

“Induced by Certain Handbills”: Contextualizing the Desertion of Hessian Sergeant Major

Nicolaus Ferdinand Westphal

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17 May 2022

On 24 February 1791, the then Secretary of State Thomas Jefferson formally petitioned Congress on behalf of a Hessian deserter by the name of Sergeant-Major Nicolaus Ferdinand Westphal. In the congressional record, Congress contextualized his petition as “praying for a gratuity of lands and other advantages promised by the late Congress to those who would quit the British service, in consideration of his having left that service, and joined the American Army, during the late war.”<sup>1</sup> Jefferson further emboldened the formal petition of the 24th, not only considering Westphal's injured and “indignant state,” but also, more vitally, the legal precedent of his desertion and hopefully his congressional compensation.<sup>2</sup>

Jefferson noted that when Westphal deserted the Hessian ranks and joined the American service he became, “a Citizen of these States,” imbuing him with certain ‘inalienable’ rights and holding Congress accountable for its numerous promises to the Hessian.<sup>3</sup> Many deserted as a direct result of the promises within American broadsides, intricate and inflammatory rhetoric for which Jefferson was largely responsible.<sup>4</sup> In Westphal’s case, nonetheless, Jefferson seemed determined to honor at least the pragmatic promises of land and money made in the broadsides to at least one Hessian.

Jefferson clearly explained the rewards Congress guaranteed not just to Westphal but to all other Hessian deserters during the Revolution. Jefferson plainly believed that the American legislative body, then composed of many of the same individuals who governed and fought during the American Revolution, owed Westphal. However, it also remains important to understand the malcontent amongst conscripted Hessians and the rhetorical methods American

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<sup>1</sup> Thomas Jefferson, *Jefferson's Report on the Petition of a Hessian Deserter, 24 February 1791. The Papers of Thomas Jefferson*, vol. 19, 24 January–31 March 1791, ed. Julian P. Boyd. Princeton: Princeton University Press, 1974, pp. 326–328.

<sup>2</sup> “Jefferson’s Report on the Petition of a Hessian Deserter, 24 February 1792.”

<sup>3</sup> “Jefferson’s Report on the Petition of a Hessian Deserter, 24 February 1792.”

<sup>4</sup> Lyman H. Butterfield. “Psychological Warfare in 1776: The Jefferson-Franklin Plan to Cause Hessian Desertions.” *Proceedings of the American Philosophical Society* 94, no. 3 (1950): 233-41. <http://www.jstor.org/stable/3143556>.

propagandists—including Jefferson, Franklin, and countless other unnamed revolutionaries—utilized in order to persuade Hessians like Westphal to desertion.

The anticipation, and in the case of the Continental Congress the fervent hope, of Hessian desertion, spanned back to the British government's decision to purchase Hessian troops. British General Henry Clinton forewarned against the utilization of German auxiliaries, foreseeing their potential for heightened incidents of desertion when compared with Britain's other initial options, such as the armies under Tsarina Catherine I.<sup>5</sup> He and others cited the use of a "common language," German, as a gateway to propaganda, prudently considering that 150,000 individuals of Germanic origin already resided in the British Colonies in North America before 1776, many of whom openly sided with the Revolution; however, in the end, the British decided to purchase the service of some 30,000 German auxiliaries over the course of the purchase that would cost the British crown approximately 3,000,000 pounds sterling.<sup>6</sup>

The details of Westphal's journey to North America remain unknown, though if his travels across the Atlantic resembled anything to that of his Hessian peers, it was harrowing. Private Stephen Popp of the Bayreuth Regiment wrote on 10 March 1777 regarding an incident involving a detachment of Ansbach troops en route to North America. At the riverport of Ochsenfurt, near Würzburg, Popp wrote that "we were put on board a ship and many of the men threatened to refuse, the non-commissioned officers were ordered to use heavy whips to enforce obedience, and later to fire on the malcontents, so that some thirty men were wounded."<sup>7</sup>

Summarily after the insubordination and desperation that Popp described, Margrave Christian Friedrich Carl Alexander of Brandenburg-Ansbach parlayed with the men and calmed their

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<sup>5</sup> Carl Berger. *Broadsides and Bayonets: The Propaganda War of the American Revolution*. (San Francisco: Papamoa Press, 2017, 97-99.

