

The Accidental Killing of Simeon Tucker During The Revolutionary War

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In Rhode Island during the Revolutionary War, one of the key patriot institutions was the universal draft requiring all white men between the ages of sixteen and sixty to serve in the militia, backed by state courts and other state institutions. Most men supported independence from the Crown and willingly answered the many drafts for military service that the state governments undertook. But not everyone cooperated. There were pockets of friends of King George III—called Loyalists or Tories—in King’s County (now Washington County), in particular on the coast at Quidnessett Neck (now Quonset Point) in North Kingstown; at Boston Neck and Point Judith in South Kingstown; and inland in parts of Exeter. In addition, there were many families who wanted to remain neutral and did not want to join the military for either side.

Once the British army occupied Newport and the rest of Aquidneck Island, as well as Conanicut Island, on December 8, 1776, it created a huge burden on Rhode Island. Although it was a small state, it had to raise militia to guard its extensive shorelines and on occasion to support attacks on enemy-held Aquidneck Island. When ordering drafts, the General Assembly invariably required that if a man was drafted for military service, he either had to serve or hire a substitute to fill his place. The law further provided that if a man refused to serve or provide another man to take his place, the state had the authority to impose a fine on him for each day he refused to serve, and if the man refused to pay the fines, to seize his property, sell it, and apply the proceeds to pay the overdue fines.¹

There was one important exception to the universal draft law, which was necessitated by the significant presence of Quakers in Rhode Island. The Society of Friends (Quakers) had a long-standing policy of not permitting their members to take up arms or engage in military service. During the Revolutionary War, the Society “disowned” numerous members who ignored this policy, including Coventry’s Nathanael Greene, who would rise to become George Washington’s best general.

In February 1777, the General Assembly strengthened a law permitting a Quaker to be exempt from military service if the clerk of the local monthly meeting certified to the head of the military in the local district that the man was a member of the Society of Friends.² The Assembly clarified that such men were also exempt from paying fines or providing substitutes.³

The certification exemption did not solve all of the problems because some members failed to obtain the certification. In March fourteen Quakers who had not obtained the certification were drafted and refused to participate in military service. They were therefore fined and jailed. The Quaker prisoners, incarcerated in small, cold and dirty county jails, petitioned the Assembly for their release and waiver of the fines on the ground of their non-violent consciences, which petitions typically were granted.⁴ In April 1777, the General

Assembly addressed this problem by expanding the exemption from military service to any man who took an oath affirming that he adhered to the principles of non-violence and not bearing arms.⁵ In the spring of 1777, in a census of Rhode Island men available for the draft from most towns that were not controlled by the British, 239 men in the state claimed the certification or affirmation exemption.⁶

Rhode Islanders who bore the burden of the draft became incensed that Quakers were not bearing their fair share. There was also a feeling that many Quakers must be Tory sympathizers; in fact, many of them were conservative by nature. In the same April session, the Assembly responded to popular pressure by requiring any man who claimed exemption from the draft on the ground of being a Quaker or non-violence to hire at his own expense a substitute to serve in his place. Upon refusal to hire a substitute, the local town council was empowered to issue a warrant of distress, which permitted the town to seize and sell the man's personal property to provide funds for hiring a substitute.⁷ Many Quakers felt that even this measure violated their scruples against supporting war.

In a few towns, a sizeable number Tories and neutrals at first refused either to answer the draft or to hire substitutes. In April 1777, part of the state militia was ordered to do fifteen days active duty. However, in Kent County fifty-two men presented a petition opposing the draft to the county regiment's colonel, John Waterman. These men stated that they refused to serve because their families' support depended on them tending their crops at this critical time of year. Moreover, they refused to pay the heavy fines required of delinquent draftees because such payments would cause them unnecessary distress and ruin. The petitioners boldly requested Waterman to consider their unhappy circumstances and not issue warrants for the collection of fines.⁸ To one anonymous writer, these protesters were not simply poor farmers seeking to alleviate their distressed conditions, rather, they were deceitful men seeking to undermine the government authority by "discouraging the soldiers from going to their duty."⁹ Governor Nicholas Cooke remained firm and ordered Waterman to issue the warrants to collect the fines of the defiant draftees, adding that that in carrying out his instructions, Waterman could completely "rely upon being assisted with the whole authority of this State."¹⁰

