

Choosing a Side During the American Revolution: The Remarkable Story of the Presumed Loyalists, William and Sarah Zimmer, of Breakabeen, NY

By Mark Stolzenburg

Schoharie Committee of Safety member, William Zimmer has long been accused by historians of being a Tory and a spy. The evidence for his identity as a Tory, at that time, was essentially the fact that he left Breakabeen August 13, 1777, with the Tories as they retreated from the Battle of the Flockey to Canada.

What if he didn't join the Tories voluntarily?

Presented here is evidence, to my knowledge not previously acknowledged or accounted for, that may change your view of the role that Zimmer, the presumed Tory, played in the Revolution. Included is a newly discovered (or rediscovered) firsthand account from the camp of the Tory leaders, John McDonnell and Adam Cryslar, as they occupied the upper Schoharie Valley prior to their retreat from the Battle of the Flockey and from the Valley.

The Breakabeen Tories

The American Revolutionary War, as it was fought on the frontier of New York State, was a civil war between Patriots, Loyalists, and Native Americans whose allegiances grew out of circumstances that were as much local and personal as they were political. In one community on New York's Schoharie Valley frontier, support for the British Crown was fervent. This place was Breakabeen, just a few miles south of the present-day Village of Middleburgh, in one of the rich farming regions of the Schoharie Valley.¹ The Breakabeen neighborhood had more than its share of Tories, including, at least by initial appearances, one William Zimmer.

As happens in civil wars, there came a point for each individual during the American Revolutionary War, when, regardless of the strength of their personal political conviction, a line was drawn, the decision had to be made, a side had to be chosen. Circumstances, or someone in authority, demanded it. In Breakabeen, that time came in the three or four days leading up to August 13, 1777. Families were divided, some permanently, when the men who had come out for the Loyalist faction were forced to leave their homes. History has told us one of those men was William Zimmer. Just who was he?

William Zimmer (Timmer, Simmer) and his wife, Sarah Richtmeyer

William Zimmer was likely the son of George (Jurrie) Zimmer and Maria Elizabeth Kraus, one of this couple's at least ten children born in the Schoharie Valley.² William first appears in Schoharie

¹ John P. Ferguson. *The Schoharie Mohawks*. Howe's Cave, NY: The Iroquois Indian Museum. 2009. p.106

² Henry Z. Jones, Jr. and Lewis Bunker Rohrbach. *Even More Palatine Families: 18th Century Immigrants to the American Colonies and their German, Swiss, and Austrian Origins*. Universal City, CA: Henry Z. Jones, Jr. 2002. Vol.1

Reformed Church records Dec. 17, 1744, as a member of the church consistory. Given this responsibility, he was probably at least eighteen years old, placing his year of birth around 1726 or before.

William shows up on the 1766 Schoharie tax list and on the Schoharie Colonial Militia roll of 1767 as a sergeant in Jacob Sternberger's Company.³

He was married at the Schoharie Reformed Church, Dec. 3, 1767, to Sarah Richtmeyer, born March 14, 1749, the daughter of Johan Jurgen Richtmeyer and his wife, Anna Maria Kast, and sister to Captain George Richtmeyer.⁴ No records of children of this Zimmer couple have been discovered.

In 1767 William purchased land in Breakabeen where he presumably made his home after his marriage. He purchased another parcel there in 1776.⁵ William was probably drawn to the Breakabeen area by the good land and the fact that three of his sisters had already married men of the Breakabeen locale.

William Zimmer had close family ties to the Patriots' cause. Several in his family were prominent supporters, many residing in the area occupied by today's Town of Wright in Schoharie County. His likely older brother, Jacob, was elected in May 1775 as an original member of the Schoharie Committee of Safety, the de facto Revolutionary wartime local government and subcommittee of the Albany County Committee of Correspondence. The Schoharie district was part of Albany County until 1795. Jacob was one of two men selected from Schoharie to meet in Albany May 10, 1775, to choose Albany County delegates to the New York Provincial Congress.⁶

The women among William's siblings also leaned toward the American Revolutionary cause. The four Zimmer sisters for whom we have marriage records all wed men who were or would become Patriots.⁷ However, the youngest, Maria, did not get it right on the first try. She first married Breakabeen Loyalist Henricus Becker. Seeing her error, her husband having left with the Tories for Canada, Maria then wed and bore children with Morgan's Rifleman, William Leek. Becker returned at the war's end to reclaim his farm but was unable to reclaim his wife. He eventually married again.⁸

William Zimmer himself was elected to the Schoharie Committee in May 1777 and was put in charge of collecting fines imposed on individuals from the Breakabeen area who neglected to bring their weapons with them when travelling to church services, a Schoharie Committee mandate that indicated that the valley was then on alert to enemy attack or Loyalist insurrection.⁹

³ Florence Christoph. *Upstate New York in the 1760s*. Camden, ME: Picton Press. 1992. p. 125, 202.