<sup>6</sup> Jan Stievermann, Oliver Scheiding. *A Peculiar Mixture: German-Language Cultures and Identities in Eighteenth Century North America*. University Park, PA: Pennsylvania University Press, 2013, 210-213.

<sup>7</sup> Stephen Popp, and Joseph G. Rosengarten. "Popp's Journal, 1777-1783." *The Pennsylvania Magazine of History and Biography* 26, no. 1 (1902): 25-41. Accessed November 8, 2020. <http://www.jstor.org/stable/20086009>, 27-28.

discontent, and with it, he quelled desertions during their journey northward along the Main River.<sup>8</sup>

The Margrave's successful intercession during the Ansbach troops' revolt reflected the respect for his absolute powers as monarch. However, the discontentedness of German auxiliaries forced to serve the British didn't evaporate after a few stern words and a regal display from the sovereign. The Continental Congress anticipated a feverish malcontentedness amongst conscripted Hessians, and while they overestimated this willingness toward desertion, they seized upon every opportunity to militarily weaken the British. Before the first "foreign horde" of Hessians even arrived at Staten Island, the Continental Congress machinated methods to incite their desertion.

Benjamin Franklin, despite his well-known prejudices against Pennsylvania Germans, aptly summarized Congress's ploy, saying that: "the German auxiliaries are certainly coming. It is our business to prevent their returning."<sup>9</sup> The first to draft a proclamation to the Hessian soldiery was Virginia lawyer and Congressional delegate George Wythe. Wythe's draft, written on 21 May 1776, months before the Hessians' arrival in North America, categorized the Hessians as "unprovoked enemies" without mentioning them specifically by name, only by their foreignness, mirroring the British's perception of the Hessians. However, unlike the British, Wythe proposed equality and brotherhood, citing that, "all your countrymen who dwell among us, were received as friends, and treated as brethren, participating equally with our selves of all our rights, franchises and privileges."<sup>10</sup> Wythe hoped that the American promise of equality and fair treatment would form enough of a rhetorical hale to incite desertions.

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<sup>8</sup> Popp, Rosengarten, 27-30.

<sup>9</sup> Berger, 79-80.

<sup>10</sup> Jefferson Papers 1: 146. E. C. Burnett first suggested that Wythe's draft was prepared for the committee appointed on May 21 (Letters of members of the Continental Congress 2: 63, note, Washington, Carnegie Instn., 1921-1936); and so it must have been, for Wythe left Congress in June and did not return before mid-September (1: lxvi; 2: lxxii).

The assertions of equality in the States between German and English immigrants, as well as, the more integral and persuasive promise of land in the American backcountry, a promise wholly foreign to the Hessians, who had no opportunity of land ownership in the Principalities. Wythe proposed the most repeated argument, an argument enshrined through American rhetoric, an argument that would be enshrined in immortal words just two months later, “life, liberty and the pursuit of happiness,” which, outwardly, the Continental Congress appeared all too joyous to bestow upon their unfortunate enemies.<sup>11</sup>

Despite Wythe’s work in composing the first attempted propagandistic broadside aimed at the Hessians much would change in the final draft. Benjamin Franklin and Thomas Jefferson helmed the writing and publication of the initial propaganda leaflet dated 14 August 1776, with the oversight of a five-man committee and the then President of Congress, John Hancock.<sup>12</sup> After the English-language draft, German immigrants in service to Congress translated the broadside into High German.<sup>13</sup> Printed by Franklin’s printing presses in Philadelphia, the broadsides were ready for distribution in the New York and New Jersey campaign mere days after its penning.<sup>14</sup>

Franklin suggested that the handbills hold pouches filled with tobacco, to persuade the Hessians to read the leaflets.<sup>15</sup> The so-called, “Tobacco Marks” bore the rhetorical torques of Wythe's initial proposal, Franklin, Jefferson, and the rest of the congressional committee, insofar as to coerce Hessian desertions; however, fueled by the embarrassing American defeat at the hands of the Hessians at the Battle of Staten Island in late August 1776, and under the

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<sup>11</sup> Thomas Jefferson, et al, July 4, Copy of Declaration of Independence. -07-04, 1776. Manuscript/Mixed Material. <https://www.loc.gov/item/mjbib000159/>.

