

Waldo Carlton Wright

THE CAPTAIN ASGILL AFFAIR

EXCEPT FOR THE MYTHICAL STORY by Parson Worms about a cherry tree and an imaginative artist's concept of a general standing like Napoleon while crossing the icy Delaware, George Washington has had his most embarrassing moment slurred over by hero-worshipping historians. This incident, following the surrender of Cornwallis, caused Washington to act impulsively. The resulting dilemma focussed on a nineteen-year-old British captain, who was ordered shot for a Loyalist's crime. The Asgill affair points up how easily white-hot tempers can melt sound judgment during any revolution, when everyone hopes for a return of peace.

Charles Asgill, the son of an aristocratic former Lord Mayor of London, was a captain of the Grenadier Guards under General Cornwallis. He was being held as a prisoner of war under terms of the Yorktown surrender, in a Lancaster, Pennsylvania, jail, when Loyalists strung up an American captain, a prisoner of war. In retaliation for this brutal hanging, General Washington ordered a British officer of equal rank shot by a firing squad. But when young Asgill's name was drawn by lot, his impending fate set off an international dispute in which diplomats, prime ministers, kings, and queens begged for the life of the youthful captain.

Coming in the last days of the American Revolution, the incident rasped the nerves of both the Patriots and the British, raw from the misery and slaughter of five years of war. For in spite of victory at Yorktown, Patriots and Loyalists continued to keep the struggle alive in many communities.¹

The Asgill affair grew out of a New Jersey inter-family feud that pitted neighbour against neighbour, especially along the coast where American privateers had scuttled British ships carrying supplies to the forces of General Clinton in New York and Long Island. As Loyalists went over to the British from New Jersey, their properties were promptly confiscated by greedy neighbours, too willing to make a good thing out of the fortunes of war. From time to time these dispossessed Tories

slipped back into Monmouth County to set fires and to spy on American garrisons of militiamen. One of these returning Tories, Philip White, was captured while visiting his wife. While his captors were taking him to Monmouth Court House for trial, a mob of angry citizens dragged him off his horse, beat him to death, and hung his mutilated body from the portico of the courthouse, as a warning to other Tories not to return.

When word of White's murder filtered back to the New York garrison, his friends of the Associated Loyalists set in motion a plan for revenge. They petitioned General Clinton for three American prisoners of war being held near Sandy Hook, to exchange for three Tory prisoners held at Freehold. General Clinton, not suspecting their intent, had the three men turned over.

Among the prisoners was a Joshua Huddy, a valiant gray-haired patriot, greatly hated by the Tories for defending a blockhouse on Tom's River single-handed against a raiding party headed by a Captain Richard Lippincott, a dispossessed Tory and former neighbour of Huddy.²

On the morning of April 7, 1782, Captain Lippincott and his party of eight appeared on the deck of the *Britannica*, a guard ship, and presented an order for custody of three New Jersey militiamen who were to be taken to Sandy Hook for exchange. When the three prisoners had been lowered into the waiting row-bergs, Lippincott ordered the British tars to head for Gravelly Point, one mile north of Highland Light. There the party put ashore. Captain Huddy was forced to mount on a barrel head while Lippincott tied a noose around his throat and one of the sailors looped the rope to a quickly rigged gibbet.

Lippincott accused Huddy of being the leader of the mob which had murdered White, and fastened on his breast a sign crudely printed, "Up goes Huddy for Phil White". Asked if he had anything to say, Huddy said, "I shall die innocent and in a good cause." Lippincott then nodded to a sailor to kick over the flour barrel, and the old patriot was left swaying while Loyalist Lippincott and his party took off for the safety of the British garrison across the Hudson river.³

That afternoon a widow living on the Point noticed from her kitchen window something black swinging like a pendulum on the beach. Soon neighbours had cut down Huddy's corpse and carried it to the home of Captain James Greene. For the next few days the body of Huddy lay in the Greene parlor while patriots filed by to express their hatred of all Tories.

Word of the lynching spread like a scrub-pine fire the length of New Jersey. Meetings were held. A manifesto demanding retaliation was signed at Monmouth Court House. The demand for revenge was endorsed by General Knox and Gou-

verneur Morris. Two couriers on fast horses sped it to Washington's headquarters at West Point. Washington was asked to petition General Clinton to turn over Lippincott to the Americans, to be shot in reprisal for Huddy's hanging.

Washington found the manifesto too hot to handle alone. He passed the problem to his staff officers, who agreed that retaliation should be taken on some British captain who had surrendered "at discretion and not under convention or capitulation as at Yorktown." Still unwilling to act, Washington referred the manifesto to Congress, who moved that the Commander-in-Chief send a letter to Governor Clinton demanding that Captain Lippincott or a British officer of similar rank be turned over to the Provost Marshal for execution.