⁴ Holland Society of New York. *Church Records of Niskayuna and Schoharie*. Provo: Ancestry.com. 2014. <https://www.ancestry.com/family-tree/person/tree/168072202/person/122183000016/facts>. George Richtmeyer, the brother, was Captain of the Third Company, Albany County 15th Regt. Militia in the Revolution.

⁵ Schoharie County Clerk Deed Records. 1810. Deed Book C. p.250.

⁶ NY Secretary of State. *Calendar of Historical Manuscripts Relating to the War of the Revolution*. Albany: Weed, Parsons and Co. 1868. Vol. 1, p. 65

⁷ Gertruyd married Frederick Mattheus. Jun 2, 1758. (Schoharie Reformed Churchbook). Maria Elizabeth married Jurgen Schneider. Dec 14, 1756. (Schoharie Lutheran Churchbook). Catharine married Jost Mattheus Jr. Mar 22, 1766. (Schoharie Lutheran Churchbook). Maria married William Leek. Apr 5, 1782. (Schoharie Luth Chbk).

⁸ Holland Society of New York. 2014. Henricus Becker md. Maria Hagedorn Feb 16, 1790.

⁹ Jephtha R. Simms. *The Frontiersmen of New York*. Albany, NY: George C. Riggs. 1883. Vol. II. p. 21

As local committee representative, William attended Albany County Committee of Correspondence meetings in Albany, July 2 and July 3, 1777. As part of the regular business of the committee, property of a Loyalist was seized, correspondence with the Schenectady Committee and the State Committee was discussed, and the committee passed a resolution in support of “requiring all male inhabitants above the age of sixteen and under seventy-five to take the Oath of Allegiance to the State.”¹⁰ We can only speculate as to William Zimmer’s feelings about the proceedings or his motives for attending at that time. Some historians have found his attendance suspicious and theorized that he was part of a Tory plot to infiltrate the committee. There were some apparent irregularities with the May 1777 Schoharie Committee elections that, some think, lend support to this theory.¹¹ Yet no direct evidence of Zimmer’s actions in the weeks following his attendance in Albany supports the notion that he was spying for the Tories. The accusation is based on the assumption that he was a Tory.

The Breakabeen Loyalists Choose

By mid-year 1777 there was tension in the Schoharie Valley. The British, under Burgoyne, St. Leger and Sir Henry Clinton were staging a three-pronged attack on the Hudson and Mohawk valleys with the goal of severing New England from the rest of the colonies. For the first time in the Revolutionary conflict, the prospect of full scale war coming to the Schoharie Valley became real and to most it looked like the British had the upper hand. Tory organizers John McDonell of the Charlotte River in Tryon County and Adam Crysler, while awaiting the expected arrival of St. Leger, used the opportunity to rally support and pressure those who were undecided to their ranks. McDonell’s men raided Harpersfield then met up with Crysler’s group near Breakabeen. Their four days’ occupation of the upper Schoharie Valley reached a breaking point August 13, 1777, when this Tory uprising erupted into what we know as the Battle of the Flockey. Ultimately, Capt. Jean de Vernajoux and his troop from the Second Continental Light Dragoons, together with men of the local Albany County Fifteenth Militia, hastened the Loyalists’ departure for Canada. As Schoharie historian Solomon Sias put it in 1904, one result of the Battle of the Flockey was that “the division between those loyal to the American cause and those sympathizing with the British was more clearly and more definitely drawn.”¹² One could be openly on-the-fence no more. The Schoharie Valley and many of its families would never be the same.

Historians say about thirty Schoharie Valley men joined and then departed with the Tories from the Flockey on that fateful day, August 13, 1777.¹³ The surnames of the local Tories spanned the Breakabeen neighborhood and beyond: Bouck, Keyser, Brown, Mattice, Freymyer, Kniskern, Shafer, Becker, and Zimmer.¹⁴ When the engagement was over, the men left their farms, wives and families behind and accompanied the Loyalist, McDonell, in his retreat to Oswego and then to Canada.

