

Report of the Annual Meeting of the Canadian Historical Association Rapport de l'assemblée annuelle de la Société historique du Canada

Report of the Annual Meeting

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Volume 13, numéro 1, 1934

URI : <https://id.erudit.org/iderudit/300134ar>

DOI : <https://doi.org/10.7202/300134ar>

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Éditeur(s)

The Canadian Historical Association/La Société historique du Canada

ISSN

0317-0594 (imprimé)

1712-9095 (numérique)

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Citer cet article

Ells, M. (1934). Settling the Loyalists in Nova Scotia. *Report of the Annual Meeting of the Canadian Historical Association / Rapport de l'assemblée annuelle de la Société historique du Canada*, 13(1), 105–109.
<https://doi.org/10.7202/300134ar>

SETTLING THE LOYALISTS IN NOVA SCOTIA

By MARGARET ELLS

The accompanying table shows the dispersion of the American Loyalists in Nova Scotia. A previous paper, "Clearing the Decks for the Loyalists",¹ traced the principles of English policy with regard to land and settlement in Nova Scotia, and showed that in the seventeenth and eighteenth centuries two and a half million acres of land which had been granted away were in the process of escheat and resettlement. This table shows the taking up of those lands: in which counties and in what proportions the various elements of the body of loyal immigrants were allocated. To elucidate the table the boundaries of the counties then, in relation to the present counties, are here stated. King's included the present King's and that part of Cumberland between the Colchester County boundary and Cape Dore; Hants included the present Hants and the section of King's between Avon River, Horton, and Lake George; Cumberland included all the present Cumberland except the small section in King's; Annapolis included the present Annapolis and all but a small section of Digby; Shelburne included that section and the present Yarmouth and Shelburne; Queen's and Lunenburg were practically the same; Sydney included Antigonish and that part of Guysborough east of St. Mary's River; Halifax included the rest of the province, *i.e.*, Halifax, Pictou, Colchester, and the part of Guysborough west of St. Mary's River.

The table was computed after prolonged research in the *Land Papers* in the Public Archives of Nova Scotia. The greater part of these materials are the actual papers which preceded the taking out of grants. Six papers constitute a complete set, the procedure in granting being as follows: the prospective grantee petitioned the Governor for land, sometimes specifying the grant he desired; the Governor, sometimes after consulting the Executive Council, initialled the petition and sent a warrant to the Surveyor-General of Lands to survey a certain tract or number of acres; the latter, having surveyed it, either himself or (usually) by deputy, returned a description of the land to the Governor, and sent a surveyor's report to the Surveyor-General of the King's Woods to find out whether part or all of the land in question had been reserved for the navy. The Surveyor of the Woods then issued a certificate which was sent with the warrant to survey to the Provincial Secretary's office, and the draft grant was made out. The Attorney-General then placed his fiat on the draft grant and the actual grant was made out, signed by the Governor, and the grantee had a legal title to the land.

The papers involved in the process of granting, petition, warrant to survey, surveyor's description, surveyor's report, surveyor's certificate, and draft grant are not often all present for the Loyalist grants; usually the petition and quite often the surveyor's report are missing; and, after 1785, the Attorney-General usually put his fiat on the back of the warrant to survey. But in nearly every case there is a warrant to survey,

¹*Canadian Historical Association Report*, 1933, pp. 43-58.

surveyor's description, and Attorney-General's fiat, and often either the certificate of the Surveyor-General of the King's Woods or the draft grant. The twenty-five folios of manuscript papers covering the period 1782-1800 and three complete and several incomplete folios of separate petitions were used in this study. Being incomplete as regards Shelburne, the primary sources were supplemented by lists from *Locations in the District of Shelburne* by the Board of Loyalist Agents. The records of the Court of Escheats, the minutes of the Executive Council, and records and books of the provincial offices involved comprised the rest of the original materials used.

The method of attack on the sources was varied. First the index to the *Land Papers*,² with the names in each grant listed together and individual cards filed alphabetically, was used to produce an alphabetical list of grantees for each county during the period. That done, there entered the biggest problem, that of distinguishing between Loyalist and non-Loyalist grantees. The change in British land policy which took effect when Parr became Governor has been previously shown³ to have intensified the demand for land before the Loyalists came. Before and throughout the period of settling the Loyalists, there are scattered petitions and other evidence that pre-Loyalists and other non-Loyalists were getting land. Since many of the pre-Loyalists came from the same part of the colonies as the Loyalists, names were no certain criterion. In collective grants where the number of grantees was large and the district, like Shelburne or Guysborough, previously uninhabited, there was no difficulty; but in small grants or grants in Halifax, King's, Hants, Lunenburg, Queen's, or Annapolis, a good deal of care had to be taken to make sure that the grant was to a Loyalist. This was done by going through three other groups of records; (a) the folios of manuscripts which contained petitions and warrants which sometimes gave the information desired; (b) draft grants which frequently indicated by the date on which the quit rent became due whether the grantee would be a Loyalist or not; and (c) later grants to the same people in the same district. If all these failed, and this rarely happened, individual petitions for land, and finally the county histories, were consulted. Those Loyalists, and they were many, who got more than one grant had also to be checked. The estimated number of Loyalist grantees may, therefore, be regarded as quite accurate.