<sup>12</sup> Butterfield, 234.

<sup>13</sup> Berger, 75-83.

<sup>14</sup> Butterfield, 239-241.

<sup>15</sup> Berger, 76-78.

supervision of General George Washington, German-American operatives distributed the broadsides amongst the sprawling Hessian camps in New York rather unsuccessfully.<sup>16</sup>

The first broadside projected an appeal through, similar democratic and anti-monarchical rhetoric they utilized when attempting to persuade Loyalists, appealing to what the Continentals categorized as the Hessians' "unalienable laws of good nature" and promised "peace, liberty, property, [and] mild government" free from monarchical rule.<sup>17</sup> Furthermore, Jefferson painted King George III as a bloodthirsty tyrant who: "waged a cruel war against us without provocation; and, as the imaginary king is unable to move Britain enough to carry out his bloodthirsty measures, he has come for the help of certain foreign princes, who make a habit of selling their people's blood for money, and he has received large numbers of foreigners and sent them here."<sup>18</sup> Certainly, within the broadside, Jefferson and other American operatives portrayed the causes of the Revolution as just, though such stark anti-monarchical rhetoric proved less persuasive.<sup>19</sup>

Neither Wythe, Jefferson, nor Franklin knew fully the cultural considerations required to incite Hessian desertions, especially from the ranks of officers. Mere days after the first "Tobacco Marks" were disseminated to the Hessian in Staten Island, a flaw within the rhetoric was identified by Continental Colonel James Wilson, a Pennsylvania delegate in the Continental Congress and more importantly a member of Congress's June 1776 Committee on Spies. Due to this position, Colonel Wilson was privy to the inner espionage and intelligence of the Continental Army and saw a fatal flaw within the first broadside.

While Colonel Wilson's personal beliefs likely coincided with the rhetoric in the committee's first broadside, being both a patriot and a citizen of Pennsylvania, the German

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<sup>16</sup> Burger, 124-125.

<sup>17</sup> Berger, 123-124.

<sup>18</sup> Draft of Resolution to Recruit British Officers and Soldiers into Continental Army. August 27<sup>th</sup>, 1776.

<sup>19</sup> Butterfield, 235-241.

heartland in North America, Wilson utilized his expertise to better revise the rhetoric within America's first German-language propaganda. While Colonel Wilson was a proponent for liberty, he was also a pragmatic lawyer, and military officer, and saw that the broadside focused too heavily on anti-monarchical rhetoric and not enough on the promised bounties for Hessian officers who brought their subordinates to desert.<sup>20</sup>

Colonel Wilson identified both rhetorical and practical flaws within the broadside.<sup>21</sup> However, it remains unclear how much he grasped the cultural traditions and motivations of German auxiliaries since he himself emigrated from Scotland and likely spoke little German. Colonel Wilson saw no distinction in reward between Hessian military ranks in the broadsides, a vital cultural consideration considering the immovable hierarchical class structures within the absolutist Hessian military.<sup>22</sup> Two weeks after the first printing, Jefferson composed a second revised edition of "Tobacco Marks" that included Wilson's suggestions dated 27 August 1776.<sup>23</sup>

The second American broadside entitled "In Congress the 27th August 1776" granted that any "foreign soldier" who defected would receive "100 acres of unappropriated lands."<sup>24</sup> Moreover, with congressional approval, they created a hierarchy of monetary rewards for Hessian officers, based on "the number [of soldiers] they should bring over."<sup>25</sup> Westphal encountered the second, updated broadside, and in his case, Jefferson calculated Westphal's compensation considering that he served as a Sergeant Major, the highest non-commissioned rank in the Hessian army, and successfully brought five other conscripted soldiers to desert.<sup>26</sup>

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<sup>20</sup> Butterfield, 235-236.

<sup>21</sup> Berger, 82-83.

<sup>22</sup> Berger 77-80.

<sup>23</sup> Berger 77-78.

<sup>24</sup> Draft of Resolution to Recruit British Officers and Soldiers into Continental Army.

<sup>25</sup> "Jefferson's Report on the Petition of a Hessian Deserter, 24 February 1792."

