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in London District in
1845*

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Title: Rebellion Losses Claims in London District in 1845

Date of first publication: 1931

Author: Fred Landon (1880-1969)

Date first posted: Aug. 17, 2023

Date last updated: Aug. 17, 2023

Faded Page eBook #20230836

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Rebellion Losses Claims in London District in 1845.

By FRED LANDON

Ontario Historical Society, Volume XXVII, 1931

On the 15th of August, 1845, Sir Charles Metcalfe signed the commission appointing John Harris, John Wilson and Lawrence Lawrason to inquire into the "just claims arising from the late Rebellion and Invasions of the Province" as such claims might be presented in the London District. In accordance with the duty thus placed upon them, these three gentlemen held sittings at London and at St. Thomas between October 6th and December 3rd, 1845, heard in all 335 applications for redress and out of claims advanced totalling £3,643-9-6 allowed £1,921-1-5, or rather more than one-half.^[1]

The three commissioners were residents of the village of London, men of substance and standing in their community. John Harris was a retired naval officer who, on coming to Canada, was engaged in surveys of the Great Lakes, He married a daughter of Colonel Samuel Ryerse, of the Long Point settlement, became treasurer of London district, and when the village at the Forks of the Thames was fixed upon as the capital of the London District he removed thither and built a commodious frame house which is still occupied by his descendants. He was active during the period of the rebellion and took part in the cutting out of the Caroline at Niagara Falls at the end of December, 1837. John Wilson was of Scottish birth but came to Canada as a boy and after working on a farm for a short time began the study of law. About the year 1834 he opened an office in London where he prospered and took a prominent place in the community. Lawrence Lawrason, born at Ancaster in 1803 of U.E. Loyalist stock, was a merchant, a magistrate, a militia officer and a loyal supporter of the Family Compact.

The commission kept a brief record of the important facts in connection with each claim presented to them and occasionally added a note of personal comment. Few claims were allowed in full, some were rejected entirely and a certain impression is left after perusal of the records that there were not a few people in London District in 1845 who saw in the inquiry an opportunity to get something from the public treasury, a failing which we

might reasonably concede has not disappeared from the public mind, even in these later and more enlightened days.

Brief as is the evidence set down certain phases of the situation around 1837 in the London District are clear. That there was much unrest in the district for some years before 1837 is a matter of record. As early as the year 1832 Colonel Talbot had detected it among his settlers and had directed his supporters to use force against the “black sheep”, “rebels”, “incendiaries and scoundrels” who were in their midst and under the cover of organizing “Damned Cold Water Drinking Societies” were out to impose upon and delude the unwary. In the five years after 1832 unrest became even more widespread and in the villages of London and St. Thomas in 1836 and 1837 there were numerous supporters of William Lyon Mackenzie, in touch with him and prepared to support him. That there was not a more dangerous outbreak in the western part of Upper Canada in 1837 was chiefly due to the general lack of plan on the part of Mackenzie and his associates.^[2]

Upon the receipt of news from York that an outbreak had occurred there, the authorities in London village took prompt action. Many arrests were made, the militia was called into service, parties were sent out in every direction to seize arms and ammunition, while guards were placed about London court house where the arms and ammunition were stored. These seizures served the double purpose of supplying the loyal forces and weakening the hesitant or openly rebellious element. In the claims presented in 1845 the most common item for which recompense is sought is the gun which was taken away in 1837 and never returned. Almost uniformly the weapons are valued at about £2, and in most cases they are described as “new” or “very fine.” The second most common claim is for the loss of a horse. The militia officers requisitioned horses in considerable number and either failed to return them or returned them so badly injured by hard riding or driving that they were thereafter useless. In the excitement and hysteria of the times, horses were ridden through the woods or over rough roads until they dropped in their tracks, whereupon a fresh horse would be taken from the nearest farm. Another fairly common claim is for damage to premises by militia billeted in farm houses or in taverns. Other claims which also appear are for services to the families of men who were absent with the militia, for damage to crops and to livestock while the complainant was in jail as a suspect, for medical services and for services with the Indians. Some typical cases may be cited to illustrate the nature of the claims.

