

Who Built the Roseberry House?

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There are many inconsistencies and factual errors in the printed record since George Wycoff Cummins published his *History of Warren County* in 1911, a couple of which made it into the application for the National Register of Historic Places which was granted in 1972. One fact is clear, however—John Roseberry did not build the house that bears his name.

The National Register application notes that John Roseberry, Sr. purchased the property on August 14, 1787 at a sheriff's sale. That is correct. Sussex County High Sheriff Mark Thomson sold 152 acres to John Roseberry Sr on that date. The conveyance does not note who the 152 acres belonged to, but we know that as of 1776 two properties, one of 250 acres and another of 17.5 acres, belonged to John Tabor Kempe by way of his wife. Cummins says Roseberry settled in the Phillipsburg area about 1740, and that he owned some 1,500 acres.¹ Cummins says that in 1772 the Coxe heirs sold 200 acres to John Roseberry and 228 acres to his brother Michael Roseberry. In fact, the 228 acres sold to Michael Roseberry were sold by John Roseberry Sr, who had bought that property of William Coxe of Philadelphia on April 1, 1779. John Roseberry's granddaughter, Elizabeth Anderson, who inherited the property from her father (Joseph Roseberry) several times remarked² that her family did not erect the house; that they purchased the property with the house already on it. Other evidence suggests the building was erected before 1780, perhaps as early as 1750³. The published record, as well as a survey done in 1948⁴ shows a break in the chain of ownership between 1715 when Col. Daniel Coxe of Trenton held title to 1,250 acres of land in the immediate area and the sheriff's sale of 1787. Who, then, built the house?

The building is a very large Georgian house built of rough-faced quarried limestone. Its proportions are exceptional, indicating an experienced master builder, perhaps even an architect was involved in its design. Such a stylish residence would not have been out of place in Elizabeth or Morristown in the 1760s, but in Phillipsburg it would certainly have been considered a mansion. One of the several curious aspects of the question is that we have found no references to it in contemporary accounts.

Among the inferences we can draw are that the house was erected by someone with money—not a simple local farmer growing wheat and corn for the market. Another inference that seems reasonable is that the individual was a person of some culture who was part of a social and political stratum that knew and expected a residence to exhibit a certain level of taste and refinement, even if erected in the country. That would seem to rule out most, but not all, the local families. Roseberry and his wife Margaret were both illiterate; they made their mark

1 I have yet to verify that, or the following assertion about the 1772 sale. Roseberry held only 152 acres of land in the immediate area on his death in 1797.

2 From a conversation with "Aunt Betts" recounted in a letter from Walter Gess to the Phillipsburg Historical Society in 1974.

3 There is a cornerstone, but the inscription is unreadable.

4 For the transfer of ownership from the New Jersey Power & Light Company to Walter Gess.

instead of a signature on the deeds to two properties that were recorded in 1797. (The Phillips and Feit families, for example, owned substantial acreage and both came with pedigrees that suggests the possibility of social contact with the elite of the region.) A third inference that suggests itself—one corroborated by the public record—is that the sheriff's sale was of land that had been confiscated from loyalists during the Revolution. Daniel Coxe III was one of those loyalists whose land was taken and sold, and so was his brother-in-law, John Tabor Kempe.

Kempe was Attorney General for New York from 1759 to 1776.⁵ In the unrest in New York following the battle at Bunker Hill, he fled with other crown officials to the safety of a British ship in the harbor. Kempe married Grace Coxe, granddaughter of Col. Daniel Coxe in 1766. Later that year her brother William was forced by the Sons of Liberty to resign his position as distributor of stamps under the Stamp Act. She inherited at least two parcels of lands totaling several hundred acres in and near Phillipsburg, and shortly after her marriage, those parcels were transferred to Kempe. These properties were seized on March 1, 1776; a trial was held and the lands officially confiscated on May 20, 1779. It appears that properties were in the hands of a trustee from 1783 to 1786, and sold on October 25, 1786. They were sold at a sheriff's sale to John Roseberry Sr on August 14, 1787.⁶ Together with his property in New York and Vermont, and some claims to land in the Carolinas, he was regarded as one of the 10 wealthiest men in New York. He corresponded with Benjamin Franklin, William Livingston, Lord Stirling, and John Jay; he was friends with James Duane and Peter Livingston who were to become prominent patriots and delegates to the Continental Congress, and his clients included numerous members of the most illustrious families of New Jersey.⁷ His property in Vermont was the subject of heated dispute, legal and political, with Ethan Allen and the Green Mountain Boys.

