuary. After all, Jackson was accompanied by refugees who had remained with the British forces until the last moment. The common denominator of those Black refugees on board the *Peggy* was their service in the different departments of the British army for several years.¹⁸⁸ The decision must have been an agonising one. Like Bartram, Jackson waited until the very last moment to depart New York in the hope that she would be reunited with her daughter. On 30 November, the same day that

¹⁸⁵ Quoted in Ruma Chopra, *Choosing Sides: Loyalists in Revolutionary America* (New York: Rowman and Littlefield, 2013), 173; Judith Jackson to Carleton, 18 September 1783, PRO 30/55/81/95, NAUK.

¹⁸⁶ J Blucke to Frederick Mackenzie, 20 September 1783, PRO 30/55/82/9, NAUK.

¹⁸⁷ The Book of Negroes, *Black Loyalist*, accessed 28 March 2022, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>.

¹⁸⁸ *Ibid.*

Bartram boarded the *Concord*, Jackson travelled alone, leaving New York without her daughter.¹⁸⁹

Eilbeck was not only pursuing Jackson at this time. Samuel Ives successfully boarded the *Mars* in April in spite of Eilbeck's efforts to re-enslave him. The evacuee had spent five years behind the British lines in New York. Ives possessed "a pass from Lt. Clinton," critical to allowing him to flee New York, "which Mr. Eilbeck destroyed."¹⁹⁰ The extensive time that Ives had spent behind British lines may have been instrumental in thwarting Eilbeck. British officers who knew the refugee may have testified to Ives's presence, and service, within the city and ultimately recognised his sanctuary status.

On the same day that Jackson appeared before the commission, an enslaver who claimed loyalty to the British crown challenged Dinah Archey's sanctuary status. Archey had fled to the British forces in May 1779, joining Collier and Mathews's "expedition up the Chesapeake," before travelling with the naval forces to New York.¹⁹¹ Like Jackson, Archey possessed a certificate from General Birch granting her "permission to pass from this garrison to whatever place she may think proper."¹⁹² William Farrer's declaration that he was a British subject saw Archey removed from the fleet. Farrer's attempt to re-enslave Archey separated the freedom-seeker from her husband Daniel, who appears to have left New York on board the *L'Abondance* in July.

¹⁸⁹ Ibid.

¹⁹⁰ The Book of Negroes, *Black Loyalist*, accessed 28 March 2022, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>.

¹⁹¹ Minutes of the Board of Commissioners for Superintending Embarkations, 2 August 1783, PRO 30/55/100, NAUK.

¹⁹² Ibid.

When the commissioners declared themselves unable to rule, Archey, like Jackson, appealed directly to Carleton to intercede. Archey declared that she had spent five years behind British lines, having fled to the British in the Chesapeake in 1779. Revealing Black refugees' understanding of the importance of the qualifications that served to regulate and restrict refugee status, Archey invoked "General Hows[sic] Proclamation."¹⁹³ Since her testimony before the commissioners, Farrer had "taken her pass from her" in order to re-enslave Archey.¹⁹⁴ The refugee drew Carleton's attention to this act, declaring it something she "firmly believes [Farrer] cannot [do]."¹⁹⁵ Although there is no record of Carleton's reply, Archey was successful in compelling the British forces to recognize her refugee status. On 22 September, two months after she had first boarded a departing vessel, Archey escaped Farrer on board the *Grand Dutchess of Russia* bound for Port Roseway.¹⁹⁶

The documentation of refugee status through freedom passes or passports was often critical in determining whether the British would recognize Black refugees' sanctuary status. As such, Black refugees like Archey placed great faith in the certificates issued by Generals Birch and Musgrave. It was not only freedom seekers who understood the value of these documents; enslavers did too. When Farrer deprived Archey of her "pass," it was because he knew that it represented Archey's ability to forge refugee status.

Conclusion

In his memoirs, Boston King recalled how refugees from slavery sought "refuge in the English army" and "refuge in the British lines."¹⁹⁷ This distinction helps, I argue, to understand the

¹⁹³ Dinah Archey to Carleton, 8 August 1783, African American History Collection, 1729-1966 (bulk 1781-1865), Clements Library.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ The Book of Negroes, *Black Loyalist*, accessed 28 March 2022, <http://www.blackloyalist.info/sourceimagesdisplaypage/transcript/15>.

