

A Spy!

Robert Land the Loyalist

HOW WE ARE RELATED: *If you are of my generation*, Robert Land is your fifth great-grandfather. His daughter Abigail Land widowed when about 19 when her young husband was killed (presumably in the war) married Isaiah McCarter in New Brunswick. Isaiah had been a comrade of Abigail's brother Abel and it is believed he relocated to New Brunswick with other loyalists at the same time as the Lands did. Their daughter Anna McCarter married Thomas Choate in 1808 at Glanford, Ontario. They had a son Nathan Choate who married Etta Curtis in 1837. Their daughter Anna Etta Choate married Harmon Dewitt Little in 1837. They had a daughter Lena Louise Little who married Frank Emslie Thornton in 1903. They were the parents to our parents.

I searched for many years for years for Robert Laud until it came to my attention that someone had misread or mis-produced the letter "n" for "u". It wasn't Robert Laud at all, but Robert Land! Reaching out to the genealogy community on the internet, I asked for information of Robert Land and Phebe Scott. Almost immediately, I received a response from the librarian at the Hamilton Public Library. "Surely," she wrote "you have by now received plenty of responses." Nope. No a one before hers. She told me that Robert Land was very well-known in the Hamilton area and that there is an entire section of the library dedicated to "The Land Papers". Additionally, there is a school named after him as well as plaques throughout the city acknowledging him as one of the founders of Hamilton, Ontario. She then shared with me a remarkable story that I have since found repeated in a number of documents from various sources. Note: some using the spelling "Phoebe" but documents and records reflect the spelling as "Phebe". It's a romantic tale and in the retelling, fine details vary but the basis of the story remains the same:

(From the Hamilton Public Library – Land Family Papers)

THE STORY OF THE LAND FAMILY

Read before the Society by George Laidler on Dec. 12, 1947.

(Derived from the family records, with addenda.)

The enquirer into the beginnings of settlement at the Head of Lake Ontario quickly finds that the first four Britisher's to settle on the south shore of the Bay, now Hamilton Harbour, on land now part of the City of Hamilton, were: Richard Beasley, Robert Land, Charles Depew and George Stuart. That was within a few years, more or less, of 1782. In point of interest the romantic story of Robert Land and his family is outstanding, and the purpose of this review is to relate briefly some of the main traditions and associations that concern them.

Robert Land, the progenitor of the family, was born in 1739 at Tiverton, Devonshire, England. He appears to have come to America in his youth, possibly with a twin brother John, and settled near Calkins Creek at what is now Milansville, in the Delaware Valley, Pennsylvania. There he built a log cabin. He was short, stout and fair, and was naturally attracted to a girl who was tall and dark, in the person of Phoebe Scott, three years older than himself, whom he married about 1757.

As a settler and farmer he succeeded, and by 1776, when the American Revolution broke out, he was well established, at the age of forty, as a Justice of the Peace, with a house and family of seven girls and boys, ranging from a baby of a few months to John, aged 19. About this time, his loyalty caused him to take service with the British Forces. Because of his knowledge of the country he was selected to carry dispatches. Meanwhile his family and others like them suffered abuse for a raid on his household was made by hostile neighbours and Indians. One of the sons, Abel, was taken away by the latter. His brother John found where the Indians had gone and persuaded them to release Abel, but not until the captive had been made to run the gauntlet of their blows, an ordeal that was lessened by his fleetness. Persecution continued, and soon after this John himself was put in prison by the rebel authorities, and the mother and the rest were left to carry on the work of the farm short-handed.

A very similar version (often word for word the same) contains additional information about Robert Land's beginnings and events following:

Wentworth Bygones FROM THE PAPERS AND RECORDS OF THE HEAD-OF-THE-LAKE HISTORICAL SOCIETY HAMILTON, ONTARIO VOL. 1 Walsh Printing Service, Hamilton, Ontario. 1958

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England. He appears to have come to America in his youth, possibly with a twin brother John, and settled near Calkins Creek at what is now Milansville, in the Delaware Valley, Pennsylvania. There he built a log cabin. He was short, stout and fair, and was naturally attracted to a girl who was tall and dark, in the person of Phoebe Scott, three years older than himself, whom he married about 1757.