An even more serious reaction to the April draft occurred in West Greenwich and Exeter. The May 29th edition of the *Newport Gazette*, published by a Tory, reported that "We hear the town of West Greenwich has, almost to a man, refused to guard the shore, or to pay any fines." In its May 1777 session, the General Assembly, noting the "atrocious and high handed" refusal of Exeter residents to raise troops in their town in April, requested Major General Joseph Spencer to send troops to Exeter and to jail the "disaffected inhabitants of said town, or any other towns within this state."¹¹ Spencer sent Brigadier General James Varnum, who reported on May 24 that he had seized a number of Tories in Exeter and had sent them to Providence. While Varnum anticipated that "the people this way will soon appear friendly to this country," he decried the continued difficulty in raising troops to support the patriot cause.¹²

The arrested men were brought to the special session of the Superior Court of Providence County, where they showed contrition, when faced with the possibility of severe punishments and penalties. According to court records, suspect Thomas Albro of Exeter "altered his former political statements" and conceded that a "defensive war might be right." Albro said that he was

“very sorry” if he had “discouraged the enlisting men” from joining Rhode Island regiments. Joseph Case admitted that he had called Congress “rascals soon after they met at Philadelphia” in 1775, but that he had changed his sentiments and was now a “friend to this country.” He charged that the neighbor who informed on him had a “personal quarrel” with him. James Moon confessed that he had “unfriendly talked about the measures that are now carrying on for the defending of this country for which he is sorry.” Philip Boss of South Kingstown expressed sorrow for “saying many things against the American contest for liberty.” Job Tibbets was brought before the court for “speaking disrespectfully of General Washington and this country.” All of these men and six others after expressing regret were not indicted and were allowed to sign the Test Act, by which the signers pledged to support the patriot cause.¹³ By contrast, Joseph Battey, who had been arrested in Exeter in May 1777, was kept in jail until October 1777 on the charge of corresponding with the enemy.¹⁴

In drafts to raise troops, Tory sympathizers were drafted along with patriots and neutrals. While this was a method of “smoking out” Tories, arresting a Tory who refused to appear after being called in a draft was a potentially dangerous situation. For example, in late September of 1777, Rhode Island held a draft of one-half of the state’s available men to support an invasion of Aquidneck Island from Tiverton. In South Kingstown, on reviewing the muster rolls of men who answered the draft, it was noticed that Jeremiah Hazard was missing. A party of militiamen was sent to detain Hazard. They found him at the South Kingstown house of a patriot, Colonel Christopher Dyer. When Hazard was informed that he was to be detained, he became bellicose and “cursed and swore he would not go and attempted to get away.” But one of the patriot party cocked his gun and pointed it at Hazard, who wisely stopped. Hazard continued to “curse the country and the officers in it,” but bloodshed was avoided.¹⁵ Hazard and his family were later identified as suspected Tories and ordered to be removed to Cumberland.¹⁶

The forcible seizure and sale of an uncooperative man’s property for failing to answer the draft and pay fines was bound to result in some violent confrontations. In early April 1777, Simeon Tucker of South Kingstown, a successful farmer, was drafted, but he refused to serve and also refused to hire a substitute. Simeon came from a Quaker family, and in a state military census in early 1777, his father and two brothers were listed as having taken the oath affirming that they adhered to the non-violent principles of the Quakers.¹⁷ Simeon Tucker himself was not, however, listed as making the same affirmation, so he may not have been a practicing Quaker.¹⁸ Based on his refusal to serve in the military or hire a substitute, he may have been a Tory or he may have been an independent-minded neutral who refused to be ordered what to do by his government. In any event, he was fined for failing to answer the draft, but he also failed to pay the fines. Pursuant to the draft law, a warrant of distress was issued to seize some of Tucker’s property for the purpose of selling it and using the proceeds to pay the overdue fines.

Most men in Tucker’s situation responded to a warrant by paying the amount due, but Tucker refused. Accordingly, a local militia unit was called upon to seize an item of Tucker’s property. When they came, the officer in charge ordered that one of Tucker’s best cows be seized. Tucker, outraged, interfered with the seizure. At this point, the officer in charge ordered his men to fire at Tucker, possibly with the intent to scare him away. But one ball struck Tucker in the forehead and killed him instantly. Tucker left behind his wife, as well as four children all under the age of sixteen.¹⁹

This incident gained immediate notoriety, although each telling of the tale was different as years passed. The May 19, 1777 edition of the *Newport Gazette* reported that when Tucker attempted to drive his cow back to his pasture, “three of the villains snapped their pieces at him, one of which went off, took him in the head and killed him instantly.” The *Newport Gazette* named the shooter as a man named Devens and stated that his conduct was cleared by the General Assembly, but there is no indication of a Devens in Assembly or other Rhode Island records.