¹⁰ Albany Committee of Correspondence (N.Y.), New York (State). State Historian., Schenectady (N.Y.). Committee of Correspondence. (192325). *Minutes of the Albany committee of correspondence, 1775-1778*. Albany: The University of the State of New York. p. 803. <https://catalog.hathitrust.org/Record/004939293/Home>

¹¹ Jeff O’Connor. *Thunder in the Valley*. Cobleskill, NY: Schoharie County Historical Society. Times Journal Printers. 2002. p. 5, 40

¹² Solomon Sias. *Summary of Schoharie County*. Middleburgh, NY: Pierre W. Danforth. 1904. p. 99

¹³ Jephtha R. Simms. *History of Schoharie County and Border Wars of New York*. Albany: Munsell and Tanner. 1845. p. 249

¹⁴ Gavin K. Watt. *The Flockey, 13 August 1777, The Defeat of the Tory Uprising in the Schoharie Valley, 2013 Edition*. Milton, Ontario, Canada: Global Heritage Press. 2013. pp. 104-115.

Particularly shocking was the departure of William Zimmer, since he was of the Committee of Safety, a fact that has led some since then to speculate that he was a Tory spy. He had, after all, recently attended committee meetings in Albany where he would have been privy to sensitive intelligence.¹⁵ Since he had gone with the Loyalists, it was, at first, assumed he was with them in mind and spirit.

For the wives of these men, the sad fact remained, after the Battle of the Flockey, the men were gone. The women and children were left behind to deal with the harvest, to brave the winter afterward, and to fend off angry Patriot neighbors. How were these families, now led by the wives, to cope?

Banishment – Sarah Zimmer

It seemed that things were about to get worse for Sarah Zimmer owing to her new status as a Loyalist wife. The region was notorious for its depredations by Patriots on their, now outed, Tory neighbors.¹⁶ State policy supported this treatment of Loyalists. The New York State Legislature, in its first session, authorized appointment of the Commissioners for Detecting and Defeating Conspiracies (CDDC) to deal with the threat of breaches of intelligence or other aid to the British by Tories and their families. Meeting in each county, the CDDC took actions against “disaffected persons”, including Tories, suspected Tories, their families, and deserters from the British lines, who were also not to be trusted. Many suspected Loyalist sympathizers were jailed. In addition, a legislative act of April 1, 1778, empowered the governor to “enable all such dangerous disaffected persons and families ... to be removed to such other place ...”¹⁷ New York State had begun to banish Loyalists’ families.

Sarah Zimmer seems to have somehow weathered these hurdles until the NYS Legislature in its third session passed the act of July 1, 1780, *An Act for the Removal of the Families of Persons who have joined the Enemy*. Local justices were to compile lists of wives and families of those men who had gone over to the enemy and give them twenty days’ notice to remove to a location in the control of the British. The law provided for family possessions to be summarily sold off to cover expenses for the removal.¹⁸

Sarah Zimmer got her notice to remove about September 19, 1780. She responded with a letter written to the CDDC on her behalf by Schoharie justices, Johannes Lawyer and William Dietz, Esq., stating clearly that she had “conducted herself in an unexceptional manner” and should be granted a permit to stay in her home. The CDDC agreed. On September 22 the permit was granted allowing her to remain in Breakabeen. Clearly, she had been careful not to arouse suspicion in the three years since her husband left. It is obvious that the Schoharie justices did not suspect Sarah of helping the Loyalists or the British. If the character and loyalties of her husband, William, figured into the commissioners’

¹⁵ Albany Committee of Correspondence, 1775-1778. p. 803, 804, 806.

¹⁶ Vicki Holmes. *King’s Royal Regiment of New York: Soldier and Family Migration Routes to Canada*. United Empire Loyalists Association of Canada, St. Lawrence branch. <http://uelac.org/st-lawrence/krrny-soldier-and-family-migration-routes-to-canada/> 2020. p. 1

¹⁷ Laws of the State of New York Passed at the Sessions of the Legislature Held in the Years 1777 to 1784. Albany: Weed, Parsons and Co. 1886. Second Session. Chapter 27. p. 50.
<https://play.google.com/books/reader?id=sno4AAAAIAAJ&pg=GBS.PP10>

¹⁸ Laws of the State of New York. 1886. Third Session. Chapter 76. p. 272

decision, the proceedings do not mention it.¹⁹ However, as we will see, at about this time there may have been some stirrings of uncertainty among prominent men of Schoharie as to the loyalties of William Zimmer. This may have affected the justices' decision to help Sarah.

Despite ongoing research, this is the final entry we have in the life of Sarah Zimmer. After being granted the permit from the CDDC, she makes no reappearance in any records examined so far.