As a settler and farmer he succeeded, and by 1776, when the American Revolution broke out, he was well established, at the age of forty, as a Justice of the Peace, with a house and family of seven girls and boys, ranging from a baby of a few months to John, aged 19. About this time, his loyalty caused him to take service with the British Forces. Because of his knowledge of the country he was selected to carry dispatches. Meanwhile his family and others like them suffered abuse for their fidelity, and when the father was away a raid on his household was made by hostile neighbours and Indians. One of the sons, Abel, was taken away by the latter. His brother John found where the Indians had gone and persuaded them to release Abel, but not until the captive had been made to run the gauntlet of their blows, an ordeal that was lessened by his fleetness. Persecution continued, and soon after this John himself was put in prison by the rebel authorities, and the mother and the rest were left to carry on the work of the farm short-handed.

One night in the autumn of 1778, when the family had retired, a daughter Rebecca, or perhaps Kate, was roused from her sleep by the hand and voice of a friendly Indian, who urged her to go at once to the Kanes, their Loyalist neighbour across the river. Without disturbing the others she dressed, crossed the water alone in a canoe, and entered their darkened house. Here she stumbled over the bodies of the Kanes, who had all been foully murdered. As the courageous girl returned home, the same Indian's voice warned her that her house would soon be burned and that the others should be got out at once.

Hastily but quietly the girl awakened her mother and the rest. They all escaped to the fields, and just in time, for presently on looking back they beheld their house and barn in flames. For some days the family hid in the woods, then under much physical hardship they made their way to New York and came under the protection of the British authorities. They stayed there until the army evacuated the city, and with many other Loyalists in similar plight they were taken to what is now New Brunswick, where they remained for seven years.

Meanwhile, Robert Land had been performing the dangerous duties of a dispatch bearer under the British General, Sir Henry Clinton. On one occasion, he records, he suffered confinement and condemnation, from which he made his escape. Some time after the departure of his family from their farm house he chanced to be in the vicinity and unobtrusively paid it a visit - to find, alas, only the ashes of his home and no trace of his dear ones. The few Loyalist neighbours to whom he dared reveal himself told of the murder of the Kane family, and quite believed that Mrs. Land and the children had also perished. The despairing man then decided to leave the country where he had lost so much and endured such injustice. The war was nearly over. He would go to the newer British territory to the north - Canada.

A Quaker friend named Ralph Morden undertook to guide him to the Niagara border, but

word of Land's presence had spread around and they were pursued by a group of watchful [sic] rebels. Land started off and urged his companion to hasten, but Morden, who in accordance with the peaceful ways of his sect had never taken up arms nor done any ill, was confident that he could convince their pursuers of his innocence. Such an argument, however, counted for nothing with the inflamed mob. Morden was seized, and was subsequently condemned, and hanged. As Land outdistanced those who followed him, they fired after him and had the satisfaction of seeing him fall among the underbrush.

The heavy musket ball struck Robert's knapsack with force enough to knock him down. As he fell his hand was gashed on a sharp stone, and bled profusely. This marked a trail which his enemies followed and at last gave up, for darkness was falling. They concluded that he was as good as dead. Travelling chiefly by night, Land reached Fort Niagara and found safety with the British there. This was in 1779, at the age of 43, and after some two years on his dangerous work.

When the war ended, Land received a Loyalist grant of 200 acres, now covered by the town of Niagara Falls, Ontario. There he lived alone for three years, morose and brooding over his unkindly fate, within earshot of the Falls, whose noise disturbed the peace of mind that he sought. When he could bear it no longer, something prompted him to move fifty miles away to the neighbourhood of what we now call Burlington Bay. From the escarpment he followed a deer trail leading down to the water. Well back from the marshy and indented shoreline, on a slight rise of ground, now the south side of Barton Street, between Leeming Street and Smith Avenue, he made himself a dugout, according to family story, in which he lived until he had built a shanty or log cabin. He set about clearing some land, and supported himself after the manner of woodsmen by hunting, fishing and trapping; still in solitude, for white neighbours were far and few, he sought forgetfulness and peace in unremitting toil amid primitive surroundings.

