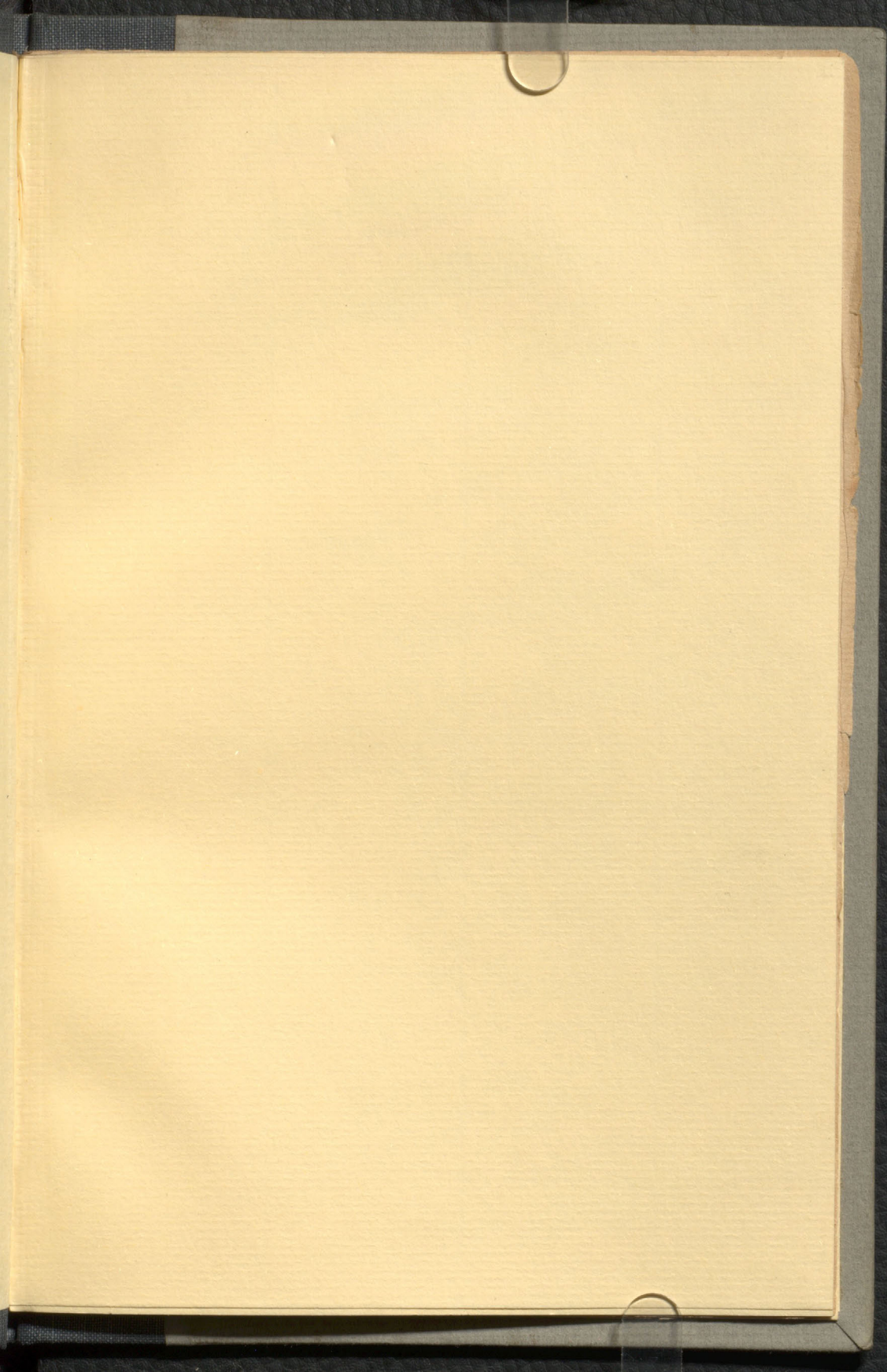


*42. Black list

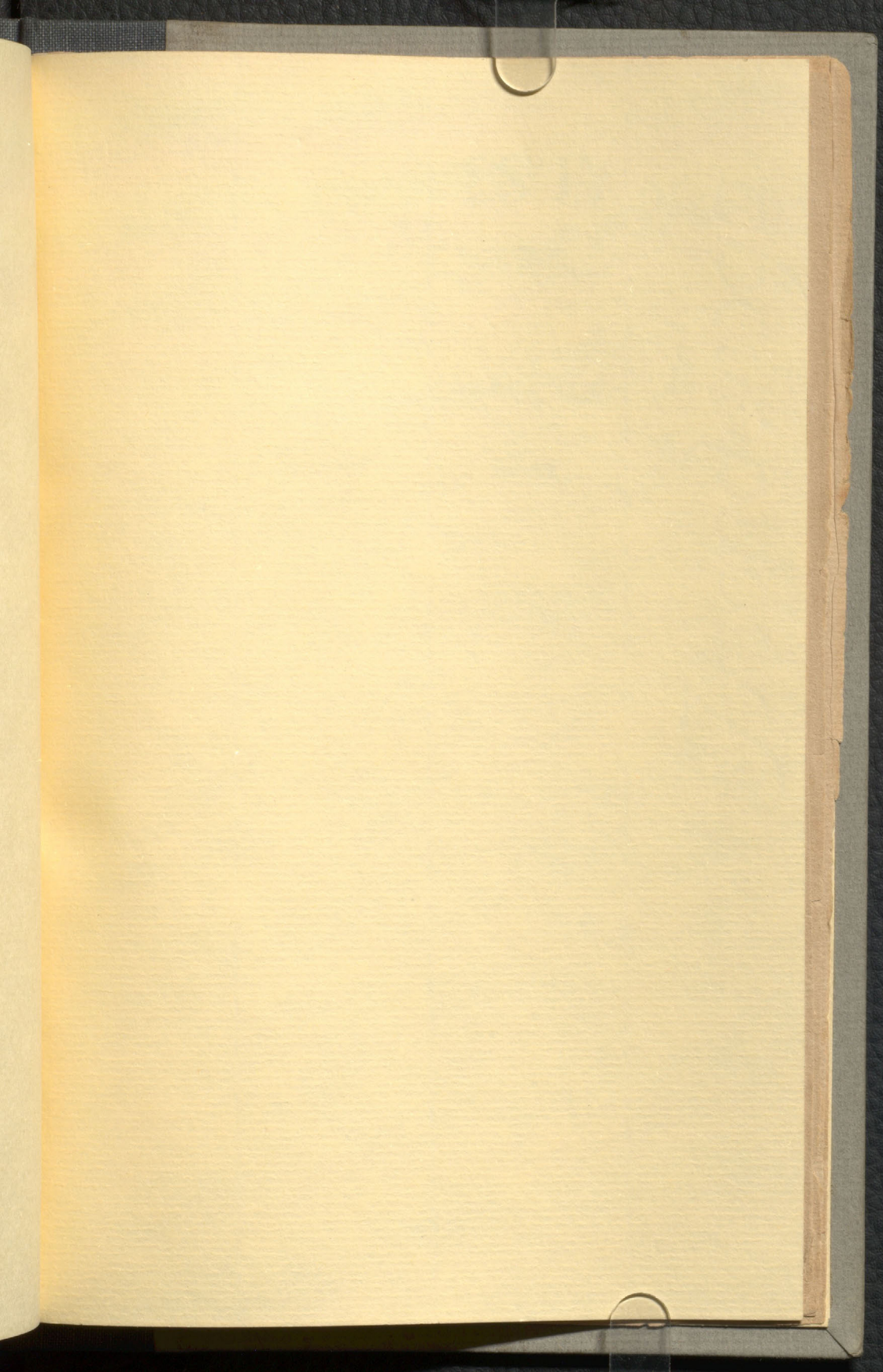
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BLACK LIST.

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
ATTORNEY GENERALS, Mc. KEAN & DALLAS,
&c.

PHILADELPHIA :

PRINTED FOR THE PROPRIETOR.

1802.

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AN ALPHABETICAL LIST
OF ALL PERSONS
ATTAINED OF HIGH TREASON,
IN PURSUANCE OF THE TREASON LAWS
OF PENNSYLVANIA.

THE LEGAL QUALIFICATIONS
OF VOTERS.

See READ's digest, page 100, sect. I. See also
the act of February 15th. 1799. (Vol. 4th.
page 332.)

First, that he is a *natural born* citizen of this
state, or was settled therein on the twenty-eighth
day of September, one thousand seven hundred
and seventy-six ; or, having been a *foreigner*, who
since that time came to settle therein, he hath taken
an *oath* or *affirmation* of allegiance to the same, on
or before the twenty-sixth day of March, one
thousand seven hundred and ninety, agreeably to
the then existing constitution and laws ; or, *se-*

condly, that he is a *natural born* citizen of some other of the United States, or had been lawfully admitted or recognized as a citizen of some one of the said states, on or before the twenty-sixth day of March, one thousand seven hundred and ninety; or *thirdly*, that having been a *foreigner* or *alien*, he hath been naturalized conformably to the laws of the United States. That as evidence of his being naturalized agreeably to the laws of the United States, *he* shall produce a certificate thereof, under the seal of the court wherein such naturalization took place; that as evidence of his being a *natural born citizen* of this state, or resident therein, on the twenty-eighth day of September, one thousand seven hundred and seventy-six, or a *natural born* citizen of some other of the United States, if required by any Inspector or Judge of the election, *he* shall be examined on his *oath* or *affirmation*; that as evidence of his having taken an *oath* or *affirmation* of *allegiance* to this state, on or before the twenty-sixth day of March, one thousand seven hundred and ninety; or, of having been lawfully admitted, or recognized as a citizen of some other of the United States, on or before the said day, if required by an Inspector or Judge of the election, *he* shall produce a certificate in due form, from some Judge, Prothonotary, or Clerk of a court, Mayor, Alderman, Recorder or Justice of the Peace; or shall be examined on his *oath* or *affirmation*; and if by such certificate or examination as aforesaid, it shall appear that he is a citizen of this state, qualified to elect, agreeably to the provisions of this act, his vote shall be received by the Inspector of the Township, Ward or District, in which he resides.