Less than a month later, October 17, 1780, much of the Schoharie Valley was reduced to ashes by the British, Hessian, Loyalist, and Iroquois forces led from Canada by Sir John Johnson and Joseph Brant. The destruction began that day at the farm of William Zimmer's sister, Gertruyd, wife of Frederick Mattice. Sarah Zimmer's mother, well-known in the valley as an Indian interpreter, may be the elderly Mrs. Richtmeyer who died as a result of Johnson's artillery attack on the Middle Fort that day.²⁰ Sarah's home was probably spared the raiders' torch, assumed by Johnson to be a Tory estate.²¹

In the Service of the Crown – William Timmer

After the Battle of the Flockey, William Zimmer shows up on the muster rolls of a British Loyalist regiment based in Canada. His alias, Timmer, was recorded in Capt. John McDonell's Company of the King's Royal Regiment of New York (KRRNY) when they reached Oswego August 18, 1777, five days after the retreat from the Schoharie Valley.²² William Timmer's apparent military career from 1777 to 1783 mirrors many of the Breakabeen Loyalists. He was listed on the muster roll of John McDonell's Company of the First Battalion of the KRRNY dated January 21, 1778, La Prairie, Canada.²³ This was the Loyalist regiment commanded by Sir John Johnson. William Timmer's apparent service record gives us some hint as to when he returned to Breakabeen. He was transferred to the newly formed Second Battalion of the KRRNY by June 25, 1780.²⁴ Timmer is on the Second Battalion KRRNY roll only until December 24, 1783. It is interesting that he apparently left before the Second Battalion disbanded and its volunteers were let go.²⁵

It is also of interest that all KRRNY records list William Zimmer with his surname spelled "Timmer." Along with "Simmer," these are common spelling variants of the Zimmer name of this period, and it is likely that's all they are. Could this have been an intentional attempt on his part to sow

¹⁹ Victor Hugo Paltsits, Ed. *Minutes of the Commissioners for Detecting and Defeating Conspiracies in the State of New York. Albany County Sessions, 1778-1781*. Albany: State of New York (J.B. Lyon Co.). 1909. Vol. 2. p. 528, 529. <https://babel.hathitrust.org/cgi/pt?id=coo1.ark:/13960/t6xw4zw2h&view=1up&seq=111>

²⁰ William E. Roscoe. *1713 History of Schoharie County, New York*. Syracuse: D. Mason and Co. 1882. p. 46

²¹ Brig. Gen. Ernest A. Cruikshank and Gavin K. Watt. *The History and Master Roll of the King's Royal Regiment of New York*. Milton, Ontario: Global Heritage Press. 2006. p. 52. In his report, Johnson states that he passed by the "property of Friends" near the Upper Fort before commencing to burn the Valley.

²² Gavin K. Watt and James F. Morrison. *The British Campaign of 1777, Vol. 1, The St. Leger Expedition, The Forces of the Crown and Congress, 2nd Edition*. Milton, Ontario: Global Heritage Press. 2003. p. 201

²³ King's Royal Regiment of New York, J. McDonnell's Company (muster roll, Jan. 21, 1778). Great Britain, War Office. America. WO 28. Frame 1164. https://heritage.canadiana.ca/view/oocihm.lac_reel_c10860

²⁴ Haldimand papers H-1652. Muster roll of KRRNY Second Battalion. May 17, 1781. Frame 487.

https://heritage.canadiana.ca/view/oocihm.lac_reel_h1652

²⁵ Gavin K. Watt and James F. Morrison. 2003. pp. 202-211. The 2nd Battalion was disbanded June 24, 1784.

confusion as to his identity or his status with the KRRNY? If so, it is hard to believe that anyone would have been fooled by the alias.

Loyalists Attainted by NYS

In 1777 New York State started seizing and selling off the property of Loyalists, those convicted of either treason or the lesser charge, “adhering to the enemies of the State.” Treason was reserved for those committing the most heinous acts, including spying for the enemy. Most Tories guilty of adhering to the enemies were the rank-and-file soldiers of the Loyalist volunteer regiments.

Confiscation of Loyalist land began in earnest in the third session of the Legislature with the October 22, 1779, passage of what was commonly called the Forfeiture Act or the Act of Attainder.²⁶ At first, large landholding Tories were forced to forfeit their estates and were banished from the State. Other convictions followed from this legislation designed to exact revenge and bolster state coffers with little regard for the rights of the accused. The 1779 Act of Attainder was a “bill of attainder” in that it handed down guilt and punishment to a list of named Loyalists as a group, in the absence of the accused. In fact, in subsequent court proceedings, absence from one’s trial was grounds for a guilty judgement.²⁷ Loyalists so convicted were termed “attainted.” Witness testimony often supported the common assumption that most of these men were serving in the British Loyalist regiments based in Canada.