When General Clinton heard of the lynching, through Washington, he realized that he had been tricked by the Loyalists into releasing Huddy, supposedly for exchange of prisoners. He termed the Loyalist crime "an act of atrocity, scarcely to be paralleled in history." But he did not turn over Lippincott. Probably knowing that he was shortly to be replaced, Clinton dodged the issue. This evasion angered Washington as much as the hanging.⁴

When General Clinton was replaced by Sir Guy Carleton, Washington foresaw further delay, although Sir Guy acknowledged Washington's request but said that Lippincott would be tried by court martial.

Meanwhile throughout the thirteen states a storm of fury mounted. Huddy's murder was the main news in letters of farm soldiers waiting for peace and desiring only to return to their homes in New Hampshire, Pennsylvania, and Virginia. Patriot newspapers also took up the cry for retaliation. A hornet's nest of angry demands for immediate action buzzed around the ears of the Commander-in-Chief at his headquarters on the Hudson.

In a burst of anger, Washington ordered Brigadier General Hogan, Provost Marshal in Philadelphia, to select a prisoner of equal rank to Huddy, one not bound by conventions, and have him executed forthwith by firing squad. Hogan winced, and replied by courier that no such prisoner was being held at any prison under his jurisdiction in Pennsylvania or Maryland.

The court martial of Captain Lippincott moved slowly. The Loyalist officer insisted that he had been acting under the verbal orders of the Board of Associated Loyalists. This group was headed by William Franklin, son of the famous patriot, one of the intelligentsia. In fact, many Loyalists were devout Church of England communicants and peaceful Quakers and Catholics who cast their lot with the mother country. The trial dragged on.⁵ Frustrated by Hogan's failure to deliver a British officer for reprisal for the lynching of Huddy, and prodded relentlessly by

Alexander Hamilton and other leaders in the Continental Congress, Washington gritted his metallic plates and on May 3 wrote an order to Brigadier General Moses Hazen, at Lancaster, Pennsylvania.

Hazen had command of a jail where eight British captains and seven lieutenants were being held prisoners of war, following Cornwallis's surrender at Yorktown. Select one of these officers by lot, said Washington's order, and deliver him to the twenty dragoons who will escort him to Philadelphia for execution, in retaliation for the brutal murder of Captain Huddy. When General Hazen read the order to a paroled Scottish major, James Gordon, commanding the British officers, Gordon exploded with protests. All of these British captains had surrendered under the terms agreed to at Yorktown, which precluded their being selected for reprisals. But General Hazen was a stickler for conformity. He stuck by the letter of General Washington's order. The officers were escorted from the jail to an upper room over the Black Bear Inn. There the life-for-a-life order was read to them and the drawing of lots explained. A drummer boy would pass a silk hat. In the hat were thirteen slips of paper. One of the slips was marked "Unfortunate". Whoever drew the slip bearing this fatal word would be taken to Philadelphia and without trial shot by a firing squad on Independence Square, in retaliation for the brutal and unjustified hanging of an American artillery officer.

The hat was slowly passed. Major Gordon watched each officer unfold the strip of paper. When Captain Charles Asgill of His Majesty's Grenadier Guards drew the deadly word, he turned pale and began to totter. Gordon grabbed the arm of the nineteen-year-old lad. "For God's sake, man, don't disgrace your colours", he whispered in the ear of the young aristocrat.

That same afternoon, with American dragoons in plumed hats riding in front and back, Major Gordon and young Asgill rode down Lancaster Pike towards Philadelphia.

Within a month a British sloop brought word to Lady Asgill in London that her only son would soon face a firing squad. Her husband, the former Lord Mayor, was a helpless invalid. On hearing the tragic news of her only brother, the daughter became hysterical. The distraught Lady petitioned King George for clemency, and the king, after hearing her story, ordered General Clinton to release Lippincott to the Americans. But George the Third must have known that Clinton was already on his way back to **England**.

Washington now had a hostage. But Asgill's friend, Major Gordon, lost no time in counter moves. He intervened with the French Minister in America,⁶ reminding him that under the terms of the surrender at Yorktown, young Asgill could

not be subjected to retaliation. The dilemma of what to do next had already raised its horns, and Washington soon felt the sharp prods from General Rochambeau, now in Paris, but formerly Commander-in-Chief of the French forces in America.

Then, on August 13, to add to the tension, came the decision of the court martial Sir Guy Carlton had convened to try Captain Lippincott. The court found him not guilty, on the basis of his claim that he was acting under orders of the Board of Associated Loyalists, headed by William Franklin. Lippincott lost no time in accepting the offer of half pay for life and 300 acres of land near what is now the city of Toronto.

Europe had learned of Asgill's plight, through the British, French, and Dutch press. General Washington's high-handed action painted a bloodthirsty image of the head of the American rebels who purportedly had fought for liberty and human justice. Stacks of foreign protests piled up on the desks of the clerks of Congressmen in Independence Square. Rumbles of disapproval also sounded low in the throats of many Americans who, with peace terms being discussed in France, were inclined to wash their minds of hate, incrimination, and revenge. But Washington sat tight, his jaw grim, hoping for some easy way out of the impasse. Ever the stickler for not acting without authority, he paced the floor of his headquarters. Why not let Asgill escape? So the guard at Chatham, New Jersey, was withdrawn, and every opportunity, including a saddled Arabian stallion, was placed at the prisoner's disposal. But the young British Captain, and his Scottish mentor, had their own code of honour and stayed where they were.