George B. Ivor, of Adelaide township, appeared before the commission to ask redress for the loss of a saddle and bridle, taken for military use, and

also for damage to a wagon from which two tires were removed to make pikes for arming the militia. He further claimed that the militia had opened his cellar and caused potatoes to the extent of one hundred bushels to be frozen. For all these hardships he claimed £23, but the commission decided that £4 was sufficient.

Samuel Smith had an even more unhappy experience with the forces of law and order during the rebellion. In February, 1838, when the 32nd. Regiment was marching in haste to the west, a party of soldiers entered his tavern and “forcibly seized, destroyed and carried away the articles mentioned in the account presented” which in value totalled £23-7-6. In a pencil note one of the commissioners has recorded on the minutes his opinion that Mr. Smith would do well if he got a part of his claim, for, says the pencil note, the gentleman brought his trouble about in some measure by “keeping vestals about him”. However, Mr. Smith was granted £15.

Dr. Edward Dancey, of Malahide, evidently regarded himself as a specialist (in the correct sense of that much-abused word). On a night in January 1838 he was called to St. Thomas to attend Waller Chase, a prisoner taken on board the schooner Anne and then being conveyed to London jail, whose wounds were bleeding. He attended the prisoner and “thinks the service worth nearly five pounds”. The commissioners were in favor of lower fees for doctors and awarded the Malahide surgeon one pound and five shillings.

Can it be this same person who appears again as plain Edward Dancey asking £16-7 for expenses incurred in raising a company of men and pursuing and capturing Doctor Wilson, “a fugitive rebel who had escaped from the authorities and was, as witness was informed, lurking in the woods”.^[3]

Thomas Baty went to church on a Sunday morning in December, 1837, and left his saddle horse in the stable of Flanagan’s inn. When worship was over horse and saddle were gone, pressed into the Queen’s service. He got his horse back in five and a half days, but not his own saddle, an older one being in its place. He figured the difference in value of the saddles at £2 and thought the use of his horse ought to be worth £1-7-6 to the country but the commissioners reduced his claim by 11 shillings.

Abraham Grover wasn’t in church when misfortune came his way; he was in jail, “for what cause he does not know”. While he was there hogs broke into his wheat field, “a very stout field of grain” but which as a result of the damage done to it yielded but twelve bushels from four acres. The

commissioners looked upon Mr. Grover with no friendly eye. Evidently they thought he should have been at home or in the Queen's service, and not in jail. His claim was rejected.

James Marshall told the commission that he was a bachelor and that while absent from his home as a volunteer under Lt.-Col. John Bostwick putting down the rebellion his house was broken into and various articles stolen, which he enumerated. The thief had been apprehended and convicted a year later, but Mr. Marshall was still out of pocket. His claim of fifteen pounds, odd shillings and pence, was reduced to an even ten pounds.

And now into the records comes a surname well known to all Canadian historians. Henry Coyne, of Dunwich, ancestor of a former president of this Society, presented a claim for £27-10-11 for supplies furnished to the volunteer troops in 1837. He had sent in certain accounts to the Commissariat at London after the rebellion and had received in settlement £53-5. There were other accounts, however, which his son took to Toronto in order to secure settlement, but he was sent from office to office and in the end got nothing. In despair of ever getting payment, invoices and receipts were destroyed. The commissioners decided that there was nothing could be done in this case. Perhaps they remembered that Henry Coyne was one of the most outspoken opponents of Colonel Thomas Talbot and well known for his Reform principles.

Another not unfamiliar name also appears in the record of Peter McArthur, of Ekfrid, grandfather of the Canadian writer and poet. He told the commission that in 1837 he was directed by the authorities to take care of the cattle of four neighboring families while the heads of the households were on service. For seven weeks work he asked the modest sum of £2-17-2 which was granted. One may reflect that at a later date his grandson doubtless received more than that for a hundred line feature article on the ways of a famous red cow.