On April 29, 1780, a grand jury in Albany returned indictments based on witness testimony which said that sixteen individuals did, on September 1, 1777, in Schoharie, “with force of arms, adhere to the enemies of this state, against the peace of the people of the State of New York and their dignity.”²⁸ Among them, William Simmer was named. Despite the unlikelihood that these Tories were even in Schoharie on that date, all were convicted of adhering to the enemy of the state by the New York Supreme Court of Judicature in Albany on October 28, 1780.²⁹ Not to leave any aliases out, subsequent judgements in 1781 and 1782 convicted William Timmer and Wm. Zimmer. Witness testimony had placed Zimmer in the service of the KRRNY at Point Lack, Canada in September 1780.³⁰ Indicted Loyalists were rarely present for their court proceedings. Those few that were able to attend their trials were more often acquitted if they were able to plead their case.

It is noteworthy that neither Zimmer, or Simmer, or Timmer was ever indicted for or convicted of treason, indicating there clearly must have been no evidence that he was a spy. He was not suspected by the courts of supplying intelligence from the Committee to the Tories.

Zimmer’s convictions meant he was seen by New York State as an attainted man. This cleared the way for the legal confiscation and sale of his estate by the State -- or it should have. Contradictory

²⁶ Laws of the State of New York. 1886. Third Session. 1779. Chapter 25. p. 173.

²⁷ Alison Reppy. *The Spectre of Attainder in New York (Part 1)*. St. John’s Law Review. Jamaica, NY: St. John’s University Law School. Nov. 1948. Vol. 23. Number 1. p. 23

²⁸ *People of the State of New York vs Adam Krieslaer et al*. New York Supreme Court of Judicature. New York State Archives, Digital Collections. April 29, 1780. NYSA_JN522-17_P_1265_002.

²⁹ *Minutes of the Supreme Court of Judicature of the State of New York*. New York State Archives, Digital collections. October 28, 1780. NYSA_JN531-17_V14_18_p37

³⁰ *Deposition of Isaac Ausson*. Feb. 27, 1781. People of the State of New York v. John Service et al. New York Supreme Court of Judicature. Judgement rolls and other documents. NYSA_JN522-17_P_1025

evidence was soon to come to light. This evidence will call into question the theory that William Zimmer was a Tory or a spy.

The Schoharie Petitions I: Jacob Zimmer's Account

News of William Zimmer's conviction in Albany reached the Schoharie Valley and, although the evidence against him said he was quartering with the KRRNY, his family and Schoharie Patriot neighbors were convinced that his true loyalties did not lie with the King of England. In March 1781, as the war continued, two petitions were submitted to the NYS Assembly in a plea for Zimmer's exoneration. The original petitions are now held at the New York State Archives. Brackets [] indicate missing text due to fire damage.

The first petition offered the legislators a firsthand account from the August 1777 Tory camp of McDonell and Crysler in the Schoharie Valley. The petitioner was Jacob Zimmer, William's brother. His statement was sworn before Isaac Vrooman, NY assemblyman from Schoharie. Jacob states that William was in camp by force, probably brought in by Tory "parties" sent out to seize cattle and to "take [such] persons as were friends to the Country (the U.S.)."³¹ He says of William, "Zimmer was not in [the] said camp voluntarily but by compulsion," and that Jacob "understood that he was a warm Friend to the Country." Jacob Zimmer was also held prisoner by McDonell's men, along with "several" others, including a man named Henry.³² Jacob, as the deponent, states:

That the deponent knows [sev]eral Friends to the Country were then made Prisoners and obliged to bring and carry their arms...

The Tories kept these prisoners under control by threat of violence from the Indians in camp. McDonell and Crysler:

... obliged the Persons made Prisoner [to] bring their arms along under a [pe]nalty of having the Indians sat upon them.

Jacob's account continued, saying that upon surrendering their arms, the prisoners were put under guard at Swart's. That would be the lower Vromansland farm of Peter Swart, which had been commandeered as the Tory headquarters. The Tory force also spent some time at the farm of local Tory, Hendrick Matheyse (Mattice), and at Crysler's. Jacob had been held with his brother "about 48 hours" in camp when "an opportunity offered" for him to make his escape, and he did so, successfully. Jacob was later informed by another fellow prisoner who was set free, that William "had endeavoured to make his escape but could not effect it ..."