<sup>26</sup> "Jefferson's Report on the Petition of a Hessian Deserter, 24 February 1792."

Before and during the time of Wesphal's desertion, the Continentals grappled with the question of how Hessian deserters and prisoners of war should be treated. New Year's 1777, the newly established Pennsylvania Security Council led by the then President of Pennsylvania, Thomas Wharton Jr., published a proclamation regarding the recently captured Hessians, and their forced march led by Christopher Ludwick to the city of Philadelphia; the proclamation was likely influenced by the rhetoric of General Washington, though published under President Wharton.<sup>27</sup>

The unexpected suddenness of the decisiveness of the battles of Trenton and Princeton, and the subsequent Hessian capitulation surprised not only the American populace and the British but also Frederick II, the Landgrave of Hesse-Kassel, who angrily wrote in 1777 that, "these regiments will never receive any [standards] again unless they capture from the enemy as many as they have lost in such a disgraceful manner."<sup>28</sup> The dishonor of the defeat, as furiously expressed by Friedrich II, the Hessian leadership in North America, and the fair treatment that many of the conscripted and enlisted Hessians received by the Americans, prompted the desertion of captive Hessians across the States.<sup>29</sup>

The abrupt change wrought by the Hessians' defeat was directly reflected in the Pennsylvania Security Council's broadside titled "An das Publicum Im Sicherheits-Rath" dated 1 January 1777. The Pennsylvania Security Council urged the local citizenry to forgive the Hessian's transgressions. The broadside further claimed that "we hope they will find it impossible for them to continue to stain their hands with the blood of Americans, many of whom are their countrymen."<sup>30</sup> The broadside asked the German-American public to become active

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<sup>27</sup> Russell Ernest, Caroline Ernest. *Flying Leaves and One-Sheets: Pennsylvania German BroadSides, Fraktur and their Printers*. New Castle, Delaware: Oak Knoll Books, 2005, 3-7.

<sup>28</sup> Richard H. Ketchum. *Saratoga, Turning Point of America's Revolutionary War*. New York: Henry Holt and Company Publishing, 1997, 272.

<sup>29</sup> Berger, 126-129.

<sup>30</sup> Ernest, 159.



proponents of American attempts to persuade Hessian prisoners of war to desert through kindness and hospitality.

They rationalized that “because of their lack of pay, [the Hessians had] been encouraged to plunder [...] so it is no wonder that they have committed great disorder, which is by no means comparable to the animalistic performances of the British troops.”<sup>31</sup> The American justifications and even supposed forgiveness of the Hessians’ extensive plundering during the New York and New Jersey Campaigns reflected Washington’s aims to not only cause desertions among the captured Hessians but to also align the perceptions of German-Americans with his own and that of Pennsylvania’s Security Council.<sup>32</sup>

As the British and Hessian armies pushed further into the German-American heartland of Pennsylvania, more interactions between the Hessian Armies and German-American communities seemed inevitable. The proclamation further asserted, that the captured Hessians “be treated in the friendliest of ways, as a people whom we wish would unite with us in cultivating the fertile forests of America.”<sup>33</sup> The “goodwill” of the Pennsylvania Germans likely extended to Westphal as he would later transplant his life to the German community in Philadelphia.<sup>34</sup>

Jefferson likely learned of Westphal’s petition and his narrative of desertion from Speaker of the House Friedrich Augustus Konrad Mühlenberg, an acquaintance of the Westphal family.<sup>35</sup> In their supposedly desperate state, Westphal and his family turned to their limited social connections which led them to Jefferson who entreated Congress for the lofty promises made

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<sup>31</sup> Ernest, 157-159.

<sup>32</sup> Ernest, 158-159.

<sup>33</sup> Ernest, 159.

<sup>34</sup> “Jefferson’s Report on the Petition of a Hessian Deserter, 24 February 1792.”