*The Legal Opinion of Messrs. Dallas and
Mc. Kean, on the Duty of Inspectors of
Elections, and qualification of Voters.*

We are of opinion, that the officers of the Election have a right, and are in duty bound, to ascertain, by every legal test, the qualification of the Electors ; and that the vote of an Elector, who refuses to depose, or affirm, to his qualifications, upon a question, that does not tend to criminate himself may be, and ought to be rejected.

We are of opinion, any inhabitant of Pennsylvania, (whether a native or not,) who made his choice to the British cause at the commencement of the Revolution, thereby became a British subject, and that such choice might be manifested by joining the British forces, or taking an oath of allegiance to the king of Great Britain.

We are of opinion, that in order to ascertain, whether an Elector is a British subject, or an American citizen, upon the principle above stated, the officers of the Election may, and if they doubt, must ask him, whether during the Revolution, he joined the British forces, or took the oath of allegiance, to the king of Great-Britain, and at what period? Nor, can such a question tend, in our opinion, to criminate him.

We are of opinion, that no man who has been attainted during the American Revolution can be entitled to vote at an election, unless the attainder has been reversed, or a pardon has been granted, by the proper authority of the government.

A. J. DALLAS,
J. B. Mc. KEAN.

Philadelphia, October 12th. 1801.

QUESTION.

Are those persons who took the Oath or Affirmation of Allegiance, or joined and adhered to the king of Great-Britain, after the 4th. day of July 1776, and now resident in Pennsylvania, to be considered as Citizens of Pennsylvania, and entitled to elect or be elected members of Assembly, &c. ?

ANSWER.

Upon every change of government, by a majority of the citizens, either, by the formation of a new system of government, or the resolution of the citizens, to submit to a foreign power, or no longer to be subject to a monarch, those who are averse to the change or disapprove the system adopted by the majority, have a right to leave the society and settle elsewhere. The election to expatriate must however be made within a reasonable time, and once made the party cannot regain the rights of a citizen, without complying with the forms prescribed for the naturalization of foreigners, by the society which he has deserted. The election may be evinced, by the declaration of the party, by an act of the party, as by a departure and joining another state, by taking an oath of Allegiance to, or aiding, or assisting another state, at war with the state or society he has left; but those who continue to reside and exercise the rights and privileges of a citizen, after a reasonable time allowed for their departure, are considered as having made their election to submit, and owe allegiance, to the government in which they

reside, and cannot afterwards expatriate themselves, *flagrante bello*, by taking an Oath of Allegiance to or joining the enemy.

Previous to the Declaration of Independence we were in a state of civil war, then each individual had a right to choose his side, after that act we assumed the character of an independent nation, the majority of the people refusing longer to be subject to a monarchical government, 'till the formation and organization of the State governments, any individual was at liberty to make his election. The government of Pennsylvania may be considered as completely organized on the 11th February, 1777; when an act passed, declaring who should owe allegiance to Pennsylvania, and what should be treason. 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 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. 11, '77, 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, &c. prescribed in the acts for the naturalization of foreigners. This principle seems to be settled by case of the Commonwealth against Chapman, determined in the supreme Court of Pennsylvania, in April 1781.

2. With regard to those who after Feb. '77, 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 Feb. '77, 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, tho' 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 shew the sense of the Legislature in support of the above principle. By the eleventh section of the act of 5th Dec. 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, &c. until they should take the oath therein prescribed by the act of 13th March, 1789, all the test laws were repealed, and the oath or affirmation of Allegiance, &c. rendered unnecessary. So that those who took an oath of Allegiance to the King of Great-Britain, joined his armies, or committed any other treasonable act, are not disfranchised unless *attainted*.

J. B. Mc. KEAN.

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AN ALPHABETICAL LIST
OF ALL PERSONS ATTANTED OF
HIGH TREASON,

IN PURSUANCE OF THE TREASON LAWS OF THE
STATE OF PENNSYLVANIA.

Allen John, <i>died before the day limited for the surrender.</i>	Allen James, <i>surrendered and died.</i>
Allen Andrew,	Allen Isaac,
Allen William, junr.	Adams John,
Austin William,	Arthur Peter,
Armstrong Francis,	Apfden Matthias,
Armstrong William,	Arnold Benedict,
Airey John,	Anderfon Stephen,
Ashbridge Aaron, <i>discharged by Sup. Court.</i>	Adams Jonathan,
Andrews William,	Adams Sufanna,
	Anderfon William.
Biddle John,	Barton Thomas, do.
Bartram Alexander,	Bean Jesse, do.
Biles Samuel,	Buffington Jacob,
Bulla Thomas,	Bullock Isaac,
Braken James,	Burnet John, <i>surrendered and discharged.</i>
Brooks Boyer, <i>surrendered and discharged.</i>	Bell Samuel, do.
Badge Thomas,	Burk Isaac,
Bulla John,	Burns Thomas,
Bray John,	Bell William,
Bramhall Thomas,	Brown James,
Brown John, <i>surrendered and discharged.</i>	Burd John,
Buckingham John,	Burr Hudson,
Bolton Joseph, <i>tried and acquitted.</i>	Burkett John,
Butcher John,	Burk John,
Bryan Joel, <i>surrendered.</i>	Burge David,
Burns George,	Barrow Samuel,
Balderstone Mordecai,	Bartelt John,
	Booth Benjamin,
	Bond Phineas.