When the War of Independence was over, the eldest son, John Land, was released from confinement. As he had not taken up arms he was allowed to own and occupy family property in the Delaware Valley. Later he built the Red House, which still stands there. He married Lillian Skinner and was the father of 11 children and progenitor of the American branch of the family. Though some of his descendants live on the farm and in its vicinity, the family name of Land has died out.

Robert, the youngest son, whom we shall now have to designate as Robert II, appears to have grown dissatisfied with the conditions in New Brunswick, where ill-fortune continued to dog the family. While he was but 17, he urged and finally persuaded his mother to migrate with some if not all of them to Upper Canada, now known as Ontario, where settlers of the right class, and particularly Loyalists, were being encouraged. So they took ship to New York on the first part of the long journey to Niagara and visited John at his farm-stead on the way. From him they heard the tale of Morden's untimely end, and popular report sustained the reputed death of their father. John was quite satisfied with his own prospects and was not disposed to leave his setting; so with affection and regret the family separated and the emigrants slowly made their way to Niagara, where the boys supported the group by hunting and trapping and occasionally working for neighbouring settlers.

After they had been there a year or so they chanced to hear through an itinerant trader that a settler named Land was living alone at the Head-of-the-Lake, as the western end of Lake Ontario was then called. Despite the unlikelihood that this could ever be a kinsman of theirs, unless he came from the Old Country, Robert II decided to go and find out, for Mrs. Land was not thoroughly convinced that her husband had been killed. She became hopefully anxious about the matter, and it was agreed that some of them should make the fifty mile journey. Eventually, she and two sons, Robert and Ephraim, came to the trail that led to journey's end, a clearing with a solitary cabin, outside of which the long-lost father was sitting smoking. The joyful family reunion after eleven years of separation was as a dream come true. Later they were joined by two other sons and three daughters.

With thankful hearts the united family set to work once more as diligent farmers, and in a few years were all beyond the reach of want. Other settlers began to come in, but many were deterred by the name the place had for its marshiness, for wolves and rattlesnakes, and the Indian grass that was so difficult to eradicate. It is recorded that when neighbours were more numerous, Robert supported himself in part by making and selling spinning jennies.

Robert Land, the father, commemorated his years of sorrow and happy outcome by planting a weeping willow near the cabin. In time the humble dwelling was replaced by a substantial house. In 1794 he applied for a grant of land and by a deed dated 1802 was allowed 312 acres, stretching from the Mountain to the Bay and from Emerald to Wentworth Street. Each of his sons, Abel, William, Ephraim and Robert, acquired 200 acres on adjoining lots. On this area of over a square mile of virgin prairie-like land, intersected by long marshy inlets from the Bay, now stands the central part of the city of Hamilton. Abel, Ephraim and Robert stayed in this locality, but William, the other son, moved west to Oxford County.

Robert the elder lived to see the beginnings of Hamilton as a village, and died in 1818, aged 82. Phoebe his wife died in 1826, aged 93. In his will, dated Oct. 27, 1805, Robert "did give and bequeath" to each of his sons John and Abel the sum of twenty shillings; to his daughters, Rebecca, wife of Nathaniel Hughson, and Phoebe, wife of Clement Lucas, twenty shillings each; and to another daughter, Abigail, wife of Oziah McCarty, twenty shillings also; which several legacies were to be paid by his executors within one year of his decease. To his son Ephraim he bequeathed one hundred and fifty acres of the farm, and to Robert one hundred and sixty-two acres.

"Hard" money was evidently scarce in those days. Like that of the Biblical patriarchs whose wealth consisted of herds of cattle, the substance of the pioneer lay in real estate - solid property rather than coin of the realm; and that agricultural wealth could only be increased by hard manual labour under living conditions comprising an assortment of physical discomforts that would appall us to-day.

