

Nova Scotia Historical Review

Volume 10, Number 1, 1990



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Cover Illustration:

View from Cowie's Hill near Halifax looking ENE towards Citadel. Coloured Aquatint by George Isham Parkyns, 1801.

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The *Nova Scotia Historical Review* publishes scholarly articles on every aspect and period of Nova Scotia history, and welcomes contributions from everyone interested in the subject. The *Review* has a special mandate to publish non-professional and/or first-time authors, whose work can benefit particularly from the rigorous but sympathetic literary editing provided by the *Review* to all its contributors.

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Editorial

In 1990 the *Nova Scotia Historical Review* completes its tenth year of publication. The broadsheet announcing publication of the first number of the *Review* in June 1981 declared that for those who have an interest in Nova Scotian history, there was no better way to satisfy it than by subscribing--or resubscribing!--to the *Review*, and urging one's friends to do so also--a clarion call which rings as true today as it did ten years ago. The challenge thus thrown down happily was met over the years by many individuals and institutions who had been subscribers to the defunct *Quarterly*.

Of the six-point programme enunciated by the Chairman and members of the Editorial Board of the *Nova Scotia Historical Quarterly* previous to the appearance of its first number in March 1971, two objectives at least remain pertinent to the *Review*: "To contain [sic] material of historic interest relating to Nova Scotia"; and "To encourage research and public interest in Nova Scotia history." Unlike the *Quarterly*, which was an imprint of Petheric Press, the *Review* has always been strictly a non-commercial venture, though its original objective was to become "financially self-supporting." We are still in quest of that elusive Grail of 1,000 subscribers, however, which in 1981 would have been sufficient to put us "over the top."

Preparations are well in hand for December's theme issue on Cape Breton in the eighteenth century. The Editorial will on that occasion be contributed by A.J.B. Johnston, historian at Fortress of Louisbourg National Historic Park, who is coordinating the issue and will serve as Guest Editor.

This issue of the *Review* has again been made possible by a special grant from the Nova Scotia Department of Tourism and Culture, whose generous support we gratefully acknowledge.

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St. Paul's Church, Halifax: The Contracts for Building the Addition and New Steeple, 1812-1813. *Addenda et Corrigenda*

J. Philip McAleer

- p. 91, note 6, line 3: insert "16" before "Apr. 1906"
- p. 92, note 8, line 3: insert comma after "Minute Books"
- p. 94, note 11, line 3: "has been effected" should read "had been effected"
- p. 95, para. 3, line 7: delete comma following "necessary"
- p. 97, note 19, line 1: "interiors" should read "interior"
- p. 99, para. 2, line 9: "their grammar and spelling is" should read "their grammar and spelling are"
- p. 99, note 22, line 1: "1902" should read "1903"
line 3: "393-394" should read "393-94"
- p. 100, under "First Contract": the first passage of bracketed material (six lines) should be transferred to p. 102, where it should be inserted immediately before the last paragraph. Further
line 1: "On outside: on front fold," should read "On outside, on front fold"
line 2: insert "th" after "12"
- p. 101, para. 3, lines 5 & 6: for "Venetian" read "Venitian"
- p. 102, para. 1, line 5: insert comma after "&c"
- p. 103, para. 1, line 10: "along side" should read "alongside"
line 11: "NiPrior" should read "N. Prior"
- p. 103, insert following para. 1: "Halifax March the 20 1812 [signed] Charles Dunbrack"
- p. 104: the third paragraph (beginning "Estimate for finishing the passage . . ." and continuing to "1812 Halifax Octr 21") should be inserted *above* the subheading "Third Contract"
- p. 105: "the third contract" (underlined, not in italics) should be inserted, indented, on the line below "Halifax february 23 1813"
- p. 105, para. 3 (bracketed material), line 2: "the Sum/of" should read "the/Sum of"



Exterior Smith-Nickerson House, Smithville, taken 1 October 1985 by Cora Greenaway.

The Smith-Nickerson House of Smithville, Shelburne County: Its Occupants and "Painted Floor"

Cora Greenaway

The Cape Sable area of Nova Scotia's South Shore had long been one of the favourite fishing grounds of New England fishermen. Indeed, from 1691 on, Massachusetts contended that the government of Nova Scotia should be in the hands of the Commonwealth of Massachusetts, for just that reason. The continuing battle between English and French for supremacy over the territory made settlement unattractive for sometime, but the British victory at Quebec in 1759 changed all that. The New Englanders showed a renewed interest, particularly in those lands recently vacated by the Acadians, or in close proximity to the fishing grounds. The Nova Scotia government, in return, promised them a familiar form of government: townships of one hundred thousand acres granted to shareholding groups of settlers, called "proprietors."

In 1761 and 1762, some forty families from Chatham, Eastham and Harwood on Cape Cod arrived in the Barrington area. The grant for the township was dated in Halifax, 30 November 1767. In a little over one month, a committee had laid out the First Division of lands, giving each family a homestead and a fish lot. All grants made allowance for the "Savannahs" (swamps) and for "Rodes two rods wide." The first road, such as it was, from Sherose Island to The Hill (Villagedale), was laid out in 1768 and three years later was extended to Port La Tour.¹

The division of lands was meticulously recorded in the Barrington Township Book, which has been preserved. There were nine original proprietors named Smith; it is not possible to ascertain if they were all related. Of these, Jonathan Smith received Lot No. 39, which was located at The Head (Barrington Head).² On 24 September 1764, Jonathan Smith had married Jane or Jenny Hamilton, daughter of Thomas Hamilton of Chatham, Massachusetts and another of the original proprietors.³ They had eight children, five sons and three daughters. When the Second Division

Cora Greenaway is a researcher specializing in local history, a radio commentator, and a former teacher. In 1986 she was guest curator for the exhibit, "Interior Decorative Painting in Nova Scotia," sponsored by the Art Gallery of Nova Scotia.

1 Frank A. Doane, *Old Times in Barrington* (Truro, 1948), pp. 34, 53.

2 Edwin Crowell, *History of Barrington Township and Vicinity* (Yarmouth, 1923; reprinted 1974), p. 566.

3 *Ibid.*, p. 134.

of lots was laid out in 1784, Jonathan Smith sold Lot No. 39 of the First Division to John Sargent, and was granted Lot No. 11 of the Second Division, at Cape Negro. He moved hence--and thus out of this story--but three of his sons, Samuel, Abram and Jonathan, settled at Port La Tour, near the fishing grounds.⁴ The preponderance of families with the surname Smith settling in this area caused the community just south of Port La Tour to become known as Smithville. Dr. C. Bruce Fergusson did not include Smithville in his book, *Places and Place-Names of Nova Scotia* (Halifax, 1967), and in the census returns it is enumerated under Port La Tour. Only the Department of Transportation and Communications has recognized the community with road signs and on maps.

What is now known as the Smith-Nickerson house was situated on a knoll overlooking the sea on the west side of the road which, at this point, more or less follows the shoreline. Many of the older homes were built on that side of the road, while later dwellings are found on the shore side. The basic house was a single-storey frame structure--a Cape Cod type of the simplest design. It had a central front door with one window on either side, a fat central chimney, and end gables. The front porch, dormer and summer kitchen on the left side were later additions. On the back of the house more rooms were added as and when needed, without much planning. The right side of the house was set on a scooped-out hollow, which provided crawl space and was no more than 40 cm deep. Large fieldstones supported the hand-hewn beams, which were held together with wooden pins and measured 20 × 20 cm. The grid-type construction was dovetailed. Over this, a single wooden floor was laid and nailed down. This room on the right side of the house had been the parlour.

Most of the south wall of the room was taken up by an enormous fireplace, with an alcove beside it. When seen in 1985, the fireplace had been bricked in, with laths on top. The mantle was 1.6 m wide and 1.5 m high, the inner width of the mantle being 1.05 m. The mantle had fine reeding on the sides, and alternating plain and reeded blocks on the front. The alcove was boarded and the moulding missing. Though the other walls had been wallpapered, the alcove showed no sign of such treatment. It was instead covered with fragile pieces of newspaper, including one page of the *British*

4 *Ibid.*, p. 565.

Colonist, dated 7 December 1869 and over this, several pages of the *Sunday School Advocate*, dated 9 July 1864.⁵

The room was 3.95 m long by 3.40 m wide. It had two doors, one opening from the hall and the other opening into a back chamber, perhaps originally the "borning room." The two doors, both 1.89 m high and .75 m wide, each had six panels, and were so-called "Christian doors." There were two windows. The one in the east wall, facing the sea, had straight surrounds without any attempt at ornamentation. It was 1.32 m high and .84 m wide, with six-over-six panes. The window on the north wall was one metre high and .62 m wide, again with six-over-six panes. The moulding was finely reeded. The room on the other side of the front door was identical in shape, but all door and window surrounds had round bosses on the corners, stylish in the 1880s; perhaps they were replacements.

This basic house had distinct Georgian features in its construction: the shallow scooped-out hollow, the use of fieldstones to support the beams, the dovetailed grid, and the interior finish with finely reeded mouldings, high wide fireplace, plain doors, simple banister and spliced hand-rail (plainly visible through the paint). All pointed to a building dating from the first part of the nineteenth century. But who was the builder?

In the Second Division of lots in 1784, No. 61, located in what is now Smithville, was granted to John Bunker, who was lost at sea shortly afterwards; he did not develop the grant. The lot next became the property of Thomas Covell, who kept it for four years and then moved away. About 1790 Samuel Smith Sr., Jonathan's son, bought Lot No. 61, but the transaction was not recorded. In 1794, Samuel Sr. married Ruth, daughter of Chapman Swain; she had been born in 1773. They had five daughters and two sons, Samuel Jr. born in 1797 and John, born in 1804.⁶

Samuel Smith Sr. was a fisherman, but later he operated a store stocking supplies for sailors and fishermen. On 1 July 1823 he made a will, in which he left all his property to his wife Ruth. After her decease, he bequeathed to "Samuel [Jr.] . . . the Southern half of the homestead I now occupy together

5 A similar construction of a huge fireplace with an alcove beside it, has been found in two early Nova Scotian homes: Sangster's Inn at Upper Falmouth, built between 1793 and 1800, and the Turnbull House in Bear River, Digby County, built in 1829.

6 Crowell, *Barrington Township*, p. 566.

with one half of the Woodland I purchased from David Swain." He added, with a poignant turn of phrase, that the northern half of the homestead, and the remaining half of the dwelling house were to pass "to my son John (if he ever returns)" and to his [Samuel Sr.'s] unmarried daughters Bethiah, Sarah, Ann and Deborah. To Rachel Smith Nickerson, a married daughter, he left "the land upon which she now lives."⁷ Samuel Smith Sr. died in November 1823. The other daughters married after their father's death and John returned after a long absence. Samuel Smith Jr., on 17 January 1826, married Nancy Nickerson, daughter of John and Anna (Smith) Nickerson. There were eight children; Samuel Jr. may well have wanted a home of his own.⁸ The Smith-Nickerson house can thus be tentatively dated in construction to sometime between 1790, when Samuel Smith Sr. acquired Lot No. 61, and the late 1820s, when Samuel Smith Jr. may have built a new structure on the property to accommodate his growing family.

In his younger years Samuel Jr. fished for a living, but soon he followed in his father's footsteps as a merchant, providing the fishermen with their needs. Around 1850 he moved to Cape Negro. The unique floor decoration in the parlour probably dates from the period Samuel Smith Jr. occupied the house, i.e. no earlier than the 1820s, and no later than the early 1850s.

The eighteenth-century house often had painted decorations on its walls and this fashion continued into the nineteenth century. Even when wallpaper became available, many Nova Scotian homes still retained or continued the practice of decorative interior painting. In rural areas, wallpaper was not readily available, and the well-trained house painter was capable of fine work at a much lower cost. In addition to walls, ceilings, furniture and floors were decorated. Decorative painting did not provide physical warmth or comfort to a floor in the winter, but it enriched the "best room." In the first half of the nineteenth century, geometric designs simulating woven carpets were favoured; later, linoleum patterns were copied.

The floor of the house in Smithville had a diamond pattern in black, brown and red, with a plain brown border. In the centre was a compass rose, set in a square of 76 cm with indented corners. This simulated "carpet"

7 Court of Probate, Shelburne County, Estate Papers, A227. The Appraisalment of the Estate, 25 Nov. 1823, listed a dwelling house, barn and store, worth £32.11.0.

8 Crowell, *Barrington Township*, p. 566.

was 3.07 m long by 2.44 m wide, while the border was 44 cm wide on the long side and 55 cm wide on the short side. The floor planks ran from front to back. The first two, nearest the hearth, were of hemlock, while the rest were pine. The planks were tongue and grooved and varied in width, ranging from 17 cm to 51.5 cm.

The first child of Samuel Smith Jr. and his wife Nancy was Deborah Ann, born on 26 September 1828. On 23 July 1853, she married William Nickerson at Port La Tour and the couple moved into the house at Smithville. The Port La Tour and Cape Negro enumeration is missing from the 1871 Census, but in the Census of 1881, the household was listed as follows: William Nickerson (61), sea captain; Deborah Ann (52); Helena (26); Joseph W. (24), seaman; John S. (21), farmer; Florence (16); Selena (14); and Cora (11), all enumerated under Port La Tour.

In the 1861 Census, Samuel Smith Jr. was living in Polling District No. 6, Abstract 5, which was Cape Negro. On 9 February 1872 he made a will, and then died in March 1873, leaving "to my daughter Deborah Ann all and the whole of the South half of a Lot of Land Situate at Port La Tour in the Said [Shelburne] County with the Dwelling House and Barn thereon and known as the South half of Lot Number Sixty-One. . . during her natural life and after her decease I will and bequeath the Same to my Grandson Joseph Nickerson." Probate was applied for on 17 March 1873; the estate was assessed at \$8,329.49, and the debts at \$1,062.56.⁹

Joseph W. Nickerson was born 31 August 1856 at Port La Tour. In 1889 he married Emily C. Ford, a seamstress from Liverpool, England. In the 1891 Census, William Nickerson and his wife Deborah Ann, their two youngest daughters and Joseph--now a sea captain--with his new wife Emily were registered as living in the same house.