The work of determining the proportion of soldiers and civilians, whites and blacks, and the average number of their families, was done at the same time as that of distinguishing between Loyalists and non-Loyalists. The proportion of civilians and soldiers, sixty-two to thirty-eight, was computed from the muster-roll of Loyalists taken at Shelburne in the summer of 1784⁴ in which the exact numbers of soldiers, civilians,

²I wish to acknowledge the assistance received from the scientific card-index of *Land Papers* in the Public Archives of Nova Scotia which was made by Mr. J. S. Martell, M.A., under the direction of Professor D. C. Harvey, upon whose suggestion this study was undertaken, and from Miss Marion Gilroy, M.A., of the Archives staff, in preparing the statistical table.

³"Clearing the Decks for the Loyalists", p. 55.

⁴Public Archives of Nova Scotia, *Shelburne Records*, 1769-1868.

New light has been thrown on the number of negroes who came, by the "Muster Roll of the Free Black Settlement of Birchtown, Port Rosaway" and the list of "Persons Victualled at Shelburne the 8 Jan. 1784", which show that about 600 negro families were receiving provisions in Shelburne district by September, 1784. The number of negro

and negroes are stated. The family proportions given in that muster-roll could not be applied generally, however, since there are many indications that the proportion varied throughout the province. The family numbers, when stated in petition or grant, were noted, and those of most other grants were computed from the number of acres in the grant. Parr's instructions, it will perhaps be remembered,⁵ allowed him to grant a hundred acres to the head of each family and fifty acres for every other member. Non-commissioned officers were allowed 200 for themselves and the same family proportions as civilians; subalterns got 500, captains 700, and field officers 1,000, if they settled with their regiments. In going through the papers much evidence emerged that these instructions were generally carried out to the letter, and that, except in special cases, Parr was inclined to err on the safe side by giving less land than the allowance.

The numbers in the families of the greater number of grantees being determined, averages were taken of those known to be all soldiers, those known to be all civilians, and those composed of both; the resultant averages of 2, 4, 5, and 3 were obtained and the first two applied, except in special circumstances, to all the grantees. A notable exception is Queen's County, where it was certain that all but three of the grantees were soldiers; the 155 grantees of Queen's were, therefore, treated as soldiers, *i.e.*, multiplied by two. Since the Loyalist negroes who got land (only half of those who came did) were in three groups of grantees, one each in Shelburne, Annapolis, and Sydney, and the numbers of their families stated, they were also a special consideration.

It was also necessary to determine how many of the Loyalists who got land in Nova Scotia remained there. Since those whose grants were escheated lost their land through not improving it, the inference is that they left the province. The number of escheats has, therefore, except in one instance, been taken as the number of those leaving the province. The exception is the case of Digby Township grants which were escheated only to be regranted the same year (1800) to those of the original 300 grantees who remained in the township. The number of Loyalists who forfeited their grants was 724, or twelve per cent. of those who got them.

It will be seen from the accompanying table that the total number of grantees was 6,220, of whom 724 apparently migrated elsewhere, thus leaving 5,496 permanent grantees. Since of these 408 were negroes, there were 5,088 permanent white Loyalist grantees. These were divided into civilians and soldiers (62-38 per cent.) showing 3,059 civilian grantees and 2,029 soldier grantees. These grantees, when subjected to the various checks as indicated above, yielded a total of 18,424 permanent white settlers, of whom 14,271 were civilians, 111 squatters, and 4,042 soldiers. Counting the 938 negro settlers, the grand total of permanent Loyalist settlers in Nova Scotia proper was 19,362.

families (408) in the province may, therefore, be about doubled, and 1,000 added to the individuals. This makes a total of around 2,000 negroes in the province, a number consistent with the evidence materializing with the removal of 1,100 negroes to Sierra Leone in 1791, with which the number estimated from the land grants (938) did not jibe.

⁵"Clearing the Decks for the Loyalists", p. 54.