¹⁹⁷ King, "Memoirs," 356.

differences between British conceptions of refuge in Charleston and New York City. In the Lowcountry, General Alexander Leslie conceived of refuge from slavery as being for those enslaved people who had made an explicit choice to join the British army and serve with the military. British conceptions of Black refuge in Charleston were shaped by martial service, which Leslie saw as a prerequisite for sanctuary status. Black refugees who escaped slavery in the Lowcountry, then, did not experience what one British officer termed “Freedom in the fullest sense.”¹⁹⁸ Instead, for the majority of Black refugees, sanctuary meant military service within an imperial network that forced them to navigate degrees of unfreedom.

In New York, however, Sir Guy Carleton read refugee rights and status into Black refugees’ mobility. By crossing into British-held territory, some refugees from slavery could, in 1783, forge refugee status for themselves. In both Charleston and New York, Black refugees were active agents in refuge seeking and refuge making. However, these processes were, above all, uneven and uncertain. Carleton’s conception of refuge was more expansive than Leslie’s; nonetheless, the contours of “refuge in the British lines” were shaped by enslavers’ wartime loyalties. Black and white loyalism were, fundamentally, in conflict. Black refugees’ appeals for British forces to recognize their sanctuary status were bounded by a hierarchy of loyalty; their status buffeted by mutable white allegiance. Motivated by a desire to defend the “national honor,” Carleton and British officials may have relished “posturing as liberators,” but their vision of refuge, too, had limits.¹⁹⁹

¹⁹⁸ Proclamation of the Commandant (Nisbet Balfour), 3 August 1781, published in *Royal Gazette* (Charleston), 11 August 1781.

¹⁹⁹ William Smith, *Historical Memoirs of William Smith, 1778-1783*, ed. W. H. W. Sabine (New York: Arno Press, 1971), 586; Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006), 299.

Conclusion

On 20 August 1784, nine months after their departure from New York City, Thomas Peters and Murphy Steel submitted a petition on behalf of the Black Pioneers. They reminded John Parr, the British governor of Nova Scotia, that:

We first inlisted [sic] one thousand seven hundred and seventy and six and was [sic] promised when we was [sic] sworn by Alderman Waddle [sic] by order of Sir Henry Clinton to serve faithfully and truly during the American rebellion, which when it was over we was [sic] to be at our own liberty to do and provide for ourselves.¹

Peters and Steel also reminded Parr that, in exchange for their military service, the British army had “promised” the Black refugees “land and provisions the same as the rest of the disbanded soldiers, which we have not received.”² Seven years later, in 1791, Peters travelled to London to petition the British government directly. On this occasion, Peters spoke not only on behalf of his fellow Black Pioneer veterans, but for the “Loyal Black Refugees” more broadly.³ The Black refugee diasporic communities, whether in Nova Scotia, or Britain, or later in Sierra Leone, struggled to make their freedom meaningful. In doing so, they couched their appeals not only as soldiers and loyalists, but as refugees; contested, conflicting and intersecting identities that the petitioners then saw as mutually reinforcing, at least for their present purposes.

Black refugees’ status as refugees, and the degrees of freedom which they were able to experience, continued to be contested in the post-war era. The accounts of the Loyalist Claims Commission made clear just how uneven the freedom was of those Black refugees who had

¹ Thomas Peters and Murphy Steel, 20 August 1784, Petition on behalf of the Black Pioneers, Commissioner of Public Records, Nova Scotia Archives RG 1 359: 65 (microfilm 15428), accessed 26 November 2022, <https://archives.novascotia.ca/africanns/archives/?ID=32>.

² Ibid.