After the death of his mother, Joseph Nickerson sold the house in Smithville in 1906 to Irvin Madden, who owned it for about sixty years. In 1962, Irvin Madden's heirs sold the property to Murray W. Smith. Things did not go well, and in 1969 the house was sold for outstanding taxes and acquired by Minard Arthur O'Connell, who in turn sold it in 1972 to Ronald R. Stockton. In 1980, the Reverend R. DeWitt Mallary, an Episcopalian

9 Court of Probate, Shelburne County (Barrington), Estate Papers, A47. The land and house at Port La Tour (Smithville) were appraised at \$600.00.

minister from New York, bought the property. He already owned a house on the shore side and never lived in his new acquisition. Anyhow, it was not in good condition any more. In 1985, it changed hands again when Walter Evans from Reynoldscoft bought the place with the intention of demolishing the old structure and building a new one. Only a few days ahead of the bulldozer and the final degradation to be inflicted on the old house, a major salvage operation took place.

The parlour floor with its painted decoration had been part of the home for nearly a century-and-a-half and had miraculously survived. Undoubtedly there are other decorated floors in the province, but so far they have not come to light.¹⁰ The floor in the Smith-Nickerson house was in surprisingly good condition--as if it had not been walked on much. Why was the parlour rarely used? The only ready explanation is that the room must have been unbearably cold in winter: a single floor and perhaps little or no insulation in the walls, combined with a northeastern exposure, may have rendered the room unusable in cold weather.

In 1985, the author of this article was in Thomasville, Shelburne County, with Renate Deppe, a professional photographer, to photograph a house decorated by an itinerant painter, Robert Knox. Thomasville lies on the same road as Smithville, which road runs from Clyde River to Baccaro. While there, a call was received from the Shelburne Museum about the existence of a house in Smithville with a painted floor. The exterior of the house proclaimed its vintage, which made the discovery even more interesting. After inspection, the prospect of the imminent arrival of a bulldozer became appalling. Fortunately, a solution was found.

The Reverend DeWitt Mallery donated the floor and persuaded Mr. Evans to hold off demolition. Early in October 1985, with the generous financial assistance of the Heritage Division of the Department of Culture, Recreation and Fitness (now the Department of Tourism and Culture) the floor, infested with powder-dust beetles, was removed plank by plank and now is part of the collection of the Art Gallery of Nova Scotia.

10 Two floors in a house in Indian Point, Lunenburg County, were demolished when the house was modernized. These had an imitation linoleum pattern and had been painted by the late John Acker in the 1920s or 1930s.

After careful scrutiny it was decided to cut all around the painted design, about halfway between the edge of the design and the baseboard. The planks were removed one by one, beginning at the hearth. The first two planks had to be pried loose very gently. This procedure proved difficult, as the wood was brittle and infested with powder-dust beetles. The first two planks suffered damage, but not irreparably. With the first two planks removed the work became much easier, as a workman could stand in the opening, and with an electrical metal saw, cut through the nails that held the remaining planks in place. As the planks were removed, they were carried across the hallway into the other room, where they were labelled and measured. Each plank was wrapped in styrofoam and plastic sheeting, loaded into a truck and taken to Halifax. There the planks were fumigated and stored with the Art Gallery of Nova Scotia.

It is not possible to date the decoration of the floor accurately, but sometime during the 1830s or 1840s seems most likely. Nina Fletcher Little, in her book *American Decorative Wall Painting 1700-1850*, mentions decorated floors and shows part of a floor painted ca. 1815, with a diamond pattern similar to that of the Smithville floor.¹¹ The craftsman who painted the Smithville floor is unknown, but was obviously highly skilled. Only a well-trained decorator could have done this work. One edge of the "carpet" is crooked, but that may have happened when a less-skilled hand did some repairing.

Information on the early years of settlement in this area is scanty. In the incomplete 1827 Census, one painter is recorded: Thomas Crowell from Barrington. John Bower, mentioned in Marion Robertson's book, *King's Bounty: A History of Early Shelburne* (Halifax, 1983), would have been too old in the 1830s to do this type of work. The only one to fit neatly in the time frame is thus Thomas Crowell,¹² and until more concrete evidence is found, it is possible to attribute the Smithville floor to him. There are many Smiths and Nickersons still living in the area. The house is gone, but the floor is preserved as a tangible reminder of the early days in Barrington Township.

11 Nina Fletcher Little, *American Decorative Wall Painting 1700-1850* (New York, 1972), pp. 78-79.

12 Crowell, *Barrington Township*, p. 455.

Appendix A

Chain of Ownership, Smith-Nickerson House

1. Second Division of Land in Barrington Township laid out on 9 January 1784. Lot No. 61 laid out to **James Bunker**, a "Cape Codder." Shortly after this, James Bunker was lost at sea. Registry of Deeds, Shelburne County, Barrington Township Grants, p. 65.
2. **Timothy Crowell**, also from Cape Cod, transaction not recorded. He owned the property for about four years, then moved away.
3. **Samuel Smith, Sr.** (b. 176[?] - d. 1823 at Port La Tour). Transaction not recorded. In his will, signed 31 July 1823, he left to "my son Samuel the Southern half of the homestead I now occupy together with one half of the dwelling house thereon erected and one half of the woodland I purchased of Daniel Swaine." Court of Probate, Shelburne County, Estate Papers, A 227.
4. **Samuel Smith, Jr.** (b. 1797 - d. 1873 at Cape Negro). In his will, dated 23 March 1873, he left "to my daughter, Deborah Ann, all and the whole of the South half of a lot of land situate at Port La Tour in the said County with the dwelling house and barn thereon and known as the South half of Lot 61. At her death it will become the property of my grandson, Joseph Nickerson." Court of Probate, Shelburne County, Will Book A, No. 47.
5. **Deborah Ann (Smith) Nickerson** (b. 26 Nov. 1828 - d. 1902).
6. **Joseph Nickerson** (b. 31 Aug. 1856 - d. 6 May 1947).
7. **Irvin Madden** purchased the property for \$350.00 from Joseph Nickerson in 1906. Registry of Deeds, Barrington, Book I, pp. 6-8.
8. **Murray W. Smith** purchased the property from the heirs of Irvin Madden in 1962. Registry of Deeds, Barrington, Book W, p. 709.
9. **Minard Arthur O'Connell** purchased the property from the Municipality of Barrington at a tax sale for \$229.13 in 1969. Registry of Deeds, Barrington, Book Z, p. 510.
10. **Ronald R. Stockton** purchased the property from Minard O'Connell in 1972. Registry of Deeds, Barrington, Book AB, p. 215.
11. **Rev. R. DeWitt Mallary** of New York purchased the property from Ronald R. Stockton in 1980. Registry of Deeds, Barrington, Book 25, p. 323.

12. **Walter Evans** of Reynoldscroft purchased the property from Rev. R. DeWitt Mallary, 1 October 1985.

Appendix B

Genealogy of the Smith Family connected with the Smith-Nickerson House

Jonathan Smith¹, grantee, d. 1807 at Cape Negro, m. 24 Sept. 1764, Jenny or Jane **Hamilton**, daughter of Samuel Hamilton, grantee of Barrington. They had eight children:

- (1) Samuel Sr., of whom later.
- (2) Abram, m. Bathsheba, daughter of Joseph **Atwood**. They had six children.
- (3) Jonathan, m. Elizabeth, daughter of Nathan **Snow**. They had seven children.
- (4) Jane, m. Samuel **Perry**.
- (5) Abigail, d. unm.
- (6) Abijah, m. Sarah **Ring**; moved to Canso.
- (7) Elijah, d. West Indies.
- (8) Phebe, m. Zephaniah, son of Chapman Swain.

Samuel Sr.² (Jonathan¹), d. 23 Nov. 1823 at Port La Tour, m. ca. 1795 Ruth **Swain**, daughter of Chapman Swain. She was b. 1773; d. 26 Apr. 1866 at Cape Negro. They had seven children:

- 1a) Bethiah, b. 1795, m. Richard, son of Smith **Nickerson**.
- 2a) Rachel, b. 1796, m. before 1823, James **Nickerson**.
- 3a) Samuel Jr., b. 1797 at Port La Tour; d. 30 Dec. 1872 at Cape Negro; of whom later.
- 4a) Sarah, m. 1828, William **Shepherd**.
- 5a) John, b. 1804.
- 6a) Anna, b. 1808, m. Elisha, son of Smith **Nickerson**.
- 7a) Deborah, b. 1812.

Samuel Jr.³ (Samuel Sr.², Jonathan¹), b. 1797 at Port La Tour; d. 30 Dec. 1872 at Cape Negro; m. 17 Jan. 1826, Nancy, daughter of John **Smith**. She was b. 1808; d. 2 Sept. 1879. They had eight children:

- 1a) Deborah Ann, b. 26 Nov. 1828; of whom later.
- 2a) John, m. Anna **Schrage**.
- 3a) James W.
- 4a) Eleanor Jane, m. William **Patterson**.
- 5a) Mercy, d. unm.
- 6a) Adelaide, m. firstly, Leander **Reynolds**; secondly, William **Sholds**.
- 7a) Samuel; no further information.
- 8a) Joseph; no further information.

Deborah Ann⁴ (Samuel³, Samuel², Jonathan¹), b. 26 Nov. 1828 at Port La Tour; d. 1902 at Port La Tour; m. 23 July 1853, William **Nickerson**, son of James and Rachel Nickerson of Port La Tour. He was b. 5 Sept. 1820. They had six children:

- 1a) Helena, b. 24 Nov. 1854.
- 2a) Joseph W., b. 31 Aug. 1856, d. 6 May 1947; of whom later.
- 3a) John Smith, b. 24 Feb. 1860.
- 4a) Florence, b. 1864.
- 5a) Selena, b. 1866.
- 6a) Cora, b. 1869.

Joseph W. Nickerson⁵ (Deborah Ann [Smith] Nickerson⁴, Samuel Jr.³, Samuel Sr.², Jonathan¹), b. 31 Aug. 1856 at Port La Tour; d. 6 May 1947 at Port La Tour; m. 1889 in Liverpool, England, Emily Catherine **Ford**. She was b. July 1859 in Liverpool, England; d. 3 Mar. 1953. They had three children:

- 1a) Osmond, b. 1890.
- 2a) Florence, b. 1893.
- 3a) Douglas, b. 1898; d. 1987.

Nova Scotian Entries from the Journal of Julius Friedrich Wasmus, Surgeon, 1781

Helga Doblin and Mary C. Lynn

The following is an excerpt from the journal of Julius Friedrich Wasmus, who served as a Braunschweig company surgeon in the War of the American Revolution, from February 1776 to October 1783. Wasmus was born 11 October 1739 in Lichtenberg, northern Bavaria, the son of Carl Andreas Wasmus, surveyor and bailiff at the ducal court of Lichtenberg. As a member of the Braunschweig auxiliary forces hired by the British crown, the younger Wasmus participated in the British invasions of New York and New England: Carleton's in 1776 and Burgoyne's in 1777. He was at Ticonderoga (New York) and Hubbardton (Vermont) in July 1777, and was captured by the Americans after the disaster at Bennington (Vermont) in August; his vivid description of the battle of Bennington (Vermont) is the only existing eyewitness account from the German point of view.

After Bennington, Wasmus spent eighteen months as a prisoner in Brimfield, Massachusetts, boarding with a local farmer's family. He was allowed to practise medicine, and his journal includes interesting accounts of the flora and fauna of New England as well as of the physical, intellectual, and spiritual lives of the inhabitants. In the spring of 1779 Wasmus was ordered to Rutland, Massachusetts, where most of the other Bennington prisoners were being assembled for exchange. In Rutland, Wasmus lodged with the local minister and continued to practise medicine.

Unfortunately, Wasmus had apparently incurred the envy of certain fellow Braunschweig officers, who refused to accept him, a mere surgeon, as an officer for the purposes of prisoner exchange. When the others set out for Sorel, in Québec, Wasmus was left behind in Massachusetts, still awaiting exchange. Eventually, in September 1781, he was exchanged for a Virginia surgeon. To counter the vicious rumours spread by his countrymen, who had branded him a deserter, Wasmus determined to join his regiment in Sorel at the earliest opportunity. Despite the approach of winter, he booked passage on a cartel ship sailing from Boston to Halifax, Nova Scotia, where he arrived on 29 September 1781.

Upon arriving in Halifax, Wasmus discovered that it was perilously late in the season to attempt a journey to Québec; no ships were left on which to embark. Lieutenant-Governor Sir Andrew Snape Hamond promised that a captured American sloop would be bought at auction and given to the captain of the cartel ship on which Wasmus had travelled to Halifax; they could then sail on to Québec. While Wasmus waited for the ship to be

made ready, he met some of the friendly inhabitants of the town, including the widow Elizabeth Fillis Achincloss, whose late husband's friend and fellow emigrant from Scotland, a Mr. Duncan, had settled in Worcester, Massachusetts, where he encountered Wasmus.

On 6 October, in spite of the warnings of his new friends in Halifax, Wasmus began the risky and dangerous trip along the rocky eastern coastline of Nova Scotia and Cape Breton Island, around Cape North, across the Gulf of St. Lawrence, and then up the St. Lawrence River itself to Québec. This journey turned out to be a true odyssey for the thirty-seven-year-old surgeon; his ship was threatened by American privateers and difficult weather, and eventually came to grief on the rocks off Cacouna (near Rivière-du-Loup), from which location he was rescued by local Indians. Giving the lie to his enemies' rumours by his eventual arrival in Sorel, Wasmus firmly reestablished himself with his regiment, as well as with his Canadian patients. Although he had come to respect the American cause and to feel strong attachment to the people of New England, he stood by his original commitments to his regiment and his family, and after the peace returned home in November 1783. He continued serving with the Braunschweig Dragoons as company surgeon; he became regimental surgeon with the Artillery in 1788 and later, in 1795, regimental surgeon with the Riedesel Regiment.

The original journal is in the Niedersächsische Staatsarchiv in Wolfenbüttel, West Germany; it has never been published. The translation from the original German was supported by a grant from the National Endowment for the Humanities, an independent agency of the United States government. The translation and background research were done by Helga Doblin, Ph.D.; the introduction and footnotes were provided by Mary C. Lynn, Ph.D. Both are scholars connected with Skidmore College, Saratoga Springs, New York. The *Diary of Company Surgeon J.F. Wasmus of the Braunschweig Dragoon Regiment Written during the American Revolutionary War February 1776-November 1783* will be published in September 1990 by Greenwood Press, Westport, Connecticut.