The Schoharie Petitions II

³¹ *NYS Assembly Petitions, Correspondence, and Reports Relating to Forfeited Estates*. NYS Archives. Collection Series A1816. 1778-1826. Assembly Papers Vol. 25. Box 1. Roll 1. Frame 26-29. The petitions survived the NYS Capitol fire of 1911. At the end of the first petition, Jacob did not sign for himself, but marked the space after his first name with an "X" as his mark.

³² Revolutionary War pension and bounty land warrant application file 3990. David Hendry, New York. Record group 15. National Archives identifier 54852029. <https://catalog.archives.gov/id/54852029>. This Henry could have been David Hendry of Harpersfield. According to his pension application, he was taken prisoner by McDonell as the Tories raided Harpersfield en route to their rendezvous with Crysler in the Schoharie Valley. Isaac Patchin was also captured near there.

In a second petition, we learn that fifteen politically savvy petitioners left nothing to chance. Even before approaching the legislature, they had already intervened to convince the state commissioners charged with confiscation and sale of attainted Loyalists' estates that William Zimmer had been a prisoner of McDonell and Crysler. Accordingly, the Albany County Commissioners of Sequestration had declined to confiscate and sell his estate. The petitioners expressed their confidence in Zimmer's character as a Patriot and the unfairness of the forfeiture actions that he faced. The petition states:

That the said William Zimmer [at] the time he was so made a prison[er] was one of the Committee of Schoharie and from the commencement of the war has been a Zealous friend to the Liberty of America, and that from the best intelligence your Petitioner has been able to obtain, is still detained a Prison[er] in Canada.

And regarding the attempt by the Commissioners of Sequestration to sell William Zimmer's farm, it reads:

That the Commissioners of Sequestra[tion] for the Middle District of the County of Albany, some time afterwards upon a supposition that the said William Zimmer had gone over to and joined the enemy directed a seizure of his effects, that your Petitioner previous to the sale, proved to the satisfaction of the said commissioners [that] the said William Zimmer was mad[e a] Prisoner as aforesaid ...

The petitioners lamented the fact that Zimmer's effects and estate might be lost to a sale or military land grant to a NYS soldier and "thereby the case of the said William Zimmer [be] involved in greater difficulties." They mention that William, having been a prisoner, was unable to "traverse in person" to defend himself in court.³³

By supporting Zimmer's case in defiance of the courts who had attainted him, were the petitioners challenging the very concept of attainder in New York State? If so, these Patriots from the Schoharie Valley made a case that was a few years ahead of its time. Their arguments would be echoed six years later at the U.S. Constitutional Convention in Philadelphia. There, the framers of the new United States Constitution, in Article I, Section 9, would forever prohibit future bills of attainder in the United States, one of several measures incorporated to protect the rights of accused persons in the new republic.

Signers of this second petition are a who's who of Schoharie Valley Patriots (presented here as they signed): Jacob Heger Cap, Cornelius Feeck Leut, Johannes Feg, Jacob Feeck, Christian Richtmeyer, George Richtmeyer, Peter Vroman, Storm Becker, Johannes L. Bellinger, Christian Stubrach, David Zeh, John Jacob Werth, Johannes Schafer, George Jr. Reinhard, and Abraham Kayser. At least half of them were officers in Schoharie's Albany County 15th Militia, including its commander, Col. Peter Vroman. Two are brothers of Sarah Zimmer.

One of these petitioners, Abraham Kayser, was particularly well-positioned to observe firsthand William Zimmer's predicament in the Tory camp in the days before the Battle of the Flockey. Kayser

³³ *NYS Assembly Petitions, Correspondence, and Reports relating to Forfeited Estates*. NYS Archives. Collection Series A1816. 1778-1826. Assembly Papers Vol. 25. Box 1. Roll 1. Frame 49-51

spent some time as a Tory in the Tory camp. That was before he switched to the Patriots' side and joined the Albany Fifteenth Militia, Second Company.³⁴ Since he was likely a firsthand witness, Kayser's signature lends credence to the case the petitioners make.

