

# AMERICAN MIGRATIONS

1765-1799

*The lives, times and families  
of colonial Americans  
who remained loyal to the British Crown  
before, during and after  
the Revolutionary War,  
as related in their own words  
and through their correspondence*

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# Introduction

After nearly forty years researching and publishing material from English public records relating to emigration to North America, one major untapped resource has remained to challenge any realistic claim to having completed a comprehensive survey. This is the vast collection of papers in the Public Record Office falling under the heading of American Loyalist Claims, principally but not exclusively gathered into Audit Office (AO) classes 12 and 13, Series I and II. A beginning was made as long ago as 1980 to assess the historical and genealogical value of these collections when, under the auspices of the National Genealogical Society in Washington, a volume of abstracts from the first thirty-seven boxes of papers in AO 13 was printed as *American Loyalist Claims*.<sup>1</sup> Soon afterwards, however, funding for a continuation of research and publication contracted severely and it has proved necessary to wait almost twenty years more to revise and complete what was then begun.

## *British North America after 1763*

The vast lands to the north of the Thirteen Colonies, long disputed between Britain and France, and the territory of Florida then held by Spain, became part of the British Dominions by the First Treaty of Paris in 1763 after the British victory in the French and Indian War. Nova Scotia, which had been under British military administration since the Treaty of Utrecht in 1718, enlarged its boundaries and absorbed Ile-Royale. Quebec came into being as a British colony in 1764. In 1784 New Brunswick was separated from Nova Scotia. In December 1791 the whole of Quebec was divided into two separate provinces, Lower Canada and Upper Canada, responding in no small way to the influx of Loyalist settlers. East and West Florida were also surrendered back to Spain by the Second Treaty of Paris of 1783 which recognized the independence of the Thirteen American Colonies.

## *The Origin and Content of the Claims*

It will come as no surprise to those who have studied the sad history of British colonial administration in America after the French and Indian War which ended in 1763 that the first claims for financial relief were based upon losses incurred for loy-

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<sup>1</sup>See Bibliography, Appendix VI.

alty to the Crown for actions directly attributable to popular demonstrations against the Stamp Act of 1765. Those in the front line for retaliation by American patriots were the civil servants responsible for issuing and charging for the taxation stamps, principally Customs officials and merchants. Benjamin Hallowell, Controller of Customs in the Port of Boston, was not the only one of his kind, though the most prominent, to have had his life threatened, his property destroyed, and his whole future and surroundings changed in 1765.

The impact of the French and Indian War upon the pattern of migration to, within and from North America was decisive. First of all it brought about the recruitment within Britain and Europe of thousands of young men to serve in the army as volunteer soldiers at a time when employment and land ownership was at a low ebb. The British administration not only provided them with a free passage to the colonies but, to save themselves the considerable cost of bringing them back after the peace, bought them off with grants of free or cheap land in frontier areas on condition that they settled as colonists. The same war also demanded a rapid growth in the recruitment to provincial militia regiments of men already settled in America. The antagonism which quickly grew between those who served in the British Army and those who were recruited to the militia became intense: the professional army corps made no secret of their disdain for the manners and competence of the colonial forces, while the militia bands nursed a perception that they were used by the professionals to undertake the more menial, not to say dangerous, tasks imposed by war. In the aftermath, officers in the British Army were retired on half pay while militiamen usually had to fend for themselves.

The Treaty of Paris in 1763 which ended the war, ceded to Britain vast new territories in America, Canada and Florida which not only cried out for settlement and development but offered a vital bolt-hole when the time came for thousands of dispossessed refugees from the Thirteen Colonies. The inducements offered by Britain to those who volunteered for service to oppose the American Rebellion (or Revolutionary War, depending upon personal predilection) again included the promise of free or cheap land at the successful conclusion of hostilities, making it clear that this would be at the expense of the rebels whose property would be appropriated. Closely matching enticements were offered by the Continental forces but this time bolstered by legislation which ensured that, after 1777, the property and lands of those who had openly espoused the British cause were confiscated and sold, usually by auction. As part of the same legal process, the Loyalists were accused of treason, many were publicly tried, most were expelled if they had not already fled, and some were executed as a warning to others.