Tucker’s killing gained notoriety in later years because in the retelling of the shooting, the shooter was identified as Christopher Raymond Perry, who at the time was sixteen years old, but who later would be the father of famous sea captains Oliver Hazard Perry and Matthew Calbraith Perry. One man, in 1839 in a pension application supporting a South Kingstown’s claim for a pension as a veteran of the Revolutionary War, recalled that the pension claimant told him the story that

One Captain Samuel J. Potter (commander of the second company of the South Kingstown militia) sent a file of men under Richard Bush, Sergeant of the Guard, to take a creature from one Simeon Tucker, and Tucker came with several men and set dogs on the creature, which broke away from the men. Bush ordered the men to fire several guns and a ball fired by Christopher Raymond Perry killed Tucker.²⁰

In the March 21, 1855 edition of the *Providence Journal*, shortly after Commodore Matthew Perry’s return from his historic voyage to Japan, a letter to the editor from an anonymous person in South Kingstown provided the following, admittedly second-hand, account:

One of the uncles of the present children, by the name of Simeon, was a quiet and conscientious farmer, who did not believe it right to do military duty, even in the “the times that tried men’s souls”. A corporal was sent with a file of men to distrain his cow, and they fired upon him. A man by the name of Burt commanded the squad, and Raymond Perry, afterward Captain Perry, and father to the present Commodore, was one of the party. Tucker went into the field alone to head off the cow, and they fired upon him. One ball struck him in the forehead, and he fell instantly dead. Four guns were aimed and two missed fired. Perry’s went off, and it was believed at the time and is to this day by the family, that his was the fatal shot. He was then a young man, and he immediately left the country and went to sea.

When the above article was reprinted in the *New York Tribune* in its April 3, 1855 edition, the edition also included a letter from the Perry family denying that Christopher Perry was Tucker’s killer. A similar story appeared in the May 23, 1873 edition of the *Narragansett Times*.

A different version of the affair appeared in 1883 in the *Narragansett Historical Register*, edited by Samuel Arnold. In this version, Tucker saw a party of unauthorized foragers coming

and hid in a potato patch. His wife and child shut themselves in their house. The foragers rounded up the cattle and were in the process of driving them away when Tucker came out of hiding and cut the herd off. He was observed by the party of foragers and told to stop. Tucker ignored the order. As Tucker was moving away from the forage party, Christopher Perry, one of the foragers, sprang up from behind a rock and shot Tucker in the back of the head fatally. The article states that Perry regretted the incident “though doing it under military orders.”²¹

A more reliable version was set forth in a biography of Oliver Hazard and Matthew C. Perry authored by a relative in 1913, Calbraith Perry. In this version, the commander of the squad, Lieutenant Colonel Jesse Maxson, gave the command for his men to fire at the recalcitrant Tucker, but added, in low tones, “Aim over the old man’s head.” Perry, probably in his excitement, did not hear the warning and fired the fatal shot. Perry writes of a report that Tucker’s widow, Tabitha, later married Maxson, but records show that she lived independently in 1782 and 1790.²²

Samuel Eliot Morison, in his biography of Matthew Perry, and others, state that Perry rushed out of town to avoid the angry Tucker family and signed on with a privateer. But Morrison concedes that before signing up with a privateer, Perry joined a Continental army regiment and served on Aquidneck Island during the siege of Newport in August 1778.²³ Moreover, it is said that Perry sailed with George W. Babcock on board the *General Mifflin*, which did not sail until after 1778. Perry was captured a few times on privateers, and the last time he returned from a British jail in Ireland with a Scotch-Irish wife, Sarah Alexander, who would later become the mother of naval heroes Oliver Hazard Perry and Mathew Calbraith Perry.

¹ See, e.g., General Assembly enactments ordering drafts, in John Russell Bartlett (ed.), *Records of the Colony of Rhode Island and Providence Plantations*, vol. 8 (Providence, RI: 1862), 82 (Dec. 1776), 181-82 (March 1777), 277-78 (June 1777) & 307 (Sept. 1777).

² Id., 122-23.

³ Id., 128-29.