DISPERSION OF AMERICAN LOYALISTS IN NOVA SCOTIA, 1783-1800
(As computed from *Land Papers*, Public Archives of Nova Scotia, 1783-1834)

County*	Grantees								Individuals						
	Total Grantees	Escheats	Permanent Grantees	Loyalist Negro Grantees	Permanent White Grantees	White Civilian Grantees	White Soldier Grantees	Distribution of Squatters	Number in Squatter Families	Number in Civilian Families	Number in Soldier Families	Total White Settlers	Total Negro Settlers	Total Permanent Loyalist Settlers	Departed Loyalists
Annapolis.....	946	306	640	149	491	305	186	0	0	1,551	370	1,921	361	2,282	1,025
Cumberland.....	263	0	263	0	263	163	100	1	4	734	200	938	0	938	0
Halifax.....	748	140	608	0	608	376	232	3	13	1,693	464	2,170	0	2,170	469
Hants.....	136	5	131	0	131	81	50	0	0	365	100	465	0	465	18
King's.....	120	4	116	0	116	72	44	1	4	324	88	416	0	416	14
Lunenburg.....	216	98	118	0	118	73	45	0	0	329	90	419	0	419	328
Queen's.....	155	0	155	0	155	0	155	0	0	0	310	310	0	310 (102 grantees went to Guysborough No. 2nd grant)	0
Shelburne.....	2,625	166	2,459	184	2,275	1,410	865	2	9	6,605	1,716	8,330	405	8,735	556
Sydney.....	1,004	5	999	75	924	572	352	0	0	2,670	704	3,374	172	3,546	18
Squatters.....	7 (grantees 1809-12)		7		7	7		23 non-grantees 30†	81			81	0	81	
Provincial totals	6,220	724	5,496	408	5,088	3,059	2,029		111	14,271	4,042	18,424	938	19,362	2,428

*For the boundaries of the counties of 1785 see article.

†These 30 families of squatters—7 of whom received grants subsequently +6,220 grantees total 6,243 Loyalist families who settled in Nova Scotia.

N.B.:—By this table it will be seen that 19,362+2,428=21,790 Loyalists arrived and got grants of land, of whom 2,428 left. Besides these there were others who got no grants and left, some who got no grants and stayed, and some who sold their grants and left; of the number of these the writer has no account, except for Shelburne district. *Phillipps MSS.* 22186, vol. II, p. 52 ff., Public Archives of Canada, is a detailed list of "Persons Victualled at Shelburne the 8 Jan. 1784", which, compared with the above statistics, leaves 576 and 446 black families unaccounted for, except under these heads. The Phillipps list has 1,825 Loyalist, 832 disbanded soldier, and 630 negro heads of families. Subtracting from the 576 those whose grants were escheated (166), there remain around 400 white families who either settled without grants, or left, or whose grants were not recorded.

EXPLANATORY NOTE TO "CLEARING THE DECKS FOR THE LOYALISTS"

A close study of the text of the Stamp Act¹ has revealed facts which, while they confirm the general statement made in the article, "Clearing the Decks for the Loyalists", that the Stamp Act was indirectly responsible for the land rush of 1765 in Nova Scotia, necessitate a revision of the paragraph regarding the amount of the stamp duties.

The Stamp Act levied three charges which affected the granting of land, one on the warrant to survey, one on the actual grant, and one on its registration. The first was a tax that rose by units of sixpence per 320 acres from sixpence for a grant of 100 to £7 17s. 6d. for 100,000 acres; the second tax increased in the same way from one shilling and sixpence for 100 acres to £7 18s. 6d. for 100,000; and the third was a nominal tax of threepence for registering each grant. These charges were made for the government stamp which was required to be placed on all paper, skin, or vellum on which warrants to survey, land grants, and registration of grants were inscribed. In the course of granting land all three taxes were incurred before any grantee had a legal right to his land.

Considered alone, the charges of the Stamp Act were not overwhelming, but, knowing that he must pay Governor's fees, Secretary's fees, Attorney-General's fees, and surveyor's fees, the prospective settler might well hesitate before making himself liable to a new tax. For the land agents who, in the spring and summer of 1765, were pressing for large grants, the expense would be very substantially increased if their grants were obliged to be made on stamped paper. The 20,000-acre grant on Pictou Harbour to John Fisher would have cost him £3 6s. 3d., that of 10,000 at Passamaquoddy would have added £1 15s. 3d. to John Tucker's bill, while the duties for a township grant like that of Almeston (of 100,000) were £15 16s. 3d. in all. MacNutt, who had dreams of settling two and a half million acres, discovered that, for the 1,700,000 allowed him he would have the additional expense of £288 unless the grants were passed before November 1.

The amount of money involved by the enforcement of the act was thus sufficient to discourage poor settlers, to decide the land agents to give up their schemes of settlement rather than pay the new charges, and to give point to their demand that the grants be passed before the act should come into operation. Realizing that he must pass the agents' grants or lose possible settlers, the Governor was forced into a compromise which entailed wholesale granting, with the result that 2,500,000 acres of the three million then granted remained unimproved and unsettled until the settlement of the Loyalists in the seventeen-eighties. Thus, the effect of the Stamp Act in Nova Scotia, although devoid of that constitutional aspect which characterized it in the older colonies, and operating indirectly, may have been as important in determining the course of events during the ensuing twenty years in Nova Scotia as it was in the continental colonies.

¹See Pickering's *Statutes at Large*, vol. XXVI, pp. 179-204.