

► A Tale of Three Tories of Amherst continued from page 3

his Country, and absconded from Amherst, and joined our unnatural enemies at Boston, at the same time leaving behind him lands, buildings, &c, to a considerable value, and for prevention of his estate coming to strip and waste, we, the inhabitants of Amherst [N.H.], Voted to improve [his] estate [by means of] their Committee of Safety.” (Only 4 men voted against, among them Col. John Shepard and Capt. Israel Towne.) In Sep., the Committee of Safety was authorized by the Legislature to take care of sundry perishable articles belonging to the estate of Zaccheus Cutler, Esq., “a refugee.”

In 1778, on Nov. 19, the N.H. General Court passed an act naming 77 men who were forbidden to return unless they obtained prior special permission from that body, and would be jailed until could be forced to return to British dominion at their own expense if they did return, and were to suffer the pains of death if they attempted a second return. “Many of the persons thus proscribed had been among the leading men in the province, [including] Gov. John Wentworth [who had departed in 1775, having lost authority]; Capt. Robert Rogers, the famous ranger; Benjamin Thompson, afterward Count Rumford; and William and John Stark, brother and nephew of Gen. John Stark” (Secomb, p. 388).

On Nov. 28, the following act passed: “Whereas Zaccheus Cutler [et 27 al.] have since the commencement of Hostilities between Great Britain and the united states of America left this and the other united states and gone over to and joyined the enemys thereof and have to the utmost of their power aided abetted and assisted the said enemys in their cruel designs of wresting from the good people of said states their libertys civil and religious and of taking from them their property and converting the same to the use of their said enemies, whereby they have justly forfeited all right to protection from either of said states and also their right to any farther enjoyment of their interest & property being within this state. Be it therefore enacted ... that [their] whole estate real and personal is declared to be forfeited to this state and that the same be for the use thereof.” Col. Moses Nichols, James Underwood, Esq., and Col. Noah Lovewell were appointed the committee to take possession of all their estates in Hillsborough County.

Cutler was already a resident of Amherst in Oct. 1771 when he married in Northborough, Mass., Miss Hazadiah Eager, sister of his

brother Ebenezer’s wife from a Loyalist family. In that same month, the court granted Zaccheus Cutler and Nahum Baldwin each a license to keep a tavern – that is, sell liquor drinks in their stores as they were both also licensed as retailers – while the several courts of justice were sitting in Amherst and at no other times. (This was in addition to nine innkeepers licensed year-round, including Ephraim Hildreth, Jonathan Smith, and Robert Read.)

Zac quickly amassed quite a bit of property in Amherst: 1) 1.5 acres near the place of worship with the dwelling at 15 Mack Hill, a shoe shop, and adjoining tanyard with bark mill house and curry house (Feb. 1772; one-quarter acre of it Aug. 1773); 2) upper farm of 60 acres with a small house in north part of town (probably today’s Mont Vernon), of which 22 acres pasture lay on east side of road leading to New Boston and 38a on west side (July 1773); 3) 14 cultivated acres near SW intersection of Mack Hill & Jones Roads (Sep. 1774); 4) a hatter’s shop near the meetinghouse turned courthouse (Dec. 1774); 5) and 150 acres in New Boston for which he had taken a mortgage (Feb. 1775). He had also loaned money in exchange for mortgages on two properties; in one case the Legislature had to pass an act in 1778 in response to a 1775 petition by one mortgager so he could redeem and reinstate his title to the land. Sadly, Zac’s wife died in her 22nd year, in April 1773, just a year and a half after they wed, leaving no children, but he clearly wasn’t intending to abscond.

