

“To Save the Innocent, I Demand the Guilty”: The Huddy-Asgill Affair

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History 586
12 May 2017

In Monmouth County, New Jersey, a group of Middletown citizens discovered the corpse of Captain Joshua Huddy, an officer of the New Jersey State Troopers, on 12 April 1782, hanging from a makeshift gallows with an overturned barrel at his feet. On the head of the very barrel that took his life, Captain Huddy dictated his last will and testaments moments before his death; though he was of sound mind and memory, Huddy was “expecting shortly to depart this Life.”¹ Crudely pinned to the Captain’s breast was a note from his loyalist executors. This note declared the execution of Huddy as retribution for patriot atrocities, particularly the death of Phillip White, loyalist raider; the note simply concluded: “Up Goes Huddy for Phillip White.”²

The Huddy-Asgill affair was the controversy surrounding the murder of Captain Joshua Huddy and subsequent retaliation ordered by General Washington, Commander in Chief of the Continental Army. The British refused to relinquish the loyalist captain in charge of Huddy’s execution, and Washington, consequently designated a new object of retaliation in the guilty captain’s stead. Charles Asgill, a young and innocent British Captain, was chosen.

Between the loyalist and patriot populations, a volatile atmosphere of escalating tensions confronted General Washington and other Revolutionary leaders, especially in the New York-New Jersey region. The American Revolution was as much a civil war as it was a war between two well defined enemies, and the Huddy-Asgill affair was emblematic of this. This affair polarized opinions between those who sympathized with Captain Asgill and those who believed retribution remained a necessity to prevent further violence. Washington, however, could not act upon his own accord to decide Asgill’s fate. Public and international opinions impacted the decisions of Washington, and other American leaders. Remarkably, this presumably small and

¹ Will of Captain Joshua Huddy, 12 April 1782, *The Joshua Huddy Era: Documents of the American Revolution*, ed. Gary D. Saretzky (Manalapan, NJ: Monmouth County Library Headquarters, 2004), 13.

² Note found on Captain Joshua Huddy’s Corpse, 12 April 1782, *The Joshua Huddy Era*, 13.

insignificant event in New Jersey in 1782 involving a revolutionary and a loyalist captain set off a momentous, and even international, reaction, because of polarized sentiments and a civil-war environment.

Although the Huddy-Asgill affair attracted much interest domestically and abroad in the late eighteenth century, it has not been a centralized focus of much scholarly work since. Hardly has it ever garnered more than a small mention with many scholars of the American Revolution. The history of this incident is found in numerous chapters, journals, and articles dealing with larger histories or a specific figure, such as George Washington. Examining further into a larger plethora of the primary sources has thus proved challenging to many scholars. Even scholarly work that does pertain to the affair is often limited in its scope. Anne Ammundsen's "Saving Captain Asgill," for instance, is a thoroughly researched and examined journal article; however, with its limited length, Ammundsen focuses exclusively on Captain Charles Asgill.

Only on rare occasion has the Huddy-Asgill affair had the full attention of a historical work, as with Katherine Mayo's *General Washington's Dilemma*. Mayo's work is a self-proclaimed restatement of fact; this work chronologically assembles the story of the affair through official records, correspondence, memoirs, and news publications. *General Washington's Dilemma* laid the base for further historical study and analysis. Relying primarily on letters and correspondence, especially the published collections of George Washington, this paper will build on Mayo's work to provide an analytical understanding of the different factors and elements that effected this volatile atmosphere.

The explosive events centered around the controversy of the Huddy-Asgill affair began with the murder of Captain Joshua Huddy on 12 April 1782, when the tensions of this civil war atmosphere peaked. When the civilians of Monmouth County found the corpse of Huddy, who

had been hung by loyalist Captain Lippincott, they discovered the note affixed to his breast, which clarified their reasoning for the hanging of Huddy:

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

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

Up Goes Huddy

for

Phillip White³

Under orders of the Board of Associated Loyalists in New York, headed by William Franklin, last colonial governor of New Jersey, Lippincott hung Huddy. Although Huddy had been hung for the murder of Phillip White, he retained his innocence, as he was in British captivity when the murder of Phillip White occurred. Huddy did, however, confess to the hanging of loyalist Stephen Edwards. Following the discovery of Captain Huddy, the citizens of Monmouth County sent a petition to General Washington. After the petition explained the fate of Huddy, it demanded General Washington order retaliation, “as the only measure which can in such cases give any degree of security.”⁴ General Washington appeased the request of the citizens of Monmouth County and demanded Sir Henry Clinton, Commander in Chief of the British army, surrender Captain Lippincott, or an innocent captain would be executed in his stead, “to save the

³ *Ibid.*, 13.