Washington knew that he had acted rashly in so treating a captain immune from retaliation, under terms that he, Cornwallis, and Rochambeau had all signed at Yorktown. It was all too clear that he had been carried away by the original Monmouth Manifesto demanding that the Tory Lippincott be shot. In his whole career his standing as a Mason and a gentleman of honour had never been so widely challenged and imperilled.⁷

Then a packet from Europe brought two letters which provided an excuse for pardoning Captain Asgill. Lady Asgill, ill and distraught, had written to Louis XVI and Marie Antoinette begging for their intercession for the life of her nineteen-year-old son. Out of pity for the grief of a stricken mother and dying father, their Majesties had Count De Vergenes, Minister of Foreign Affairs, write a letter of intercession to General Washington, on July 29, enclosing a copy of Lady Asgill's request.

Because of unaccountable delays, Washington claims in his papers not to have received the letters by packet from London until October, when he forwarded them

to Congress where they were read and referred to a committee. Within a week a resolution directed Washington to set Asgill at liberty. The trap could be opened and international honour washed clean.⁸

On receiving these instructions, Washington lost no time. On November 13 he wrote to Captain Asgill at Chatham, N. J.:

Headquarters
Commander-in-Chief

Sir:

It affords me singular satisfaction to have it in my power to transmit to you the enclosed copy of an Act of Congress of the 7th inst., by which you are relieved from the disagreeable circumstances in which you have been so long. Supposing that you wish to go to New York as soon as possible, I do also enclose a passport for that purpose. Your letter of the 18th [October] came regularly to my hand, I beg of you to believe that my not answering it sooner did not proceed from my inattention to you or a want of feeling for your situation but I daily expected a determination of your case and I thought it better to await than to feed you with hopes that might in the end prove fruitless. You will attribute my detention of the enclosed letters [among these, one from Asgill's mother, another from Ben Franklin] which have been in my possession a fortnight to the same cause. . . .

I was never influenced by sanguinary motives but what I conceived to be a series of duties which loudly called on me to use measures, however desperate, to prevent a repetition of those enormities which have been the subject of discussion and that this important end is likely to be attained without the effusion of blood of an innocent person is not a greater relief to you than it is to me, Sir.

Yr Obt serv, Geo. Washington⁹

Captain Asgill could scarcely believe that he was at last free. Day after day since May 26 he had awakened to the possible horror of facing a firing squad. Now he sat as if stunned, the release letter hanging loosely in his hand. But Major Gordon again came to his rescue. Soon the two officers were spurring their horses, lent them by their Chatham jailor, towards New York. With luck they could catch the *Swallow*, a mail sloop that was to lift anchor off the Battery at noon. The two British officers reached Sandy Hook in time to see the *Swallow* swing out into the channel. The resourceful Scot commandeered a barge and eight husky British tars to row after the sloop. A half hour later, he and Captain Asgill were crawling up the Jacob's ladder, London bound. At London a guard of honour met the sloop at the Thames dock and conducted Asgill to the arms of his anxious mother, his distraught sister, and his invalid father. Later this distinguished young man rose in the British Army to the rank of general.¹⁰

With Asgill back in London and negotiations for peace well under way in Paris,

General Washington heaved many sighs of relief. The French had again come to his rescue, releasing him from a dilemma that had plagued him since Loyalist Lippincott had strung up Joshua Huddy and so set in motion the Asgill Affair.

NOTES

1. Claude Halstead Van Tyne, *The Loyalists in the American Revolution* (New York, 1902), pp. 146-164.
2. Andrew J. Mellick, Jr., *Story of an Old Farm* (Somerville, New Jersey, 1889), pp. 542-544.
3. John W. Barber, *Historical Collection of State of New Jersey* (S. Tuttle, 1844) p. 366.
4. Carl Van Doren, *Secret History of the American Revolution* (New York, 1941), pp. 430-431.
5. Francis Bazley Lee, *New Jersey as Colony and State* (South Jersey, 1903), p. 532.
6. The Chevalier de la Luzerne. See George Bancroft, *A History of the United States*, Vol. 6, p. 20.
7. Hubert G. Schmidt, *Lesser Crossroads* (New Brunswick, N. J., 1948), p. 331.
8. Lynn Montross, *The Reluctant Rebels: The Story of the Continental Congress* (New York, 1952), p. 331.
9. Worthington Chauncey Ford, *Writings of George Washington* (New York, 1893), pp. 105-107.
10. Katherine Mayo, *General Washington's Dilemma* (New York, 1938), p. 264.