[Month of September 1781]

I reported to Major Hopkins, the Dep. Commissary Gen. of all prisoners

of war in this Province, and learned that a cartel ship would sail to Québec in a few days, on which I could embark if I so chose.--

12th

This morning, Major Hopkins introduced me to Governor Hancock,¹ who treated me with extraordinary friendliness, talking many things over with me.--The English naval officers, Capt. Tonge's 2 lieuts. and doctor, and the Paymaster General of the Province of Canada, Mr. Winslow, were presented to the Governor along with me.² Like me, they have been exchanged and want to sail to Canada. The officers had all been taken prisoner on board a ship. Capt. Tonge had commanded the war sloop *Jack* of 18 cannon and, in company of the English warships *Charles Town* and *Vulture*, was to accompany 29 transport ships to Halifax. They were, however, attacked on their journey not far from the Spanish [Sydney] River³ on the coast of Cape Breton by 2 French frigates, *Astrée* and *Hermione*, each of 44 cannon. Capt. Tonge engaged both frigates and for more than 2 hours was exposed to the tiers [of cannon] of both frigates; his rigging and sails were so much damaged that he was compelled to strike his sails and surrender, after the fleet was safely out of sight. Capt. Tonge had suffered no more than 2 dead and 3 wounded. According to their own account, the enemy frigates had had 56 dead and wounded. Such an advantage could

1 John Hancock (1737-1793), is probably best known for his signature on the Declaration of Independence. Nephew of the richest merchant in Boston, he graduated from Harvard in 1754 and inherited his uncle's business. He was elected to the General Court in 1769 and in 1770 headed the local committee to investigate the Boston Massacre. He served as president of the Massachusetts Provincial Congress, and represented Massachusetts in the United States Congress from 1775 to 1780, being chosen as president between 1775 and 1777. He was elected first governor of the State of Massachusetts in 1780, a position he occupied until his death (except for a brief interval between 1785 and 1787, due to ill health).

2 Joshua Winslow (1726/27-1801), army and militia officer, diarist, office-holder, judge and politician, was a native of Portsmouth, N.H., and an early settler of Cumberland Township, N.S. He was appointed ca. 1780 as the deputy paymaster of the forces serving at Quebec, but did not arrive there until the spring of 1782; see W.C. Godfrey, "Winslow, Joshua," in *Dictionary of Canadian Biography*, V (1983), 869-870.

3 Spanish River took its name from Spanish fishermen who, in the seventeenth and early eighteenth centuries, used to land there to replenish supplies of fresh water and other necessities. After the founding of Sydney in 1785, the harbour and the river took the name of the town. This engagement, the only significant naval action in Nova Scotian waters during the whole course of the war, occurred on 19 July 1781.

a small ship gain over a large one in one engagement! They [the French] took the Jack to Boston.

16th

Colonel Skinner, Commissary General, arrived here from the headquarters of General Washington and we learned that the cartel ship was not to sail to Québec but that a French cartel ship was to go to Halifax with English sailors on board. If the French Commadore on the frigate *Astrée* allowed it, we could all go along.

17th

Capt. Tonge and I went to the French frigate *Astrée* and asked the French Capt. Monsieur de la Peyeuse to allow us to join him on his journey to Halifax. He wrote down our names right then and there and sent one of his officers to the cartel ship with the order to take us along. With the first favourable wind, the cartel ship is to set sail. Mons. de la Peyeuse showed us great honour: we were to take the midday meal with him. The cleanliness on this ship was extraordinary and I do not know whether English ships are better in this regard. I also made the acquaintance of the ship's doctors. The first doctor persuaded me to buy some medicine from him, warning me that medicines were scarce and expensive in Canada. I knew that medicines had been scarce and expensive in Canada in the years 1776 and 1777, but how should I know if in the meantime many medicines had not come from Europe to Canada. Nevertheless, I took the risk and bought 400 pounds of rhubarb pills for 800 piasters. One piaster is 2 schill. 16 groschen in Conv. mintage. At my departure from Braunschweig I had to pay the same for 1 pound [of rhubarb pills]. Moreover, I bought china powder nitrum dept., tartar cream, ammoniac salt, gum arabic, ammonia, guajo [guaiaac] liquid, various mercurials and more such items as Empl. Ungt. [unguent] etc. for as much as 745 piasters, i.e., for 1,545* piasters total. All this was packed in bales, sealed, signed with my name, and taken to the French Cartel ship. Since I was led to expect some profit from these medicines, everyone would easily conclude that I am ready to go to Canada. But this terrible journey will cause us many more anxious hours. If it were only one month earlier or if we could only depart immediately. Who knows

*according to Convention money 2,060 schillings.

how long we will have to stay here and moreover, will there be a ship in Halifax ready to take us along and set sail at once? All these ideas are worrying me. But let us hope for the best.--

In Boston, the news is expected every day that Lord Cornwallis has been captured with his army, for he has been encircled by Gen. Greene and 10,000 French auxiliary troops.⁴

20th

We received orders to embark tommorrow.

21st

Today, we embarked. Major Hopkins allowed me to take the Dragoon Rudolph Tacke along as servant. How happy I was to have someone to take care of my things!--It was 10 o'clock in the morning, when we went aboard the French ship. This cartel ship was a scow of 250 tons ballast, called the Squirrel. Besides us, she had 82 sailors for exchange on board. The wind was from the east and against us.

22nd

We had a favourable NW wind this morning, and 1 French ship with 50 cannon and 3 frigates of 36 to 44 cannon set sail. We were all on board and also had our pilot with us.

So that we might not learn which course the French ships had taken, we had orders to set sail. The wind was calm and the French Capt. had orders from the Governor not to sail farther than Castle William. We, therefore, cast anchor between this Castle and Governor's Island. In the evening, we went to Boston by boat to see Polly Sullivan. She was--the General's only child and was--.

4 In the spring of 1781, in defiance of General Sir Henry Clinton's orders for him to secure the British conquest of the Carolinas, Cornwallis had marched to Virginia, reaching Williamsburg at the end of June. He established a base at Yorktown from which he was to harass American communications and destroy their supplies. Comte de Grasse, in command of French naval forces in American waters, sailed to the Chesapeake, reaching it on 26 Aug., and General George Washington began to concentrate his forces on the Yorktown Peninsula, marching south from New York. Washington reached Philadelphia on 2 Sept. and Yorktown on 14 Sept. General Nathanael Greene was, in fact, in the Carolinas, but Cornwallis was already outnumbered by the French and American forces.

23rd

Toward evening, we received orders to set sail but since the port entrance was full of cliffs and sandbanks, the pilot considered it dangerous. We therefore were lying to.

24th

At 5 o'clock in the morning, we set sail. The wind came from NW and we took course toward NE. At 7 o'clock, we had passed the most perilous spots between the islands and the sandbanks as well as the lighthouse and at 9 o'clock, we were across from Marblehead, which lay about 3 miles on the left. Soon afterwards, we had lost [sight of] all the land and at noon, we had Cape Cod on the right at a distance of about 40 miles and Cape Ann on the left at a distance of about 50 miles. The wind was abating.

25th

The wind continued blowing from NW. In the forenoon, the English warship Chatham of 50 cannon passed us and took 24 sailors of our ship. We informed the Chatham that 4 French warships had departed from Boston on the 22nd of this month. This is the same Chatham that 3 weeks ago seized the French frigate Magicienne of 36 cannon not far from the Boston lighthouse. Until noon, we attained a distance of . . . 92 [nautical miles] Latitude 42°39'. In the afternoon, a very strong wind blew from NW.

26th

In strong NW wind, we sailed until noon . . . 156 [nautical miles] Latitude 43°49'. We reached Brown's Bank in the afternoon and had [measured] 80 fathoms, toward evening 40 fathoms. We passed Cape Sable and before nightfall, we saw the shores of Nova Scotia.

27th

In continual strong NW wind, we advanced in 24 hours . . . 144 [nautical miles] Latitude 43°58'. In the afternoon, the wind changed to NE, becoming contrary. We passed Cape Negro [Island] about 6 miles to our right and toward evening, we were about 3 miles away from the left shore and had Cape La Have [Island] on our left. Three big ships could be seen in front of us, but, on account of the distance, we could not tell if they were friend or foe. On our right, we saw an American privateer, that did not come near us, however. At 6 o'clock in the evening, the 3 Engl. ships approached us so that we could recognize them. They were the Assurance of 44 cannon

and the frigates *Charles Town* and *Vulture*, that were to join the *Chatham*. Capt. Tonge went on board the *Assurance* and 22 sailors from our ship went on board the *Assurance*.

28th

Last night, we passed Cape La Have [Island]. The wind changed to NWN Course toward NE. Four Rebel privateers appeared, one of which came very close, fired a cannonball at us and immediately took flight. At noon, we saw the lighthouse of Halifax Harbour. At 3 o'clock in the afternoon, we passed it and Cape Sambro, which lay on our left, and then reached Halifax Harbour. The wind grew contrary. At sunset, we cast anchor one mile from Halifax while facing the city and Georgia's [George's] Island.

Up to here we sailed Total . . . 392 [nautical miles] Halifax lies under 44°40' of northern latitude.

29th

The wind continues to be contrary today and only by tacking could we advance a little; we again cast anchor and, having disembarked at noon, we went on a boat to Halifax. Together with several other regiments, the Hesse Infantry Reg. [von] Seitz lay here in garrison. We reported to Governor Sir Andrew Hammond [sic] and Brig. Gen. Campbell as well as to Colonel [von] Seitz⁵ and learned that, 5 weeks ago, Major Gen. von Riedesel had arrived here from New York with a number of Braunschweig troops and had continued sailing from here to Québec. The worst news we heard was that no ship would sail to Québec this fall and that we would consequently have to remain here this winter. Capt. Tonge, his 2 lieuts., the doctor and I moved into the big coffeehouse, called "The Golden Ball," [owned] by Mr. O'Brien.⁶

⁵ Sir Andrew Snape Hamond (1738-1828), in the course of a naval career in which he rose to the rank of captain, served as lieutenant-governor of Nova Scotia from 1781 to 1783. Col. de Seitz commanded the Hessian troops in Halifax until his death in Mar. 1783. Brigadier-General John Campbell commanded the British and German troops stationed in Penobscot, and was popular with the German officers for his hospitality; he also assisted Adjutant Cleve in procuring loans of money to pay the German soldiers. Campbell returned to Halifax in Dec. 1783 as major-general commanding the Nova Scotia military district.

⁶ "The Golden Ball," Halifax's most elegant inn at the time, was located on the corner of Prince and Hollis Streets.

30th

At the urgent request of Capt. Tonge, the Governor promised to buy us one of the ships that had been seized and brought in; in it we were to ride to Québec.

How calm and contented I felt to be free once again! But what do I say? I had never been deprived of my freedom; I was just happy to be out of the region where I had been exposed to the envy, the hatred, the prejudices, lies and slander on the part of my countrymen. A region where the inhabitants, our enemy--if I am entitled to call them that--had always treated us all in love and friendship. They had respected me particularly since I had done various things that many of my equals had not been able to do or to cure. But this had caused the envy and had been the reason why I was hated, despised and lied about by my countrymen.--Every other nation would have been happy about it and have sought to elevate their compatriot even higher in granting him the honour. Only my base-minded countrymen thought it did them credit to be contemptuous of their country and their compatriots.⁷ --Nevertheless, I have been lucky enough to get to Halifax and hope to be just as lucky to get to Canada. There, my presence will refute my enemies' lies and prove the rightness of my just cause.

The inhabitants here received us very amicably. They were astounded that I had been a prisoner for 4 years and felt sorry for those continuing to be in captivity in New England; but since they are living among good people, there is no need to pity them. Halifax lies on a height, almost 2 miles long, and has been constructed in oblong fashion. It has beautiful fortifications and one of the most attractive harbours, which is 20 miles long. The city itself has been badly built, the streets are not paved, a totally different nation seems to live here. New England merits our preference.--Several Germans are living in and around Halifax; some 17[57] Engl. miles out of Halifax is a village called Lunenburg, which is entirely inhabited

7 There is some evidence that Wasmus's fellow officers envied his popularity with the inhabitants, his acceptance by local "society," his intelligence and the money he earned in his practice. Their prejudice may also have derived from his earlier history: he had originally joined the army after a Braunschweig street duel with a member of the popular actor Nicolini's troupe. Some of his countrymen had accused him of fraternization and attempted desertion; and a fellow officer, Captain Fricke, had attempted to prevent his exchange by deprecating his rank and skill.

by Germans.⁸ Anyway, the Germans are said to be the richest people in Nova Scotia. There are pigs in Halifax that are black and look misshapen; they are said to be African pigs.

From a friend in Worcester, by the name of Mr. Duncan, I carried a letter to a merchant in Halifax by the name of Achincloss. These two had come from Scotland to America at the same time. But Mr. Achincloss was no longer alive; 2 years ago, he had drowned in a storm at sea between New York and Halifax, together with his brothers. Nine ships had perished at that time. Reading the letter, the young wife, 24 years old, cried and her tears ran upon the paper. "My husband lies buried in the ocean," she said. "He and Mr. Duncan had been true friends. The unfortunate war prevented me from reporting the terrible death of my husband to Mr. Duncan. He [Duncan] writes in his letter that we should take you in as a friend. You will, therefore, be our friend, and I am herewith offering you a part of my house hoping you will immediately take possession of it and stay with us. My venerable old parents, my 2 sisters and I, whom you see gathered here, our servant and our maid are the family in this house. We will all make it our most important business to make life pleasant for you." I replied that I had already taken up quarters in the Coffeehouse in the company of 3 officers and, at the first opportunity and favorable wind, we would set sail for Canada. "Alas, my dear friend," the young widow continued, "my parents and I will do everything possible to prevent you from taking this dangerous journey at this time of the year. It is too late to go there and very rarely does a ship arrive safely in Québec in the fall. You ought to stay with us this winter, and next spring you can sail wherever you wish." I replied that as early as Boston, I had made a friendly agreement with the 3 officers mentioned above not to leave them before Québec and I could not break that. Should we, however, stay here in Halifax during the winter, I should consider myself most fortunate if she, her parents and sisters accepted me among their friends. I had to stay there the whole day and had innumerable questions to answer. The father of this widow, Mr. Fillis, had been a merchant in Boston; he had fled to Halifax with the

8 Lunenburg had been settled in 1753 by "Foreign Protestant" immigrants and was named after the House of Braunschweig-Lüneburg.

British fleet and army under Gen. Howe in 1776 and reestablished himself here.⁹

End of this month.
[Month of October 1781]

1st

A sloop was sold at an auction and the Governor ordered her purchased for 230 pounds of sterling. He gave her to Capt. Tonge to sail to Québec. She had been an English packet boat, seized by the Americans, made into a privateer of 45 tons ballast and carrying 8 cannon; she was called "The Greyhound." Capt. Tonge gave her the name "Jack," and the 230 pounds paid for her were credited to the Canadian Government.