Brown William,	Brown George,
Burrows Samuel,	Boyer Jacob,
Boatman George,	Bare Abraham,
Brown Benjamin, car-	Buffington Joshua, <i>tried</i>
penter, <i>surrendered</i>	<i>and acquitted.</i>
<i>and discharged.</i>	Buffington Richard,
Briggs George, do.	Blackford Martin.
Carlisle Abraham,	Canby Thomas,
Clifton Alfred,	Campbell Arthur,
Clifton William, <i>surren-</i>	Chapman Samuel, <i>tried</i>
<i>dered and discharged.</i>	<i>and acquitted.</i>
Compton William, do.	Chapman Amos,
Corry Robert, do.	Chapman Abraham,
Christy William,	Chapman David,
Carver Nathan,	Clark Abraham, <i>surren-</i>
Cunrad Robert,	<i>dered and discharged.</i>
Coxe Daniel,	Chapter Jacob,
Chalmers James,	Caldwell William,
Couper Robert,	Clark William,
Chevalier John, <i>surren-</i>	Crickly Michael,
<i>dered and discharged.</i>	Curlain William,
Club James,	Croghan George, <i>surren-</i>
Cunningham John, <i>sur-</i>	<i>dered and discharged.</i>
<i>rendered and discharged</i>	Colston John,
Curry Rofs,	Comely Joseph,
Craig James, <i>surrendered</i>	Campbel John,
<i>and discharged.</i>	Campbel William,
Conner Michael,	Campbel Peter,
Coley Robert, junr.	Clark John,
Cable John, <i>surrendered</i>	Crochson Dennis,
<i>and discharged.</i>	Corker William,
Canby Joseph,	Corbet Alexander.
Duche Jacob, junr.	De Normandie William,
Deshong Peter, <i>tried and</i>	Davis William, <i>tried and</i>
<i>acquitted.</i>	<i>acquitted.</i>
Dawson David,	Davis George,
Deleplain James, <i>surren-</i>	Dunn William,
<i>dered and discharged.</i>	Dunn Malin,

Davis James,	do.	Dunn George, <i>surrender-</i>
Davis Benjamin,		<i>ed and discharged.</i>
Dove Robert, <i>surrendered</i>		Dennis John,
<i>and discharged.</i>		Delong James,
Doan Joseph,		Dolston Isaac,
Dennis Henry,		Dolston Matthew,
Dennis John,		Dolston Isaac, junr.
Doble Joseph,		Dunn George,
De Normandie Andrew,		
Evans Abel,		Effinger Henry, junr.
Eve Oswald,		Elliot Matthew,
Evans Israel,		Evans William,
Evans William,		Evans John,
Evans Joel,		Elliott Andrew,
Easton Dennis,		Enfor George,
Elwood John, <i>tried, con-</i>		Eddy Charles,
<i>victed and pardoned.</i>		Eddy Thomas,
Edwards Joseph, <i>surren-</i>		Erwin Edward,
<i>dered and discharged.</i>		
Fouts Christian,		Fields Daniel,
Ferguson Hugh Henry,		Fields Gilbert,
Fisher Coleman,		Furner Morris,
Fisher James, <i>surrendered</i>		Furner Edward,
<i>and discharged.</i>		Falkenstine Jacob,
Fegen Lawrence,		Fleming Law,
Fell William,		Fox John,
Featherly Thomas,		Fairlamb Samuel,
Falkenstone Abraham,		Fincher Benjamin,
Furfuer Andrew,		Fox Joseph,
Fields George,		
Galloway Joseph,		Griffith Evan,
Garrigues Samuel, the		Green Isaac, junr.
elder, <i>tried and acquit-</i>		Gibbs Benjamin, <i>surren-</i>
<i>ted.</i>		<i>dered and discharged.</i>
Gregson James, do.		Gorman Enoch, do.
Gregory David,		Girty Simon,
Gelmore James,		Green Thomas,
Gosling John, <i>surrender-</i>		Gibson Edward,
<i>ed and discharged.</i>		

Good George,		Gorman James, <i>surrendered and discharged.</i>
Griffel Edward, <i>surrendered and discharged.</i>		Greswold Joseph,
Gill Joseph,		Gordon Thomas,
Gordon Henry,		Givin Hugh,
Hicks Gilbert,		Howell John,
Hook Christian,		Hendricksen Jeremiah,
Hanlon Edward,		Harvey John,
Hovendon Richard,		Hill Henry,
Holder John, <i>tried and acquitted.</i>		Hains Caleb,
Holder Jacob,		Hart Samuel,
Holder George,		Hartnet James, <i>tried and acquitted.</i>
Holtzinger Ingelholt,		Henry William,
Humphreys James, <i>senr. surrendered and discharged.</i>		Hardy Peter,
Hart John, do.		Hughes Uriah, <i>surrendered and discharged.</i>
Hart Chamless do.		Hutchinson Isaac,
Howard Peter do.		Hutchinson Thomas,
Hathe Andrew, <i>tried and acquitted.</i>		Hutchinson Marmaduke
Huntfman John,		Hare Jacob,
Hurst Timothy,		Hare Michael,
Hales John,		Hill Patrick,
Henderfon John,		Hutchinson John,
Hill John, <i>surrendered and discharged.</i>		Harvey Samuel,
Iredale Robert, <i>junr.</i>		Houfecker Nicholas,
Iredale Thomas,		Hughes Thomas,
James Jacob,		Humphries James, <i>jur.</i>
James Abel, <i>surrendered and discharged.</i>		Jones David, <i>surrendered.</i>
Johnston John,		Iredale Abraham,
Irwin Dunning,		Irwin Alexander,
Jefferies Samuel, <i>surrendered and discharged.</i>		Inglis James,
Jounkin Henry,		Jones Edward,
James Benjamin,		Jones Jonathan,
		Jones Jesse,
		Jones Daniel,
		Jones Holton,
		Jones Hugh,