⁴ Petition from the people of Monmouth County to George Washington, 14 April 1782, *The Joshua Huddy Era*, 14.

innocent I demand the guilty.”⁵ Captain Charles Asgill, chosen by lottery, was the innocent life held in ransom.

Sir Guy Carleton replaced Clinton as Commander and Chief of the British army. Carleton hoped to pacify the tensions; he disbanded the Board of Associated Loyalists, tried Lippincott, and promised to continue the inquiry into the murder of Captain Huddy. Although these conciliatory measures satisfied Washington, the Continental Congress did not free Captain Asgill until the French monarchy insisted. On 7 November 1782, the Continental Congress ordered “that the Commander-in-Chief be, and he is, hereby directed to set Captain Asgill at liberty.”⁶

The American Revolutionary War was more than an engagement involving the American and British armies, it was also a civil war between civilian populations. The two sides of this civil conflict were the patriots, or the Whigs, supporters of the American Revolution and independence from Great Britain, and the loyalist, or the Tories, who remained loyal to the British Empire. The loyalists defined themselves as ‘refugees’; they felt alienated in their own home, having to fight a war with their former neighbors. Being former neighbors and living together in communities elevated the tensions and amplified the hatred. The civil war was a perpetuating cycle of revenge and retribution, of violence and aggression exchanged between loyalist and patriot populations that continued even after the Battle of Yorktown, the last major military engagement of the war. In the New Jersey region, the civil war was particularly pronounced, with the bloody cycle of retaliation between small armed bands of political affiliations. This violatate atmosphere intensified after the Battle of Yorktown, when each military began demobilization, arousing the loyalists’ fears. The Board of Associated Loyalists, the

⁵ George Washington to Henry Clinton, Headquarters, 21 April 1782, *Epistles Domestic, Confidential, and Official from General Washington*, (New York: G. Robinson and J. Bull, 1796), 206-207.

⁶ Extracts from the Journals of Congress, *The Conduct of General Washington, Respecting the Confinement of Capt. Asgill, Placed in its True Point of Light*, ed. David Humphreys, (New York: Holland Club, 1859) 23-24.

Tories, and the Association for Retaliation of Monmouth County, the Whigs, provoked and terrorized each side, and eventually led to the death of Captain Huddy. The Huddy-Asgill affair was emblematic of the larger civil war that perpetuated a cycle of violent revenge and retribution that plagued patriot and loyalist relations.

The civil war atmosphere produced a powerful and outspoken public opinion. The power of public and nonpartisan international opinion heavily influenced American leaders' decisions in the Huddy Asgill affair. Outspoken, loud, and entitled, public opinion consisted of patriot-held beliefs and ideals. The patriot public loudly expressed themselves during the Huddy-Asgill affair, and held the expectation that General Washington would listen and act accordingly to their demands. Public opinion advocated the death of Captain Asgill; many saw it as the only appropriate reaction following the death of Captain Huddy.

From General Washington's correspondence a muted, yet significant theme arose: a distinction between his own sentiments and opinions, and those of the public. Washington remained sympathetic to the young captain. Almost immediately after Asgill was chosen by lot, a fate he met with by quipping "I knew it would be so. I never won so much as a game of back-gammon in my life," efforts to release him from this misfortune were undertaken. Washington felt the deepest sympathy for the nineteen-year-old captain, whose ill-fated circumstance filled him with the keenest anguish:

I felt for him on many accounts, and not the least, when viewing him as a man of honor and sentiment. I considered how unfortunate it was for him, that a wretch who possessed

neither [Captain Lippincott], should be the means of causing in him a single pang or disagreeable sensation.”⁷

The youth and innocence of Captain Asgill stirred the sympathies of Washington, and filled him with a desire to spare the young captain, as did legal technicalities.