³ Charles Bruce Fergusson, ed., *Clarkson’s Mission to America, 1791-1792* (Halifax, NS: Public Archives of Nova Scotia, 1971), 31-32.

gained sanctuary with the British forces. When John Provey appealed to the British government for support at a hearing in London in 1784, the commissioners concluded that “instead of suffering by the war (for he hardly states any losses of property), he is a gainer by it.”⁴ The government had done its duty by Black refugees like Provey, so said the commissioners, for he was now “in a much better country where he may with industry get his bread and where he can never more be a slave.”⁵

Basking in the “moral capital” accrued during the war, the British government preferred to view itself as benevolent emancipators. Lord North, although no longer in office as prime minister, lauded Sir Guy Carleton’s recognition of Black sanctuary seekers as refugees as “an act of justice.”⁶ This emerging strain of British exceptionalism was epitomised in 1815 by Benjamin West’s painting *The Reception of the American Loyalists by Great Britain*.⁷ Enslavers within the United States, meanwhile, set about erasing the freedom and sanctuary seeking practices of Black refugees. Thomas Jefferson, for example, preferred to denounce Lord Cornwallis and the British army for the deception of Black freedom seekers, “consign[ing] them to inevitable death from the small pox and putrid fever.”⁸ It was easier to do so than to reflect on Black refugees’ own role in what he recalled as “the horrors committed by the British army in the *Southern* [emphasis in original] states of America.”⁹ Black refugees

⁴ Petition of John Provey, 30 November 1784, AO 12/101, National Archives, United Kingdom.

⁵ Ibid.

⁶ Lord North to Sir Guy Carleton, 8 August 1783, *Documents of the American Revolution*, ed. K. G. Davies (Dublin: Irish University Press, 1981), 21:202.

⁷ For the term “moral capital,” I am borrowing from Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006). For an analysis of the significance of Benjamin West’s painting, see Maya Jasanoff, “The Other Side of Revolution: Loyalists in the British Empire,” *William and Mary Quarterly* 65, no. 2 (2008): 205-232. For the painting itself, see *The Reception of the American Loyalists by Great Britain*, Black Loyalists in New Brunswick, 1783-1854, University of New Brunswick, accessed 26 November 2022, <http://atlanticportal.hil.unb.ca/acva/blackloyalists/en/context/gallery/reception.html>.

⁸ Thomas Jefferson to William Gordon, 16 July 1788, *Founders Online*, National Archives, accessed 26 November 2022, <https://founders.archives.gov/documents/Jefferson/01-13-02-0266>.

⁹ Ibid.

were simply “sent to New York, from whence they went at the peace either to Nova Scotia, or England.”¹⁰ This selective act of remembering and forgetting was pivotal, as historian Rebecca Brannon has shown, in paving the way for the reconciliation of white patriots and loyalists.¹¹

Black refugees like Boston King and David George resisted this erasure through their reminiscences, infused with spiritual significance, of their wartime experiences. King and George were, of course, in the minority of those freedom seekers who secured refuge, freedom, and passage out of the United States. Black refugees’ sanctuary-seeking with the British military also left important legacies for those who did not secure their freedom. In the aftermath of the war, without a military force with whom to seek an alliance, freedom seekers’ possibilities for some form of refuge drastically diminished, but they did not disappear entirely. As we have seen, refugees from slavery formed maroon communities, such as those in the Great Dismal Swamp and on the Savannah River islands.

In November 1784, Virginians in Henrico County denounced one of the legacies of Black refugees’ freedom seeking alongside the royal forces. In their petition these Virginians warned the General Assembly that “a great number of slaves which were taken by the British army are now passing in this country as free men.”¹² Three years after the surrender at Yorktown, Black freedom seekers who had sought refuge from their enslavers during Cornwallis’s army march through the state continued to defend a vision and version of freedom which were distinct from the ones that the British forces had denied them.

¹⁰ Ibid.

¹¹ Rebecca Brannon, *From Revolution to Reunion: The Reintegration of the South Carolina Loyalists* (Columbia, SC: University of South Carolina Press, 2016).

¹² Virginia General Assembly, Legislative Petitions of the General Assembly, Henrico County, 16 November 1784. State Government Records Collection, Library of Virginia, Richmond, Va., accession 36121.