United Empire Loyalists like Robert Land and his family have played a noble part in our Canadian history. By their sacrifices and sufferings for their principles they founded two of our Provinces and leavened with their strength the three already colonized. In such

pioneer stock Ontario has indeed a noble parentage, which we may well cherish with affection and pride.

SOURCE: <http://www.charleslindbergh.com/history/land.asp>

There are some versions that believe Robert Land knew his family had survived the fire and had sought protection by the British military in New York (which was, at the time, under British control). This version, found in the book "A Loyalist's Legacy" which provides more details about Land's capture and escape takes such a position: "In the past, much assumption has been used to describe the roots of Robert Land in England. It has not been possible to establish a connection between Robert Land's family in the colonies and Britain; therefore, such speculation has been omitted from this book ("A Loyalist's Legacy").

According to the muster roll of a detachment of New York Troops raised in 1758 for service in the Seven Years' War, Robert Land was then 20 years of age and is recorded as having been born in New York, although whether the city or the province of New York was not stated. In local histories of New York and Pennsylvania, Land is occasionally referred to as 'an Englishman' but this allegation is unsubstantiated by documentary proof.

Sometime in the early 1760's, Robert Land took up residence as a farmer and woodturner at Cushutunk, Pennsylvania, across the Delaware River from Cochection, New York, in what is now Wayne County. Here he also served as a magistrate or justice of the peace under the colonial government of Pennsylvania.

On the outbreak of the American Revolution, Robert became a courier for the British, carrying dispatches from General Sir Henry Clinton, the commander-in-chief in New York, to the Niagara frontier. Both Robert and his family suffered at the hands of the local rebels who regarded him as a traitor and a spy for his pro-British activities.

John, Robert's oldest son, was jailed at the beginning of the war and kept in custody throughout the conflict.

In April 1777, when Robert was away on military activities, the family homestead was burned to the ground by Indians hostile to the British cause. Following this, Phoebe Land moved her family about twenty miles west of Cochection for safety.

Twice Robert Land was brought before local Committees of Safety, first at Peenpack in New York, and then in Northampton County, Pennsylvania, and accused of being an enemy of the United States. Fearing for his life, he left for New York City where he worked as a carpenter in the King's Yard from February 1778 to February 1779. In 1779 he left New York to carry a message to the commandant at Fort Niagara (near Lewiston, N.Y.) and to visit his family (still in Pennsylvania) on the way.

On 14 March 1779, he was captured by rebel militia, brought before a military court at Minisink, New York, and charged with being a British spy. On 18 March, he was found guilty and sentenced to death. His conviction was subsequently overturned by George Washington on the grounds that as a citizen of Pennsylvania, he was not subject to the jurisdiction of a military court. Washington ordered him to be turned over to the civil Authorities in Easton, Pa., for a new trial. Released on bail to await the new trial, Robert joined with a party of Tories bound for Niagara, one of whom was Ralph Morden, a Quaker. On 12 May 1780, the party was discovered by American militia; Robert was shot and wounded but made his escape back to New York City, where his family was now relocated. The unfortunate Morden was tried and convicted of treason and hanged.

In 1782, Robert arrived at Niagara with dispatches from New York but was not able to leave Niagara to rejoin his family in New York before the war ended and his family had been evacuated to New Brunswick. According to tradition, Robert Land received a grant of 200 acres of land near Lundy's Lane at Niagara. As late as 20 July 1784, he continued to draw rations at Niagara but likely had already settled at the Head of the Lake where he erected a dwelling at what is now the corner of Barton and Leeming Streets. He hunted, farmed, and fished for a living and is said to have grown the first wheat in the area.

In 1791, Robert's family (Phebe and children), with whom he had lost contact after their evacuation to New Brunswick, left that province to journey to Niagara. They made their way there via the old homestead in Pennsylvania which was now in the possession of the oldest son John. John, a prosperous farmer, tried to persuade the family to resettle in Pennsylvania but they were determined to resume their journey to Niagara and its promise of fertile farmlands. (They were unaware that Robert Land was living in that area, presuming him to be dead.)

As Loyalists, the family's total land grants amounted to more than 1,000 acres in what is now the City of Hamilton, stretching from the bay on the north to the mountain on the south, and from Wellington Street in the west to Sherman Avenue in the east.