Ink John,	Janes Daniel,
Irwin Francis,	Jackson John.
Keen Reynold, <i>Pardon-</i>	Kennett Levy,
<i>ed by act of Assembly.</i>	Kennedy William,
Kucker Ludwick, <i>surren-</i>	Kiffack Robert,
<i>dered and discharged.</i>	Kilby Lawrence,
Knight Joshua,	Kennard Joseph,
Knight John,	King Joseph,
Knight Haac, <i>surrender-</i>	Keffelmun Frederick, <i>sur-</i>
<i>ed and discharged.</i>	<i>rendered and discharged.</i>
Koster Samuel,	Knapper George,
Koster John,	Kearsley John,
Knight Nicholas,	Kennard Joseph.
Leveilly Thomas, <i>surren-</i>	Lindon Hugh,
<i>dered and discharged.</i>	Lindy Uriah,
Love William,	Long Abraham,
Lisle Henry, <i>surrendered</i>	Lawson James,
<i>and discharged.</i>	Loughborough John,
Lisle John, <i>surrendered</i>	Little James,
<i>and discharged.</i>	Land Robert,
Lisle Robert, <i>surrender-</i>	Land John,
<i>ed and discharged.</i>	Lightfoot Thomas, <i>sur-</i>
Lewis Curtis,	<i>rendered and discharged.</i>
Loofley Robert,	Lindfay Samuel,
Miller Peter, <i>tried and</i>	Millson John,
<i>acquitted.</i>	Madock William,
Marchenton Phillip,	Malin James, <i>surrendered</i>
Moland William, <i>surren-</i>	<i>and discharged,</i>
<i>dered.</i>	Miller Benjamin, <i>do.</i>
Mc. Hugh Matthew <i>sur-</i>	Mc. Clarin James,
<i>rendered and discharged.</i>	Maris David,
Mc. Collough Kenneth	Morgan Moses,
Meng Melchoir, <i>surren-</i>	Marr Lawrence,
<i>dered and discharged.</i>	Mc. Michael Edward,
Meng Jacob, <i>tried and</i>	Mc. Cart John,
<i>acquitted.</i>	Mc. Kee Alexander,
Mc. Mutrie William. <i>sur-</i>	Marshall William, <i>sur-</i>
<i>rendered and discharged.</i>	<i>rendered and discharged.</i>
Morris William,	

Myaer Jacob, <i>surrendered and discharged.</i>	Morris Enoch,
Moran Charles,	Mafee Henry, <i>surrendered and discharged by the name of Henry Maag.</i>
Michenor Isaac,	Mc. Neal Dominick,
Mc. Mullan James,	Mackinett John,
Martin Thomas,	Mackness Thomas,
Moulder John,	Meredith John,
Malin Joseph, <i>surrendered and discharged.</i>	Mc. Donald Alexander,
Malin Elisha, <i>Pardoned.</i>	Mc. Hensie Kenneth,
Mufgrove John,	Mc. Pherfon William,
Nixon Robert,	
Oswalt Henry,	O Kain Darby,
O Kain Hugh,	Overholt John,
Potts John,	Price Peter,
Pugh James,	Poor John, <i>tried and acquitted.</i>
Pugh Hugh,	Park Abijah,
Price William,	Proctor Joshua,
Parrock John,	Palmer Richard, <i>surrendered and discharged.</i>
Potts David, <i>surrendered and discharged.</i>	Perlie Peter,
Pastorious Abraham,	Patterson John, <i>surrendered and discharged.</i>
Parker John,	Piles William,
Pyle Caleb, <i>surrendered and discharged.</i>	Proctor Joshua,
Pike John, <i>do.</i>	
Palmer John, <i>do.</i>	
Rankin James,	Romigh Jacob,
Roberts John,	Rodgers John,
Rankin John,	Rickey Alexander,
Roberts Owen,	Register Daniel, <i>surrendered and discharged.</i>
Reine George,	Rymel John,
Reine John,	Rofs William,
Rofs Malcom,	Ruffel Matthew,
Roker Thomas,	Rhoden William,
Riddle James, <i>surrendered and discharged.</i>	Roberts Nathan,
Robefon Peter, <i>do.</i>	Robefon John,