<sup>35</sup> Ancestry.com. *Pennsylvania, Wills and Probate Records, 1683-1993* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2015. *Pennsylvania, City of Philadelphia, administration files*; Author: *Philadelphia (Pennsylvania). Register of Wills*; Probate Place: *Philadelphia, Pennsylvania*.

within the American broadside, broadsides which Jefferson, at least in part, wrote. A former lawyer by trade, Jefferson torqued Westphal's petition as a persuasive legal argument, and especially his narrative of desertion, to set a strong legal precedent so that Congress would bestow the land and money promised to Hessian deserters in American broadsides.<sup>36</sup>

Jefferson harbored a moral obligation to Westphal due to his direct involvement in the writing process in the propaganda campaigns to subvert the Hessians, broadsides that incited Westphal and his picket's desertion, and ultimately resulted in the death or recapture of seven men in Westphal's picket.<sup>37</sup> The concise structure of Westphal's desertion narrative as poignantly outlined by Jefferson in his appeal, further provides evidence for the effect of American broadsides targeted towards the Hessians. Jefferson claimed that Westphal and his picket received the American "Tobacco Marks" either during their prolonged encampment at Fort Edward or elsewhere during their armed service in the wildernesses of New York.<sup>38</sup> Westphal read the contents of the leaflets to his men, away from the prying eyes of other British or Hessian officers. The lofty promises, "100 acres of unappropriated land" and monetary reward for Hessian officers within the American broadsides nonetheless weighed heavily on the duty-bound minds of Westphal and his men.<sup>39</sup>

Through Jefferson's accounting, Congress owed Westphal "proportional" compensation for the successful desertion of those five men in his picket. Jefferson reasoned in his petition that a "soldier withdrawn from an enemy saves the necessity and consequently the expenses of raising one on our part."<sup>40</sup> In order to fully understand the reasons and rationality for Westphal's legal claims, it remains vital to understand Westphal's act of desertion itself as relayed by

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<sup>36</sup> Berger, 124-127.

<sup>37</sup> Berger, 125-126.

<sup>38</sup> "Jefferson's Report on the Petition of a Hessian Deserter, 24 February 1792."

<sup>39</sup> Continental Congress, Draft of Resolution to Recruit British Officers and Foreign Soldiers into Continental Army. 08 27, 1776. Manuscript/Mixed Material. <https://www.loc.gov/item/mtjbib000193/>.

<sup>40</sup> "Jefferson's Report on the Petition of a Hessian Deserter, 24 February 1792."

Jefferson. Along the war-ravaged Hudson River Valley, in August 1777, Hessian Sergeant Major Nicolaus Westphal contemplated American promises within the Tobacco Marks amongst the dilapidated log walls of Fort Edward and stood in defiance to fiercely looming American rebel opposition along the valley.<sup>41</sup> Westphal lamented the increasingly difficult conditions of his continued military service with his fellow soldiers, half a world away from their Germanic homeland.

Westphal, a native of Lehmerden, in the Electorate of Hanover, enlisted in the expansive armies of Hesse-Kassel as a young man, with little other prospects of sustained employment or merited promotion in his bucolic hometown. Through his loyal and continued military service, Westphal rose to the highest non-commissioned rank of Sergeant Major.<sup>42</sup> Now a man of middle age, Westphal surely failed to imagine that his lengthy military service would drag him to quench a rebellion in the far-flung frontier of the New York Colony.

Westphal's picket frequently engaged the American rebels amongst colonial settlements, surrounding the numerous British forts that lined the Hudson River, many of which remained from the long-passed wilderness campaigns of the Seven Years' War.<sup>43</sup> While in North America, Westphal served under the Hessian hierarchy of officers and generals, but also under the will and command of the British forces. During the beginning of the Saratoga Campaign, of 1777, Westphal and the Hessians under his command experienced meager rations, habitual marches, and frequent skirmishes while in service to the British. Despite the Hessian's duty-bound military servitude, Westphal and his men read American broadsides that promised both land and money for officers who lead men to desertion.<sup>44</sup> The American Tobacco Marks they encountered

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<sup>41</sup> "Jefferson's Report on the Petition of a Hessian Deserter, 24 February 1792."

<sup>42</sup> "Jefferson's Report on the Petition of a Hessian Deserter, 24 February 1792."

<sup>43</sup> Butterfield, 234-237.