Through the 1780s and into the 1790s, refugees from slavery like Charles articulated “great notions of freedom,” which enslavers attributed to their wartime experiences with the British.¹³ When Stephen escaped from Charleston in 1783, his enslavers described him as “very specious and knowing, having been some time with the British.”¹⁴ As late as 1792, an enslaver detailed Dick’s wartime experiences, having been “with the British army many weeks in 1781,” as an explanation for the freedom seeker’s flight from King William County.¹⁵

In the aftermath of the war, freedom-seeking people like Jack demonstrated their awareness of the politics of refuge seeking during the Revolutionary War. Jack had been forcibly removed, his enslaver recalled, “from Charlestown when the southern States were invaded by the British.”¹⁶ During his time in Virginia, Jack had “been told that he was free in consequence of bringing him into this State;” perhaps because his enslaver had failed to register his presence at a Virginia courthouse.¹⁷ Jack’s flight in pursuit of his freedom, his enslaver suspected, might have led him back towards South Carolina.¹⁸

Enslaved people retained memories of how their ancestors had made creative uses of the British army’s disruptive presence during the Revolutionary War. Thirty years later, when British forces returned to the United States, freedom-seeking people, especially in Virginia, rekindled an alliance with the British military.¹⁹

¹³ *Virginia Gazette and Weekly Advertiser* (Nicolson and Prentis), 14 August 1784.

¹⁴ *South-Carolina Gazette and General Advertiser*, 12 April 1783.

¹⁵ *Virginia Gazette and General Advertiser* (Davis), 11 April 1792.

¹⁶ *Virginia Gazette or American Advertiser* (Hayes), 29 May 1784.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ Alan Taylor, *The Internal Enemy: Slavery and War in Virginia, 1772-1832* (New York: W. W. Norton and Company, 2013); Gene Allen Smith, *The Slaves’ Gamble: Choosing Sides in the War of 1812* (New York: Palgrave Macmillan, 2013); Matthew J. Clavin, *The Battle of Negro Fort: The Rise and Fall of a Fugitive Slave Community* (New York: New York University Press, 2019).

This thesis has distinguished between being a refugee from slavery and gaining refugee status as a means of acknowledging how contested Black freedom and Black refuge with the British military were during the Revolutionary War. I have argued that the term “refugee” encapsulates the liminal status of those enslaved people who fled bondage and sought sanctuary with the British military. Understanding that enslaved people escaping slavery were both freedom seekers *and* refuge seekers reminds us that freedom and refuge went hand-in-hand. To understand Black freedom and emancipation with the British forces during the Revolutionary War, it is necessary to recognise Black freedom seekers as refugees. British commanders like General Clinton interpreted the conditional sanctuary that they offered to enslaved people as a transitional status, which Black refugees hoped would result in freedom at the war’s end. When Clinton promised Black Pioneers their freedom “as far as [it] depends on me,” he tacitly acknowledged that the British military represented an inconsistent and arbitrary ally.²⁰

The sanctuary that Black refugees experienced with the British forces was circumscribed in several important ways. Enslavers pursued freedom-seeking people throughout the war, seeking to re-enslave refugees from slavery. Enslavers’ mutable allegiances meant that Black refugees faced the threat of re-enslavement even after having been received within British lines. On paper, enslaved people who fled from enslavers who pledged loyalty to the Crown had tenuous claims to forging refuge with the royal troops. On the ground, however, the reality was different. The British need for a labour force to sustain and supply its armies and centres of occupation meant that Black refugees carved out sanctuary spaces and experienced a form of “semiformal” refuge.²¹

²⁰ Sir Henry Clinton to George Martin, 10 May 1776, Black Pioneers Formation Orders, *Loyalist Institute*, accessed 26 November 2022, <http://www.royalprovincial.com/military/rhist/blkpion/blkform.htm>.

²¹ For Damian Alan Pargas’s conceptual framework of “informal, semi-formal, and formal freedom,” see *Freedom Seekers: Fugitive Slaves in North America, 1800-1860* (Cambridge: Cambridge University Press, 2022), 1-14.