The petitions also had a very important special endorsement from Myndert Roseboom, a well-known and respected Albany merchant, formerly one of William Zimmer's fellow committeemen for Albany County in 1777. By March 1781 Roseboom was serving as one of the Commissioners of Sequestration for Albany County. Zimmer's petitioners had been thorough; they had won over Roseboom and his commissioners even before they made their pitch to the legislature. Roseboom's endorsement reads:

I Myndert Roseboom one of the Commissioners of Sequestration for the middle district of the county of Albany, do hereby certify that the facts set forth in the preceding petition, so far as they respect the political character of the said William Zimmer and the proceedings of the commissioners are true. (signed) Mynd. Roseboom

Zimmer Relieved from Forfeiture

The State Legislature responded promptly in favor of William Zimmer's petitioners. Ironically, his freedom from forfeiture was written into NYS legislation of March 31, 1781, entitled, *An Act for the Further Amendment of the Laws Directing the Sales of Forfeited Estates*. The law states:

And whereas the agent of William Zimmer late of Schoharie in the County of Albany now with the Enemy and Indicted for adhering to Enemies of this State, hath by petition represented to the Legislature that the said Wm. Zimmer went to the Enemy by Compulsion and not voluntarily and that proof hath been obtained by the said agent since the taking of the Indictment.

The Act goes on to say that no state commissioners "shall proceed to the sale, mortgage or other disposal of the real or personal estate of the said Wm. Zimmer ..." ³⁵

If this wasn't enough, another firsthand account from another of William Zimmer's fellow prisoners became known April 25, 1783, in a grand jury proceeding in Albany. Isaac Patchin was deposed concerning the events of August 1777 in the Schoharie Valley. Patchin, former chairman of the Harpersfield Committee of Vigilance, had been taken prisoner with "*several others*" by John McDonell's party and held for three or four days just before the Battle of the Flockey. Under oath, Patchin recounted the name, occupation, and former place of residence of ninety-two men he saw helping the Tories at that time, including twenty-nine of Zimmer's neighbors from Schoharie and Duanesburgh. William Zimmer is not mentioned by Patchin. It is quite certain that Isaac Patchin's and William Zimmer's time in the Tory camp overlapped, so, clearly, Patchin's failure to name Zimmer signals that he did not

³⁴ Gavin K. Watt and James F. Morrison. *The British Campaign of 1777 Vol. I, The St. Leger Expedition, The Forces of the Crown and Congress, Second Ed.* Milton, Ontario: Global Heritage Press. 2010. p. 208. Abraham Kayser was with Crysler according to Isaac Patchin (see note #36). Kayser may have been left behind by the Loyalists when he was sent to Breakabeen in a failed attempt to intercept the Continental Light Horse before the Battle of the Flockey. If so, this could have prompted him to switch sides.

³⁵ *Laws of the State of New York. 1886.* Fourth Session. 1781. Chapter 51. p. 382. This act of the Legislature also awarded a land bounty to another Schoharie Revolutionary figure, David Williams, captor of Major John Andre. New York State had mistakenly given this land first to John Dean.

consider Zimmer to be a Tory. Patchin likely saw that William Zimmer was indeed a prisoner, one of several mentioned but not named in Patchin's statement.³⁶ With regard to which side William Zimmer was on in the Tory camp in August 1777, the Patchin account is consistent with the two petitions submitted to the legislature. Although some have suggested that Patchin added names based on actions or anti-Tory sentiments from after August 1777,³⁷ his statement is an often-cited primary source used to name Loyalists who participated at the Battle of the Flockey. William Zimmer's name is not there.

Patchin, in his account, also makes a point that sheds light on a statement by Jacob Zimmer in Petition I above. According to Patchin, McDonnell's Tories were armed "some with guns and bayonets and others with spears and others with different arms." There obviously weren't enough guns to go around. This may explain why, as stated in Petition I, William Zimmer said he was forced to bring his arms when he was taken prisoner. It was because the Tories needed the weapons.

The NYS Legislature yet again addressed the William Zimmer matter May 12, 1784, when *An Act for the Speedy Sale of the Confiscated and Forfeited Estates* was passed, which expressly stated it "shall not be lawful" for New York State to "sell or dismiss" the Zimmer estate.³⁸ His was one of about twenty estates so protected statewide, one of only three in Albany County.

The NYS Supreme Court of Judicature had declared William Zimmer, and aliases Simmer, and Timmer, to be guilty of adhering to the enemies of the state. Convinced of his innocence by Zimmer's petitioners, the State Legislature twice, through legislation, made the court's judgements against him irrelevant and toothless. Disposing of his property as punishment for his crime had been made illegal by state law.