⁴ See Petition of Noah Arnold and Seth Hunt, March 6, 1777, Petitions to the R.I. General Assembly, XVI, no. 95, R.I. State Archives; Petition of Asa Potter, March 1777 Session, id., no. 96; Petition of Amos Turner, Cranston, March 1777 Session, id., no. 98; Petition of John Howland and Nine Others, March 5, 1777, id., No. 99.

⁵ Bartlett (ed.), *Records of R.I.* 8:204-206.

⁶ Milton M. Chamberlin (ed.), *Rhode Island 1777 Military Census* (Baltimore, MD: Genealogical Publishing Co., 1985), *passim*.

⁷ Id. 8:204-206.

⁸ Petition to Colonel John Waterman, April 15, 1777, quoted in Joel Cohen, "Rhode Island and the American Revolution" (Ph.D. Dissertation, Univ. of Connecticut, 1967), 85.

⁹ An American to Col. J. Waterman, April 18, 1777, box 44, folder 9, Newport Hist. Soc.

¹⁰ N. Cooke to J. Waterman, Providence, April 29, 1777, quoted in Cohen, "Rhode Island and the American Revolution," 85-86.

¹¹ Bartlett (ed.), *Records of R.I.* 8:238.

¹² J. Varnum to Speaker of the General Assembly, May 24, 1777, Letters to the Governor, X, R.I. State Archives.

¹³ Superior Court of Providence County Records, Special Session, June 2, 1777, folder/file UB.1, F.14, R.I. Judicial Archives.

¹⁴ Joseph Battey British Rev. War Loyalist Claim, summarized in Peter W. Coldham, *American Migrations, 1765-1799* . . . (Baltimore, MD: Genealogical Publishing Co., 2000), 135.

¹⁵ Sworn Statement of George Shannon, July 2, 1779, General Assembly Papers, Rev. War Suspected Persons Record Book, 1775-1783, folio 82, R.I. State Archives.

¹⁶ Minutes of the Committee Appointed by the Assembly to Investigate Suspected Persons, July 27, 1779, General Assembly Papers, Rev. War Suspected Persons Record Book, 1775-1783, folio 66, R.I. State Archives.

¹⁷ Chamberlin (ed.), *Rhode Island 1777 Military Census*, 12. Only fifteen men paid more property taxes in the town of South Kingstown than he did in 1774. See March 30, 1774 Valuation Bill, South Kingstown, in Judith Green Watson (ed.), *South Kingstown, Rhode Island Tax Lists, 1730-1799* (Picton Press, 2007), 273. Simeon Tucker does not appear in this or later lists. However, the "estate of ye Widow Tucker" appears in later valuations. See, e.g., July 22, 1778 Valuation Bill, South Kingstown & July 14, 1779 State Rate Bill, South Kingstown, in id., 308 & 361.

¹⁸ Chamberlin (ed.), *Rhode Island 1777 Military Census*, 98.

¹⁹ In a 1774 census, Simeon Tucker was reported as having in his South Kingstown household two adult white males, three white males under age 16, three adult white females, and one white female under age 16. John Russell Bartlett (ed.), *Census of the Inhabitants of the Colony of Rhode Island and Providence Plantations 1774* (Providence, RI: Knowles, Anthony and Co., 1858), 91.

²⁰ William Steadman Rev. War Pension Application, National Archives Building, Washington, D.C.

²¹ Samuel Arnold (ed.), "The Shooting of Samuel Tucker," *Narragansett Historical Register* 1:201 (1882-83).

²² Calbraith Bourn Perry, *The Perrys of Rhode Island and tales of Silver Creek* (New York, NY: Tobias A. Wright, 1913), 53-54; Jay Mack Holbrook, *Rhode Island 1782 Census* (Oxford, MA: Holbrook Reserch Institute, 1977), 127; *Heads of Families at the First Census of the United States Taken in the Year 1790, Rhode Island* (Baltimore, MD: Genealogical Publishing Co., 1977), 41.

²³ Samuel Eloiot Morison, "Old Bruin:" *Commodore Matthew Calbraith Perry* (Boston, MA: Little, Brown and Co., 1967), 8-9. Morison relied on Caroline E. Robinson, *The Hazard Family of Rhode Island, 1635-1895* (Boston, MA: Daniel B. Updike, 1895), 103-04. The author thanks Thomas J. Keenan and Jonathan C. Lane for bringing to his attention the *Providence Journal* letter, the *New York Tribune* letter, and the *Narragansett Times* item. They drafted a paper that contains more information of the Simeon Tucker incident than appears in this article.