

DOCUMENTS

Letter of David Colden, Loyalist, 1783

DAVID COLDEN, the writer of this letter, was the son of Cadwallader Colden, lieutenant-governor of New York, and his wife, Alice Christy, and was born November 23, 1733. He married, February 27, 1767, Ann, the daughter of his neighbor, John Willet, of Flushing, Long Island, and inherited his father's estate at Springhill, near Flushing, where this letter was written.

Although educated for the profession of physician, David Colden never practised medicine, except privately for the benefit of his friends and neighbors. Much of this worthy Loyalist's time was spent in various scientific pursuits, and among his correspondents on philosophical and other subjects was Dr. Franklin. In appreciation of his services as a Loyalist he was, on July 15, 1780, appointed assistant master of the rolls and superintendent of the police on Long Island. In 1784, David Colden went to England to seek compensation for the loss of his real property, confiscated by the New York legislature, and George Duncan Ludlow, the trustee of his children, was awarded by the British government the sum of £2,720 sterling from the claim of £10,282:15:0.¹

David Colden died in London, July 10, 1784, his death having been hastened by his misfortunes in America, and was buried in the graveyard of St. Anne's Church, Soho. He left a widow and several children, who were sheltered by his brother, Cadwallader Colden, likewise a Loyalist, at Coldenham, N. Y.

Cadwallader, born April 4, 1769, the elder son of David Colden, accompanied his father into exile in England, where he was partially educated under the charge of his maternal uncle, Colonel Farrington, of the Royal Artillery. Under the care of his guardian, George Duncan Ludlow, he was taken at the age of sixteen to Canada, and was articled to the well-known Loyalist lawyer, William Wylly. After a brief sojourn in Canada, Cadwallader Colden removed to New York, and would seem to have entered the office of Richard Harrison, a lawyer and attorney, in January, 1791. His subsequent career as an eminent lawyer, as colonel of a regiment of volunteers in the War of 1812, as a member of the assembly of

¹ Public Record Office, London, A. O. 12: 109.

New York, as mayor of the city, and as a congressman and state senator, are too familiar for detailed recapitulation here. His name is associated with the New York Historical Society by the presentation of the Colden papers to that society by Mrs. Frances Colden, the widow of his eldest son, Cadwallader.²

The accompanying letter,³ now published it is believed for the first time, was written by David Colden to his niece, Mrs. Henrietta Maria Colden, a Scottish lady, whose maiden name was Bethune. She had married Richard Nicholls Colden, the writer's nephew, who was surveyor and searcher of the port of New York, and who died in 1777. Her two sons, Alexander and Cadwallader, were being educated in 1784 at a school near Lancaster in England, and the British government allowed her £ 50 per annum for their education. When giving evidence in support of her claim for the loss of her deceased husband's property in America, Mrs. Henrietta Maria Colden impressed the commissioners of American claims in London by her good sense and competence.

E. ALFRED JONES.

SPRING HILL 15th September 1783

Dear Madam:

I am sorry to have been in any degree accessory to the painful anxiety under which you waited six months, expecting a letter from me. I hope one I wrote in April, would reach your hands in a few weeks after the date of your last to me, of the 30th of the same month. You would, however, even then, receive little satisfaction from my letter, respecting your affairs in this country; but it might convince you that I do not forget you. Be assured I would write oftener, if I could ever communicate any thing, either new or satisfactory to you about your affairs. I did not know but Mr. Auchmuty⁴ might manage better for you than I could. He has however obtained nothing from Antill,⁵ who keeps

² For the Colden family, see the *New York Genealogical and Biographical Record*, IV. 161-183; and Public Record Office, London, A. O. 12: 14; A. O. 12: 9; A. O. 12: 25; A. O. 12: 101; A. O. 12: 109; A. O. 13: 12; A. O. 13: 64; A. O. 13: 97; A. O. 13: 137.

³ Public Record Office, London, A. O. 13: 97.

⁴ Robert Nichols Auchmuty, Loyalist, son of the Rev. Dr. Samuel Auchmuty, rector of Trinity Church, New York City.