Who built the Roseberry homestead—John Tabor Kempe is the most likely candidate. There are still a number of ambiguities to be resolved, and even if we solve the land ownership question in his favor (which is likely) there is still the matter of construction of the house, and its occupancy between 1776 and 1787. It was common among the English gentry to acquire properties and lease them out, thereby providing a stream of income without the attendant oversight. An extensive legal document in summation of an agreement between Mr. and Mrs. John Tabor Kempe to transfer for one year property consisting of numerous lots and parcels (and fractional interest in many other lots and parcels) to John McNelson in consideration of 5 shillings was made in November 1776, just days or weeks before he sought sanctuary from the Revolutionaries in a British ship. It was a sham transaction, of course, designed to protect his property by leasing it to a friendly patriot.⁸

We have no evidence or suggestion that he and his wife ever lived there. On the other hand, it

5 His papers, most of which are legal records, are available at the New York Historical Society; there are 18 boxes of handwritten papers, accounts, and letters. Relatively little is of a personal nature.

6 I have a copy of the conveyance, the original of which is in Newton, N.J. See also Catherine Snell Crary, "The American Dream: John Tabor Kempe's Rise from Poverty to Riches," *William & Mary Quarterly*, vol 3.14 (April 1957), pp 176-195 for a listing of all his New Jersey properties.

7 Larry Gerlach, *Prologue to Independence* (New Brunswick: Rutgers University Press, 1976) 31.

8 available for sale on the web for \$5,500 in June 2009

is unlikely that a huge residence of that nature would have been erected only to lease it to a tenant. At this time, “building a second home in the country was very much a sign of being a gentleman.”⁹ By 1807 or so, one of the two Kempe properties in Phillipsburg had been leased to P. Kennedy [or Kinney as it is sometimes written, who owned adjacent property] (the subject of the 1809 Supreme Court case), but that lease may pre-date the sale of the property to Roseberry. On that issue, as upon several others, we are not much closer to an answer. If Kempe had it built, it would date between 1766, when he married Grace Coxe, and prior to 1774, when political unrest in New Jersey as well as New York would have made it imprudent in the highest degree for a loyalist to invest in a hostile region.

*Although the confiscation and sale of loyalist property was primarily a punishment for treason against revolutionary authority made good by war, still there was a result growing out of it of greater importance than the acquisition of property to the value of about \$3,600,000 by the state. That result was the weakening of the feudal element in the social system of New York. The revolution was thus a democratic movement in land-tenure as well as in political rights. The ownership of the greater part of the lands of the state by a few aristocratic landlords like the De Lanceys, the Johnsons, the Skeenes, John Tabor Kempe, the Jessups, Beverly Johnson, Roger Morris and others, now began to give way to ownership by their dependents and tenants. Large manors, patents and estates were to an extent cut up into small lots and sold on easy terms to the common people.*¹⁰

The significance of the confiscation of loyalist property goes much beyond the breakup of the large estates; it also opened up offices—judge, members of the grand jury, freeholders, etc. that had been largely monopolized by the aristocratic class to the common people, or at least to those who met basic property qualifications. Gerlach's book, on the other hand, suggests that a number of those lower level offices were filled by 1774 by the middling rather than the landed class. It was one of the little noted events that lead to the democratization of the country.

I have not yet located the records of the 1779 trial, for which I assume an inventory would have been made; the sheriff's sale to Roseberry is noted only in a “whereas” clause in his sale to his son in 1797, so an examination of that conveyance provided no answer to the question. His papers at the New York Historical Society—he was meticulous in his note-taking and record-keeping—included nothing that tied him conclusively to building the house, although there is confirmation of his ownership through this period. If we can determine that he was, indeed, the builder, then we have a connection between the Roseberry homestead and a very significant figure, albeit a loyalist, at the time of the Revolution. Not incidentally, Grace Coxe was captured by patriots and exchanged for the wife of Francis Lewis, a member of the Continental Congress and a signer of the Declaration of Independence. And there is one more connection of interest—when his widow sued to recover the property in 1808, the opinion of the U. S. Supreme Court denying her claim was written by John Marshall.¹¹

9 Gordon S. Wood. *The Radicalism of the American Revolution*. (New York; Knopf, 1992) 119.

10 Alexander Flick. *Loyalism in New York* (New York: Columbia University Press, 1901) 159.

11 Kempe's Lessee v. Kennedy, 9 U.S. 5 Cranch 173 173 (1809)