Robeson Jonathan, junr.	Rundle Daniel <i>surrendered and discharged.</i>
Roberts John, (Labourer.)	Reid John,
Roberts John, (Smith)	Rofs Alexander,
Richardson Jacob <i>surrendered and discharged.</i>	Rankin William,
Story Enoch,	Spangier George,
Stephenson James,	Saur Peter,
Smith John,	Styer Stephen, <i>surrendered and discharged.</i>
Skyles Henry,	Skelton William,
Swanwick John,	Stackhouse John,
Sutton Joseph,	Stackhouse John,
Sanderfon Francis, <i>surrendered and discharged.</i>	Swift Joseph,
Sproat David,	Stroud William, <i>surrendered and discharged.</i>
Story Thomas, <i>surrendered and discharged.</i>	Supplee John, <i>do, ignorantus bill.</i>
Stephens James, <i>tried and acquitted.</i>	Smith William, <i>do.</i>
Stedman Charles, junr.	Spering John,
Shepherd John,	Stackhouse John,
Sutter Peter, <i>surrendered and discharged.</i>	Stackhouse Robert,
Saur Christopher junr.	Snyder Peter,
Saur Christopher, senr.	Smith Alexander,
Shoemaker Joseph, <i>surrendered and discharged.</i>	Smith William Drewett,
Supplee Enoch,	Stedman Alexander,
Styger Stephen, <i>surrendered and discharged.</i>	Silkod Thomas,
Stiles Edward, <i>do.</i>	Shaw Johnathan,
Swanwick Richard,	Smith Andrew <i>surrendered and discharged.</i>
Skyles Henry,	Stillwell John,
Smither James,	Stualks Henry,
Stansbury Joseph, <i>surrendered and discharged.</i>	Strininger Henry,
Thomas Arthur,	Sinclair George,
Thomas Joseph,	Simpson William,
Thomas William,	Shoemaker Samuel,
	Talbot John,
	Trego Jacob,
	Thomson Joshua,

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|-------------------------|------------------------|
| Thomas Joshua, | Taylor John, |
| Tittly Benjamin, | Thomas Arthur, |
| Town Benjamin, | Todd Cortland, |
| Taylor William, | Taylor Isaac, |
| Taylor William, | Talbert James, |
| Tolly John, | Thomas Evans, |
| Thomson David, | Turner John. |
| Taylor John, | |
| <hr/> | |
| Vernon Nathaniel, | Vernor Elias, |
| Vernon Nathaniel, junr. | Vaughan John, |
| Verner Frederick, | Voght Christian. |
| Vernon Gideon, | |
| <hr/> | |
| Walton Albinson, | White Robert, |
| Willet Walter, | Warrel James, |
| Wilson John, | Wright William, |
| Witman Michael, | Weston Richard, |
| Wharton Carpenter, | Weitner George, |
| Wharton Isaac, | Wertman Philip George, |
| Welfang Henry, | Williams Daniel, |
| Williams William, | Walker Isaac, |
| William Ephraim, | Warder John, |
| Wilson Christopher. | Waln James, |
| Worrall Isaiah, | Worthington Joseph, |
| Wood Moses, | West William junr. |
| Willis William, | Wright John, |
| Willis Richard, | Wright Jonathan, |
| Wilson John, | |
| <hr/> | |
| Young John, | Young David, |
| Yeldall Anthony, | Yeldall Anthony, |
| York Thomas, | |

Secretary's Office, Lancaster,
September 18th. 1802.

I DO CERTIFY to all whom it may concern, that the foregoing is a true copy of the Original, remaining on file, in the said Office—Witness my hand, and seal the day and year aforesaid.

T. M. THOMPSON. SEC.

MA

The original copy of the name of the person named in the foregoing is on file in the said Office—Witness my hand and seal the day and year aforesaid.