Robert Land died in July 1818 and, with his wife Phebe, is buried in the Land Family Vault at Hamilton Cemetery. One of his sons, Capt. Peter M. Land was buried at sea in Fiji.

In his Will dated 27 Oct 1805, Robert did "give and bequeath" to his wife, "Pheby, free use of the east room on the ground floor during her natural life, in the house standing upon lot number eleven", each of his sons John and Abel the sum of twenty shillings; to his daughters Abigail, Rebecca and Phebe, twenty shillings each. To his son Ephraim he bequeathed one hundred and fifty acres of the farm, and to Robert, one hundred and sixty-two acres containing the above mentioned house, reserving one third use and improvements for their mother, Phebe.

Phebe, wife of Robert Land, was born in Virginia in 1733. One cannot help but admire the courage and endurance of our pioneer women, and it is time to honour them.

With Robert away, the family suffered greatly. Son John was in jail for the duration; daughter Abigail's husband, Capt. Wm. Birney, has been killed and son Abel had been taken by Indians and forced to run the gauntlet before being released.

Daughter Rebecca the youngest daughter, received a warning from an Indian that one of their neighbours was in trouble. She hurried to their assistance and found the entire family murdered. Returning home, she was warned again to get the children out quickly as Indians were coming to burn the house. The family hid in the woods and watched their house burn to the ground. Phebe, with her children, hid in the woods for several days, then, traveling by night and hiding by day, they reached a Loyalist district. Eventually they arrived in New York and remained under British protection. (The earlier story has Phebe and Robert losing contact *after* the family relocated to New York City; although they all ended up there at one time or another, it's likely they were not there at the same time nor were they aware of each other's relocation there.)

Phebe Land and her family were evacuated to New Brunswick with the other Loyalists from New York. They settled at Parr Town (Saint John) on lots 318, 393, and 424, and later on a lot at Belle Isle, Kings Co. The land was poor and the hardships numerous, but they managed for about seven years. Finally, Phebe, with sons Robert and Ephraim decided to go to Upper Canada to better land.

Believing Robert to be dead, they (Phebe and her family, now including in-laws) decided to stop off to visit John in Pennsylvania on their way to Niagara. John tried to get them to remain with him as he was now a successful farmer and had regained his father's land, but they were determined to go to Upper Canada. When they arrived in Niagara they heard of a man by the name of 'Land' living at the Head-of-the-Lake, so they decided to travel on to find out who it might be.

There they found Robert, who had heard they had died in the house fire (in Pennsylvania), and it was a great reunion. They lived on Barton Street, which ends at the Bay (probably Burlington Bay).

Noting that Phebe was almost sixty years of age by the time she arrived at the Head-of-the-Lake, it is truly remarkable the miles she travelled in a time before good roads and often through unfriendly and unfamiliar territory; truly a pioneer.

Eventually Abel, Abigail, Rebecca and Phebe with their families came to the Head-of-the-Lake and took up grants of land, uniting all the family, save John.

Repeatedly, it is suggested that it was the Native People who burned the Land family home in Pennsylvania. I am surprised that no one seems to have presented the

supposition that the attack was the act of Land's neighbors, enraged by Land's loyalist position and indictment as a spy for the British. After all, it was an "Indian" that warned the family and we know (revealed in documents below) that Land had turned to the Native People at one point for protection. The family appears to have been on good terms with them and there doesn't appear to be any motive. On the other hand, Land's own son had been captured by "Indians" and made to run the gauntlet. This is a mystery but may explain by the presence of more than one tribe in the area and perhaps the Land family's positive relationship with one didn't transfer to another. In any event, I personally feel it is more likely the fire was the act of those who resented Land's loyalty to the Crown

The following documents provide more details regarding the course of events concerning Robert Land's capture and trial. Here it is revealed that Niagara was on the mind of the Land family as early as 1779.

CONTINUE TO SCROLL DOWN

Rebel Court Martial of Robert Land & Edward Hicks

At a General Court Martial held at Minisink the 17th and continued by adjournment till the 19th day of March 1779 by order of Brigadier General Hand.