Thomas Orr, of Westminster, was a stout-hearted patriot, ready to leave all for the cause. He was in St. Thomas when he heard of the rebellion and he volunteered at once to go to Dunwich, the home of the Coynes and other Reformers. He did not even take account of his horses and wagon, nor of twelve bushels of oats and a quarter of beef therein. The oats and beef disappeared, the horses were pressed into service for carrying despatches and while he was away from home for a period of ten days 50 bushels of peas were stolen from his barn. For this accumulation of services and sacrifices he asked £10-19-9 and was awarded £7-10.

Isaac Phillips was from Southwold and spent two months in London jail; “he never knew for what”. During this period of incarceration someone stole his blanket and quilt which he valued at one pound and five shillings. Later, he spent six weeks in Sandwich jail, “he never knew what for either”; and while there he had two acres of corn destroyed and the planting of ten bushels of potatoes. “He spent his time in going and returning (to jail apparently), and never got anything for it”. The commissioners shook their heads over this claim and passed on to Mr. Charles Decker, of London town, who asked but one pound to recompense him for what he suffered in 1837. But his modesty did not serve him well for Magistrate Lawrason informed his fellow-commissioners that the said Decker deserted while on duty and fled to the United States where he remained until the disturbances in Canada were over. It was hardly to be expected that Mr. Decker would get his pound. One may rather imagine Magistrate Lawrason eyeing him coldly and speculating whether hanging and quartering or boiling in oil would be the more fit punishment to impose.

Sarranus Thompson, a resident of St. Thomas, served his country by tracking down gentlemen of the Decker type who held to the doctrine that he who runs away lives to fight another day. Mr. Thompson was out in 1838 for several days chasing deserters and he also had a musket pressed into service which he valued to the extent of three pounds. He figured his losses at £5-12-6 but for some reason the commission reduced the award to an amount two shillings less.

Caleb Cook, of Richmond, kept a bar in 1837 and when the volunteers went through to Oakland he took compassion on three volunteers who, like Bobby Lee’s ragged infantry of a later date, were travelling in their bare feet, and supplied them with boots. It was poor return for this kindness when a party of the 32nd. Regiment came to his place of entertainment and after taking out “and destroying” (probably by imbibing) two barrels of beer, proceeded to wreck the bar and furniture to the extent of £2-10. Not content with this, the gallant 32nd., so says that claimant, walked off with wheat, bees and poultry worth £3-10, though what the soldiers wanted with the bees remains a mystery unless it be, perchance, that the secretary to the commission nodded at this moment and wrote bees when he meant beef. However, there it stands in black and white, that they took his bees. Even this did not terminate Mr. Cook’s copious draught of trouble for at a yet later date his bar was broken into by rebels this time he thinks, who took a rifle worth £4 and a watch worth £2-10. Adding up his sum of losses Mr. Cook believed that £18-12-6 would set him on his feet again but the court decided that an even nine pounds was all that could be spared for this particular case.

Peter Wilson fell into the Detroit river at Amherstburg while his troop was landing. When he came to the surface his rifle was gone and his cap as well. He thought the gun was worth more than £2, the value of the cap he did not know. The court gave him the two pounds.

Samuel Jarvis had 15 soldiers billeted on him one night and after they had gone he missed a razor strop, a pair of mittens and a buffalo robe. He got the latter back after an officer had used it for two weeks. His claim of £1-4-3 was reduced to 5/9.

Peter McCann spent three weeks in December, 1837, moulding bullets for the defence of the village of London in case of an attack and afterwards stood guard at the court house for two weeks more. He asked three pounds and was given one pound.