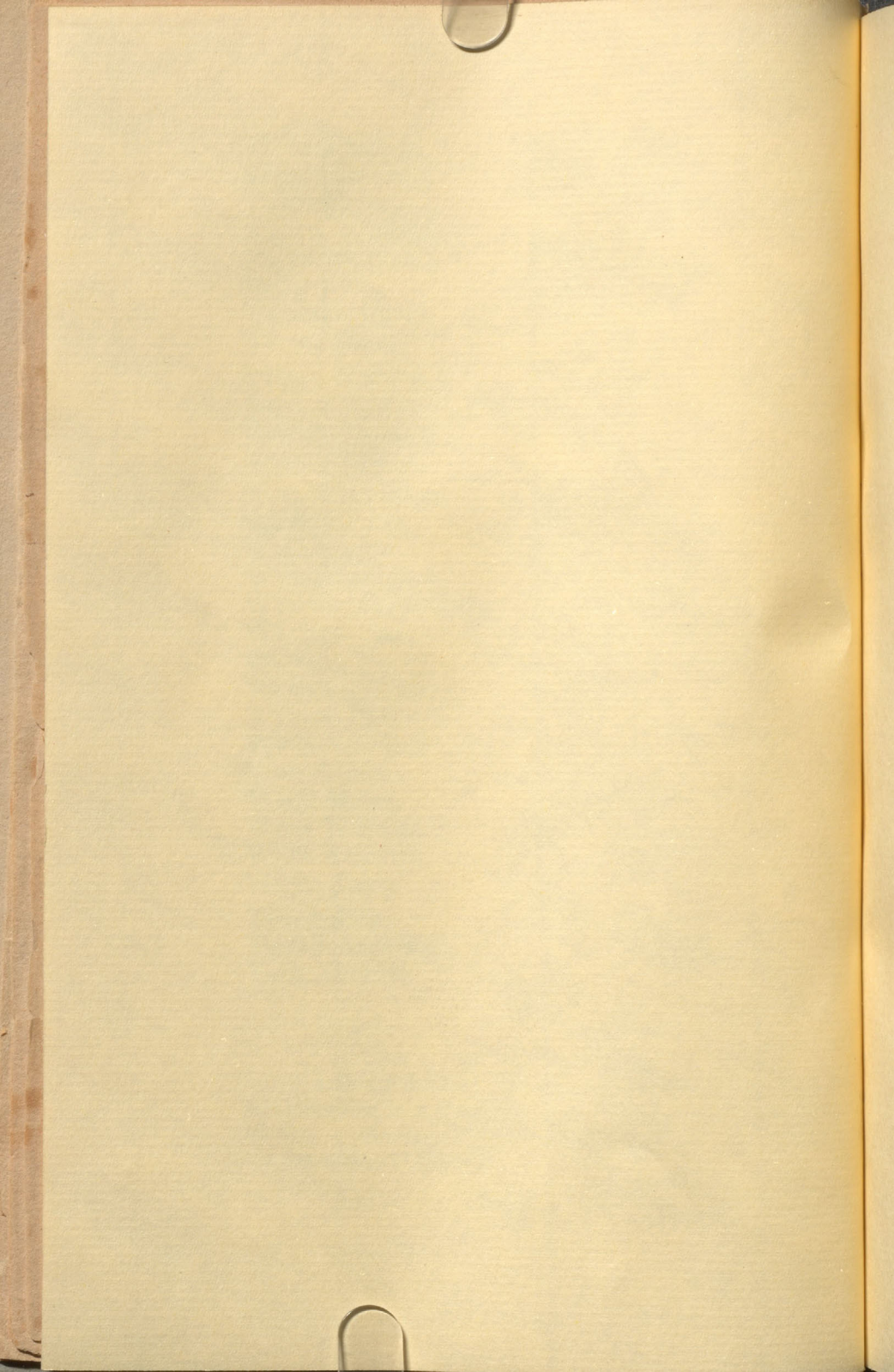
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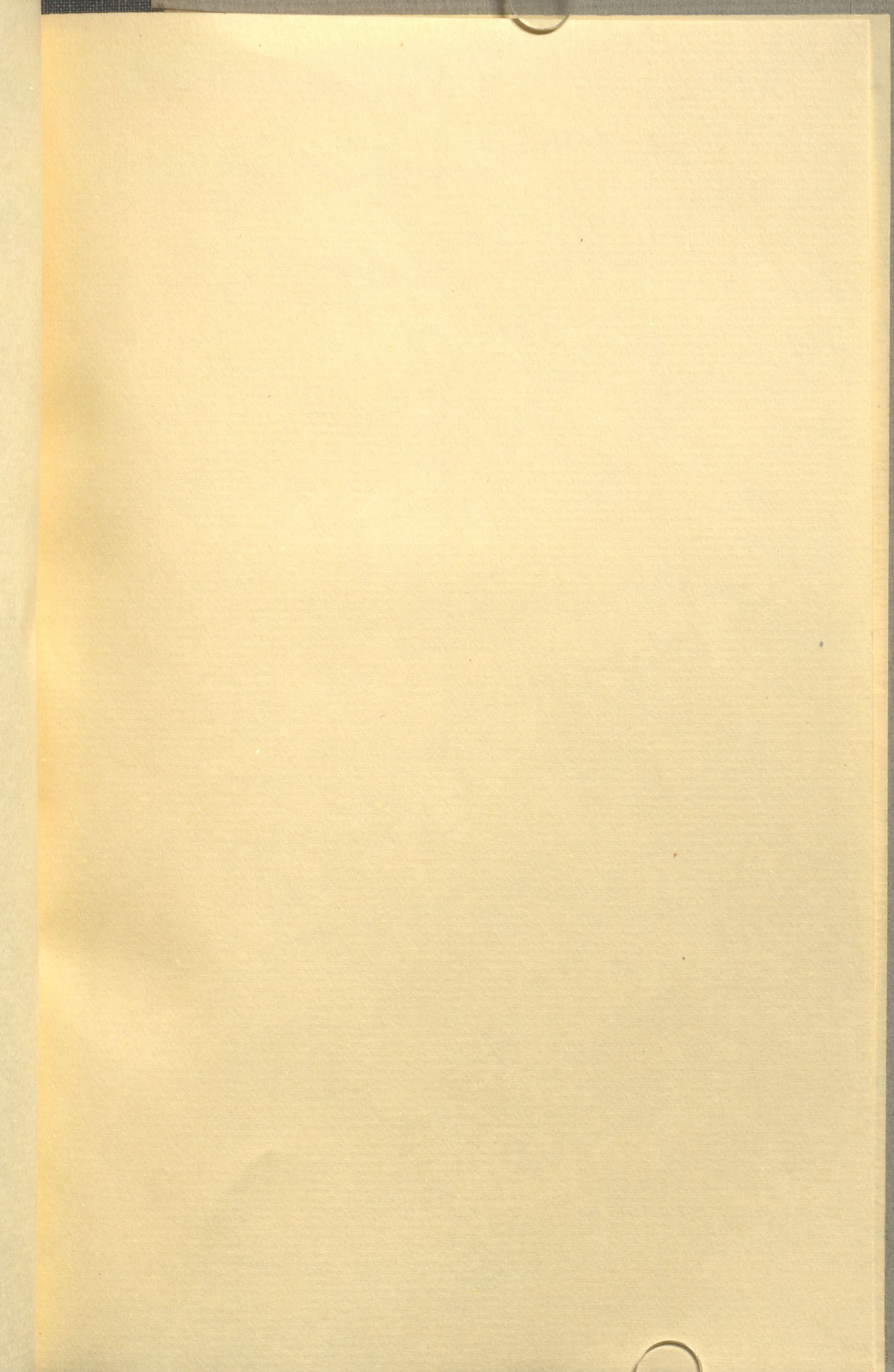