Lieut. Colonel Lindsley President

Major Burchardt, German Regt.	M	Major Lamagne, Armands Corps
Captn. Shots, Indept. Corps	E	Captn. Selen, Indept. Corps
Captn. Brodderick, Col. Spencers Regt.	M	Captn. Weatherby, Spencers Regt.
Captn. Boyer, Germn. Regt.	B	Captn. Balsar, Germn. Regt.
Lt. Young, Col. Spencers Regt.	E	Lt. Orr, Col. Spencers Regt.
Ensn. Clegner, Germn. Regt.	R	Ensn. Irvendover, Germn. Regt.
	S	

The Members being present and duly Sworn and Adj. Bonnel of Col. Spencers Regt. acting as Judge Advocate and Prosecuting in behalf of the United States being also Sworn the Court proceed to Business.

Prisoner Robert Land brought before the Court charged with being a Spy and carrying Intelligence to the Enemy, Pleads not Guilty.

Evidence James Vanokee Esqr. being Sworn saith, that at the beginning of the present War, the Prisoner was suspected of being a Tory, and examined before the Northampton County Committee. That in consequence of his swearing Allegiance to the United States he was set at Liberty.

Arthur Vantoil being sworn saith that on Thursday evening the 11th Inst. he went to Daniel Courtwrights a Neighbour of his suspecting that a number of Tories were at his House, and to see if he could get any Intelligence of them.

That when he went to the Door, he saw the Prisoner (Land) eating Supper, as soon as LAND saw him he seized his Musket which was by his side with a Bayonet fixed. At which he, the Deponent, left the door.

He further says that Courtwright came out of the House, and he asked him if there was any news, or any Tories in his House, that he told him there was no need, neither was there any Tories in the House.

Lt. Decker being Sworn saith that the 14th Inst. he went towards Coshithton with a party

of men, after a number of Tories that were on their way from New York to Niagara.

That about three o'clock P.M. he fell in with them and took Land and Hicks, he further says that Land told him after he was made prisoner that he was going to the Enemy at Niagara.

Adjourned till tomorrow ten o'clock.

18th March The Court met According to Adjournment.

Captn. Tyler (formerly an Inhabitant of Coshithton) being sworn saith that at the Commencement of the present war, he heard the prisoner say that he never would take up arms against the King of Britain.

That sometimes afterwards he was carried before the Committee at Peenpack and found Guilty of being an Enemy to these States, and from thence sent to a Committee in Pennsylvania to which state he belonged, for tryall, and upon his taking the Oath of Allegiance to the United States he was set at Liberty.

That immediately after that he went to the Indians; in a short time after that Returned and went to the Enemy at New York.

Captn. Tyler further says that he was sent to the Indians in a few days after Land left them, on Business to try to make peace, with them.

That the Indians told him that Land had been there and made a great complaint concerning the usage he had received from the Committee.

Captn. Tyler farther declares that a few days ago he heard LANDs Wife say that when he was searched for Letters in 1777 that he outwitted those who searched him by having a Letter concealed in his Ink Stand that was sent from General HOWE to the Commanding Officer at Niagara.

That he then told her she was as bad as her Husband and in his Opinion she had Letters from New York concealed, she declared that as God was her Judge she had not, that her Husband had him them for fear they would be found with him as he expected every Minute to be taken prisoner.

Defence The prisoner says in his Defence that a certain Hugh JONES, John LORD and an Indian, came to his House in the Evening in April 1777.

That Jones told him that he was going to join Butler and Brandt and that he intended to

get the Indians to destroy the Frontiers, upon which he went with them to try to prevent their destroying the Country, on his way he met Brandt who told him he had no Orders to destroy the Country and murder the Inhabitants except they were in arms against him, and although he was an Indian he Intended to convince the world that he was possessed with Humanity.

After that he returned Home to Coshitton where he remained, till the 21st February following and then being informed that the Indians were coming to destroy Coshitton, he went to New York to try to put a stop to their Depredations, after being there a few days was informed that the Inhabitants would kill him if he returned.