The Return Home

The war over, William Zimmer apparently returned confidently to Breakabeen sometime after his final appearance on the KRRNY muster roll, December 24, 1783, probably having been apprised that New York State had not sold his farm. We do not have evidence to show whether he found his wife, Sarah, alive and well. We do know that by November 16, 1784, Sarah had either died, or she and William had parted ways because that is when William married his second wife, Maria Elizabeth Keyser.³⁹

More than two decades after the end of the Revolutionary War, New York State continued to seek methods of taking Loyalists' lands that had somehow escaped forfeiture actions of the 1780s. This was in blatant disregard for Article Six of the 1783 *Treaty of Paris* between the U.S. and Great Britain, which protected the assets of Loyalists from future confiscation.⁴⁰ Some of William Zimmer's former

³⁶ *The Examination and Deposition of Isaac Patchin of Schoharie, 25 April 1783*. New York State Library. Manuscripts and Special Collections. Document #4050. Patchin named Nathan Daily and Jonas Vroman as fellow prisoners but none of the several others he says were there. The purpose of the proceeding was to identify Tories, not their prisoners.

³⁷ Gavin K. Watt. *The Flockey*. 2013. p.60

³⁸ *Laws of the State of New York*. 1886. Seventh Session. 1784. Chapter 64. p. 756.

³⁹ Royden Woodward Vosburgh. *Schoharie County Religious Records, St. Paul's Evangelical Lutheran, 1728-1882*. New York Genealogical and Biographical Society. 1914. Frame 244. <https://www.newyorkfamilyhistory.org>.

⁴⁰ Ruma Chopra. *Choosing Sides, Loyalists in Revolutionary America*. New York: Rowman and Littlefield. 2013. p.198.

Tory neighbors who had returned, found title to their farms being challenged by local Patriots as a result of NYS legislation like the March 31, 1802 law: *An Act to Facilitate the Discovery and Sale of Estates of Attainted Persons*.⁴¹ Among these Tories was his former brother-in-law, Henricus Becker, who was forced to endure attempts by his neighbors to take his farm, while they sought to collect a bounty from NYS for doing so.⁴²

William Zimmer faced no such problems that we know of. Most likely the protection that NYS had afforded him was common knowledge and it held fast. In 1810 he sold his farm in Breakabeen in its entirety to his nephew, William H. Becker.⁴³ William Zimmer was aged well into his eighties without any children of his own that we know of.

Conclusions, Thoughts, and Questions

History has, until now, judged William Zimmer to be a traitor to the American Revolutionary cause, I think unjustly. We now know prominent, trusted, Patriots went to some length and risked their reputations to make sure Zimmer and his wife, Sarah, went unpunished. It is hard to believe that they would have done this unless they were absolutely convinced that he was with the Loyalists against his will in August 1777 and not part of a prior Tory plot. The extraordinary efforts of these men on his behalf are a testament to their confidence in William's personal character and in his political identity as a supporter of the cause for American Liberty.

Can we honestly label Zimmer a Patriot or Tory, prisoner or Loyalist soldier? I feel that the evidence presented tips the scales in favor of William Zimmer, the Patriot, but what are we to make of his more than six years on the rolls of the KRRNY in Canada? He may not have had the fortitude or physical ability to escape (or desert) and return from Canada alone. In that, his age may have been a factor. Could he have made a deal with the KRRNY to protect his wife and property from Loyalist raids into New York in exchange for his performing garrison duty in Canada?

Did his predicament leave him, for a time, caught in the middle, vilified by both sides and trusted by neither? Could it have made his stay in Canada safer than escape, which would have risked a dangerous journey and forced him to take his chances back in the Schoharie Valley? Playing both sides, intentionally or not, seems, ultimately, to have had "best of both worlds" advantages in protecting his estate. The Breakabeen farm of William Zimmer, the Patriot prisoner, was beyond the reach of state confiscation; his home as an assumed Tory was immune from the flames of Loyalist raids on the Schoharie Valley. To the KRRNY, the fact that he had been a committeeman probably accorded him some value, whether they considered his stay in Canada to be as prisoner or reluctant recruit.

One thing is absolutely certain: In New York State, where laws punishing Loyalists were particularly harsh, very few attainted men were granted any sort of formal reprieve. William Zimmer was one of those few. For that alone, his story stands out.

⁴¹ *Laws of the State of New York containing All the Acts Passed from the Revision of 1801 to the End of the 27th Session of the Legislature 1802. Vol 3.* Albany: Charles and George Webster. 1804. 25th Session. Chap. 82 p. 47.

⁴² *NYS Engineer and Surveyor records of surveys and maps of State lands.* NYS Archives. Collection Series A4016. Vol. 9. p. 98, 129, 130. One of those neighbors seeking Becker's land was Timothy Murphy.

⁴³ Schoharie County Clerk Deed Records. 1810. Deed Book C. p. 250. Wm. H. Becker was the son of Breakabeen Loyalist Henricus Becker and his ex-wife, Maria Zimmer, William Zimmer's youngest sister.