As soon as the Jack is equipped, we will set sail. I wished it would happen soon. Today, Capt. Tonge and I were guests at the young widow's.

3rd

The frigate Charles Town brought in the captured American ship Polly of 26 cannon, whose home base is in Salem; the ship is an invalid and in order to get her here, they had to throw all the cannon overboard. Our Jack will be ready to sail tomorrow. The Royal ships Assurance and Vulture arrived here in the afternoon and brought in the American privateer Fair American of 10 cannon, that has her home base in Newburyport.

5th

The news we had already heard before our departure from Boston was repeated today by persons that had come upon Monsieur le Barras, who had set sail from Rhode Island with 8 warships to unite with Count de

9 John Fillis (ca. 1724-1792), businessman and office-holder, came from Boston to Halifax, ca. 1751, where he developed a prosperous shipping business, with a branch in Boston. Possibly he or a son was there at the time of the evacuation, 1776; otherwise the family was based in Halifax. Fillis was known for his New England sympathies during the Revolution; see A.A. MacKenzie, "Fillis, John," in DCB, IV (1979), 266-267. Mary [sic] Achincloss (née Fillis), ca. 1757-1848, was the eldest child of John Fillis by his second wife. She married Thomas Achincloss, a prominent Loyalist merchant of Portsmouth, New Hampshire, in Halifax in May 1777, but he drowned in the hurricane of 10 Sept. 1779 while en route from New York to Halifax. One child, a son John, was born of the marriage: AO 13/96/1, PRO (mfm. at PANS); *Nova Scotia Gazette & Weekly Chronicle* (Halifax, N.S.), 16 Nov. 1779. The widow Achincloss remarried, in Halifax in Sept. 1784, Samuel Avery of Horton.

Grasse.¹⁰ Admiral Graves had seized 7 of these warships. I wished that it were so but the news appears too good to be true.--

In the afternoon, the Royal ships *Amphitrite*, *Vulture* and *Charles Town* departed from here. Capt. Tonge assures us that we will surely set sail tomorrow. All the people in Halifax tell us that it is dangerous to sail to Canada at this time of year and they do not believe that we will reach Québec this Fall. Two years ago at the end of September Colonel von Speth set sail from here to go to Québec. But because of an adverse wind they could not enter the St. Lawrence River, and he returned in Nov.

Many of the victuals we had bought in Boston were left on the French cartel ship; for the Frenchmen on this ship had treated us very gallantly. Thus we did some shopping here: 10 *stübchen* [liquid measure of 3 to 4 litres] each of Port wine, Porter beer, West Indian rum, 3 lbs. of green tea, 20 lbs. of coffee, 8 lbs. of chocolate, 40 lbs. of white sugar, 36 chickens, 3 sheep, 1 pig, 6 *himten* of potatoes, turnips, and white cabbage. How much all this cost can be deduced from the fact that one chicken costs one guilder in Conv. money and for one lb. of tobacco [*Petun*] I paid here 3½ shill. in Halifax currency; this amounts to 22 groschen and 6 pennies in Conv. money.

6th

This forenoon, all the baggage was brought on board. Capt. Tonge told me in confidence that because the ship drew so much water, he did not expect much from it. It had to be pumped out every 2 hours. This was terrible news and I began to regret that I had my medicine and baggage taken on board. Since a ship was going to England, I wrote to my wife in Wolfenbüttel.

In the afternoon, we embarked and at 4 o'clock, we weighed anchor. We sailed in calm NW wind, passed Cape Sambro at 7 o'clock, reached the

10 This is a reference to the Battle of the Chesapeake Capes, 5 Sept. 1781. Admiral Thomas Graves (1725-1802) had taken command of the fleet supporting Clinton on 4 July 1781. Graves found that de Grasse was blockading Cornwallis's transports and carrying French and American troops from Baltimore to Yorktown, awaiting Admiral de Barras's French convoy carrying the French siege train. Graves's nineteen ships attacked de Grasse's twenty-four vessels, and the resulting two-and-one-half hour action left the French with 220 killed and wounded, as opposed to the British casualties of 336. The British returned to New York, leaving de Grasse and Barras to continue blockading Cornwallis. See Mark Mayo Boatner, *Encyclopedia of the American Revolution*, pp. 225-226.

ocean and took course toward SE. At the harbour entrance, we encountered the Spanish ship *Disdain* from Bilbao, which the *Chatham* had seized. The pleasant young widow, who had not been able to persuade me to spend this winter in her delightful company, cried when I bade her farewell for the last time. She stood with her sisters on the shore and Capt. Tonge and I waved with our hats and kerchiefs, which they answered with their white kerchiefs until we had lost sight of them and it had become dark. Now, Capt. Tonge pointed to a basket saying, "Forgive me for not showing it to you earlier. But I was afraid you would go back on shore, wishing to thank the widow Achincloss for it and even let yourself be persuaded to remain in Halifax this winter. Yet, your company is so important to me that I had to prevent that at all cost." In the basket, I found 6 bottles of Port wine, 3 bottles of French brandy, a smoked ham, a mutton roast, 2 pieces of smoked salmon, green tea, coffee, chocolate, sugar and 1½ dozen of lemons. A letter lay on top which I have translated from English. [Here follows the letter, translated back into English.]

"Dear Sir! I am taking the liberty of giving you some necessary victuals for the journey in this basket. Whenever you enjoy any of it, remember your sincere but also unhappy friend in Halifax, who not only wishes you a happy arrival in Canada, but also that you may enjoy all the happiness this world can offer until the end of your life. If you think me worthy of your friendship, you will make use of the first opportunity to let me know in a few lines that you are alive. When you write to Europe, do not forget to tell your dear wife of my love and friendship for her and to send regards to your dear children. My parents and sisters also send you cordial greetings and wish you bon voyage. Farewell, dear friend, I do not wish you to have any reason to regret your not wanting to stay with us this winter. I rather wish that Providence will forever watch over you and soon unite you with those who without a doubt are sighing for you on that other continent. This is the wish of your sincere friend,

Elizabeth Achincloss."

How did I feel reading this letter!

"Cruel creature! Barbarous woman!" I exclaimed, "I find all these gifts you have showered on me extremely difficult to bear because you have robbed me of the opportunity to thank you. And how did I ever deserve so much kindness and friendship!"--Capt. Tonge laughed and danced all

around me while I exclaimed, "With how much enjoyment would I share all this with you, my friends, if only these divine people knew that my heart is filled with the deepest gratitude!"--Our kitchen and cellar were quite enriched by this gift. We immediately prepared a punch and until 12 o'clock we continuously drank nothing but punch while remembering all our friends on both continents.--

7th

In favourable NW wind, we have sailed from Halifax until this noon...82 [nautical miles] Latitude $45^{\circ}11'$, course SEE. Toward evening, the wind changed to NE and blew so hard that it was impossible for us to keep our course. This night, our little ship was almost continually on the verge of sinking and was being pumped incessantly.

8th

With continual, storming NE wind during the past 24 hours, we did not advance any farther than...22 [nautical miles] Latitude $45^{\circ}30'$. We saw land before us at a distance of about 20 miles to the NE: the shores of Nova Scotia.

In pleasant sunshine this afternoon, there was no wind at all (calm). Tonight the wind changed from the direction of SW to SE.

9th

Strong SW wind. We saw the shores of Nova Scotia at a distance of about 6 miles on our left. At 10 o'clock, we were opposite the Canso Harbour, and Capt. Tonge was willing to sail through the Strait of Canso, which is 400 miles nearer than going around Cape North. Around noon, we saw 2 American privateers, that were pursuing us. Through the glass [telescope], we saw the American flags very distinctly. They were sailing much faster than we and consequently would soon catch up with us. At my suggestion, Capt. Tonge had bought quite beautiful charts in Halifax for 6 guineas. These charts indicated all the harbours one could enter on the shores of Nova Scotia and we were by a small harbour, Aylesbury Port [Petit-de-Grat Inlet], belonging to Cape Breton. As the chart very distinctly indicated the entrance between the cliffs and the sandbanks, Capt. Tonge decided to enter here.¹¹ We arrived safely with the larger of the privateers closely

11 Without doubt, the chart referred to here is J.F.W. DesBarres, *Conway Harbour and Port Aylesbury* (London: 8 Jan. 1776), from *The Atlantic Neptune*, Vol. II, Part 2 (S:62).

behind us. We shot through its sail with a 9 lb. cannon and it turned around us perhaps to give us a broadside. Yet before they were able to turn the ship completely around, it ran aground. Upon seeing this, the second privateer sailed toward the left shore and 2 minutes later, it also ran aground. We sailed farther into the harbour and as the water [level] was falling--it was ebb tide,--we also ran aground. To the left of us was a very high mountain on to which we hurriedly placed a cannon to cover our ship. Another 9 pound cannon was taken up a mountain on the right side. The larger privateer was cannonaded; after the 7th shot it struck its sails and surrendered. It was a 2-masted schooner of 50 tons of ballast having 10 cannon and 18 men aboard. It was commanded by a Capt. Würmstadt and 2 lieuts. Capt. Tonge had the prisoners taken on our ship and sent his First Lieut. Mr. Hutchinson with 15 sailors on board our captured prize. The ship's name was Hope and she had set sail from Marblehead as recently as 4 weeks ago. The captain had been captured in this war as many as 10 times and every time had lost a ship. He was a young, pleasant man of 29 years, who showed a great deal of courage telling us without any trace of inhibition right to our faces that if he had known the entrance into the little harbour as well as Capt. Tonge, he would certainly have taken us captive. He added: "I don't want to be captured more than 4 more times since 14 is a baker's dozen. Now, since I ran out of luck, I wish to be on parole." Capt. Tonge settled the parole for him and his officers, which consisted of going to Boston with their sailors immediately and there reporting to Major Hopkins, Dep. Com. Gen., as prisoners of war; that until a like number of English prisoners of similar rank were sent to Halifax, New York or Québec, they would not act against England in a hostile manner; that after our departure, they would stay in this harbour for 24 hours and not give any information to our enemy during this time. The American capt. hired a small boat from the inhabitants, which was to take them to Canso Harbour tomorrow. No more than 5 families, a mixture of Savages and white men, dwelt there in wretched quarters. They were French, who lived miserably on nothing but fishing. Around midnight when the flood was highest, we set sail to take also the 2nd privateer, but it had already bolted. Up to this harbour, we sailed. . . 49 [nautical miles] Latitude 45° 50'.

10th

Yesterday, we entered here without a pilot and today, we had to exert much effort to get out with a pilot. This time, we had escaped the danger of being captured; it would indeed have been an extraordinary [streak of bad luck] to have to return so quickly into captivity. The wishes of my friends in New England would have been fulfilled, however. How surprised they would have been to see me back so soon! The American captain told Capt. Tonge that if he [Tonge] did not want to be captured, he should not sail through the Strait of Canso. For the American brig *Lion* of 16 cannon and 2 privateers were cruising there. Capt. Tonge replied that in spite of everything, he was determined to sail through the Strait but told me in confidence, "Now we have to sail around Cape North so that we will not again fall into the hands of the Rebels." It was 4 o'clock in the afternoon when we set sail. The wind was from NW, course toward east.

11th

Light W wind. In the early morning, we saw 3 large ships about 6 miles away on our right. Since they had taken a different course, they became more and more distant. Until noon, we advanced. . . 58 [nautical miles] Latitude 45°55'. Course toward E. We are about 200 paces away from the former fortress of Louisbourg. We could very distinctly recognize the ruins of this fortress as well as the former great battery and the lighthouse. The wind is from SWW today but has changed last night, the 12th, to SE so that we have advanced very little.

We continue having the shore of Cape Breton on our left; at noon we passed Scatarie Island. In 24 hours, we advanced but. . . 22 [nautical miles] Latitude 46°25', course toward E to the Spanish River, because Capt. Tonge believed he would still find the coal fleet of Québec there. About 5 miles behind us, we saw a ship in full sail. As far as we could recognize through the glass, it was a brig. We suspected that it was the brig *Lion*, of which Capt. Würmstadt had told us. She was probably pursuing us but could no longer catch up with us since the wind was calm and we were also too close to the Spanish River. It was 8 o'clock this evening that we entered here. The fleet from Québec had sailed away at least a fortnight ago but the coal fleet from Halifax was still here. Since so many privateers were cruising around and, moreover, since our ship was in such bad condition

that it drew 9 to 12 tons of water every 3 hours, Dep. Paymaster Gen. Mr. Winslow doubted that we would safely reach Canada this year and decided to return with the coal fleet to Halifax. There are no other inhabitants but coal miners in this harbour but there is a battery with cannon and a small garrison. Up to here we have come closer to Canada by . . . 31 [nautical miles]

13th

This morning, Mr. Winslow went aboard another ship. The weather is rainy and foggy. At noon, we set sail in SW wind and our course was northeast.

14th

Early this morning, we passed the North Cape and the Isle St. Paul and took course toward NW. The wind continued blowing from SW and it was quite foggy. We heard a cannon shot very close by. Since we did not know whether the ship from which the shot had come was friend or foe, we kept very quiet and no one was allowed to say a loud word. We reached the Gulf of St. Lawrence and around noon, the fog had dissipated. We now saw a large 3-masted ship about one mile from us. Capt. Tonge said that we were quite close to the Iles-de-la-Madeleine [*Vogel Inseln*]. Until this noon, we had sailed from the Spanish River-- . . . 88 [nautical miles] Latitude 48°23'. This evening, the wind became contrary changing to NW; there was a frightening storm, which also continued this morning the

15th

Last night, our ship was almost continually under water and since, on account of the adverse wind, the ship could no longer be controlled, Capt. Tonge ordered the rudder to be tied on one side and all sails to be struck. Eight men had to pump continuously; they were relieved every fifteen minutes. One officer was on guard so that the pumping would not slacken. Then, everybody [else] went to bed.