Like many other N.H. Loyalists, Cutler went to Canada. To document the property left behind and its value, he wrote a memorandum in 1776 at Halifax. We know so much about him because his Loyalist brother Ebenezer (1741-1831, born in Mass; died in Canada), who had been a merchant in Groton, Mass., where a mob destroyed his property because he continued to import British goods, was one of thousands who sought compensation from the British government for their losses. Ebenezer testified that after joining the British army in 1775, Zaccheus “remained with the British line & in England until he was took going from London to South Carolina in 1780.” Another witness believed he had been lost at sea in 1781; stated that “Before the War, Zaccheus Cutler was considered a thriving man, & in tolerable circumstances, [and was] a man of good character.” The Hillsborough county register of deeds, Moses Nichols, in Dec. 1783 provided authenticated copies of Zac’s deeds to his brother and the estate trustee

provided a certificate of accounting dated April 1787 for the confiscated property in Amherst. Ebenezer settled in Annapolis Royal, Nova Scotia, where he ran a general store and served at Deputy Prothonotary of the Supreme Court.

The Bottom Line

The confiscation committee published a notice in the *N.H. Gazette* of Portsmouth that the personal estate of Cutler, “an absentee,” was to be auctioned off in Jan. 1779 at the dwelling he had lately occupied. This included his furniture, stock of goods in trade, and tannery supplies. In May 1780, Deacon Nahum Baldwin (1734-1788) was appointed the Trustee of Cutler’s estate by the Judge of Probate for the county. Baldwin had impeccable patriotic credentials – the first to sign the association test paper and a commanding Colonel during the war – but as a competitor of Cutler’s (Baldwin lived at 6 Mack Hill Road), his motives may not have been entirely patriotic. Similar to probate for deceased, Baldwin had to arrange a proper inventory, and settle claims and debts, for which fees were charged. “The need of clothing for the Continental army led the N.H. Assembly at the close of March 1781 to direct the trustees of the confiscated estates to pay into the State Treasury at once the money accruing from sales thus far made.” (Siebert, p. 9) This was likely the impetus for the public auction of Cutler’s real estate, which was held in April 1781. As late as 1787, one Margaret Newman was allowed a claim against Cutler’s estate (Provincial Papers, vol. 21, 1892, p. 106). And in Dec. 1795, the Justices of the Superior Court of Judicature approved Joshua Atherton’s petition to be compensated for the legal suits of collection he initiated for Cutler’s estate at the late Baldwin’s behest.

“Whilst the settlement of these [confiscated] estates was going on, the money was rapidly depreciating. ... Some estates barely paid the expense of their management; others were rendered insolvent. ... The clear profit to the state [of N.H.] from all these confiscations, as far as it has been ascertained, is inconsiderable.” (*History of New Hampshire*, Vol. 1, by Jeremy Belknap, based on 1784 original with later corrections, edited by John Farmer, 1831, p. 382-383.)

John Holland

Joshua Atherton stuck out the difficult times until he was released (most of his time as a prisoner spent in private lodging in Exeter, then nights at home in Amherst on furlow from the gaol) and charges were dropped. Once it was clear

the Americans had succeeded, he was ready to swear the required allegiance. He regained his popularity and successful career. His nephew pursued a different course. John Holland, a “gentleman” who had resided with Atherton and owned no property in Amherst except a church pew, was jailed first in Exeter in Sep. 1777, then in Dover, and finally Amherst (when Ephraim Barker, the church builder, was gaoler) until about Jan. 1778. He failed to appear to answer his probably-trumped-up indictment for counterfeiting in June 1778, presumably losing his 1000 Pounds bond (and possibly the 500 Pounds of each of his sureties, Robert Read and Israel Towne). He was therefore banished and settled in St. John, New Brunswick, Canada, where he was elected sheriff of the county. Many Loyalists had a tough time starting over with nothing, but ultimately the influx of 50,000 spurred Canada’s growth.

New Hampshire’s treatment of Loyalists and others who would not sign the association test was “mild and considerate,” according to historian Stackpole (1916, p. 124). New Hampshire “permitted Loyalists to leave the State, and indeed by the resolution of January 16, 1777 [had] encouraged them to go, but did not expel them, and many of them remained,” according to historian Siebert (1916, p. 22). However, those who did go were not welcomed back, and confiscated property was not returned.