<sup>44</sup> Draft of Resolution to Recruit British Officers and Soldiers into Continental Army.

justified, morally righteous American independence, religious freedoms, and most importantly promised bounties of land in the American heartland.<sup>45</sup>

Baron Ludwig von Closen-Haydenberg, an aide-de-camp under General Rochambeau during the New York and New Jersey campaigns, observed that “the fertility of the country, the climate, the customs of the inhabitants, the use of the German language in this part of Pennsylvania in preference to English, the methods of cultivation and construction, all these recalled to me my dear native land; and although I was pursuing adventure more than 1800 leagues from there, I felt, I declare as if I had been transplanted suddenly to the center of the beautiful Palatine.”<sup>46</sup> Von Closen’s poetically romantic characterization of German Pennsylvania and the outlying, predominantly German communities within the northern colonies reflected the observations of many German auxiliaries who were often enthralled by the prevalence of German communities.

Emboldened by the rhetoric within the Tobacco Marks and their experiences in the “Dutch Country,” on 8 August 1777, Westphal led his picket of twelve men silently away from Fort Edward southward along the Hudson River.<sup>47</sup> During the approximately thirty-mile trek, Westphal lost seven of his men.<sup>48</sup> On 17 August, almost ten days later, Westphal and his five remaining, tattered Hessian compatriots trudged into the American encampments at Stillwater, New York, and capitulated.<sup>49</sup> After Westphal and the surviving Hessians’ capitulation at Stillwater, he joined the American service and accompanied the Continentals to Philadelphia.

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<sup>45</sup> Jefferson, Thomas and translated by Dylan Mask. “In Congress, the 14th of August 1776.” Philadelphia, 1777.

<sup>46</sup> Evelyn M. Acomb. “The Journal of Baron Von Closen.” *The William and Mary Quarterly* 10, no. 2 (1953): 196-236. Accessed July 23, 2020. doi:10.2307/2936933.

<sup>47</sup> “Jefferson’s Report on the Petition of a Hessian Deserter, 24 February 1792.”

<sup>48</sup> “Jefferson’s Report on the Petition of a Hessian Deserter, 24 February 1792.”

<sup>49</sup> “Jefferson’s Report on the Petition of a Hessian Deserter, 24 February 1792.”

However, the circumstances of Westphal's arrival in Philadelphia, too, proved unfortunate.<sup>50</sup> Mere days after the Hessians' arrival, General Sir William Howe and his combined British and Hessian armies fought and defeated the Continental Army at the battles of Brandywine and Germantown, which ceded Philadelphia to the British. Fortunately, Westphal eluded identification or recapture by the British or Hessians by melding into the "Dutch Country" around him. It remains unclear the details of Westphal's service in the Continental Army, but regardless, Westphal avoided recapture and found companionship.<sup>51</sup>

After the Revolution, Westphal stayed in Philadelphia and married an ethnic German woman, by the name of Sara Löber, and together they raised five children, three girls, and two boys.<sup>52</sup> Westphal and his growing family lived somewhere around Philadelphia's Harbor District.<sup>53</sup> Westphal practiced Lutheranism and attended the Old Zion Lutheran Church located near his home in Philadelphia, led by Pastor Dr. Heinrich Melchior Mühlberg.<sup>54</sup> Through Westphal's religious affiliations, he shared a socially-vital acquaintance with the prominent Mühlberg family, including the then Speaker of the House Friedrich Mühlberg.<sup>55</sup>

Westphal suffered a debilitating injury some years after the Revolution, and according to Jefferson, Westphal was "by an accident, disabled permanently from labour and is, with his wife and [five children], in a [...] helpless condition." Westphal, as an act of desperation, sent "his

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<sup>50</sup> "Jefferson's Report on the Petition of a Hessian Deserter, 24 February 1792."

<sup>51</sup> Ancestry.com. *Pennsylvania, Wills and Probate Records, 1683-1993* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2015. *Pennsylvania, City of Philadelphia, administration files*; Author: *Philadelphia (Pennsylvania). Register of Wills*; Probate Place: *Philadelphia, Pennsylvania*.

<sup>52</sup> "Jefferson's Report on the Petition of a Hessian Deserter, 24 February 1792."

<sup>53</sup> Historical Society of Pennsylvania; Philadelphia, Pennsylvania; *Historic Pennsylvania Church and Town Records*. Ancestry.com. *Pennsylvania and New Jersey, Church and Town Records, 1669-2013* [database on-line]. Lehi, UT, USA: Ancestry.com Operations, Inc., 2011.