Upon which he concluded to stay in York, and immediately entered into the Kings Yard a Carpenter where he continued working till the last day February 1779.

He then left New York to go to see his Family which was about Twenty Miles west of Coshitton, and move them to Niagara.

That Genl. Clinton who Commands the British Troops in New York desired him to carry a Letter to the commanding Officer at Niagara, which he refused.

The Genl. then desired him to inform the Commandant at Niagara, that it was his desire that the Indians should not be permitted to continue to ravage and destroy the Frontiers.

Sentence The Court considering the Case of the prisoner, the Evidence against him, and his Defence are unanimously of Opinion, that he is Guilty of the Charges Exhibited against him, and do therefore Sentence him to suffer Death.

[signed] Eleazr. Lindsley Pres.

George Washington intervenes. (I have seen this handwritten document):

The Writings of George Washington from the Original Manuscript Sources, 1745-1799. John C. Fitzpatrick, Editor.--vol. 14 (copy of the original handwritten letter in file).

Head Quarters, Middle Brook, April 9, 1779.

Sir: Enclosed I return you the proceedings of a Court Martial (36) held in March by Order of General Hand on two Spies, Land and Hicks. Hicks it seems has made his escape and Land only remains. But as this man is an inhabitant of one of the States by the article of war for trying spies he is not subject to Military jurisdiction. You will therefore have him delivered up to the civil authority of the State to which he belongs furnishing such documents of his crimes as may be in your possession, to enable the law to operate upon. He can be sent to Easton and there consigned over to the civil Magistrate. Care should be taken that he does not escape. I am, etc.(39)

(signed by George Washington)

[Note 36: The court-martial proceedings, under date of March 17--19, are in the Washington Papers.]

[Note 39: The draft is in the writing of Alexander Hamilton.]

From "Documents relating to the Revolutionary History of New Jersey, Vol III", page 226:

CHATHAM, APRIL 13, 1779

On the 11th ult. four men armed were discovered passing privately through the mountains in the Eastern part of Sussex county: The inhabitants, on receiving intelligence of it, immediately proceeded in pursuit of them, and having a number of excellent dogs for tracking, they pursued them different routs upwards of thirty miles, when, by the assistance of the dogs, they were discovered. Two of them made their escape, and the other two are safely lodged in the provo of the continental troops stationed at Minisink. They proved to be spies sent, by the British commander in New-York, with dispatches to those infamous butchers Butler and Brant. One of the above prisoners is named Robert Land, was formerly a magistrate under the tyrant George Whelps, Esq; and lived at Coshecton.—No doubt but the court-martial, which is now trying them, will honor them with a share of continental hemp.

From "The History of the Kuykendall Family" page 333:

"That during the remainder of said war, the militia in the west part of the county of Orange were kept on the frontier, guarding against the Indians and were ordered to hold themselves in readiness to march at a moment's warning; deponent has in every year and frequently and at different times seen the said Wilhelmus Cuykendall in the service, such

as scouting in the woods, acting as an Indian spy and performing other various duties necessary in guarding said frontiers against the attacks from the Indians, and deponent saith that in the spring of 1778, to the end of the war, the militia were almost constantly under arms in that vicinity, during the spring, summer and fall months; deponent also says that the said Wilhelmus Cuykendall was with a small party who went in pursuit of Robert Land and Edward Hicks and other Tories, who were sent from the British army at New York to carry dispatches to the Indians at Niagara, this was in November, 1778, as near as this deponent now recollects. He was in the same company with the said Wilhelmus, that the distance of about twenty-five miles they captured the aforesaid Robert Land and Edward Hicks, whom they took back, and this deponent and Wilhelmus Cuykendall, Benjamin Cox and Lieut. Martynes Decker took the said Robert Land and Edward Cox to Saunderstwon, in the county of Sussex, and state of New Jersey, and delivered them to Gen. Pulaski.