From the very beginning of the conflict, both sides appeared to favor a policy towards the civilian population designed to provide clear lines of demarcation between the opposing camps. Proclamations were issued requiring those who wished to be regarded as dutiful subjects of His Majesty to come within the confines of the British military garrisons in the larger towns and cities. Once there, the migrants were expected to do military service unless they were disqualified by age or condition. To encourage the internal migrations, the American side continued to turn something of a blind eye towards the intimidation and abuse of remaining "Tories" and quickly introduced legislation to expel them and to deprive them not only of their property but of their means of existence, even to the extent of turning their families out on the street. It became a decisive factor in the proof of loyalty after the war to be able to

show that a man had been prepared to abandon his home in the cause, leaving his wife and family to the uncertain mercies of a rebel army and population.

### *Peace and Emigration*

Between 1765 and the end of 1783 it is estimated that more than 70,000 former inhabitants of mainland America had been obliged to emigrate to Canada, Britain, the West Indies or elsewhere; and between those dates many thousands more, on both sides of the conflict, had been constrained by the vicissitudes of war to leave their native towns and villages to seek refuge elsewhere in North America or in another part of the world. The best estimates suggest that 30,000 Loyalists found their way to Nova Scotia, 7,000 to Quebec, and a further 3,000 to the West Indies and Great Britain. No estimate seems to have appeared in print of the numbers of American Patriots who were uprooted and forced to move from their homes by the Revolution.

After the decisive defeat at Yorktown, the pursuit of British war aims in America became a futile proposition, and public opinion at home had long since tired both of the political and economic arguments in favor of enforcing an unpopular colonial administration on unwilling subjects. The cost to the public purse of maintaining and supplying vast armies at such enormous distances was one of the determining factors in persuading the administration to pull out on the best terms it thought it could get. The Loyalists then and since have harbored a resentment against what they regarded as a betrayal of their rights: instead of obtaining cast-iron guarantees for their future well-being, the English negotiators appeared to them to have abandoned their cause to the caprice of the individual American States. The many examples of unjust vengeance wreaked by Americans upon visiting and returning Loyalists must lend some color to these suspicions.

In July 1783 a British Act of Parliament introduced a formal scheme to rationalize the haphazard arrangements which already existed for the Treasury to rescue Loyalists from starvation and penury by the grant of a parsimonious "relief." The Act set up a Commission to receive claims for compensation from former residents in the Thirteen Colonies and to examine the claimants and other witnesses to establish the truth of their claims and proof of their loyalty. The Commissioners appointed set themselves up in an office in Lincoln's Inn Fields, the smart center of the legal profession in London, where they were supposed to complete the examination of all claims received by 25 March 1784. This was fine for those Loyalists who had managed to get to the mother country or who could afford lawyers to present claims there on their behalf but it quickly became obvious that many deserving claimants trying to subdue the harsh terrain of Nova Scotia and New Brunswick, cultivate the wilds of Ontario and Quebec, or develop banana plantations in the West Indian islands would be penalized unless some extension was granted. The Act was not even published in Quebec until October 1783, and the last ship from there for England before the winter closed all river and sea communication departed twenty-three days later. In 1785 the Act was renewed and allowed claimants to submit their cases either in London or Nova Scotia up to 1 May 1786.

Two Commissioners, Col. Thomas Dundas and Jeremy Pemberton, were sent to Canada and heard evidence in Halifax, Shelburne, St. John, Quebec City and Mon-

treas.<sup>2</sup> Exceptions to the time limits continued to be authorized in exceptional cases, and some new claimants were appearing as late as the 1790s.