<sup>54</sup> Ancestry.com. *Pennsylvania and New Jersey, Church and Town Records, 1669-2013* [database on-line]. Lehi, UT, USA: Ancestry.com Operations, Inc., 2011.

<sup>55</sup> Ancestry.com. *Pennsylvania, Wills and Probate Records, 1683-1993* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2015. *Pennsylvania, City of Philadelphia, administration files*; Author: *Philadelphia (Pennsylvania). Register of Wills*; Probate Place: *Philadelphia, Pennsylvania*.

wife and two children,” at the time, to recover his property in his home of Lehmerden.<sup>56</sup> News of his desertion reached the principality’s state administration which openly confiscated deserters’ property. The Landgrave of Hessen proclaimed in 1784 that all Hessian deserters in America “shall their property be expropriated” if they refused to accept the Landgrave’s pardon and rejoin their respective regiments.<sup>57</sup> Westphal, with seemingly no prospects of employment due to his injuries, and shrinking funds for his five children, turned to the hopeful promises outlined in American broadsides; broadsides that led him to his life in Philadelphia in the first place.

Congress heard Westphal’s plea on 15 March 1792 and approved all demands within Jefferson’s petition.<sup>58</sup> By paying Westphal, in at least this single case, Congress upheld the numerous and lofty promises made during the Revolution to Hessian deserters. Jefferson estimated that other than the acreage, Congress owed Westphal the grand sum of £336.84, which included an incurred 6% interest since the date of his capitulation to the American command at Stillwater, New York, on 17 August 1777.<sup>59</sup>

Sadly, Westphal died in the days before Congress approved his petition, on 15 March 1792, though his family received the money and land deeds promised to him by the broadsides and advocated for him by both Jefferson and Mühlenberg.<sup>60</sup> On 6 April 1792, then President George Washington wrote the then Secretary of the Treasury Alexander Hamilton on behalf of

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<sup>56</sup> Historical Society of Pennsylvania; Philadelphia, Pennsylvania; *Historic Pennsylvania Church and Town Records*. Ancestry.com. *Pennsylvania and New Jersey, Church and Town Records, 1669-2013* [database on-line]. Lehi, UT, USA: Ancestry.com Operations, Inc., 2011.

<sup>57</sup> Schwalm, Leslie J, Theodore Schwalm, Mark A. Schwalm, G. Paul Moser, Kenneth S. Jones, Orpah Romberger, Maj Gen Joseph Schwalm, George Tallman, and Daniel Schwalm. *Johannes Schwalm: The Hessian*. Precision Printers, Millville PA, 1976, 44-45.

<sup>58</sup> “Enclosure: [Expenditures], 15 December 1793,” *Founders Online*, National Archives, version of January 18, 2019, <https://founders.archives.gov/documents/Hamilton/01-15-02-0395-0004>. [Original source: *The Papers of Alexander Hamilton*, vol. 15, *June 1793–January 1794*, ed. Harold C. Syrett. New York: Columbia University Press, 1969, pp. 498–545.]

<sup>59</sup> “Enclosure: [Expenditures], 15 December 1793.”

<sup>60</sup> Historical Society of Pennsylvania; Philadelphia, Pennsylvania; *Historic Pennsylvania Church and Town Records*. Ancestry.com. *Pennsylvania and New Jersey, Church and Town Records, 1669-2013* [database on-line]. Lehi, UT, USA: Ancestry.com Operations, Inc., 2011.

the Westphal family citing that “in virtue of the last clause of “an Act for the relief of certain Widows, Orphans, Invalids, and other persons,” you will cause to be paid to Nicholas Ferdinand Westfall.”<sup>61</sup> The record of Westphal’s settlement of £336.84 sits in Congress’s 1793 expenditure report under the name Sara Westphal, as a result of the above-mentioned Congressional act.<sup>62</sup> The settlement likely sustained Westphal’s family after his untimely death at the age of fifty-one.<sup>63</sup> Westphal remains the only recorded Hessian officer who succeeded in his petition to Congress for the bounties stated in their revolutionary broadsides in the years immediately succeeding the Revolution.