⁵ Maj. John Antill, a lawyer, son of Hon. Edward Antill, of Perth Amboy, N. J., where he held several public appointments before the Revolutionary War. With his brother-in-law, Lieut.-Col. John Morris, of Shrewsbury, N. J., he was instrumental in raising in 1776 the second battalion of the well-known Loyalist regiment, the New Jersey Volunteers. On August 15, 1780, he was cashiered for making false returns and drawing provisions for more men than the effective strength of his battalion, but was shortly afterward reinstated. Major Antill married (1) April 21, 1770, Margaret, daughter of Alexander and Elizabeth (Nicholls) Colden of New York; and (2) his deceased wife's sister, Jane Colden,

possession of the Brooklyn Estate. Nothing can be got from him but by selling the few necessaries his wife and children have left. His half pay feeds them from day to day, and no more. Auchmuty tells me he is convinced this is their situation, and declines commencing a suit, that must be ineffectual. I do not know why he does not write to you.

Antill has been several months of this summer in Nova Scotia, looking out for a settlement there. He returned lately; and is now going, with his son Jack, to England, upon what scheme I know not: nor in what manner he intends to provide for his wife and children, whom he leaves here.

Your letter to John Laurence⁶ was put into the hands of a gentleman, who engaged to deliver it to him in a few days. I am informed Mr. Laurence supports a favorable character—is pushing himself forward, and bids fair to rise in his profession. He has been two or three times in New York, since the cessation of hostilities, but I have not seen him. He will probably be a useful man to you. He designs to settle in New York.

The legislature of this State have not passed any act, immediately affecting the title of any part of the estate belonging to you or your children. No act of theirs yet passed, mentions your husband's estate, his fathers or his grandfather Colden's, either directly or by implication. That part of my fathers estate only, which belongs to me, is involved as being part of mine. But as you desire me to give you the most particular information of any act passed that may affect you, I will transcribe abstracts of some clauses of the act of attainder, passed in 1779,⁷ which renders every man's estate who was within the British lines at any time of the war, liable to be yet involved in the destruction it works.—It is enacted that, the Grand Jurors at any Supreme Court of Judicature. Oyer and Terminer or General Joal Delivery, to be held in and for any county of this state, on oath of any one or more creditable witness, that

who were sisters of Richard Nicholls Colden, the husband of the lady to whom this letter was written. Allusion is made in this letter to Major Antill's visit to Nova Scotia, whither he had gone, with Lieut.-Col. Elisha Lawrence, of the New Jersey Volunteers, as the accredited agents of the seconded officers of the Loyalist regiments to secure settlements for them in that province. Parr, the governor of Nova Scotia, in a letter of August 15, 1783, to General Sir Guy Carleton, complains of Major Antill's "unreasonable demands and illiberal ideas on the part of the second officers"; to which the general replied on September 5, regretting that the seconded officers had "made choice of so improper a person as Major Antill to act as their agent". Historical MSS. Commission, *Report on the American MSS. in the Royal Institution*, IV. 60, 280, 334; Public Record Office, London, A. O. 12: 14; A. O. 12: 100; A. O. 13: 93; A. O. 13: 108; A. O. 13: 113. For the loss of his property in New Jersey he made a claim, and was awarded by the British government the sum of £2,900, as well as £340 for the loss of his annual professional income. In addition to these allowances, Major Antill was granted a pension and half-pay as major. A. O. 12: 109.

⁶ John Lawrence was perhaps the Loyalist physician of that name, who was the son of John Lawrence of New Jersey, an ardent Loyalist, and brother of Lieut.-Col. Elisha Lawrence, mentioned in foot-note 5. Dr. John Lawrence was educated at the College of New Jersey and practised medicine at New York during the Revolutionary War. Sabine's *American Loyalists*.

⁷ *Laws of the State of New York* (Albany, 1886), vol. I. (1777-1784), pp. 173-184.

any person, whether in full life or *deceased*, has been guilty of the offence aforesaid (adhering to the enemy) shall prefer bills of inditements against such persons.—Sheriffs are to give notice of the inditements by publishing advertisements,—and it is then enacted that, on neglect to appear and traverse the inditement, agreeable to the sheriff's notice, the several persons charged in such inditement whether in full life or *deceased* to be adjudged guilty and forfeit all and singular their estate real and personal.—In case a person *deceased* is indited his representative is to appear and traverse.—Some hundred Freeholders, Merchants and Inhabitants of Long Island, New York and Staaten Island have been indited, under this Act, since the cessation of hostilities. So little effect have the preliminary articles yet had!—I do not know that they have proceeded against any person not in full life, altho' they might under this very extraordinary act, declared by the preamble to be made in order to work a confiscation of estates for the use of the State.—Tyrannical Law! made to take a man's life for the express purpose of getting his estate. Be not surprised at the warmth of my expressions; it affects me to the quick. But you wish to have me say what predicament I think your children's estate stands in. I believe it safe from confiscation. The law is too severe to be continued. Hitherto it has lain unnoticed. It must now be animadverted upon, and stigmatised with such censure by the world, that for the credit of a national character, it must be blotted out. I believe there is a tax laid upon all uncultivated lands; if it is so your son's estate cannot be exempted from the effects of such a law; but what method is taken to get money for the tax, I am not informed.