### *The Documentation*

The American Claims Commission from the beginning established for itself and its clients stringent rules to govern acceptable procedures, the nature of acceptable claims, and the categories and quality of proofs demanded. The weight of evidence surviving is still impressive although, as the researches of Professor Bruce Antliff into the archives in Ontario, Washington and London demonstrate, some materials have been lost.

Acting under the authority of the various statutes, the Commissioners created and accumulated a wide range of records. These have been arranged in two principal series designated as Audit Office 12 and Audit Office 13 at the Public Record Office. Series I (AO 12) includes the minute books and reports of the Commissioners, various tables and lists of claims, claimants and decisions, as well as certain types of "evidence" received in support of claims and administrative records. Series II (AO 13) contains the memorials of claimants together with supporting documentation. This includes affidavits and depositions, originals, transcripts and certified copies of legal documents such as property deeds and wills, correspondence and a variety of notes compiled during the hearings or on receipt of the claims. Records closely related to these series, some of which appear to have "strayed," may be found among other Treasury records, and notably in T 79.

Series II (AO 13), contained in 150 large cardboard boxes, has provided the raw material for the abstracts in this book. Because there are gaps in the AO 13 series, reference was then made to the 146 bound volumes in Class AO 12 which summarize the documentation already received, rehearse the evidence given and state the conclusions reached by the Commissioners. Any remaining omissions were then checked by reference to other Treasury records.

In compiling each biographical entry, an attempt has been made to show the name of the claimant as shown in the original documents [with variants in square brackets] and his or her place of residence before the outbreak of the Revolution. Where an indication of a claimant's pre-war residence or country of origin is absent from the synopsis, it may often be found by reference to the volumes of *Evidence* in AO 12. At the end of each entry (in parentheses) will be found a note of all the PRO references to the claim which have been identified, beginning with AO 12 and AO 13 and occasionally with the addition of other references. The duplication evident within and between the various sets of documents is at the same time a safeguard and a scourge: it is not uncommon to find up to half-a-dozen variants on the same *Memorial*, those written by the professionals usually redolent with oleaginous protestations of loyalty, devotion, outrageous suffering and undeserved pecuniary loss. As an antidote, but also as a unique pen-portrait of the flesh-and-blood people involved, care has been

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<sup>2</sup>Claimants from other areas such as East and West Florida, the West Indies and Canada were excluded from consideration, though this did not prevent several applications. A separate Claims Commission for East Florida was established and the cases coming before it are listed in Appendix III.

taken to balance such accounts by weaving in selected abstracts of personal revelations and correspondence, and with transcripts of some of the more revealing notes and evidences. The synopses now presented are mostly highly compressed versions of the original papers and any serious researcher should, of course, have recourse to the documents for which references are provided throughout this book.

Original applications varied from one-liners jotted on a dirty scrap of paper to immaculately penned essays and printed expositions: their variety and length will be discernible from the references given after each entry. Cases have been grouped together as far as practicable according to the name and normal residence of the person in whose right each claim was founded. This has the benefit of grouping together under the name of a sole original landowner the applications of many descendants who may have submitted their claims under a variety of names appearing separately in the typescript indexes. Wide discretionary powers have been exercised in order to compress the acres of material available into manageable proportions. Readers will understand that, with the rarest exceptions, a claim was presented on the understanding that the applicant was a Loyalist and expressed the views to be expected from such a one. Therefore little attention has been paid in the following pages to the often elaborate demonstrations offered by claimants of their consistent loyalty or to the finer details of their service in the army or militia with which most applications are crammed. The same rights to excision have been applied even-handedly both to the thousands of recommendations which poured in from commanding officers and to the certificates from American sources verifying the actions, names and status of the personnel of local courts.