Years later, other Hessian deserters and even their widows petitioned Congress and state legislatures, for the 100 “unappropriated” acres promised in the broadsides.<sup>64</sup> Westphal’s compensation serves as the earliest example of congressional payment for Hessian desertion. The vast majority of American compensation for Hessians occurred during the early 19th century, and by then a majority of them had already died, though other Hessian deserters settled in Pennsylvania such as blue dyers, Frederich Stein and Leonard Baumgartner.

In 1828, the federal government issued Stein’s widow, a 100-acre land bounty for her late husband’s defection from the Ansbach troops, as well as, a military pension for his service in the Continental Militia.<sup>65</sup> Stein’s friend, business partner, and a fellow deserter of the Ansbach Regiment, Baumgardner, of the Bayreuth Regiment received his compensation during his

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<sup>61</sup> “From George Washington to Alexander Hamilton, 6 April 1792,” *Founders Online*, National Archives, accessed September 29, 2019, <https://founders.archives.gov/documents/Washington/05-10-02-0127>. [Original source: *The Papers of George Washington*, Presidential Series, vol. 10, 1 March 1792–15 August 1792, ed. Robert F. Haggard and Mark A. Mastromarino. Charlottesville: University of Virginia Press, 2002, pp. 222–223.]

<sup>62</sup> “Enclosure: [Expenditures], 15 December 1793.”

<sup>63</sup> Historical Society of Pennsylvania; Philadelphia, Pennsylvania; *Historic Pennsylvania Church and Town Records*. Ancestry.com. *Pennsylvania and New Jersey, Church and Town Records, 1669-2013* [database on-line]. Lehi, UT, USA: Ancestry.com Operations, Inc., 2011.

<sup>64</sup> “Jefferson’s Report on the Petition of a Hessian Deserter, 24 February 1792.”

<sup>65</sup> Lion G. Miles and Lewis Miller. *The Hessians of Lewis Miller*. Lyndhurst OH: Johannes Schwalm Historical Association, 1983, 2-11.

lifetime. Baumgardner, like Stein, received a bounty of 100 acres from the federal government and a military pension for his service in the York Militia in 1828.<sup>66</sup> He sold his federal land bounty the following year for \$40.00, but Baumgardner also received a land bounty of 200 acres from the State of Virginia in 1835, which he sold for a sum of \$225.00, an altogether significant payout for the time.<sup>67</sup>

Sergeant Major Nicholas Ferdinand Westphal's petition and its ensuing congressional case serve as a contextualized example of the success and recognition of radical political rhetoric that the framers published in the form of German-language broadsides. Westphal's status as a Hessian officer and his relationship, if only on paper, to American founders including Thomas Jefferson, Friedrich Mühlenberg, and then President George Washington, solidified the survival of his claim and his otherwise under-swept historical legacy.<sup>68</sup>

Congress garnered limited funds for the compensation of Continental soldiers and deserters alike but, due to Jefferson and Mühlenberg's petitions and President Washington's letter to the Secretary of the Treasury, Alexander Hamilton, American framers not only rewarded Westphal but rewarded desertion and set a legal precedent to compensate other deserters.<sup>69</sup> Westphal betrayed his repressive military service through desertion, and in doing so, he portrayed a new-found loyalty to his new homeland of America. The strength of the rhetoric within America's broadsides changed the life trajectory of not just Westphal but the lives of many other Hessians.

Jefferson's direct, legal involvement in Westphal's case, coupled with the evidence of radical American rhetoric within the revolutionary broadsides, resulted in Westphal's vindication

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<sup>66</sup> Miles, Miller, 17.

<sup>67</sup> Miles, Miller 3-16.

<sup>68</sup> "From George Washington to Alexander Hamilton, 6 April 1792."

<sup>69</sup> "Jefferson's Report on the Petition of a Hessian Deserter, 24 February 1792."



and his family's deliverance. Both the Speaker of the House and the Secretary of State petitioned on behalf of Westphal, and that spoke volumes to the legal strength of Westphal's narrative of desertion, a narrative fueled by rhetorically driven broadsides. The potency of the rhetoric-sewn promises portrayed in American broadsides, from a time of radical revolution, showed that a young nation and its framers continually struggled to honor their word.

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