McLean, the tenant your husband left on the farm near Newburgh, I hear is yet in possession of it: and Haasbrook, of the lands he rented.—The back rents, when they can be collected, must amount to something considerable.

I have to inform you of an addition to Sandy's estate that has not been adverted to till a few month's since. My sister Caty,⁸ who died in 1762, by her will gave 2000 acres of land to Cad'r⁹ son of her brother Alex'r, to Alex'r¹⁰ son of her brother Cad'r and to Alice¹¹ daughter of her sister Alice (Willett) to be divided equally between them. In case of the death of the first named, under age or without issue, she gives his share to his brother Richard.¹² Cad'r died under age, so that both by will and descent this share now belongs to your Sandy. Then 2000 acres of land was granted to William Mitchell in trust for my sister, to whom he released them, by deeds bearing date 15th October 1761; they are distinguished by Lott M in Butlars Purchase, and Lotts No. 2,

⁸ Catherine, daughter of Cadwallader and Alice (Christy) Colden, who was born February 13, 1731, and died in June, 1762, unmarried.

⁹ Cadwallader, son of Alexander Colden, and his wife, Elizabeth Nicholls. Alexander was born August 13, 1716, and was surveyor-general of the province of New York jointly with his father, postmaster of New York, and a vestryman of Trinity Church, New York, from 1761 until his death.

¹⁰ Alexander, son of Cadwallader Colden, the younger, and grandson of Lieut.-Gov. Cadwallader Colden. He married Gertrude (Wynkoop), widow of his brother David, and was a farmer at Coldenham, N. Y.

¹¹ Alice Willet was the daughter of Col. William Willet and his second wife, Alice, daughter of Lieut.-Gov. Cadwallader and Alice (Christy) Colden.

¹² Richard Nicholls Colden. See introductory note.

No. 8 and No. 28 in Glens Purchase, and are otherwise particularly described. They lie near the Mohawk River in Tryon County, in a pretty well settled part of the country, and are valuable. Caty's will is dated 16th May 1762; it was recorded and deposited in the Prerogative Office. I have an official copy of it, which I have now put up with the release from Mitchell, that I fortunately found among my papers, and have deposited them in a chest with my own papers of that kind, and those belonging to my Fathers Estate, which I have lodged in Mr. John Watts's house in New York.¹³ A place where it is supposed there will be more security than here in the country. The mohagony box, with all the papers I received from you, my book of accounts with you, and whatever letters or papers have come to my hands relative to your affairs, put up in it, is included in the same chest with my papers, under Mr. Watts's care.

I have mentioned the back rents of the lands at Newburgh, and you will readily say, why is not something done to collect them now. To answer this question, I must endeavor to give you some idea of the state of this country, which will at the same time be answering some other queries in your letter.

We have pass'd a twelve month, in the most perplexing state of uncertainty that ever a people did. Long waiting for the portionary articles, expecting they would certainly provide some security for the unfortunate loyalists, they have only increased our distress and cause of anxiety, and to this hour we do not know that they will have the smallest effect in our favour. No measures have yet been taken by Congress, except the release of prisoners, or by any of the states, that we know of, in consequence of the treaty. Even the recommendation of Congress, to which the English Ministry have devoted the lives and fortunes of thousands, whose virtuous attachment to Government shall render their characters immortal, while that of the ministers shall be execrated, I say, even this recommendation has not yet come forth. The spirit of persecution and violence against the unhappy loyalists does not appear to abate in any degree, since the cessation of hostilities. They are not suffered to go into the country even to take a last farewell of their relations. Committees are form'd throughout the country, who publish the most violent resolves against the loyalists, and give instructions to the legislative bodies, directly repugnant to the treaty. We are told that these committees have allarm'd the people in power, who wish to suppress them, but know not how. The people have been taught a dangerous truth, that *all power is derived from them*. Nothing can now render the country tolerably happy but the strength and firmness of the Governors: the Legislative Bodies; those in whom the Constitution have placed the Power of Governing. The most dreadful anarchy must ensue, should the new Government prove unequal to the Task. An event most devoutly to be deprecated by every good Man! The Legislature of the State of New York have not been convened since the preliminary Treaty came [over?]. It is said, that by the Constitution, Peace having taken place, they cannot meet till representatives are elected for Long Island and that part of the state that has been within the British Lines. The election cannot be made while the British Army is here. General