Legally, Asgill was not a candidate for retaliation. Washington’s original orders to Brigadier-General Moses Hazen, Commander at Lancaster, expressly stated that a British captain “who is an unconditional prisoner” was to be designated.⁸ Asgill, however, had surrendered at Yorktown under the Articles of Capitulation, and he expected the fourteenth article specifically to protect him from a fate such as the one he faced.⁹ In his letter to Washington, on 30 May 1782, Captain Asgill appealed to the Commander-in-Chief for his freedom, not only claimed protection under the fourteenth article and had “every Right & Reason to expect it,” but also specified that he was “Perfectly innocent of Captain Huddy’s Death,” and even at the moment he wrote the letter, was still uninformed of its circumstances.¹⁰ In appealing for his life, Asgill advocated his innocence and his rights, he was “certain in Justice [Huddy’s] Death can never affect me . . . nor do I know my Life should be an Atonement for the Misdemeanours of other.” Asgill made his appeal for Justice, and requested that no sudden or hasty proceedings held against him.¹¹ Although Washington could not set the young captain free after this appeal, he remained sympathetic.

⁷ George Washington to James Tilghman, Mount Vernon, 5 June 1786, *The Conduct of General Washington*, 13-14.

⁸ George Washington to Brigadier-General Hazen, Lancaster, 3 May 1782, *The Conduct of General Washington*, 15-16.

⁹ “Articles of Capitulation, Yorktown (1781),” *American Historical Documents 1000-1904*, 43 vols, ed. Charles W. Eliot (New York: P.F. Collier & Son, 1909-14): Article XIV stated: “No article of capitulation to be infringed on pretence of reprisals.”

¹⁰ Charles Asgill to George Washington, Philadelphia, 30 May 1782, *The Joshua Huddy Era*, 23.

¹¹ *Ibid.*, 23.

Though public opinion dictated his severe reactionary measures, Washington's own opinion and deliberation were alluded to and established within many of his letters. In much of his correspondence of the Huddy-Asgill affair, especially in his rhetoric concerning the fate of Asgill, Washington expressed his sentiments for the young captain.¹² In his orders to Colonel Elias Dayton, of the Second New Jersey Regiment, for instance, Washington noted that he was "deeply affected with the unhappy fate to which Captain Asgill is subjected", and implored Dayton to "treat Captain Asgill with every tender attention and politeness" which his "rank, fortune, and connections, together with his unfortunate state" demanded.¹³ Throughout his correspondence, Washington consistently stressed the innocence and unfortunate fate of the young Captain.

Enclosed with the order from Congress to release Asgill was a letter Washington addressed to the young captain. Washington expressed his pleasure and relief in sending Asgill his orders of release. This letter, of 13 November, offered valuable insight into Washington's "sense of duty" that dictated his actions, and insinuated his personal inclinations were not in exact alignment with said sense of duty:

I cannot take leave of you, Sir, without assuring you, that in whatever light my agency in this unpleasing affair may be received, I never was influenced through the whole of it by sanguinary motives, but by what I conceived a sense of duty,

¹² George Washington to James Tilghman, 5 June 1786, *The Conduct of General Washington*, 13-14. After the Huddy-Asgill affair was settled, and after Washington had sent Congress's order of release accompanied by his letter, Washington did not receive a reply from the liberated Asgill, nor did Asgill address the supposed rumors that circulated about his mistreatment. Washington's "favorable opinion of him" was, in consequence, forfeited, because Asgill did not contradict the reports once he had seen or heard them. Washington had retained, until this instance, strong sympathies for Asgill.

¹³ George Washington to Elias Dayton, 4 June 1782, *The Conduct of General Washington*, 17-18.

which loudly called upon me to take measures, however disagreeable, to prevent a repetition of those enormities which have been the subject of discussion, and that this important end is likely to be answered without the effusion of the blood of an innocent person, is not a greater relief to you, than it is to [me].¹⁴

Washington alluded not only to public opinion which dictated his actions, but also his sense of duty which “loudly” called upon him. The distinction between his personal intentions and beliefs and those of the public was more firmly established. Washington’s judgement and sympathies clashed.¹⁵

In Washington’s own assessment, in 1786, he acted neutrally without bias or prejudiced assumptions. By his own accord, his decisions were his alone and swayed by nothing except the desire to maintain justice and balance:

My conduct, through the whole of this transaction, was neither influenced by passion, guided by inhumanity, or under the control of any interference whatever. I essayed everything to save the innocent, bring the guilty to punishment, and stop the further perpetration of similar crimes; with that success, the impartial world must and certainly will decide.¹⁶

¹⁴ George Washington to Captain Asgill, Headquarters, 13 November 1782, *Epistles from General Washington*, 222-23.