John Umlach (ca. 1726-1821); a "Native of Scotland," Soldier and Settler

Joyce Hemlow

Progenitor of the Hemlows of the Eastern Shore of Nova Scotia (St. Mary's River, then Liscomb, Guysborough County) and of the Umlahs of the South Shore (Goodwood, Harrietsfield, Herring Cove, Ferguson's Cove, Spryfield, Yarmouth and Halifax), John Umlach, "a native of Scotland," lies buried in wooded grounds near Seabright, Halifax County.¹

The name Umlach² or Umloch emerges in the year 1649 and continues through the seventeenth and eighteenth centuries in the parish registers of Morayshire, Scotland, specifically in Alves, Elgin, Forres, Kinloss and Lhanbryde. In the microfiche provided by the Church of Jesus Christ of Latter-Day Saints (Mormon), one may linger with some interest over the entry in the International Genealogical Index for a John Umlach baptized in Elgin on 2 August 1726. Not readily available, however, are records of Scottish emigrations of the early eighteenth century, nor is Umlach's debarkation in Philadelphia or elsewhere in the Americas among the million-and-a-half entries accumulated by P. William Filby and Mary K. Meyer in their series, *Passenger and Immigration Lists Index* (3 Vols., Detroit, 1981) with annual supplements (1982-87).

That Umlach's career in the British colonies had begun in Philadelphia was indicated by his son John (1758-1849) in his petition of 3 September 1808, requesting land in St. Margaret's Bay, Halifax County.³ The younger John stated that, born in Philadelphia in 1758, he was brought to Nova Scotia at the age of four. Middle-aged by the year 1808 when he set down his claims for land, he referred to his father as "an old Soldier who was in the King's Service in America & served against the French about the year one thousand Seven hundred and ninety nine." An error for 1759? In an affidavit of 10 January 1777, the elder John deposed under oath that he "had Served his Majesty twenty Years--and that it gave him pleasure

Joyce Hemlow, Greenfields Professor Emerita, McGill University, Ph.D., LL.D., F.R.S.C., has recently returned to her native Nova Scotia.

1 Canon E.A. Harris, "Notes on Lunenburg County Families," MG 4, Vol. 102, #7, Public Archives of Nova Scotia [hereafter PANS].

2 So spelled in legal documents signed by John Umlach. See nn. 4 and 22.

3 Petition of John Umlach, 1809, in RG 20, Series A, Vol. 36, PANS. He was granted Luke Island, 1810.

to serve him Again."⁴ This last service, "by request of Government," was the enlisting of men for Governor Francis Legge's regiment of Loyal Nova Scotia Volunteers (1775-1783)⁵ and must have occurred before 1777, the date of the deposition. In these years it was apprehended that the military might be needed to quell those sympathizing with the protest against British rule in neighbouring New England.

Impinging on, or rather governing Umlach's life as soldier and settler, were the events of two wars--the Seven Years' War (1756-1763) and the American War of Independence (1775-1783). Strategically, as a seasoned soldier, Umlach was in Philadelphia in the 1750s when John, Earl of Loudoun (1705-82), recently appointed commander-in-chief of the British Army in America, by an order of 24 December 1755, directed agents in Philadelphia (as well as in New York) to recruit volunteers for a regiment, in part at least colonial. Shock in England over the defeat and death of General Braddock (1695-1755) and the scalping and near-annihilation of his army at the hands of the French and the Indians on the banks of the Monongahela River near Fort Duquesne, 8 July 1755, had initiated a new policy, namely the enlisting of colonials more accustomed, it was presumed, to the forested terrain than were the British regulars, and more knowledgeable in the stratagems of the Indians, that is to say, ambushes. No more a thin red line, miles in length, following axemen through the dark and trackless forests; and no more the formation of exposed and unprotected British squares to face the fire of Indians safely sheltered and invisible behind boulders or the huge trunks of trees on an eminence above. "Trees all!" became a new command in the British Army.

So came into being the famous Royal American Regiment, first called the 62nd but later styled the 60th Foot, or, more commonly, the Royal Americans. In its first years, the officers were Swiss or German Protestants and the "Province" of Pennsylvania, with its Scots, Irish and German settlers

4 RG 1, Vol. 342, p. 62, PANS, affidavit of John Umlach as one of the deponents in the trial of Timothy Houghton, Supreme Court, 1777.

5 For surviving records of the Loyal Nova Scotia Volunteers, see Barry Cahill, "Record Keeping in a Provincial Regiment: The Strange Case of the Loyal Nova Scotia Volunteers, 1775-1783," *Archivaria*, 26 (summer 1988), 81-90.

one of the chief recruiting grounds. A strong incentive to enlistment, especially for a young, strong emigrant Scot, was the promise of two hundred acres of land in New Hampshire, New York or Nova Scotia.⁶

The 60th comprised in the beginning four battalions (four thousand men), of which during the Seven Years' War in America the 2nd and 3rd were deployed in the sieges of Louisburg (1758) and Quebec (1759). According to Lewis Butler, the 2nd and 4th battalions, sent to Halifax in 1757, returned to New York in July. The 3rd, however, arriving in Dartmouth on 25 October 1757, wintered there, departing only on 24 April 1758. Comfortable billets were difficult to come by in those days, and with the hardships of winter there were many desertions.⁷ It may be conjectured that John Umlach, a hardened soldier and a colonial, who was in Philadelphia before 1757, the year before his eldest son was born, had been recruited for the 60th and had come to Dartmouth with the 3rd battalion. The historical record of the desertions gives some credence to the family tale that Umlach first saw Chester, his future home when he was sent there to round up deserters.

It would be easy to say and to believe, as Canon E.A. Harris does, that Umlach served under Wolfe at the captures of Louisburg and Quebec.⁸ The evidence for his having come from Philadelphia to Dartmouth or Halifax with the Royal Americans is only circumstantial, but there is sound evidence that by 1762 the soldier had moved his family--a wife and two or three children--from Philadelphia to Nova Scotia. The evidence is first,

6 Lewis W.G. Butler, et al., *The Annals of the King's Royal Rifle Corps* (5 Vols., London 1913-32), I, 35-8; II, 288-94; and S.M. Pargellis, *Lord Loudoun in North America* (New Haven, 1933), pp. 62-3, 110, 299-301. Army Lists for the regiment are reprinted by N.W. Wallace, *Regimental Chronicle and List of Officers of the 60th* ... (London, 1879), pp. 66-311.

Arriving or reporting in Philadelphia in the years 1756-59 for the conduct of the Seven Years' War in North America were (besides the 60th in part recruited there) five British regiments of the line: the 17th, 43rd, 44th, 48th and 77th, all of which would go on to Nova Scotia and/or Quebec. See John M. Kitzmiller II, *In Search of the "Forlorn Hope": A Comprehensive Guide to Locating British Regiments and Their Records (1640-WWI)*, 2 vols. (Ogden, Utah, 1988). To determine with certainty to which regiment or regiments John Umlach, with his twenty years in the king's service, belonged, it will be necessary to search the muster rolls and pay lists (W.O. 12, Public Record Office, Kew, England).

7 Butler, *Rifle Corps*, 35-9; he cites the desertion of four officers out of thirty-five, and fifty NCOs out of 951.

8 MC 4, Vol. 102, #7, PANS.

the sworn statement of his son that he [John Jr.] was born in Philadelphia in 1758 and brought to Nova Scotia at the age of four⁹ and secondly, an entry in the parish register of St. John's Anglican Church, Lunenburg, recording the baptism of a fourth child, "Margaret daughter to John & [Isabella] Umlach" on 25 September 1762.¹⁰ These facts tend to confirm the circumstantial evidence alluded to above.

The Seven Years' War was ended by the Treaty of Paris, 10 February 1763, and in a proclamation of 7 October, King George III, not always highly praised in the history books, followed the suggestions of the Board of Trade in offering rewards via grants of land to

such reduced Officers as have served in North America during the late War, and to such Private Soldiers as have been or shall be disbanded in America, and are actually residing there, and shall personally apply for the same...subject, at the Expiration of Ten Years, to...as also subject to...Conditions of Cultivation and Improvement.¹¹

Included was a gradation in "Quantities of Lands" according to rank, from "Field Officer to Private Man"; a field officer could claim five thousand acres, a commissioned officer two thousand, an NCO two hundred, and a private, fifty.¹²

Among the soldiers to apply personally for such a grant was John Umlach, as may be seen in the proceedings of the Council of Nova Scotia, 3 November 1764:

On a Memorial of John Omlack [sic] praying that the Town Lott Number Thirteen and the farmer Fifty Acre Lott Number Nineteen in the Township of Chester...might be granted to him with other lands to make up one full share right in said Township.

9 John Umlach, 1809, RG 20, Series A, Vol. 36, PANS.

10 Records of St. John's Anglican Church (mfm.), PANS.

11 See A.C. Doughty and Adam Shortt, *Documents relating to the Constitutional History of Canada 1759-1791* (Ottawa, 1907-35), pp. 119-23.

12 The gradation in acreage according to rank seemed generally to be observed. Cf. A.C. Jost, *Guysborough Sketches and Essays* (Kentville, 1950), pp. 141-2.

And the Council did advise that one right of land in said Township of Chester... should be granted to the Memorialist.¹³

One would give much to see Umlach's memorial or petition for land, with such personal and military details as are usually set forth in such documents. Duly he appears, however, in the list of fifty applicants (out of seventy) awarded a full share, or five hundred acres, of land by the terms of the Shoreham or Chester grant of 30 October 1765, a typescript of which is appended to the Township Records of Chester.¹⁴ Mention of Umlach's share, usually categorized as a "Private Grant," emerges in land papers relating to the redistribution of the Chester lots in attempts of the 1780s to accommodate Loyalist settlers.¹⁵ A surveyor's plan of Chester East made by Jonathan Prescott in 1788 shows Umlach's Farm Lot, No. 19, as running down to the water at Scotch Cove and Marshall's Island.

As early as 1 April Umlach, along with John Hutcheson and five others, had signed an agreement with government "to have a public road laid out and established from the head or bottom of... Scotch Cove westward to the town of Chester."¹⁶ Umlach then may confidently be included in the group of Scotsmen--"John Hutcheson, John Duncan, Thomas Thomson, and others"--settlers of the years 1760-65, whom M.B. DesBrisay credits with giving the name "Scotch" to the cove.¹⁷ John Hutcheson's petition for a "full share or right" in Chester, plus an additional two hundred acres which, as noted in the minute of Council, "he is Entitled to as a discharged Corporal," was granted, along with Umlach's petition, on 3 November 1764. Umlach, to judge from his grant of two lots (some seven hundred acres), must also, according to the scale noted above, have been an NCO.

13 Minutes of Executive Council, RG 1, Vol. 211, p. 383, PANS.

14 A contemporary copy of the grant is in Nova Scotia Land Grants, Old Book 6, p. 548 (mfm.), PANS; the typescript copy is in MG 4, Vol. 13, PANS.

15 RG 20, Series C, Vol. 90A, #37, 39, 57, 58; and Vol. 90, #38, 43, 63, PANS.

16 M.B. DesBrisay, *History of the County of Lunenburg* (Halifax, 1870), p. 264.

17 *Ibid.*, p. 276.

Possibly from the same regiment, and both Scotsmen, Umlach and Hutcheson settled as neighbours on the adjoining lots, Nos. 18 and 19 in East Chester.

Here Umlach turned farmer, establishing a household and raising a family of ten, seven daughters and three sons:

1. Isabella, b. ca. 1757, Philadelphia [?]; bapt. 8 Aug. 1774 (St. Stephen's, Chester); m. 30 Nov. 1778 (St. Stephen's), Walden Corney, who d. *pre*-1801 (estate papers); fl. 1817 (date of her father's will).
2. John, b. 1758, Philadelphia (see Petition, 1808); d. 16 Oct. 1849 (Parish of French Village); m. 6 Dec. 1784 (St. Paul's, Halifax), Margaret Redman, who was bapt. 24 July 1770 (St. Paul's), and fl. 1808. Eleven children.
3. James, b. ca. 1759; d. 5 Nov. 1855, age 97, at St. Mary's River, Guys. Co. (*Presbyterian Witness*); m. 15 July 1795 (St. Paul's), Ann McDaniel, who d. 28 Apr. 1856, age 80 (*Presbyterian Witness*). Eleven children.
4. Margaret, bapt. 25 Sept. 1762 (St. John's, Lunenburg); d. *pre*-1817 (father's will); m. 25 Feb. 1784 (St. Paul's), John McDougall.
5. Elizabeth, b. 3 Apr. 1765 (Chester Township Records); bapt. 26 Aug. 1770 (St. Stephen's); d. 9 May 1845, age 79 (headstone, cemetery, Hackett's Cove); m. 16 Oct. 1793 (St. Paul's), Alexander Renfrew, who d. 28 Mar. 1847, age 76 (St. Peter's, Hackett's Cove).
6. Ann, b. 2 Apr. 1768 (Chester Township Records); bapt. 26 Aug. 1770 (St. Stephen's); bur. 1 July 1848 (French Village Records); m. ca. 1788, Thomas Redman, who d. *pre*-1814 (deed, Umlach to Ann).
7. William, b. 14 Mar. 1770 (Chester Township Records); d. *pre*-23 Apr. 1840 (probate of will) at Goodwood, Hfx. Co. He m. (1) 16 Sept. 1797 (St. Paul's), Mary Anne Wagner, who was b. ca. 1775; bapt. 23 July 1776 (St. Paul's); d. 18 June 1822, age 47 (*Acadian Recorder*); fourteen children. He m. (2) 26 Mar. 1824 (St. Matthew's, Halifax), the widowed Mary Ann Schwartz, who was b. ca. 1785; d. May 1827, age 43 (St. Paul's); two children, both d. in infancy. He m. (3) 22 June 1829, Mary Ann McGrath, *née* Peters, who was b. ca. 1779; d. 10 June 1857, age 78 (*Christian Messenger*).
8. Jane, b. 26 May 1772 (Chester Township Records); bapt. 3 Aug. 1774 (St. Stephen's); d. 15 Apr. 1851, age 79 (headstone, Marriott Cemetery, near Goodwood); m. 16 Nov. 1813 (St. Paul's), Peter Toler. He was

- b. ca. 1776; d. 20 Apr. 1854, age 78 (*Presbyterian Witness*); bur. 21 Apr. 1854 (St. Paul's).
9. Mary Ann, b. ca. 1775; bur. 15 June 1853, age 78 (St. Paul's); m. 3 Nov. 1808 (St. Paul's), John **Wagner**, who was b. ca. 1786 and d. 8 June 1863, age 77, at Goodwood (*Presbyterian Witness*).
10. Charlotte, bapt. 10 Oct. 1779 (St. Stephen's); d. 19 May 1849, age 68 (headstone, Umlah Cemetery, Seabright; French Village Records); m. 28 Dec. 1822 (St. Paul's), Jacob **Johnson**. No further information.