¹³ John Watts, senior and junior, prominent in the commercial and social history of the city of New York, both of whom were Loyalists. Sabine, *American Loyalists*.

Charlton¹⁴ has informed Congress by letter of the 17th of last month, that he has received the Kings orders for the final evacuati[on] of New York, but that the infractions of the Treaty, and violences committed in the country upon the loyalists, has driven such multitudes of them to apply to him to be removed to some place of security, that he cannot say when he shall be able to leave the place being determind not to leave any loyalist behind, who chos to go away. Above 30,000 men women and children, have already been transported to Nova Scotia etc. and a very large number are still waiting for ships to carry them. Many substantial farmers of Long Island, and inhabitants of New York are gone and going, freightend away by inditements, and menaces, the fear of taxes, and an abhorrence of a republican government.

What I have now written will be sufficient to convince you that this country is by no means yet in such a situation, that private affairs can be lookd into and settled.

You must allow my dear Niece that if I do not write frequently, you get very long epistles from me. The present has got to an enormous length, and yet I have said very little of the friends you inquire after. This will fill every corner of my paper. I have nothing to add to what I have already said of Antill and his family. Hamilton¹⁵ says he will abide on his farm in my neighborhood with his children. It is generally thought that he will be made very unhappy, as soon as the British army leaves us, and that he had much better go to some other place. My sister Delancey¹⁶ has had many severe tryals to encounter. Her son James¹⁷ included in the same act of attainder with me, has no expectation of recovering his estate: he is gone to England. She has parted with him, never expecting to see him again. Her daughter Barclay¹⁸ is gone with her husband and four children to Nova Scotia, where they must be reduced to a kind of life neither of them have ever before been

¹⁴ Gen. Sir Guy Carleton, who was appointed commander-in-chief of the British army in North America, in succession to Gen. Sir Henry Clinton, on February 23, 1782.

¹⁵ Col. Archibald Hamilton, who after twenty-seven years' service as an officer in the British army in Flanders, North America, and the West Indies, retired and bought a farm at Flushing, Long Island, where he became colonel of the Queens County militia. He married Alice, daughter of Alexander and Elizabeth (Nicholls) Colden, on July 16, 1766; she died during the Revolutionary War, and he died an exile at Edinburgh, Scotland, on June 1, 1795. His only son, Alexander Mark Kerr Hamilton, rose to be a major-general in the British army, of whom a biography is in preparation by the writer of these notes.

¹⁶ Elizabeth Colden married Peter DeLancey of New York (1705-1770). T. Jones, *History of New York during the Revolutionary War*, I. 649-663. In her original letter to Maj.-Gen. James Robertson, dated August 5, 1782, she refers to the fact that early in the war her house at Westchester was taken possession of by the Continentals and converted into a military hospital. Later, when the Continentals were routed, her house became the headquarters of General Heister, in command of German troops, who appears to have commandeered all Mrs. DeLancey's forage, grain, and cattle, without payment. Hist. MSS. Comm., *Rept. on the Amer. MSS. in the Royal Inst.*, III. 54-55.

¹⁷ Col. James DeLancey, son of Peter and Elizabeth (Colden) DeLancey, was colonel of the Westchester Refugees, province of New York—a Loyalist corps.