John Fairchild, of London, claimed the sum of £45-18-9 for acting as captain over the "Moncee" Indians from the 14th of December, 1837, to the 14th of February, 1838, a total of 63 days. The record of this claim is as follows:

"John Fairchild sworn says that about the 14th. Decr. 1837 the Moncee and Chippewan Indians in general council at Colborne on the Thames appointed him to be their captain in which capacity he acted during the period above stated and was with them at Sandwich. There were 107 Indians besides himself. James Snake, a Moncee Indian, sworn say that at a council of Indians after the rebellion they apptd. J. J. Fairchild a captain over the Indians. Was with the Indians at Sandwich 55 Moncees and the rest of them Chippewa—making in all 107."

That the Fairchild claim was not accepted without some hesitation is evidenced by two comments which appear in the record. One says "fiction clear, no foundation" and the other "mauvais sujet". The claim of £45-18-9 was cut to £31-10. That Indians were out in 1838 in search of suspected rebels is shown also by the claim of one Donald McCalpan who said he supplied a sheep to John Terry for Indians who were scouring the woods in Aldborough township on behalf of the authorities. Yet further evidence of Indian activity is supplied by the claim of Peter Schram of London who said that he was "employed on special and confidential service by Col. Clench and Col. Maitland as captain in charge of 28 Indians". He stated further that "the service was a dangerous one and proved beneficial to the government in intercepting some of the rebel leaders on their endeavoring to enter the

country in disguise, one of which was killed by the Indians on endeavoring to make his escape". Mr. Schram's claim of £18 was approved.

There are a few incidental references in the records to Dr. Charles Duncombe who was the leader of what revolt there was in the west and who afterwards made a daring and somewhat romantic escape to the United States. Elijah Duncombe told the commission that the authorities kept one Rufus Tuckey in his house for four weeks to watch for his relative. Lyman Thirstin, of Bayham, made a claim for £10 for a horse that had been pressed but got nothing when a witness declared that Thirstin had openly bragged that if his horse had not been pressed he would have used it to take pork to General Duncombe's army. Benjamin Doan, of Yarmouth, said his rifle and gun were taken by one Harvey Bryant who was on his way to Oakland to join Dr. Duncombe. Bryant was sent to jail and Doan lost his weapons. Though a Reformer in principle, Doan declared that he had always opposed the taking up of arms and had advised several young men not to join Dr. Duncombe. The commission declined to grant compensation for a Reformer's weapons which had gone to the rallying place of Duncombe's force and one can scarcely blame them for their decision.

William Libby, of Williams township, near London, presented his claim in writing and the original petition is preserved. In a strikingly neat handwriting, though with an astonishing economy of punctuation marks, he writes as follows:

"The petition of William Libby formerly of the township of Williams in the District of London now of the township of Oxford in the District of Johnstown Province of Canada sheweth that he is a native of England and that he served as a petty officer in the Royal Navy from Eighteen hundred and three to Eighteen hundred and sixteen most of that time in the East Indies from whence he was invited home and settled in the London District as a farmer and remained there until after the Rebellion of thirty seven and thirty eight and in Eighteen hundred and forty he removed with his family to where he now resides.

"And your petitioner further sheweth that at the breaking out of the Rebellion in the fall of eighteen hundred and thirty seven he was then residing in the township of Williams about forty miles from London and was the owner of a large Farm and Grist Mill and at the time Colonel Radcliff who had Command of the Western Division gave orders to call out the Militia in the

