

## Further Comments on Loyalist Claims

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I have now looked again at the Second Report of the Bureau of Archives for the Province of Ontario, 1904 "United Empire Loyalists: Enquiry into the Losses and Services in Consequence of their Loyalty: Evidence in the Canadian Claims" which contains the evidence for the Canadian claims submitted to the Loyalist Commissioners. It does not contain the memorial and statement of loss or supporting documents submitted by each Loyalist before appearing before the Commissioners. The Report has the evidence considered by the Commissioners for all six of the Loyalists mentioned in Stephen Davidson's article, but it does not contain the determination/decision made by the Commissioners with respect to those claims.

Digging further into the Introduction to the Second Report revealed some answers to questions about how claims were evaluated and how compensation was made. I believe that this introduction was not written by the Loyalist Commissioners but by Alexander Fraser, Provincial Archivist in 1904, who included many of the Commissioners' comments and findings in the introduction.

Page 12 says "As early as May 1782, Loyalists applied for lands in Nova Scotia. Governor Parr recommended that each family be given 500 acres of land, every single man 300 acres, and that 2,000 acres be set aside for a church and 1,000 acres for a school in each township. In 1783 it was estimated that there were 12,000,000 acres of ungranted, cultivable land in Nova Scotia....."

The treatment of Loyalists in Upper and Lower Canada was similar to that in Nova Scotia. **So far as possible, compensation was to be made in land grants.** Surveys were begun in July, 1783. There was no uniformity in the size of the grants, though the rule was to give every adult male and every widow 200 acres. Civil and military officers received larger grants, some as much as 1,200 acres."

From page 13 "The British Parliament was urged by the King to treat the Loyalists with "a due and generous attention," hence that body in July, 1783, appointed a commission of five members to classify the losses and services..... John Wilmot, Esquire, Daniel Parker Coke, Esquire, Colonel Robert Kingston, Colonel Thomas Dundas, and John Marsh, Esquire, shall be, and they are hereby constituted Commissioners for enquiring into the respective Losses and Services of all such Person and Persons who have suffered in their Rights, Properties, and Professions during the late unhappy dissensions in America in consequence of their Loyalty to his Majesty, and attachment to the British Government". (This latter language is used in many memorials by claimants).

From page 14: "Claims were first ordered to be presented by March 25th, 1784, but the time was later extended till 1790. On the first date mentioned, **2063 claims** were presented, representing a loss of about \$35,000,000 in real and personal property, \$11,770,000 in debts and \$443,000 in incomes, making a total of nearly \$47,250,000. Compensation was not allowed for estates bought after the war, rents, incomes of offices received during the rebellion, anticipated professional profits, losses in trade, labor, or by the British army, losses through depreciated paper money, captures at sea and debts. By April, 1788, the Commissioners had examined **1,680 claims** on which they allowed \$9,448,000".

From page 15 which contains the First Report of Commissioners (10<sup>th</sup> August 1784): "the total number of the Claimants is two thousand and sixty-three. But we think it proper to observe, that of the real Amount of their Losses, no reasonable or probable conjecture can in our opinion be formed, because

the Estimates delivered in, have, in many instances in the course of our examination, appeared extremely erroneous and imperfect: and in sundry cases where property of considerable value is alleged to be lost, no certain specification or Estimate whatsoever is given, the parties alleging themselves at present unable to frame such for want of sufficient documents or information....”

“The total amount of the specified Estimates of Losses of Property is Seven millions and forty-six thousand Two hundred and seventy-eight pounds fifteen shillings and one penny”.

Page 18: “The principal and most obvious difficulty inseparable from the nature of our Enquiry, is ... the ascertainment of the value of the Property proved to be lost.”