The gendered contours of the refuge that the British forces represented for refugees from slavery were most starkly articulated by John Graves Simcoe in New York City in 1780, as we saw in Chapter Three. Simcoe not only qualified British refuge along lines of enslavers' allegiances, offering sanctuary to "able bodied men slaves to those who are in arms against his Majesty's government," but added the condition that they "would have their liberty and be protected by King George provided they come without their wives and children who cannot be received or protected at present."²² Black refugees like Walter Harris and Judith Jackson made the decision to seek refuge with the British forces even when they were unable to keep their families together. As with much of British policy towards freedom-seeking people, the denial of refuge to family groups was inconsistently applied or simply ignored. As we have seen, Black refugees sometimes made the reception of family groups a condition for their own decision to come within the British lines. In South Carolina, General Alexander Leslie acknowledged this dynamic of Black refuge-seeking when he promised that the British forces would "take care of them and their familys [sic]."²³

The militarised refuge that the British offered, nonetheless, represented a significant obstacle to Black refugees being accepted within the military's apparatus. Freedom seekers' physical ability to serve and labour within the army's different departments proved critical to sustaining sanctuary. Boston King, for example, recalled his fear of being "taken by the enemy"

²² John Graves Simcoe's Proclamation, 2 December 1780, in John Graves Simcoe Papers, William L. Clements Library, University of Michigan, cited in Ruma Chopra, *Unnatural Rebellion: Loyalists in New York City During the Revolution* (Charlottesville: University of Virginia Press, 2011), 146

²³ "Letter to Maj. Frasier [Thomas Fraser]," 27 March 1782, Manuscripts and Archives Division, New York Public Library Digital Collections, accessed 26 January 2022, <https://digitalcollections.nypl.org/items/c02c9a3b-67f1-7080-e040-e00a180631aa>.

when he was stricken with smallpox and “unable to march with the army.”²⁴ His recovery allowed him both to remain with the British forces who acted as his inconsistent protectors.

Black refugees navigated degrees of unfreedom to forge sanctuary for themselves with the British forces. The work that they carried out sometimes resembled slavery to such an extent that they resisted their labour’s appropriation by fleeing. Some Black refugees preferred to carve out an “informal refuge” within urban spaces like Savannah, Charleston, or New York City.²⁵ Doing so, however, had ramifications when British officers like Leslie in the Lowcountry or the commander-in-chief Sir Guy Carleton adjudicated on their claims to refugee status. The choice to seek refuge with the British forces or within the British lines became critical when the British forces evacuated their garrisons. In South Carolina, British officials denied sanctuary to those refugees from slavery who had initially remained on plantations abandoned by enslavers, irrespective of whether they had later come within the British lines. In New York City, Black refugees were forced to testify about precisely when they had responded to British proclamations and come within the lines as a means of securing passage out of the city.

At the war’s end, British forces bestowed their recognition of “formal refuge” on Black refugees in the form of the certificates issued by Generals Samuel Birch and Thomas Musgrave.²⁶ This thesis has demonstrated that the path to obtaining that refuge was uncertain, uneven, and often reversible. Black refugees made Lord Dunmore’s emancipation proclamation into one of refuge and Clinton’s proclamation of refuge into one of emancipation.

²⁴ Boston King, “Memoirs of the Life of Boston King, a Black Preacher. Written by Himself, during his Residence at Kingswood-School,” in *Unchained Voices: An Anthology of Black Authors in the English-Speaking World of the Eighteenth Century*, ed. Vincent Carretta (Lexington, KY: University Press of Kentucky, 1996), 353.

²⁵ Pargas, *Freedom Seekers*, 1-14.

²⁶ *Ibid.*

The evacuation records from New York City and the Birch and Musgrave certificates referred, too, to Howe's proclamation. There was shared understanding amongst both refugees from slavery and the British military that Black refugees had reshaped Howe's 1776 and 1777 proclamations, moulding them into documents of freedom and refuge. Although the author of 1783 "Précis" on British policy towards enslaved people suggested otherwise, Black refugees themselves transformed the proclamations issued by Dunmore, Howe, and Clinton. In doing so, they created the legal refuge that some Black refugees ultimately experienced.

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