¹⁵ Benson J. Lossing, *Life of Washington: A Biography, Personal, Military, and Political*, 3 vols. (New York: Virtue and Company, 1860), III: 13-14.

¹⁶ *Ibid.*, 13-14.

Hesitant to execute the young captain, Washington acted within his own sphere of influence to have Asgill freed. This marked a staunch difference in General Washington's opinions and those of the public, and its opinion makers, like Thomas Paine, who demanded retaliation. Washington initially reacted to the murder of Captain Huddy, at the request of Monmouth County's citizens, by demanding the perpetrators of the horrid deed, or he would be reduced to disagreeable necessity of retaliation.¹⁷ Even Washington succumbed to the demands of public opinion, which indicated how volatile the tensions surrounding this civil war had become.

Sir Guy Carleton noted the influence that public opinion had on the decisions of the leaders involved in the Huddy-Asgill affair. He expressed his apprehensions over this influence in his correspondence with General Washington, remarking that "private and unauthorized persons [had] on both sides given way to their passions, which ought to have received the strongest and most effectual control," but alas had produced acts of retaliation instead. Carleton warned Washington that such acts of retaliation would lead to equally disastrous and disreputable consequences to both parties.¹⁸ Although Carleton condemned both sides for the role outspoken public and private opinions had in dictating actions, and the dangers that posed, he criticized General Washington and the American leaders more harshly. Carleton especially emphasized, or warned, that the cycle of retaliation would be "more extensively pernicious to the natives and settlers of this country."¹⁹ Although General Washington and Sir Guy Carleton differed in many respects, Carleton urged that they must agree on one point: external opinions and

¹⁷ George Washington to Sir Henry Clinton, 21 April 1782, *The Joshua Huddy Era*, 16-17.

¹⁸ Sir Guy Carleton to George Washington, New York, 7 May 1782, *Memoir of General Graham*, 79.

¹⁹ *Ibid.*, 79.

pressures could not affect their general decisions. Despite such warnings, General Washington succumbed to the mounting pressures of public opinion.

Cultural leaders, especially Thomas Paine, very much influenced the opinions of the American public. Paine was memorialized as the political author and pamphleteer who produced such works as *Common Sense* and *Rights of Man*. By Washington's own admission, Paine's writings had a powerful effect upon the public mind.²⁰ In the Huddy-Asgill affair, Paine's letter to Sir Guy Carleton, published in *The American Crisis*, influenced public opinion. Within this correspondence to Carleton, Paine condemned the party of refugees and, more generally, the British, appealed to Sir Guy Carleton to surrender Lippincott to save the innocent Captain Asgill, and analyzed Huddy's execution and its extraordinary nature. By disparaging the 'refugees', or loyalists, Paine framed the public opinion of the enemy within this civil war atmosphere in his address to Carleton:

The refugees are men whom your predecessors have entrusted in wickedness, the better to fit them to their master's purpose. To make them useful they have made them vile, and the consequence of their tutored villany is now depending on the heads of their encouragers. They have been trained like hounds to the scent of blood, and cherished in every species of dissolute barbarity. Their ideas of right

²⁰ George Washington to James Madison, Mount Vernon, 12 June 1784, *The Writings of George Washington (1782-1785)*, 10 vols., ed. Worthington Chauncey Ford (New York: G.P. Putnam's Sons, 1891).

and wrong are worn away in the constant habitude of repeated infamy, till like men practiced in executions they feel not the value of another's life.²¹

Paine, though highly critical of both, dispensed harsher criticism on the loyalists, rather than the British. With the inherently evil British not much more could not be expected; however, Paine viewed the loyalist with more contempt, because although they knew better, they continued to knowingly follow the barbaric orders of the British. Paine mocked British honor, generosity, and clemency: “there is not a more detestable character, not a meaner or more barbarous enemy, than the present British one.”²² Paine explicitly and insultingly compared the British to Native Americans, for Paine their actions were “contrary to the practices of all nations but savages.”²³ In this published letter, Paine epitomized the public opinion of the British and the loyalist community.

The letter also appealed to Sir Guy Carleton to “give up the murderer,” Captain Lippincott, and save his officer, Captain Asgill. Paine regarded Asgill as a martyr to the general wickedness of the cause he engaged in, and the ingratitude of those he had served.²⁴ Paine presented Carleton a choice; his rhetoric indicated it to be an overtly simplistic, almost obvious, decision, in an effort to convince the British commander-in-chief to surrender Lippincott:

²¹ Thomas Paine to Sir Guy Carleton, Philadelphia, 31 May 1782, *The American Crisis, and a Letter to Sir Guy Carleton on the Murder of Captain Huddy, and the Intended Retaliation of Captain Asgill, of the Guards*, (London: Daniel Isaac Eaton, 1796), 275-81.