Sources:

These sources, as well as Patten’s Diary and Atherton’s Memoir, are online at GoogleBooks and/or archive.org and well worth reading.

“*The Loyalist Refugees of New Hampshire*” by Professor Wilbur H. Siebert, The Ohio State University Bulletin, Oct. 1916, 23 pages.

“*Historical Sketch of the Hillsborough County Congresses, Held at Amherst, N.H., 1774 & 1775 with Other Revolutionary Records*,” compiled by Edward D. Boylston, 1884.

“*Records of the New Hampshire Committee of Safety*” in Collections of the N.H. Historical Society, vol. VII, part I, 1863; especially p. 112, 116, 121, 155-157.

“Proceedings of Loyalist Commissioners” in “*Second Report of the Bureau of Archives for the Province of Ontario*,” Part II, 1904, p. 1285-88. “The Loyalists of Massachusetts and the Other Side of the American Revolution” by James Henry Stark, 1910, p. 468-470 for Ebenezer Cutler’s story.

“*Historical Narratives of Early Canada: Tax Me to the Teeth*” (www.Uppercanadahistory.ca).

# Business

## Fulkerson Nominated to Chamber of Commerce Board of Directors

MILFORD – Lyle Fulkerson, President and CEO of Holt Proctor McBriarty Insurance Agency, was recently nominated to the board of directors for the Souhegan Valley Chamber of Commerce (SVCC).

His nomination was unanimously accepted at the Chamber’s 24th annual awards dinner held on June 7th at Alpine Grove in Hollis.

Fulkerson indicated that he is excited by the opportunity to serve on the board. “May Balsama and her team do incredible work on behalf of local businesses. I am honored to join the Board.”

May Balsama, executive director of The SVCC, is also excited to welcome in a new board for 2012. “The Chamber is enriched by the experience and perspective of its new directors including Lyle Fulkerson of Holt Proctor McBriarty,” Balsama indicated. “He represents long standing, well respected businesses in the area that have been cornerstones in their communities.”

“We are looking forward to working with Lyle for his input in programming and outreach activities that will enhance the value of



Lyle Fulkerson

Chamber membership,” continued Balsama.

Fulkerson’s appointment to the board is effective as of July 1 and is a three year commitment.

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## Andy’s Summer Playhouse Adds New Executive Director

WILTON – Andy’s Summer Playhouse, one of Southern New Hampshire’s oldest children’s theaters, announces the addition of experienced arts administrator and non-profit manager Alexandra Urbanowski to its management team.

Urbanowski brings over twenty five years of experience to help Andy’s grow into its next phase of organizational development.

Building on the success of the management team which has stabilized and secured Andy’s operations over the past four years, the new position of Executive Director is designed to help Andy’s develop a path to a dynamic future.

Board President Rose Lowry stated, “Alexandra will bring a new perspective and new skills to Andy’s financial and administrative operations. Her experience as a theater manager and non-profit fundraiser will help Andy’s serve more young people and expand its reach.”

Artistic Director DJ Potter added, “It’s so exciting to have Alexandra on board. Not only does she have all the skills we were looking for and more, but she is also a past Andy’s kid. That kind of history gives her a perspective on the playhouse that is a wonderful addition to Andy’s and the community. I’m very happy to have Alexandra as a partner, not only for me, but a partner for the entire staff. That’s really important in a transition like this.”

Urbanowski grew up in New Ipswich, attended Pine Hill Waldorf School and is an alumna of Smith College. She spent twelve years in California as Managing Director of San Jose Repertory Theatre, Silicon Valley’s largest professional theater, before returning to New Hampshire in 2007. At Andy’s she’ll partner with Artistic Director DJ Potter and work with Technical Director Mark Haley as they launch the 2012 Summer Season, which opens with “The BFG” on June 30th.


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