Neighborhood in which your petitioner resided not a man of them would turn out although British born subjects and had received many favours from Government in consequence of above facts he considered his services in all probability would be required he went to London and offered his services to Colonel Radcliff who told him that as he had a span of good horses he should station him in the neighborhood where he resided and ordered your petitioner to be on the alert and watch over the movements of persons of that neighborhood as he had every reason to believe they were disaffected almost to a man and that he suspected that the rebbles would be assisted by them and should any thing occur your petitioner was to give information to the authorities and that he should be paid by government for his services your petitioner discharged this duty incumbent upon him from early in the fall of thirty seven through the winter and that of thirty eight and during which time he bore his own expences and that of his horses he was frequently thretened by the Rebbels to burn his premises and do him other injuries he was shot at four different times while on horseback in the night time four sheep were stolen two Bea hives worth five pounds a yearling calf was hung up by the neck in order to intimidate him besides other injuries too numerous to mention at length after being on a discovery three days and 3 nights he put his mare into his own stable on the night of the 19th. Jany., 1838, and during the night some two or three of those disaffected went to the stable and cut her throat which your Petitioner believes it to be done for no other purpose than to prevent him performing in accordance with his orders he was offered on the same evening twenty one pounds ten shillings for the mare he also took the guns out of the milk to prevent those of the neighborhood to furnish the rebels who were supposed to lie lurking in those parts and your Petitioner further says that it cost him per day seven shillings and 6d for himself and horse (expences) and that he is positive that the loss of time mony and everything else during the Rebellion could not fall far short of two hundred Pounds not including or mentioning the sacrifice of Property made by selling his Farm to prevent them doing him and his family further injuries and it well known that several officers who had showed a conspicuous part in the time of Rebellion had to leave their place of Residence for the same cause and your Petitioner requests justice may be done him as far as is consistent and as in duty bound will ever pray.”

One would have supposed that this rather stirring plea would have brought response from the commission, but, curiously, they threw it out entirely and granted nothing to Mr. Libby.

The notes gleaned from these records will be of value chiefly when studied with other similar material bearing upon the period. An impression is left by the records that the authorities in London District expected trouble and had prepared for it. The times were changing times, American democratic influences were operating powerfully in Upper Canada and the local authorities probably felt that the unrest was a challenge to their position and power, as indeed it was in some degree. The dual character of the American Revolution, a struggle for independence from Great Britain and also a struggle to be freed from local oligarchies, has its parallel in the Canadian struggle of 1837 directed against the Family Compact at York and also against those miniature Compacts of local officials throughout the province who, in the absence of municipal government, exercised considerable powers. One effect of the Rebellion was to weaken the power of these local groups. The introduction of municipal government during the next decade provided opportunity for the training of many men in government and gave the humbler folk their chance to share in administration. When this was brought about the day of a particular ruling class was at an end.

[1] The original record books of the Commissions which investigated claims in the London and Western Districts are among the Harris papers in the library of the University of Western Ontario, London.

[2] See Fred Landon, "London and the Vicinity 1837-38," Ontario Historical Society, Paper and Records, Vol. XXIV, 1927.

[3] C. O. Ermatinger in the "Talbot Regime" (p. 228), says that "Dr. Wilson of Sparta was suspected of disseminating the seeds of disaffection throughout South Yarmouth either in person or by means of his cream-colored horse and another rider. The horse changed his allegiance and subsequently, bestridden by a loyalist colonel, took part in putting down the outbreak. Not so the doctor, however, who, suspected of complicity in the

acts of a large body of the disaffected who assembled in Pelham township, was arrested at the house of Richard McKenny in the 6th concession of Malahide In the summer of 1838 and sent to London for trial. He, however, survived to subsequently make a claim for the horse under the rebellion losses act.” In the appendix to the Ermatinger volume there is printed a letter from Lawrence Lawrason to Edward Ermatinger, dated from London, 26 June 1838, urging the arrest of Doctor Wilson who was at that time supposed to be with a party of rebels in the Grand River Swamp. In the records of the claims commission for London District there is an entry of Duncan Wilson claiming £35-15 for “a horse taken by order of the magistrate.” It is interesting to note that this claim was rejected.

TRANSCRIBER NOTES

Mis-spelled words and printer errors have been corrected. Where multiple spellings occur, majority use has been employed.

Prior to Confederation, the money used was in British currency. Amounts shown are in pounds-shillings-pence, e.g. £23-7-6.

Punctuation has been maintained except where obvious printer errors occur.

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[The end of *Rebellion Losses Claims in London District in 1845* by Fred Landon]