²² *Ibid.*, 277.

²³ For more information on the relationship between the British and Native Americans, see Jim Piecuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the Revolutionary South, 1775-1782*, (Columbia, SC: University of South Carolina Press, 2013). For more on Native American involvement in the American Revolution, see Colin G. Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities*, (Cambridge: Cambridge University Press, 1995).

²⁴ *Ibid.*, 276, 281.

Captain Asgill, the present case, is not the guilty man. The villain and the victim are here separated characters. You hold the one and we the other. You disown, or affect to disown and reprobate the conduct of Lippincott, yet you give him sanctuary; and by so doing you as effectually become the executioner of Asgill, as if you put the rope on his neck, and dismissed him from the world . . . within the grave of our own mind lies buried the fate of Asgill. He becomes the corpse of your will, or the survivor of your justice. Deliver up the one, and you save the other; withhold the one, and the other dies by your choice.²⁵

A clear distinction that the British held sole responsibility for Asgill's fate was also indicated, similarly found in the correspondence of General Washington, particularly in the letters exchanged between Washington and Carleton. The execution of Lippincott, or Asgill in his stead, was an absolute necessity to both punish and prevent such a savage crime in the future, "the evil MUST be put an end to; and the choice of persons" rested with Sir Guy Carleton.²⁶ The requirement for a retaliation execution was only indicated in the letters of Washington during the initial reactionary period of Huddy's execution. Public opinion also contended that the execution was unequivocally necessary, the only resolution for the murder of Captain Joshua Huddy. No declaration, no promise, no apology sufficed; the surrender of Lippincott was the only acceptable pacification.

Paine analyzed the murder of Captain Huddy and its extraordinary disposition as well. The case was exceedingly plain, Paine asserted, "AN OFFICER HAS BEEN

²⁵ *Ibid.*, 278.

²⁶ *Ibid.*, 280.

TAKEN FROM HIS CONFINEMENT AND MURDERED, AND THE MURDERER IS WITHIN YOUR LINES.”²⁷ The British army had been guilty of a thousand instances of equal cruelty, but were rendered guiltless and sheltered from personal detection; however, this brutal outrage was such an extraordinary case that it could be neither denied nor palliated. The murder of Huddy was “an original in the history of civilized barbarians, and [was] truly British.”²⁸ In conduct of warfare, each power was accountable to the other for the personal safety of prisoners within their walls. The execution of Huddy, particularly because a fair trial was not granted to him, indicated a departure from the usual conduct of warfare; in this case, Huddy was taken at pleasure from his confinement in the immediate place of their headquarters, under the eyes and nose of their Commander in Chief, “and his death made a matter of sport.”²⁹ Prisoners of war could not be certain of their safety after Huddy’s execution. A breakdown in the most seemingly basic rights of warfare jarred the public and concentrated opinion on the barbarity of the British in this crime against humanity:

But if to the dismal condition of captivity with [the British], must be added the constant apprehensions of death; if to be imprisoned is so nearly to be entombed; and if, after all, the murderers are to be protected, and thereby the crime encouraged, wherein do [the British] differ from Indians, either in conduct or character.³⁰

²⁷ *Ibid.*, 278.

²⁸ *Ibid.*, 279.

²⁹ *Ibid.*, 276.

³⁰ *Ibid.*, 279.

The execution of Captain Huddy was extraordinary; it destroyed the last security of captivity and took the unarmed, unresisting prisoner to private sportive execution, “a barbarity too high for silence.”³¹ Thomas Paine’s letter to Sir Guy Carleton fixated on the murder of Captain Joshua Huddy, with less emphasis on the unfortunate fate of Captain Asgill. Within his correspondence, however, General Washington concentrated primarily on the plight of Asgill.