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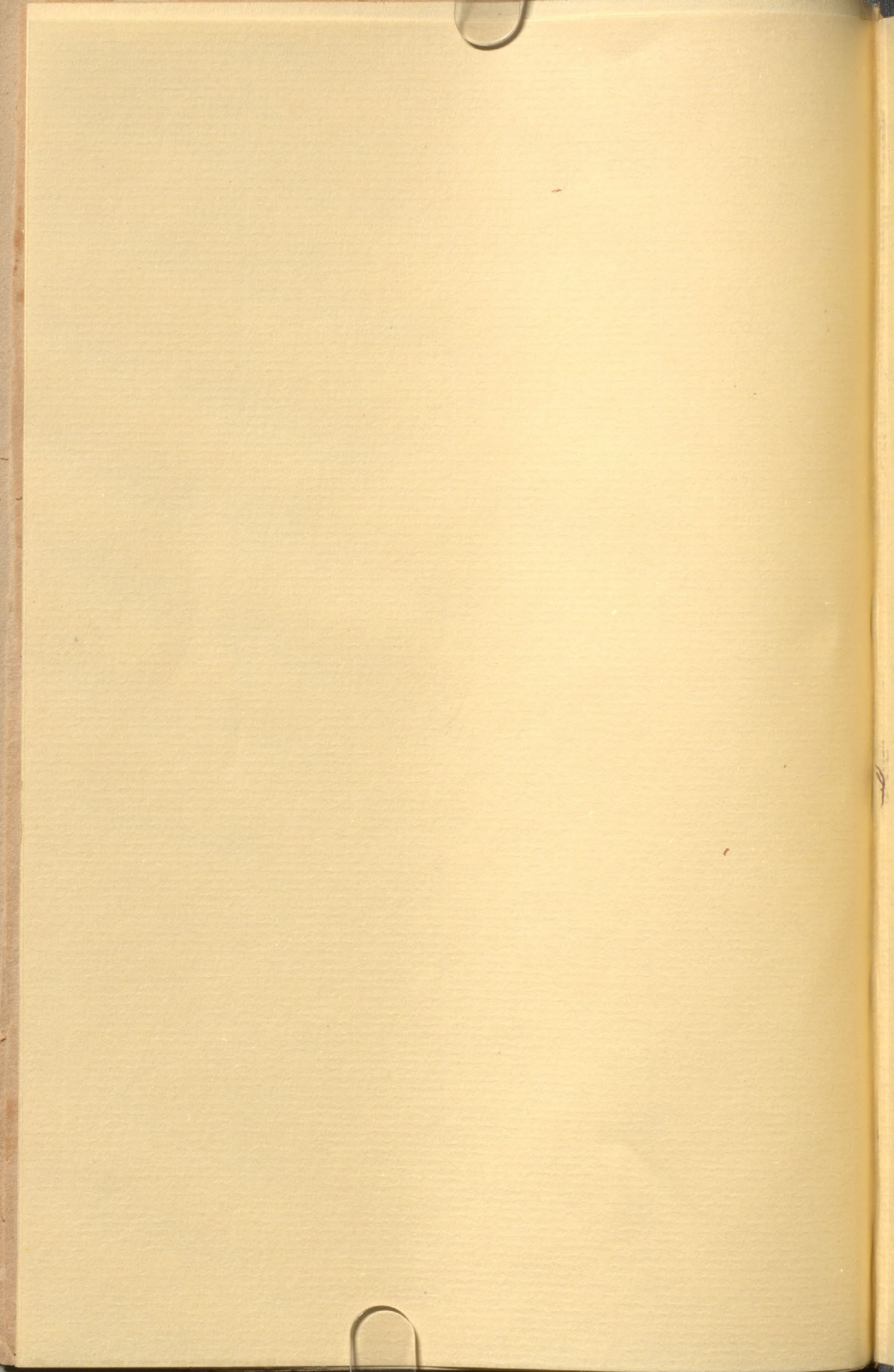
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