Proofs of residence and ownership of property could be a stumbling block. For the most part, confirmation of previous residence went along with assurances of loyalty since one group of Loyalists could usually be relied upon to support another. To establish ownership of land or personal estate was much more tricky, and the Commissioners took little for granted. Original or notarized title deeds were the norm or, where these had perished, authenticated copies of the relevant provincial registry records. In practice, adequate documentation from the United States could be quite hard to come by—there are many cases on record where applications by Loyalists to American officials, lawyers and courts were refused or ignored on the sole grounds that such applicants must continue to be regarded as traitors. But still the Commissioners in London remained adamant in demanding explanations on oath for any failure, conscious or accidental, to abide by the multiplicity of conditions arbitrarily imposed for the validation of claims. Excuses such as ignorance of time limits, loss of papers, delays in shipping, detention of witnesses, the inability to read or write or travel, ran the risk of being dismissed out of hand.

In mitigation, the Commissioners would appeal to their mandate to protect the public purse against exaggerated demands or direct fraud. "Sunshine Loyalists" were not unknown—those who were capable of claiming compensation from both sides in the conflict; and several claimants in London sought to improve their chances by acting as spies on behalf of the Commission. Thomas Hood, Dennis Carlton and a Mr. Tucker, for example, appeared happy on their own initiative to lay information against former New Yorkers such as David Fenton, Normand Tolmie, Loring John Friswell alias Fraser and Samuel Hake, while the Commission itself maintained a network of investigative lawyers. William Haywood, a claimant from South Carolina, produced, apparently voluntarily, an astonishing litany of the frauds and forgeries which he had inflicted on

the Commissioners. Extenuating circumstances put forward in his defense included the possibility that he was mad and that his wife had deserted him.

In 1788 the British Treasury initiated a series of pension books (now designated T 50/31-48 at the PRO) which recorded, quarter by quarter, the payments made to successful claimants.<sup>3</sup> In March 1789 the Commission advertized nationally that its powers would expire on 15 July of that year and required all claims to have been notified to them before that date. After that the papers accumulated at home and abroad by the Claims Commission appear to have spent a half-century or so in the cavernous basement of Somerset House in London's Strand<sup>4</sup> before becoming part of the Public Record Office collections.

### Acknowledgments

I owe a great debt to many people for their encouragement and practical help over the many years in which this work has been gestating and coming to birth. I should especially like to thank the advisers and staff at the Public Record Office in Kew, Surrey, for their endless patience with inquiries and hard work in humping heavy volumes and boxes; Ed Wright of Willow Bend Books and Family Line Publications for the discussions which helped to determine the format of the work; Bob Barnes, the eminent Maryland genealogist, for his expert annotations; Dr. Bruce Antliff for sharing the materials on Loyalists which he discovered in Canada and elsewhere; Kathryn Hilder, in charge of the Loyalist Collection in the University of New Brunswick and author of the inventory to the Loyalist Collection on the World Wide Web, for acting as adviser and liaison; and Patricia Kennedy of the National Archives of Canada for her enthusiastic and knowledgeable guidance through the maze of Canadian records.

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AMDG  
Easter 1999

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<sup>3</sup>The last entry in the pension books records a payment to James Hume, formerly of Skenesborough, N.Y., on 5 April 1839.

<sup>4</sup>The Commission's records were often consulted after 1790 to obtain information about American connections. A lawyer, writing to the Treasury in January 1831, spoke of the need for the weather to allow a chance for the examination of the papers lying in the damp place where they were deposited. [PRO: AO 12/134].

**Harper, Andrew. Memorial** London 1784. He is a native of Scotland and was settled in MD before the war. He served as a surgeon in the garrison of New Providence for 18 months until it was taken by Spain and has had no means of support since then. He escaped to NY from Shrewsbury, NJ, in a small provision boat. Letter from the claimant to the Commission, Wimbledon, Surrey, 1784, that he has been unable until now to produce evidences for his claim and has been confined by sickness. (12/101/126; 13/60(I)/223-228, 96/398-399).