Public opinion focused on Huddy’s fatality. Mentions of the Huddy-Asgill affair in the poems of Philip Freneau, deemed the poet of the American Revolution, for instance, presented an indication of this patriot public mindset. Freneau’s “Rivington’s Reflection,” from the perspective of James Rivington, loyalist printer, illustrated the public’s desire for the loyalists to suffer harsh consequences for their barbaric crimes, and the subsequent disappointment when no loyalist captain faced retaliation or was brought to justice:

Thus scheme as I will, or contrive as I may,
 Continual difficulties rise in the way:
 In short, if they let me remain in this realm,
 What is it to Jemmy who stands at the helm?
 I’ll petition the rebels (if York is forsaken)
 For a place in their Zion which ne’er shall be shaken
 I am sure they’ll be clever: it seems their whole study:
 They hung not young Asgill for old captain Huddy,

³¹ *Ibid.*, 280.

And it must be a truth that admits no denying,
 If they spare us for Murder they'll spare us for Lying.³²

The reference to the Huddy-Asgill affair demonstrated the anger and lust for retaliation and vengeance that dominated public opinion. When the loyalists murdered and no consequences nor reprisals ensued, the American public was incensed. Whereas Paine emphasized the evil and barbarity of the British, Freneau fixated on the civil-war in America and the villainy of loyalists.

Washington and other American leaders were influenced not only by domestic, but also international opinion during the American Revolution. The Huddy-Asgill affair, considered the first international incident in America's history, found much significance abroad. The correspondence between Robert R. Livingston, United States Secretary of Foreign Affairs, and William Carmichael, *chargé d'affaires* for John Jay, ambassador to Spain, reflected international interest in the Huddy-Asgill affair. Livingston addressed the affair as "an object, which, though apparently small, promises to have consequences of some moment," and underscored the scope of international interest. Aware of this European curiosity, Livingston instructed Carmichael to consult Jay, because the events of the Huddy-Asgill affair required explanation in Europe. Livingston's concern about the coverage of the affair in European newspapers confirmed the scope of interest on an international scale.³³ The correspondence also emphasized the necessity for possible

³² Philip Freneau, "Rivington's Reflections" in *The Poems of Philip Freneau, Poet of the American Revolution*, 2 vols. (Princeton, NJ: Princeton University Library, 1903), 190-196: Rivington's Reflections was written in December of 1782.

³³ Robert R. Livingston to William Carmichael, Philadelphia, 1 May 1782, *The Diplomatic Correspondence of the American Revolution*, 9 vols., ed. Jared Sparks (Boston: Steam Power Press—W. L. Lewis' Print, 1830).

damage control in Europe, it reflected American concern for their international image. Early narrative control over the coverage of the Huddy-Asgill affair could secure the moral high ground, an important aspect of young America's international perception. Alexander Hamilton, assistant to General Washington, affirmed this fear when he expressed his concern that if this "ill-timed proceeding" persisted, it would be derogatory to the national character: "if we wreak our resentment on an innocent person, it will be suspected that we are too fond of executions." Hamilton's concern also focused on the image of General Washington, who he considered "the first and most respectable character," to be the avowed author of an act "at which every humane feeling revolts."³⁴

The opinion of France polarized Washington and the other Revolutionary leaders in the Huddy-Asgill affair. Although a traditional public, international responsibilities were novel to America as it learned to navigate European relations as a young, independent nation. A new found responsibility to a French alliance and an international public confronted George Washington. The interest of France in the Huddy-Asgill affair was especially consequential. The pressure of French opinion and involvement conflicted General Washington and influenced his judgment, as well as the decisions of Congress. Charles Gravier, the Comte de Vergennes, Minister of Foreign Affairs, brought the affair to French attention, when he received a pleading letter from Lady Sarah Theresa Asgill, mother of the ill-fated young captain, who petitioned the French Court to intervene in the fate of her son, after futilely appealing to the British monarchy. With her letter, she implored the French minister to dispatch a letter to General Washington directing him to

³⁴ Alexander Hamilton to Henry Know, 7 June 1782, *The Works of Alexander Hamilton*, 9 vols, ed. Henry Cabot Lodge, (New York: G. P. Putnam's Sons, 1904).

release Captain Asgill, the object of retaliation, and “restore him to happiness.”³⁵ On the grounds of justice and humanity, she questioned “shall an innocent suffer for the guilty?”³⁶ Lady Asgill appealed to sympathy to save her only son, a young nineteen-year-old “as dear as he is brave, amiable as he is deserving to be so” whose honor carried him to America.³⁷ The Asgill family felt extreme distress, as Lady Asgill illustrated; her daughter seized with fever and delirium, raving about her brother, upon her learning of his tragedy, and her husband, Sir Charles Asgill, First Baronet, too ill to be told of the plight of his only son.³⁸