¹⁸ Susannah DeLancey, who married the eminent Loyalist, Major Thomas H. Barclay.

acquainted with. The half pay allowed them will make their situation tolerable, which I apprehend would otherwise have been much otherwise. Her son Stephen¹⁹ lately sailed with his wife and four children for Quebec, to look out for the means of living when he gets there. Her son Oliver²⁰ has been turned off of the old family estate at West Chester since the cessation of hostilities, by commissioners acting under authority of the state, who gave him and several others a severe whipping, lest they should forget the Orders they had got to remove. Oliver had given his Mother a great deal of uneasiness not long before by a most foolish and disagreeable marriage. My sister herself was threatened with the loss of her estate at West Chester, Union Hall,²¹ and to secure it has been obliged to remove there with her Daughter Nancy.²² It is a most horrid place to be in at present. They have been very quiet since they got there, now about three weeks, under the protection of some of the American Army who are stationed there to curb the lawless Banditti who had got possession of the Country. Her son John²³ is in New York, but I imagine he will not remain behind the British Army. Warner you recollect is in the 17th Dragoons.²⁴ My brother Cad'r²⁵ is in New York, his wife and family returned to his estate at Coldingham²⁶ after the peace, where they were well received and have met with no disturbance. He cannot go home himself to [till] the banishing act is repealed, and is advised to go out of the way, somewhere, when the evacuation takes place, till the act is repealed. His son Thomas²⁷ and his wife intended going to Nova Scotia, with the Regt. who sailed a few days since, but Thom has been ill, and is not sufficiently recovered to undertake the voyage, and the difficulties they must encounter, not having the least corner prepared, or a spot of cleared ground, where they are going. Capt. Willett²⁸ has got leave to go to England.

¹⁹ Stephen DeLancey, a lawyer, and recorder of Albany and clerk of Tryon county, N. Y.

²⁰ Oliver DeLancey, a lieutenant in the royal navy, but resigned because he would not fight against his native land, America, in the Revolutionary War. The "foolish and disagreeable marriage" was presumably to Rachel Hunt, of West Farms, Westchester county.

²¹ Union Hill, West Farms, Westchester county.

²² Nancy DeLancey is not named in her mother's will.

²³ John DeLancey, an officer in the British army.

²⁴ Warren DeLancey, a cornet in the 17th Dragoons.

²⁵ Cadwallader Colden, son of Lieut.-Gov. Cadwallader Colden and his wife, Alice Christy. He was born in New York, May 26, 1722, and married in 1745-6 Elizabeth, daughter of Thomas Ellison, of New Windsor, N. Y. He died at Coldenham, Orange county, N. Y., on February 18, 1797.

²⁶ Coldenham. See foot-notes 10, 25.

²⁷ Thomas, son of the above Cadwallader and Elizabeth (Ellison) Colden, was born in 1754 and married February 16, 1781, Anne, daughter of William and Alice (Colden) Willet. During the Revolution he served as an officer in the New Jersey Volunteers and the Pennsylvania Loyalists, being a major on half-pay until his death, March 30, 1826, at New York.

²⁸ Capt. Gilbert Colden Willet of the 2nd battalion of DeLancey's Brigade, son of Col. William Willet and his second wife, Alice, daughter of Lieut.-Gov. Cadwallader and Alice (Christy) Colden. He married Susan, daughter of Robert Murray, of New York, and was a vestryman of St. Mark's Church in that city in 1799.

Now for myself, here am I, condemnd to suffer death, if ever I am found in the State of New York; and yet my determination is to put them to the test. They have condemnd me, while living at my usual place of residence, without calling on me to appear and take a tryal. I am not guilty of the treason alledged against me. My going or staying will not I conceive affect the recovery of my estate. If they are determined to have it, they surely will let me off with my life at any time. My family will be inerted [?] in certain distress if I leave them, which they may escape if I stay with them. This, and a consciousness of innocence, determines my present resolution to keep possession of that part of my estate where I lived before and during the war.

I am glad to close this gloomy letter with a subject of another kind, the marriage of one of your connections. Rich'd Harrison²⁹ was married last week to Miss Ludlow, eldest daughter of the Judge; she went to England in June. I am happy to hear of the progress your sons make in their learning. My wife and children join in very affectionate remembrance of you and them. Please to present my respectfull compliments to your father, and do not forget to give me credit for the length of my letters, tho' you cannot for their frequency. Let me stand credited likewise for being

Dear Niece

Your affec't Uncle and most humble Serv't

DAVID COLDEN.

To Mrs. Henrietta Colden
Isle of Man.

²⁹ Richard Harrison, a lawyer and member of the New York bar, who married Frances, daughter of George Duncan Ludlow, the Loyalist, afterwards chief justice of New Brunswick. Cadwallader Colden, the eldest son of David Colden, the writer of this letter, commenced the study of law in the office of Richard Harrison upon his return from England in 1785.