“Twice Decker's unit was to deal with spies, the first time when they witnessed the hanging of a spy somewhere along the Hudson River, and then again in 1781 when a rumor of spies in the neighborhood saw the unit go to Ten Mile River in Sullivan County where they captured two British spies, Edward Hicks and Robert Land. Both were attempting to get messages to the Indians at Niagara. After their capture, the spies were taken to Count Casimir Pulaski, a Polish military officer who ultimately gave his life in service to the American army. Pulaski and his famed legion served in the Orange County area. “

SOURCE: Minisink Valley Historical Society. <http://www.minisink.org/forthist.html>

BLACK LIST* A list of those Tories who took part with Great Britain In the Revolutionary War and were attainted of -:HIGH TREASON:- Commonly called the -:BLACK LIST:- to which is prefixed the legal opinions of ATTORNEYS-GENERAL McKEAN & DALLAS, etc. PHILADELPHIA, PRINTED FOR THE PROPRIETOR. 1802. Copyright secured according to Law. *Contributed by Mrs. J Rose Holden, of Hamilton.

(snip)... It may, therefore, be proper to subdivide the question and consider, 1-The situation of those who, previous to the 11th February, 1777, adhered to the King of Great Britain. 2-The situation of those who, after that time, took the oath of allegiance, or joined the British, and have been attainted of high treason. 3-Of those who, after the 11th February, 1777, took the oath of allegiance to, or joined the British armies, and were NOT attainted of treason. 1.--With respect to those who, previous to Feb. 11th, 1777, made their election, and adhered to the British, I conceive there can be no doubt, they became British subjects, and could not afterwards become citizens of Pennsylvania, but by complying with the forms, etc., prescribed in the Acts for the naturalization of foreigners. This principle seems to be settled by the case of the Commonwealth against Chapman, determined in the Supreme Court of Pennsylvania, in April, 1781. 2.--With regard to those who, after February, 1777, joined the British, and were attainted of treason, where the attainder has not been reversed or a pardon procured, they cannot be considered as restored to the rights of citizenship. The treaty of peace did not operate as a reversal of the attainder nor as a pardon, but only protects the persons from further

prosecution or punishment. 3.--As to the third class, who, after the 11th. February, 1777, took the oath of allegiance to the King of Great Britain, or joined the British armies, and were not attainted, they cannot be considered as expatriated; though such acts might be deemed overt acts of treason, they must still be considered as citizens, and entitled to the rights of citizenship. Till attainder, their rights were not forfeited. The test laws have now no operation on the question, unless to show the sense of the Legislature in support of the above principle. By the eleventh section of the Act of 5th December, 1778, it is enacted that those who had taken the oath or affirmation of allegiance to the State, and afterwards to the King of Great Britain, should be incapable of election, etc., until they should take the oath therein prescribed by the Act of 13th March, 1789, all the test laws were repealed, and the oath of allegiance, etc., rendered unnecessary. So that those who took an oath of allegiance to the King of Great Britain, joined his banner, or committed any other treasonable act, are not disfranchised unless attainted. J. B. McKEAN.

AN ALPHABETICAL LIST Of All Persons Attainted of HIGH TREASON, IN PURSUANCE OF THE LAWS OF THE STATE OF PENNSYLVANIA. . . . Land, Robert. . . .

SOURCE: originally published by: ONTARIO HISTORICAL SOCIETY Papers and Records Volume ??, Published in Toronto in 19?? Pages 112-120.

Land's connection with Ralph Morden is told in ghost stories involving Morden's Mill in Greensville, Ontario. (Some information regarding Land's ancestry may be in error). <http://www.hamiltonparanormal.com/morden1.html>

Books that relate the Robert Land story:

"Prominent men of Canada: a collection of persons distinguished in professional and political life, and in the commerce and industry of Canada", Graeme Mercer Adam, Canadian Biographical Publishing Co., Toronto, Ontario, 1892. Pages 196-198.

"If Ponies Rode Men: The Journeys of Robert Land, 1777-1792" – James Elliott ISBN: 0-9686139-0-X. First published 1999 by the Stony Creek Historical Society. Second Edition published 2000 by Hawthorn Ink. (In my opinion, the author has taken great liberties with the facts. This should not be counted on as an accurate account.)