Humanity demanded the Comte de Vergennes and the French monarchy’s intervention on behalf on the innocent, whose “virtue and bravery justified the deed.”³⁹ The Comte de Vergennes, consequently, sent a letter to General Washington on behalf of Lady Asgill and the fate of her son, for “a mother and family in tears.”⁴⁰ Vergennes began his correspondence with the contention that he wrote to Washington not as the minister of King Louis XVI nor as the ally of the United States, but as a man of sensibility and paternal love, as a private citizen. Throughout the letter, however, the comte did appeal to Washington as a public figure, as the ally of America, and as the Minister of Foreign Affairs. The comte, in his correspondence, dictated on behalf of the king and queen, and cited the sympathies they expressed over Lady Asgill’s letter and

³⁵ Lady Asgill to the Count de Vergennes, London, 18 July 1782, *Memoir of General Graham*, 101-103.

³⁶ *Ibid*, 101.

³⁷ *Ibid*, 101-102.

³⁸ The Society for the Diffusion of Useful Knowledge, *The Biographical Dictionary*, 3 vols., (London: Longman, Brown, Green, and Longmans, 1844), II: 757-58: Sir Charles Asgill, was the first baronet of his name. He rose from the office of out-door collecting clerk to be elected Lord Mayor of London in 1757, and by 1761 he was made a baronet.

³⁹ Lady Asgill to Count de Vergennes, London, 18 July 1782, *Memoir of General Graham*, 102.

⁴⁰ Comte de Vergennes to George Washington, Versailles, 29 July 1782, *Conduct of General Washington*, 31-33.

their desire for her son's freedom. Vergennes also indicated the monarchy's authority over Asgill's fate; though he was an American prisoner, Asgill was among the prisoners that "the arms of the King contributed to put into [American] hands at York Town."⁴¹ Vergennes subtly and implicitly threatened France's alliance to the United States, an essential alliance for the American war effort. Washington was implored to seize an opportunity, to realize retaliation was not justice and to practice humanity, which must be sought after to end the self-perpetuated cycle of violent retribution, even among warring nations:

I felt, Sir, that there are cases when humanity itself exacts the most extreme Rigour, perhaps the one now in question may be of the number, but—allowing Reprisals to be just—it is not the less horrid to those who are the Victims—and the character of [General Washington] is too well known, for me not to be persuaded that you desire nothing more than to be able to avoid the disagreeable necessity.⁴²

The letter of the Comte de Vergennes, with Lady Asgill's attached, did not reach Washington until 25 October. This correspondence, Washington acknowledged, "had no small degree of weight in procuring that decision in favor of Captain Asgill." Asgill, though, had no right to expect it from the "very unsatisfactory measures" which had been taken by the British to atone for "a crime of the blackest dye, not to be justified by the practices of war, and unknown at this day amongst civilized nations." Washington did

⁴¹ *Ibid*, 32.

⁴² *Ibid*,

concede to Vergennes that he believed their enemies finally viewed this “inhuman transaction” in its true light, and a repetition of the like enormity would never be experienced again.⁴³ Washington, however, significantly understated the impact of the packet of letters from the French Minister of Foreign Affairs on the Continental Congress.

The fate of Captain Asgill intensely divided the exceedingly indecisive Continental Congress. A committee consisting of John Rutledge, John Witherspoon, James Duane, and Turbett Wright was established to examine the Huddy-Asgill affair. The committee reviewed Washington’s correspondence with British military leaders, especially Sir Guy Carleton, and the proceedings of the trial of Captain Lippincott for the murder of Captain Huddy. On 17 October, the committee resolved that there did not appear to be any sufficient reason the Commander in Chief should recede from the determination expressed in his several letters to the British commanders. The Congress suspended Asgill’s execution for several days “to give the British General a further opportunity of saving the innocent by surrendering of the guilty.”⁴⁴

Congressional debates subsequently ensued, and persisted for three days as they deliberated the fate of Asgill, “during which more ill blood appeared in the House” than New Jersey delegate Elias Boudinot had ever witnessed. Opinions in the Continental Congress were exceedingly divided, Boudinot contended that “a very large majority of Congress were determined on [Captain Asgill’s] execution”; some even put forward a motion for the “resolution positively ordering his immediate Execution,” which corresponded with public opinion. Duane and Boudinot, however, “considering the

⁴³ George Washington to Count de Vergennes, 21 November 1782, *The Conduct of General Washington*, 33-34.