**Heath, Daniel. Claim** 1783 for cattle and sheep taken by the Army. (12/110/27).

**Hicks, William. Memorial** London 1783, now of Whitehaven, Cumberland, merchant. When he lived in MD and VA he imported several cargoes of goods from Britain and sold them on credit. He left MD in 1759 with his wife and family and settled in Whitehaven where he has served as a magistrate and in the High Sheriff's office in Cumberland. **Claim** for a lot, houses and mills in Alexandria, VA; a tract called Church Hill of 1,000 acres on St. Mary's River. Deposition sworn 1788 by Robert Sanderson of Whitehaven, merchant, that he was in Alexandria in December 1784 for more than 17 months and saw the claimant's property there. (12/8/400, 109/162; 13/61/236-255).

**Johnson, John** of Baltimore, carpenter and joiner. *Decision* 24 September 1783. He is a native of England who went to America in 1774. He remained single and joined the Engineers' Dept. at Camden at the start of the conflict and was wounded in action: he broke his leg at Ninety-Six in an accident which occurred while building the fort, and he is now lame and unable to climb a ladder. Allowance of £15 a year recommended. (12/99/166).

**Jordan, John Morton**, deceased. **Memorials:** London 1778, 1786 by his widow Dorothy Morton; by his son John Nesbitt Jordan, London 1788. The deceased was the son of William Jordan and traded as a merchant in London before becoming agent to Lord Baltimore in Annapolis, MD. By his will of 6 June 1771 he bequeathed his estate to his wife Dorothy and to the claimant John Nesbitt Jordan. In June 1783 he went as a minor to VA to attempt recovery of his father's estate but failed: he came of age in July 1784. **Claim** for 3,500 acres in Rappahannock Co., VA; lands at Leeds Town, VA; land in Annapolis; 18,000 acres at Conococheague Manor, MD. (12/102/30; 13/61/291-309, 70B(II)/337). [His administrator Reuben Meriweather advertised that he would settle his estate: AMG 24 October 1771].

**Kellar, Lawrence** [signs Larens] of Eager's Town, planter and brewer. **Memorial** London 1784, petition 1787. He was settled in MD for several years before the war and had acquired property there. He was imprisoned by the rebels for eleven weeks as a Tory. In June 1778, learning that a rebel party had been sent out to apprehend him, he hid in a neighbouring wood and witnessed the burning of his house and everything of value within it loaded on to his own carts and taken away. He escaped to NY through many dangers and reached England in 1781. He has been confined to bed for three months in his old age. **Claim** for a house, brewhouse and plantation of 207 acres at Eager's Town. Rejected. (12/8/311, 109/186; 13/61/310-318).

**Kelly, Hugh** of Frederick Co. **Memorial** London [1786]. Notes on his case dated NY 8 September 1783. He was consistently loyal and was imprisoned for recruiting men for the Army. In 1775 he joined a loyal association of 1,900 men and went over the Allegheny Mountains to join the Army at Fort Pitt. In 1781 he was apprehended and confined for several weeks before being sentenced to execution but was reprieved. When he escaped, a reward was offered for his apprehension: he was again confined in Carlisle Gaol before breaking free and reaching NY after many dangers. He was [1783] Barrack Master at Brooklyn and appointed William Franklin, late Gov. of NJ but now of GB, to pursue his claim in London. In 1784 he was Keeper of the Poor and Orphan House at Halifax, NS. Supporting affidavits sworn NYC: 22 August 1783 by Adam and George Graves and Nicholas Andrews, late of MD; on the same date by Andrew Hyme, late of MD; 15 September 1783 by Ormerod Long, late of VA, re the claimant's estate there; on the same date by Thomas Clare, late Commissary for the Western US, resident in VA; 29 September 1783 by George Wright, late of MD; on the same date by Francis Martin, late of Frederick Co., MD. **Claim** includes 450 acres in a new town called Mercersburgh on the Monongalia River, VA. (12/7/1, 60/1, 109/188, 13/40/62-86, 138/327-344).

**Kelly, James** of Chestnut Ridge, Baltimore Co. **Memorial** by his son John Kelly, London 1783. His father lived on an estate of 250 acres 14 miles from Baltimore. He refused to take up arms