From John and William would descend all the Umlahs and Hemlows of the South Shore of Nova Scotia, from Yarmouth to Halifax; and from James, the Hemlows of the Eastern Shore, namely St. Mary's River, and then Liscomb.¹⁸

Though scenically very beautiful the land was hard, with thin layers of acidic soil on granite. From Umlach's farm above the small and sheltered Scotch Cove, the picturesque views of Mahone Bay with its many islets must have suggested peace and tranquillity. Peace, however, was not to last for long. Breaking out in 1775, the American War of Independence literally turned the South Shore of Nova Scotia into a war zone. Rebel privateers entered the harbours to despoil and rob the shore people of farm produce, poultry and fish, even towing away fishing boats riding at anchor or tied to the wharves.

In 1782 the younger John Umlach, commandeered in his fishing schooner offshore, was forced to pilot three privateers into Chester harbour, where they fired on the town.¹⁹ On another occasion, presumably after the family moved to St. Margaret's Bay in 1780, John went out hunting in the woods above Dover. From a ledge he observed an enemy ship entering the harbour and its crew rapidly disembarking for a raiding foray ashore. At this, as he would later state in his 1808 land petition, he and his companions--"two other men & two Indians"--were able to board and capture the ship, an

18 The descendants of John Jr. and of William Umlach have been traced by Mr. Kevin Umlah of Brookside, and Iris V. Shea, *née* Umlah, of Herring Cove, Halifax County; those of James, by the author (J.H.). In addition, Iris Shea has supplied short life-histories or vital statistics for John Umlach's daughters, as above.

19 DesBrisay, *County of Lunenburg*, pp. 270-271.

"American privateer of Seven Guns and twenty four men."²⁰ According to a modern, undocumented version of the story, there first occurred a hand-to-hand tussle with the captain and the mate, after which Umlach sailed the captured ship to his home base, Toad's Cove, hiding it for some weeks in a deep and secluded mooring overhung with trees at the juncture of Hosier's River with the cove. The episode ended rather ingloriously, it would seem as, tempted to sail forth with his prize, Umlach again encountered the privateers who, recouped and on the watch, quickly regained their ship.²¹ John, a loyal "Lieutenant in the Eighth Battalion of the militia," as he took care to mention in his petition, concluded by pledging the "same Zeal and activity," the same "Loyalty & Attachment to his Sovereign," as had animated him in his encounter with the privateers.

This devotion to the King of England was by no means universal in Chester. Settlers brought old loyalties and predilections with them. Among New Englanders settling in Chester under the terms of the Shoreham Grant of 1759 was the Congregational minister, John Seccombe (1708-92), formerly of Medford, Massachusetts, whose sympathies lay with the revolting colonies. Brought before the Council in 1776 and 1777 and charged with preaching seditious sermons and praying, as he admitted, for the "success of the rebels," he was ordered to cease preaching until he recanted and, retained in custody, regained his freedom only on the security of £500.²²

Vocal also in political matters was the prominent Chester resident Timothy Houghton (ca. 1727-83), Justice of the Peace and a leader of the original group of settlers of 1759, from Massachusetts, who for his seditious pronouncements was brought before the Supreme Court of Nova Scotia on 28 January 1777. In the sworn depositions of four local witnesses, including John Umlach Sr., there emerges in colloquial language and not uncomically--as it may seem now--something of the fears, concerns and biases, religious

20 John Umlach, 1809, RG 20, Series A, Vol. 36, PANS.

21 Richard Kitley, "The American Privateer," *Bay News* (Dec. 1978), pp. 12-13. Additional details of this exploit, probably as handed down by the daughters of John Umlach Jr., three of whom settled permanently in St. Mary's River, are related by Edna Jordan, "History of St. Mary's River and Sonora, 1756-1967," MG 4, Vol. 295, #63, PANS. Two such captures of privateers by shore people are also reported by Beamish Murdoch, *A History of Nova-Scotia, or Acadie* (3 vols., Halifax, 1865-67), II, 602, 609.

22 DesBrisay, *County of Lunenburg*, pp. 280-1.

and political, of the day. "The King is a Papist," the disaffected Houghton was alleged to have stated, as bringing forth a "Law Book;" he propounded further that "no Protestans was bound in Allegiance to the King any longer than he continued protestans." "The King has broke his Coronation Oath by establishing the Roman Catholick Religion in Quebec," and in view of this the Yankee concluded that he could serve him no longer as justice of the peace. Nor would he "on any account or for any conditions supply The King's troops then at Boston with any kind of relief or necesaries." As for the Nova Scotian government, "they were all Romans that were at the Helm." Umlach, he said, "had gott the ill will of his neighbours" by his attempts to enlist men for Governor Legge's Loyal Nova Scotia Volunteers, and the "office of Inlisting men for that purpose" Houghton condemned as "no better than that of a hangman." The neighbours said, "and all agreed," that "Tim Holton" had always been "in opposition to Government." The jurors also agreed. Houghton was guilty, as they put it, "at sundry times and places of throwing off his allegiance to our Sovereign Lord the King and Tending and designing to Alienate his Majesty's Subjects . . . from their Duty and Allegiance." The sentence handed down on 12 February 1777 committed the culprit to "Gail without Bail . . . for Six Kalandar Months and . . . a Fine of Fifty Pounds." Whatever the compliances and intercessions following, on 3 April 1777 the sentence was reduced to Houghton's taking the Oath of Allegiance and entering security for his peaceable behaviour for one year.²³

The disaffected Yankee's loud abuse of Government and the King had elicited Umlach's quiet but sturdy rebuke: "it was not fit discourse for him [Houghton] or any Loyal Subject to talk so or Explain themselves in that manner." New Englanders were sometimes troublesome, Governor John Parr (1725-91) was later to find: "The Germans and Highlanders make by far the best and quietest settlers."²⁴

23 J.B. Brebner, *The Neutral Yankees of Nova Scotia: A Marginal Colony During the Revolutionary Years* (New York, 1937), pp. 340-342. The depositions are in RG 1, Vol. 342, pp. 60-65, PANS; the judgment, Hilary Term 1777, is in Supreme Court records, RG 39, Series J, Vol. 1, pp. 274-275, PANS.

24 John Parr to the Earl of Shelburne, 1 May 1785, xerox copy from the Lansdowne Papers, MG 23, A4, Vol. 88, National Archives of Canada, in MG 1, Vol. 2683, PANS.

New concerns and worries for the original settlers at Chester would come with the efforts of the government to accommodate Loyalists from the American colonies on lands already allotted in the grants of 1759 and 1765. After 3 September 1783, when the Peace of Paris was signed between Great Britain and her former colonies, the demand for land in Nova Scotia became more pressing. One of the 1765 grantees, Jonathan Prescott (1725-1807), M.D., formerly of Littleton, Mass., and at one time in his army career "captain of the engineers,"²⁵ had evidently been invited by Charles Morris (1731-1802), Surveyor-General, to help as deputy surveyor in processing land claims in Chester. Scribbled on the back of a document dated 6 September 1784 is Prescott's somewhat exasperated note: "No Grant can pass untill a Distinction can be made between the Loyalist & the old Inhabitants in one list, and the Loyalist on the other--"²⁶ In order to tidy up the township and make it more compact, the Surveyor-General had suggested on 5 March 1784 that in the first division, former grantees with claims for five hundred acres should settle for one hundred, and those with claims for one hundred, make do with ten.²⁷ Whether or not this tempting offer was pressed, the possibilities must have been unsettling. Peace of mind one cannot have, with government officials--much less one's neighbours--sighting along one's lines and fences.

By 1780 Umlach had probably sensed the winds of change. He could see encroaching settlers, government interference, pressures, escheats, taxes. Better untenanted if intractable land, the teeming seas, the open skies. Besides, as the canny Scotsman could have noted, the price of improved land had risen. He decided to sell his Chester properties and move to St. Margaret's Bay. Citing the minute (3 November 1764) of the Council quoted above, he conveyed in a deed registered 6 April 1780 his "Town Lot in Chester" (No. 13) and "the whole Farm Lot" (No. 19) to one David Robert of Lunenburg, farmer, for £254.²⁸ In an undated List of Farm Lots, Chester,

25 See Terrence M. Punch, "Jonathan Prescott, M.D. . . .," *Nova Scotia Historical Quarterly*, 9 (1) (Mar. 1979), 59-80.

26 RG 20, Series C, Vol. 90, #39, PANS.

27 DesBrisay, *County of Lunenburg*, p. 267.

28 Registry of Deeds, Lunenburg County, Book 2, p. 291.

in which this sale is recorded, a note appears: "J. Umlach is now applying for Land at Margarets Bay."²⁹

Umlach's petition is not now to be found, but what he had in mind was a deeply indented coastal tract on the east side of St. Margaret's Bay bordering, according to the nomenclature of Crown Lands Index Sheet No. 56, Perang Cove, Hubley Cove, Redmond Cove and Johnson Cove. Umlach and his sons would have known this area as the six hundred acres granted in 1756 to Captain John Rous (1702-1760) of the Royal Navy, which land, unoccupied and unimproved for a quarter of a century, they could have thought subject to escheat.³⁰ The swashbuckling Captain Rous himself, Umlach would have known--by reputation at least--as a professional privateer who during the War of the Austrian Succession and the Seven Years' War had preyed successfully on French shipping, and who during the siege of Louisbourg (1758) had assisted Wolfe in his strategic landing at Gabarus Bay, figuring largely also in manoeuvres before Quebec. In Halifax he formed family connections, when on 18 July 1750 his daughter Amy, of reputed beauty and intelligence, married Richard Bulkeley (1717-1800). Bulkeley, a member of the Council and Secretary of the Province for many years, had in hand, besides other major portfolios or responsibilities, the issuing of land grants and the judging of escheats.

In the 1780s Bulkeley's attention had been drawn to St. Margaret's Bay. On 24 December 1784 he obtained for his son, James M. Freke Bulkeley (ca. 1761-1796) a grant of 450 acres on the east side of the Bay and, replacing that on 30 May 1785, another grant of 490 acres.³¹ In addition, by 1786 and presumably by inheritance, Freke, along with his brothers Richard Jr. and Edward, apparently came into the six hundred acres on the Bay granted in 1756 to their long-deceased grandfather Rous. In the index to registered deeds for Halifax County, all four Bulkeleys appear in the years 1786-89

29 RG 20, Series C, Vol. 90, #63, PANS.

30 A contemporary copy of the grant is in Nova Scotia Land Grants, Old Book 3, p. 7 (mfm.), PANS; it is also included on a list in RG 1, Vol. 378, p. 133, PANS. For Rous's career, see W.A.B. Douglas, "Rous, John," in *Dictionary of Canadian Biography*, III (Toronto, 1974), 572-573; and Murdoch, *Nova-Scotia*, II, 44, 131.

31 Contemporary copies are in Nova Scotia Land Grants, Old Book 14, p. 111; and Old Book 17, p. 94 (mfm.), PANS.

as devisees in a series of deeds by which they conveyed parcels of Rous's grant on the Bay to various settlers in the area. In a deed of 1786, for instance, conveying sixty acres to John Boutilier, the land is explicitly defined as "being part of a Tract of land formerly granted to John Rous Esq."³² Whatever the legalities or the law's delays, Umlach's day had come.

At any time during the six years after 1780, the elder Bulkeley could have seen among the land papers on his desk the petition of the worthy soldier and settler Umlach; and reputedly "of a good heart, always assisting the needy,"³³ the Secretary may have been struck with some compassion. In any case, from his privileged position, more magnanimous than mean, on 22 July 1786, in the names of his three sons, he conveyed to Umlach one hundred acres of Rous's highly advantageous coastal property for a nominal £5; the deed was registered 24 March 1787.³⁴ In the Crown Lands Index Sheet No. 56 and in Plan No. 24, Halifax West Portfolio, Umlach's acres may be seen in the form of a peninsula bounded on the north by Redmond Cove and on the south by Johnson Cove.³⁵ With changes in the ownership of adjoining lands, the names of coves, bays and harbours also change. The tip of Umlach's peninsula came in time to be known as Umlah's Point; on this peninsula the Scottish couple John Umlach and his wife Isabella, *née* Macdonald, would end their days.

Some of the landmarks emerging in the deed of 1787 suggest that Umlach may already have settled on the land, perhaps as a squatter, awaiting the outcome of his petition. The landmarks included "an old log House standing near the Beach . . . about Eighteen Chains to the Northward of where said John Umlach has erected his lime Kilne." Perhaps with the help of his three sons, John (aged 22), James (21) and William (10), he may have constructed a new log house as a temporary shelter. In any case, the erection of a "lime

32 Registry of Deeds, Halifax County, Book 24, p. 230.

33 Bulkeley's obituary, *Nova Scotia Royal Gazette* (Halifax), 9 Dec. 1800.

34 Registry of Deeds, Halifax County, Book 24, p. 94.

35 The author wishes to thank Mr. Michael Power, Senior Research Technician, Provincial Crown Lands Records Centre for marked copies of the relevant part of Index Sheet No. 56 and of Plan 24, showing the location and extent of Rous's grant and of the division of it (100 acres) deeded by Richard Bulkeley to John Umlach.

Kilne" suggests men at work, concrete, cement, mortar, plaster, whitewash, sanitation, and even the enlightened application of lime to the acidic soil. As fact against speculation, John Jr. stated in his 1808 petition that he had resided in St. Margaret's Bay "since the years one thousand seven hundred and Eighty."³⁶

Further evidence for this residence on St. Margaret's Bay and for the industrious efforts of the Umlachs on land and sea emerges in documents relating to the *Industry*, a schooner of forty-three tons that they undertook to build in 1786. The House of Assembly, anxious to encourage shipbuilding and to replace boats lost in previous years to American privateers, resolved on 24 December 1785 "That a Bounty of Ten Shillings *per* Ton, be allowed and paid on all Vessels built in the Province, and launched, and fitted for sea within the Year 1786, of the Burthen of Forty Tons, and up."³⁷ John Jr., doubtless applauding this measure, and quick and energetic enough to profit by it, managed to build a ship in time and collect the bounty. His warrant of payment, dated 17 December 1787, is summarized: "43. *Tons*, at 10s. is £21.10.0." On the back of the warrant is John's receipt, dated 10 April 1788 and signed "John Hemlock"--and in his own hand, his mark, X.³⁸

This is the ship, very probably, in which John and his brother James explored the Atlantic seaboard eastward, during the early 1790s, reaching Amelia Harbour (Liscomb) and St. Mary's River, where in the years between 1792 and 1810 they would acquire by purchase thousands of acres of land on the West Cape of St. Mary's. This story, however, must wait for another time.