Page 20 “It soon became evident, that, to do justice to the Loyalists, Commissioners must be sent to Canada and the United States. Commissioners Col. Thomas Dundas and Mr. Jeremy Pemberton came to Canada and had similar powers as the Board sitting in London. Their work began on the 17th Nov., 1785, and continued until 1789. Evidence was taken at Halifax, St. John, Quebec and Montreal, and six reports were made, showing that **1401 claims were heard**; and that **834 were, for various reasons, not heard**. **On 432 claims under the Act of 1783, \$1,061,000 was allowed and on 969 claims under the Act of 1785, \$1,684,000 was allowed, making a total of \$2,745,000 passed for claims in Canada**. Of the claims examined, nearly two-thirds in number and value were from New York State. Many of those who had large fortunes at stake went directly to Britain to have their claims adjusted, and after the Commissioners left Canada, petitions were still sent to London”.

From page 21: “**At first soldiers were allowed 40 per cent. of their claims and civilians 30 per cent., but finally no distinction was made. Payments were first made in instalments but eventually Pitt's scheme was adopted providing for the payment of property losses on a fixed scale of percentage according to the amount of claim. Petitions for compensation ranged from \$60 to \$777,000, and the sums allowed, from \$50 to \$221,000 which was granted to Sir John Johnson.**”

“The total outlay on the part of Britain during the war and after it closed for the Loyalists in food and clothing, in temporary relief and annuities in establishing them in Canada and in monetary compensation, amounted to not less than \$30,000,000.”

“The claimants by States were as follows: -- New York, 941; South Carolina, 321; Massachusetts, 226; New Jersey, 208; Pennsylvania, 148; Virginia, 140; North Carolina, 135; Georgia, 129; Connecticut, 92; Maryland, 78; Vermont, 61; Rhode Island, 41; New Hampshire, 31; Delaware, 9; a total of 2,560”.

From page 24: “The volumes containing the notes of the proceedings and evidence taken before the two Commissioners sent to Canada, were retained by Col. Thomas Dundas, at his home, Carron Hall, Stirlingshire. A transcript from his pages have been placed in the Public Records Office.

In 1844 General Sir Henry Lefroy who had been sent by the British government to Canada to organize a magnetic survey, selected Toronto as the proper site. Two years afterwards he married a daughter of Sir John Beverley Robinson, Bart. In 1860 he married the granddaughter of Col. Dundas and while staying at Carron Hall in 1864, saw the original manuscript for the first time.

Being at that time deeply interested in the Smithsonian Institute at Washington, which had, in addition to its scientific work, issued a circular pointing out the advantages of accumulating all manuscript material relating to the history of America, Sir Henry advised that these papers be sent to that

institution. This was done, and there the papers remained for some years apparently neglected, till an Act of Congress was passed transferring all manuscripts in possession of the Smithsonian Institute to the Archives of Congress, where they have since remained.

The manuscript differs from the transcript preserved in the Public Records Office in London in that it contains notes and references made by the Commissioners during the proceedings, many of which are characteristic and sum up the position more pungently than appears in the official record.”

R. Wallace Hale in his transcription of the Second Report which he included in his CD-ROM “Fort Havoc Archives Volume 1” added additional information after the end of the Report that “the transcripts of the hearings of the Commissioners in Canada were originally published in two volumes, covering the proceedings during which evidence on some **1245** claims was heard. Intensive examination of these reveals the documentation of some of the hearings is missing, which may not be apparent from casual reference to the work. The Commissioners reported that **1,401** Claims were heard, indicating at least transcripts of **156 claims are missing.**”

“3 volumes of the claim hearings over which Commissioner Dundas presided are missing, along with 5 volumes of those of Commissioner Pemberton. Whether these eight volumes were not transcribed due to deterioration of the originals, or whether the originals had been lost cannot be determined”.

The initial reply I received from Ancestry about the missing File AO12: “Piece 64 Decisions for New York” was rather generic saying that the “the databases contain information that the sources have given us. If they update the information on their end then we will update it on our end. At this time, it has not yet been updated which is why it may not have all the information you are searching for. Unfortunately, we do not have an estimated time frame as to when it will have the correct information. Again, it is dependent upon the source where we receive the information.”

I have looked at the U.K. National Archives web-site which confirms that AO12/64 is held by the National Archives in Kew as a “public record, open document”. I have sent them a message asking whether there was a reason the microfilm for AO12/64 was not copied to Ancestry along with the other AO 12 and AO 13 files.