⁴⁴ Continental Congress 1782, 22: 662.

reasons assigned by the Commander in Chief,” vocalized their staunch opposition, and urged the examination of every argument that the “peculiarity of the Case” suggested until they had exhausted all, without any appearance of success. A defeated Boudinot resolved that the fate of the young captain was sealed.⁴⁵

James Madison, principle architect of the new constitution and delegate of Virginia, observed and remarked on the divisions in the Congress as well. One faction of delegates, for instance, was satisfied with Guy Carleton’s promises and endorsed a Congressional withdrawal from their earlier denunciations; while another group determined that perseverance on the part of the Congress was essential to their honor and would compel the British to give up Lippincott, the confessed murderer.⁴⁶

The circumstances were completely transformed on 30 October 1782. During the session designated to decide the fate of Asgill, presumably a swift execution as the majority favored the death of Captain Asgill as necessary retaliation, a letter from General Washington arrived in Congress, accompanied with a packet of letters from France, containing the correspondence from the Comte de Vergennes and Lady Asgill. These letters “were enough to move the heart of a Savage.” Boudinot reported on the astonishment of the Continental Congress when they received the letters:

The subject was asking the life of young Asgil.—This operated like an electrical shock. Each member looking on his neighbor in surprise, as if saying here is unfair play. It was suspected to be some scheme of the Minority.—The President

⁴⁵ Elias Boudinot, *Journal or Historical Recollections of American Events during the Revolutionary War* (Trenton, NJ: C. I. Traver, 1895), 62: Boudinot was elected President of the Continental Congress in November of 1782.

⁴⁶ Thursday, 7 November, Debates in Congress of the Confederation, James Madison, *The Writings of James Madison*, 1 vol., ed. Gaillard Hunt (New York: G. P. Putnam’s Sons, 1900).

was interrogated, the Cover of the letter was called for. The General's Signature was examined. In short, it looked so much like something supernatural that even the minority, who were so much pleased with it, could scarcely think it real.⁴⁷

Once the letters were verified, Congress unanimously requested for a reprieve and concluded that the life of Captain Asgill should be given "as a Compliment" to King Louis XVI of France.⁴⁸

Even after the unanimous decision, however, disagreement and division remained. Debates ensued over the discharge of Captain Asgill and the demand on Carleton to continue the pursuit of Captain's Huddy's murderers as promised. A coded note from Madison to Edmund Randolph, delegate of Virginia as well, illustrated the impact polarized opinions had on the Congress. Even the official quality of the packet of letters, and whether the public or private quality altered its influence, caused a debate among delegates. Madison detailed the "*perplexities*" in the Congress and the diversity of sentiments that arose from polarized opinions. General Washington was often upset with Congressional divisions, especially when Congress did not keep him informed on vital matters and often shifted much of the responsibility and public embarrassment to him. However, Washington was relieved when the opinion of France interceded and pushed the vacillating Continental Congress to a decisive verdict to grant the freedom of Captain Asgill.

The following statement of General George Washington perfectly exemplified his struggle to navigate between public opinion and his own sympathies in the Huddy-Asgill

⁴⁷ Elias Boudinot, *Historical Recollections*, 63.

⁴⁸ *Ibid.*, 63-64.

affair: “Congress by their Resolve has unanimously approved my determination to retaliate—the Army have advised it—the Country look for it—But how far is it justifiable upon an Officer under the faith of a Capitulation, if none other can be had, is the question?”⁴⁹ The affair polarized opinions between those who advocated for the execution of Captain Asgill as necessary retaliation, the domestic public opinion, and those who sympathized with the young captain, the international opinion. George Washington and other Revolutionary leaders had to confront the public opinion unleashed by their Revolution, and simultaneously answer the demands of international opinion. These two opinions were diametrically opposed, and George Washington felt compelled to deal with both. The conflict in navigating between two powerful and influential opinions plagued the decisions of Washington and other leaders throughout the affair.

Public opinion was held so deeply about the affair, that it is still conscious today in popular memory; the ghost of Joshua Huddy, for instance, is believed to haunt the area where he was hanged, and will only attack those with a British accent. Thus, the Huddy-Asgill affair lingers on.

⁴⁹ George Washington to Benjamin Lincoln, Newburgh, 5 June 1782, *The Writings of George Washington* : Major General Lincoln in continental army.

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