In 1780, the year the elder Umlach sold his lots in Chester for £254, he purchased from one David Jones, for £110, an interesting half-lot in Halifax, "on the North part of Argyle Street . . . Adjoining the Garden of the late [Chief Justice] Jonathan Belcher."³⁹ Umlach held this property for seventeen years before selling it on 7 October 1797 to Mary Leach, for

36 John Umlach, 1809, RG 20, Series A, Vol. 36, PANS.

37 Miscellaneous Assembly Papers, RG 1, Vol. 301, #71, PANS.

38 Treasury Papers, RG 31-111, Vol. 4, #45, PANS.

39 Registry of Deeds, Halifax County, Book 16, p. 285.

£106.⁴⁰ At times he would seem to have rented it, for on 19 December 1783 he was obliged to sue an occupant, John Hughes, blacksmith, for arrears of one year and two months in rent (£32).⁴¹

During 1797 and 1798, the Umlach holdings on St. Margaret's Bay were almost quadrupled when John Jr. purchased 135 acres from a neighbour, George Jollymore, farmer, for £45, and a further 150 acres from the estate of the late Freke Bulkeley.⁴² With a combination of activities--farming, fishing, hunting, shipbuilding, coasting, trading, and exploration--the Umlachs had prospered. While Umlach Sr. and his youngest son William worked the land, the eldest son John and apparently his brother James, at least in his younger days, took to the sea. In a matter involving the escheat of the Tancook Islands, the active young Umlachs were called on to testify and in an affidavit dated 1 December 1784, John and James Umlach, "Yeomen,"

Depose and say that they have been acquainted with Great and Little Tancook for Eighteen Years past and that there are no Buildings or Improvements Thereon nor any Persons Dwelling thereon to These Deponents Knowledge or Belief since that time.⁴³

In biographical terms, the Umlach boys would therefore have first landed on the islands in 1766, when they were children of eight and seven years of age respectively, and doubtless they took many exploratory jaunts there after that time. They were not at school, one may conclude, for there were no schools, and itinerant schoolmasters would rarely, one can imagine, find them at home. In 1784, as young men in their mid-twenties, they could sign their affidavits only with Xs. Their father, brought up in Scotland, could sign his name. Probably he could read and write, though his wife Isabella could not. This difference between Old and New Scotland with respect to the cultivated arts is an index not only of unequal opportunities, but also of the effort the wilderness exacted in sheer labour from morning

40 *Ibid.*, Book 32, p. 617.

41 Supreme Court Records, 1783, Series C, RG 39, Halifax Co., Box 30, PANS.

42 Registry of Deeds, Halifax County, Book 33, pp. 72-4, 221-23. The latter conveyance may have been to John Sr.

43 RG 5, Series A, Vol. 1b, #133, PANS. The author is grateful to Mr. Terrence Punch for his reference.

to night by all members of the family, old and young. By hard and varied work and work-skills the Umlachs had survived, while a sense of adventure lured them on to still wilder tracts of country. In 1824, John Jr. would figure in the township records of St. Mary's River, Guysborough County, as harbour-master.⁴⁴ He was a mariner who could turn his hand to hunting, fishing, pilotage, shipbuilding, coasting, trading or exploration, and his activities would supplement those of his father on the land.

Subsistence farming, with cattle in the fields, sheep in the pasture, and pigs in the pen, could produce basic food in abundance, while home handicrafts such as carding, spinning and weaving produced woollen clothing. Game and fish supplied the table, with delicacies such as scallops, oysters and lobsters--the latter so plentiful that at low tide they could be picked up on the beach, while salmon could occasionally be caught by hand in the streams. Indispensably for the shore people, fish was the source of cash. The elder Umlach was principally a landsman, but to exemplify his partial dependency on the fishery as a second resource there is, happily, a record of his having to sue a storekeeper in Halifax, John Lewis, for £2.8.0. in 1773, the sum owing him since 18 September 1772 for two barrels of salmon.⁴⁵ Sales of salmon, cod (by the ton), haddock, halibut, pollock, herring, mackerel, lobsters and smelts to Halifax merchants could provide credit or ready cash for such necessities as salt, sugar, tea, molasses, cotton, sailcloth, cod-lines and other fishing gear and, much in demand, manufactured goods such as cast-iron stoves. Generally speaking, the merchant outfitters prospered; the farmer (with some fishing) and the fisherman (with some farming) survived on the rugged rock-bound coast as long as the inshore fishery lasted.

In his late eighties John Umlach began to parcel out some of his land, but on strict principle, only to his children. On 8 July 1814 he conveyed to his daughter Nancy (b. 2 Apr. 1768), widow of Thomas Redman, ten acres for £100.⁴⁶ To round out, very probably, the area his son John had acquired in 1797, he consented on 11 May 1821 to sell him two small pieces,

44 MG 4, Vol. 138, PANS.

45 Supreme Court Records, 1773, RG 39, Series C, Halifax Co., Box 12, PANS.

46 Registry of Deeds, Halifax County, Book 41, p. 143.

a total of 105 acres, for £20, stipulating, however, that John not dispose of them "except to some of the family."⁴⁷

The final division of his property came with his will, proved on 10 July 1821.⁴⁸ By this time all three sons had long been settled in households of their own: John, on St. Margaret's Bay; James, on St. Mary's River, Guysborough County; and William, at Goodwood, Halifax County. On 14 June 1817, professing to be "of perfect mind and memory," Umlach composed a document stern and unforgiving in tenor, reflecting an uncompromising moral character and eighteenth-century attitudes towards filial "duty" that, unhappily, four of his children, including his eldest son, had failed to emulate. Perhaps at fault was the independent life-style of the mariner, always at sea when he was needed on the land. In any case, to his eldest son he bequeathed "the sum of one shilling and no more his conduct heretofore having been such as makes him unworthy of my favour." To John's sons, however, John and David, he gave £20 each, to be "put out to interest" until the younger reached the age of twenty-one. To three daughters, Isabella Corney, Jane Toler and Elizabeth Renfrew, severally, the discomfiting "shilling and no more." To his "well beloved son William," however, went £5 with mention of previous benefits, including the proceeds of the sale of the ten acres to William's sister, Nancy Redman (above). To his "well beloved daughter Charlotte" who, apparently postponing her marriage to Jacob Johnson, had stayed with her father to the end, he bequeathed all his household furniture, all "the live stock of cattle," all "movable effects and Book Debts" and full possession of the estate "for the term of one year after my death." To his children James, Charlotte, Nancy Redman, and Mary Anne Wagner, went equal shares in proceeds from the sale of his estate, which was to take place one year after his decease: in the event, an auction of 30 October 1822, arranged by his executors, son-in-law John Wagner, and neighbour John Fraser. Reserved was "one acre of land to be hereafter fenced and enclosed for a burial ground on that part of my estate where my deceased wife is interred." The cost of the fence or wattling was to be shared by "those of my children who have my estate divided amongst them."

47 *Ibid.*, Book 46, p. 399.

48 Probate Court, Halifax County, Will Book 4, p. 80.

As shown in the estate papers, Umlach's remaining land "with buildings, and improvements," valued at £700, was bid for at the auction by his son William, for £400.⁴⁹ William, already established at Goodwood with lands elsewhere in Halifax County, would sell his father's homestead on 19 December 1822 to his sister Mary Anne and her husband John Wagner, for the auction price of £400.⁵⁰ Respected still, or ingrained, was their father's principle that land be sold only to "some of the family."

The inventory of the personal estate of John Umlach, yeoman farmer, is the witness of a successful, hard-working and frugal life. Something of farming he may have learned as a boy in Scotland, but in New Scotland his first task would have been to cut down the wild forest, drag out the massive roots of trees and cultivate the soil, consisting in this coastal land of a thin overlay on cliffs and boulders of granite. In the inventory, ten cows (£32.10.9) and two yearlings (£3.15.0) take pride of place. The cow was an ally and an institution in herself, providing milk, cream, butter, cottage cheese, whey, beef, hides, calves, and--not to be despised--manure, the best possible additive to the thin, acidic soil. In return, she was somewhat demanding, requiring a warm barn for shelter in the winter and regular feedings of hay. She had to be "tended," that is, milked morning and evening, and to be kept clean. Ten cows must have required a large barn, and ten acres at least of hayfield and pasture. The benefits, between man and beast, were mutual. Animal husbandry was a vital part of the early provincial economy, as the dispensers of land grants seemed well to understand. It tied the settler to the land and prevented his restless roaming.

The inclusion in the inventory of one cart and "one pair yoke" suggests that Umlach may have had a team of oxen on the land and, if so, a powerful help in pulling out the heavy tree roots and in dragging rocks and boulders to the perimeters of the fields, where in early days stone walls were built--some of them to this day stretching through the woods as the encroaching forest reclaims the old clearings. In winter, oxen with home-made sleds could haul firewood from the woodland cuttings. They too had to be fed and sheltered, but in the wet, foggy springs the grass grows high in cleared

49 Probate Court, Halifax County, Estate Papers, File U-4.

50 Registry of Deeds, Halifax County, Book 47, p. 230.

and fertilized fields. In return, they could end their patient days in the beef barrel.

The implements of toil included, "1 Chain Axe and wedge" to sharpen the axe and wedge; "1 Plough and Harrow"; and "1 Hayfork" to make the hay, gather it from the field and lift it into the haymow. A costly item within the house was, most sensibly, "1 Cast Iron Stove & Pipes" (£4.0.0.), which with plenty of wood to burn, was the source of heat for cooking, warmth and comfort. Two "Pots & Hangers" suggest that there may have been a fireplace as well. To tend the stove and possibly the fireplace were "1 pair Tongs & fire Shovel" and for cooking, "1 Iron Pot & Baking Kettle" and one "Wrought Grid Iron." Of furniture, presumably unclaimed by the daughter Charlotte, were benches, a half-dozen chairs, two tables and two looking-glasses. For the necessities of life and simple comfort, the household was well supplied.

A word must be said for Isabella, who wielded these heavy pots and kettles. Born Isabella Macdonald ca. 1736,⁵¹ she had accompanied her soldier husband through the wilderness of America, had turned farmer's wife when he turned farmer and had borne three strong sons and seven daughters who, with their thriving families, would play useful roles in the development of the new lands. According to the *Nova Scotia Royal Gazette* of 26 May 1813, she died on 21 May 1813 at the age of seventy-seven. On the testimony of Canon Harris, her grave in the woods near Seabright is marked by a reddish stone brought from Scotland and inscribed simply, "Isabella Hemlow--1813."⁵² In the nomenclature of the Umlahs of Halifax County and of the Hemlows of Guysborough County, the name Isabella comes down regularly through five or six generations, as if in respectful memory of her.

Living on for eight years after her, the stern old man, John Umlach Sr., "a native of Scotland," died on 6 July 1821 at the age of eighty-nine.⁵³

51 MG 4, Vol. 102, #7, PANS.

52 *Ibid.*

53 *Weekly Chronicle* (Halifax), 13 July 1821.

The Squires of Antigonish

Ronald A. MacDonald

Justices of the Peace originated in England in the fourteenth century. Over time, they evolved to become the indispensable presence of English law and administration at the county level.¹ Without such trappings as robes and wigs, and usually without any formal study of the law, they tried both civil and criminal matters. Sitting alone or in tandem with a fellow justice, their jurisdiction was limited to minor cases. This jurisdiction increased when they sat together in their respective counties in what were called "Courts of Quarter Sessions."² In the latter capacity they acted primarily as administrators rather than judges, dealing with such matters as the appointment of local officials, the drafting and passage of by-laws, and the maintenance and upkeep of roads, jails and court-houses.

The statute of 13 Richard II, St. I, c. 7 (1389), indicates that Justices of the Peace were to be chosen from "the leading men of the community" and from the "most sufficient Knights, Esquires and Gentlemen of the law."³ Presumably it is from descriptions of this sort that they became known as "Squires," and in time an appointment brought with it the privilege of adding "Esq." after their names.

As England expanded into empire, the institution of Justice of the Peace spread to new settlements overseas. In Nova Scotia, justices were appointed within a few years of the Treaty of Utrecht, which determined that the mainland portion of that colony would thereafter be British. By the early 1720s there were justices at both Annapolis and Canso, the two English-

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1 For a general history of the Justices of the Peace in England, see Holdsworth, *A History of English Law* (2nd ed. 1914; rep. 1977), I, 285-198.

2 To describe succinctly the jurisdiction and various duties of JPs is impossible. "Long ago," says Maitland, "lawyers abandoned all hope of describing the duties of a Justice of the Peace in any methodical fashion, and the alphabet has become the one possible connecting thread." Holdsworth, *op. cit.*, I, 286. Many of the administrative duties of the Court of Quarter Sessions are outlined in section 84 of the *County Incorporation Act*, Stats. N.S. 1879, c. 1.

3 See Beamish Murdoch, *Epitome of the Laws of Nova-Scotia*, (Halifax, 1832; rep. 1971). The treatment of JPs begins at I, 130, and is perhaps the best introduction available with respect to the jurisdiction and functions of JPs in Nova Scotia in the nineteenth century. Its only serious rival is the classic treatise by Judge John George Marshall: *The Justice of the Peace and County & Township Officer*. . . (Halifax, 1837).

speaking outposts in the colony at that time.⁴ When Halifax was established in 1749, Justices of the Peace were immediately appointed, soon followed by the first Courts of Quarter Sessions in this province. As other settled areas developed, they too were allotted local justices to administer both the laws and policies which were within their geographical and legal jurisdiction.

After the conclusion of the War of the American Revolution in 1783, Loyalist communities sprang up throughout Atlantic Canada. The story of many of these settlements is well known. Less familiar is the early history of the three Loyalist communities located in the new county of Sydney, in the northeastern extremity of the Nova Scotian mainland.

The county of Sydney was established in 1785. Its territory included most of present-day Guysborough County, and the whole of what since 1863 has been called Antigonish County.⁵ Prior to 1783 the district was almost completely uninhabited, save for a half-dozen pre-Loyalist English-speaking families at Guysborough, a few dozen Acadian families residing between Antigonish Harbour and the Strait of Canso, and some nomadic bands of Micmac aboriginals.

The capital of this new county was at Guysborough. Smaller settlements were made at Country Harbour and Antigonish Harbour. Guysborough attracted more than one thousand Loyalists in its first two years, and more followed in the later 1780s. At Country Harbour, twenty-five miles to the southwest, 289 souls were listed as settlers in 1783, spending their first winter

4 For early references to JPs at Canso, see A.C. Jost, *Guysborough Sketches and Other Essays* (Kentville, 1950); also Beamish Murdoch, *History of Nova-Scotia* (Halifax, 1863), I, 371, which refers to the appointment of Gyles Hall at Canso on 25 May 1720, and of Thomas Richards of Canso, at or near the same time. As for JPs at Annapolis, see *ibid.*, p. 404, where Hibbert Newton, John Adams, William Skene, William Shireff and Peter Boudre are all designated "Esq." The name "Boudre" suggest that one or more Acadians were among the early JPs at Annapolis. It may be that these early squires were the first appointed anywhere in present-day Canadian territory, with the possible exception of Newfoundland. Whether the Canso JPs were full-time or merely seasonal residents of that settlement is an open question.

5 Sydney County originally included that territory which was east of the St. Mary's River. With the growth of settlement on both sides of the river at Sherbrooke, it was decided to extend the county westward to the Liscomb River in 1822. In this article, the term "Antigonish County" has been generally used to designate the geographical territory presently known by that name, even though in political terms it was part of Sydney County from 1785 to 1836, and retained the name of Sydney County from 1836 to 1863.

in such extreme conditions that a nearby prominence was called "Mount Misery." Finally, there was the tiny community which sometimes was called Dorchester and more often Antigonish Harbour. Nominally this locale had 120 settlers, but it is most likely that only about half that number remained there for more than the first year.⁶ For many of the bachelor soldiers, the prospect of farming in an isolated community without a wife was not an attractive lifestyle.

The leader of the Loyalists at Antigonish Harbour was Lieutenant-Colonel Timothy Hierlihy (1734-1797), an Irishman who as a young man had emigrated to Connecticut.⁷ He served in the British Army during the Seven Years' War, farmed and raised a large family thereafter. With the outbreak of the American Revolution in 1775, he re-entered the British Army. His eldest son, also named Timothy, entered military service at that time. Together father and son served on garrison duty at Charlottetown, and in the latter years of the war, at Halifax. Lieutenant-Colonel Hierlihy's wife and nine children spent most of the war years in New England. The family was reunited in 1782.

As commander of the garrison at Charlottetown in the summer of 1780, Hierlihy was obliged to pursue some soldiers who had gone absent without leave. Crossing the Northumberland Strait he searched through several inlets, one of which was Antigonish Harbour, then resplendent in its summertime beauty. He was captivated by the place. Later, when it became clear to the Hierlihys that they could never again re-settle in Connecticut, they resolved to return to Antigonish Harbour. His request for land for himself and many of those who had served under him on garrison duty was granted. On 12 May 1784, Hierlihy, his soldier followers and the wives and children of the few who were married, landed at Town Point, a small peninsula on the west side of the harbour. Together they set out to clear the fields for the first crops and to erect their log cabins.

The question of who was to be the authority in the community was settled at the outset. Hierlihy had been commissioned a Justice of the Peace on

6 For particulars on the number of original Loyalist settlers who came to Sydney County, see David Allison, *History of Nova Scotia* (Halifax, 1916), II, 895. See also Jost, *op. cit.*

7 C.J. MacGillivray, *Timothy Hierlihy and His Times* (Halifax, 1935). In this history MacGillivray makes passing reference to some of the early JPs at Antigonish Harbour.

27 April, just a week or so before he left Halifax. He was thus the first officer of the law in his chosen district. Within a year-and-a-half there were also commissioned four other local justices, all either friends or relatives of Hierlihy: his son, Captain Timothy W. Hierlihy (1755-1831); his wife's cousin (or possibly brother), George Wetmore (1752-1800); and his friends John McColla (1764-1835) and Richard Cunningham (1748-1823).⁸ While it may seem that the number of appointments was a classic case of over-government for a community of sixty or seventy persons, it must be recalled that the pioneer Loyalists expected that their villages would soon evolve into bustling towns and even cities. From that perspective, an adequate number of appointments was a prudent step towards good local government.

These early squires at Antigonish Harbour were the first representatives of their community at the Courts of Quarter Sessions for Sydney County, held at Guysborough, some thirty-five miles away through virgin forest. The proceedings of these early meetings have been preserved.⁹ There are regular references to criminal proceedings. On several occasions it was recorded that the pillory was used to punish wrongdoers, such as when one John Wheeler received thirty-nine stripes on his naked back for killing the ox of John Fougere, an Acadian.¹⁰ In another case public morality was at issue, where Richard MacKinnon and Keziah Sellick were indicted for keeping a house of ill repute and living together "in a carnal manner." Throwing himself on the mercy of the court, MacKinnon was ordered to pay a fine of twenty shillings.¹¹

The mainstream duties of the court were of a more mundane nature. The appointment of local officers was a principal responsibility of the Court of Sessions, not only officers for Guysborough and its Loyalist satellites,

8 The dates on which each of the JPs were commissioned are contained in the minutes of the Council of the Province of Nova Scotia, Public Archives of Nova Scotia [PANS]. RG 1, Vols. 189 to 203 are relevant to Antigonish County.

9 The proceedings of the Court of General Sessions of the Peace for Sydney County are at PANS, RG 34-311, Series P. The proceedings from 1785 to 1800 and from 1816 to 1828 are relevant to Antigonish County. Those from 1800 to 1816 are missing.

10 PANS RG 34-311, P. 1, p. 69.

11 *Ibid.*, p. 60.

but for all other communities in the county. There were persons designated as fence viewers, constables, overseers of the poor, surveyors of fishing, or pickled fish, of highways, of lumber and various agricultural products. There were assessors and, of course, tax collectors. There were officers appointed for the Acadian settlements such as Tracadie, and others nominated for the nearby Black settlement.¹² After 1795, when it became clear that Arisaig was within the boundaries of Sydney County, there were also appointments for that Gaelic-speaking community. While the Loyalist élite would retain the more important offices within the county at that time, these initiatives in encouraging participation by all ethnic groups suggest a desire to encourage some elements of democracy throughout the region.¹³

The local justices also sat individually or in pairs to handle the less serious civil and criminal cases. Most often the civil matters were simply efforts to collect debts.¹⁴ In these Courts of Petty Sessions it was standard practice for the justice to act as the representative of the plaintiff in getting the matter to court, and then sitting as the adjudicator in the same cause. While a flagrant conflict of interest of this sort would be intolerable by today's standards, there does not seem to have been any widespread concern about the practice in those days, perhaps because the justice was expected to sit in the spirit of *noblesse oblige*, and, moreover, actions to collect debts were, then as now, rarely defended.¹⁵

12 The Black settlement at what is now Monastery was part of a chain of Black communities established at the time of the Loyalists; the chain also included present-day Sunnyville, Lincolnville and Upper Big Tracadie.

13 The settlement at Antigonish had a touch of democracy, but not very much. The allocation of land was clearly not egalitarian. Not only did those of higher military rank obtain much larger portions of the grant, but from the physical appearance of these allotments they were also able to obtain lands of better quality.

14 From early to mid-nineteenth century the jurisdictional limit for a JP handling a civil case was £3.

15 The conflict of interest is made clear from returns filed by JPs in the 1830s. See PANS RG 34-302, J.3. It took a long time before this type of conflict was eliminated entirely. The late A.D. MacInnis, Q.C., who practised law in Antigonish in the middle decades of this century, indicated to the author that when he first came to practise, the stipendiary magistrate, John MacLeod, did not receive any fees unless the accused before him was found guilty of the offence with which he had been charged. Presumably this was a province-wide situation up to the 1940s.

The foremost obstacle to efficient government in the early years was the difficulty of travel, especially during the winter months. Ice, snow, capricious seas and dense forest discouraged squires, witnesses and jurymen from attending to their civic duties at Guysborough. This created some serious problems for the law enforcement system. In 1792, a cattle dealer named McGrath shot and killed a settler named O'Brien after an evening of drinking at Wheaton's grog shop at Town Point. McGrath were duly arrested and taken by Constable Nathan Pushie to be incarcerated in the jail at Guysborough. Soon after the opening of judicial proceedings against him he was released, as no witnesses appeared in court to give testimony against him. The only penalty over and above his short time in jail was the action of the settlers back in Antigonish Harbour, who seized his cattle "for the trouble he had caused them."¹⁶

This *ad hoc* remedy was an approach that carried over into domestic relations, as in the 1794 case of William Roby and Jane Measure. This couple were duly married at Guysborough before the Anglican priest, but trouble later raised its head beside the tranquil waters of Antigonish Harbour, and Jane succumbed to the attentions of another man. Seeking to re-establish herself in a new marital relationship, Jane Measure approached Squire Richard Cunningham. It was well known that this gentleman had been given the special privilege of performing marriages at Antigonish Harbour because of its remoteness from Guysborough. It appears that Cunningham reasoned that if he had the power to unite in marriage, then he must also have vested within him a correlative power to dissolve such sacred unions. With a minimum of ceremony he proceeded to declare the Roby/Measure marriage dissolved. Before long, someone--perhaps a crestfallen Roby--made haste to complain to the authorities, both secular and canonical, at Guysborough. Dense forest or not, Richard Cunningham was summoned to appear before the Court of Sessions. The minutes are to the point:

The Grand Jury on their oaths declare that William Roby and Jane Measure were lawfully married by the Rev. Mr. Delarorche [*sic*] of which marriage

16 Dr. J.W. MacDonald, "A Brief Sketch of the History of Antigonish County," incorporated in Rev. D.J. Rankin's *History of the County of Antigonish* (Toronto, 1929), p. 10. Dr. MacDonald's essay was written in 1876. He indicated that McGrath was taken to Halifax, but the proceedings record that he was instead taken to Guysborough.

Richard Cunningham Esq. was well informed, notwithstanding he, the said Richard Cunningham, did separate he, the said William Roby, and Jane, his wife, and did again marry her, the said Jane, to another man, contrary to law and morality, for which illegal act, the said grand jury herewith present him, the said Richard Cunningham.¹⁷

More serious than the problem of mere isolation was that of sharply declining population. All Loyalist settlements in Nova Scotia suffered wholesale out-migration in the first two decades of their existence, and those situate in Sydney County were no exception. While Guysborough retained enough settlers to allow it to remain the largest community in the county for several decades, only a small minority of those who originally set foot in the district remained for more than a generation.¹⁸ At Country Harbour, the original settlement at that spacious inlet would vanish entirely after a few decades, the surviving original settlers moving inland and along the shore to new sites nearby.¹⁹

While there was some continued immigration at Antigonish Harbour in the years after 1784, the old Loyalist and military life-blood was being steadily drained away. Fledgeling pioneer farms were abandoned, particularly where the land was poor. There was little activity at Town Point, where the commercial life of the community had been expected to blossom. Especially discouraging was the departure of two of the original Justices of the Peace. In the early 1790s John McColla left for Hants County, and Squire George Wetmore returned to his native land with hopes of rekindling relations with his prosperous American in-laws.²⁰ By the late 1790s there

17 PANS RG 34-311, P.1, 14 Feb. 1794 (poignantly, St. Valentine's Day).

18 Joseph Howe, *Travel Sketches of Nova Scotia*, ed. M.G. Parks (Toronto, 1973), p. 197, has a description of the dilapidated log cabins abandoned along the road to Guysborough in 1831.

19 The leader of the Country Harbour settlement at the turn of the nineteenth century was Captain John Leggett, whose substantial home was destroyed by the great windstorm of 1 October 1811. Some believe that it broke his heart; he died the following year.

20 John McColla was appointed a JP for Hants County in 1792. MacGillivray, *op. cit.*, note 9, *supra*, p. 138, states that Wetmore left Antigonish in 1794. His wife was Rebecca Ogden, whom he married in New York in 1777. Her close relatives were wealthy New York merchants.

were only about a score of households of Loyalist/soldier origin left at Antigonish Harbour.²¹

The Loyalists were also losing ground in relative terms to the larger ethnic groups in the Antigonish district. To the east the Acadians were steadily increasing in numbers at Pomquet, Tracadie and Havre Boucher.²² To the north, on the Gulf Shore and at Cape George, the few Highland Scots families who had settled there in the 1780s were bolstered by larger waves of their compatriots who arrived in the 1790s. By 1795 there were even two families of MacDonalds occupying lands in the midst of the Loyalist district at Antigonish Harbour itself.²³

In 1797 Lieutenant-Colonel Timothy Hierlihy died. His vision had been that the community he founded would grow into a bustling village surrounded by prosperous farms. This vision did not materialize in his lifetime, nor was there much promise then of its being fulfilled in the future. He is believed to have been buried in an unmarked grave in the family cemetery near Town Point.²⁴

21 There are still families in Antigonish who can trace themselves back to the Hierlihy settlers. These include the Mahoneys, Dunns, Kells and Webbs. The Pushie and Williams families transferred from Guysborough prior to 1790. The Cunninghams joined the Hierlihy settlers in 1785 from Halifax. Not all of the above were Loyalists in the strict sense of having left the American colonies because of their allegiance to the British Crown, but they all were part of the Loyalist settlements of 1783, 1784 and the immediate years following.

22 Rev. A.A. Johnston, *The History of the Catholic Church in Eastern Nova Scotia* (Antigonish, 1960), I, 203, indicates that in 1803 Havre Boucher had 69 adults and 87 children; Tracadie had 115 adults and 109 children; and Pomquet had 58 adults and 51 children.

23 The two families in question were those of John and Lauchlin MacDonald (no indication of any relationship). The first lived on the west side of the harbour and he and his descendants were known as the "Number Eleven MacDonalds," because the pioneer had purchased lot number eleven in the Hierlihy grant, originally owned by Squire John McColla. Lauchlin MacDonald lived on the east side of the harbour. His daughter Christy married Red John Cameron. They were the parents of Bishop John Cameron (1827-1910). See R.A. MacLean, ed., *History of Antigonish* (Antigonish, 1976), I, 86, for further information on Lauchlin MacDonald.

24 The argument that Lieutenant-Colonel Hierlihy is buried near Town Point is simply that the Hierlihy family cemetery is located there, as evidenced by several tombstones either still there or kept for safe-keeping. The patriarch's tombstone has never been located, however, if indeed it existed in the first place. There is an argument, too, that he may have died in Halifax. In support of this is the account of Dr. W. Almon, referred to by MacGillivray (*op. cit.*, note 9) at p. 132.

Had he lived a few years longer, Hierlihy would have witnessed a dramatic change in the outlook for the district. In 1801 and in the immediate years following, many shiploads of Highland Scots made their way to eastern Nova Scotia, settling not only at Antigonish, but at Pictou and on Cape Breton Island. In the district of Antigonish, these Scots filled whatever lands may have been left ungranted along the saltwater shores, moved up the sloping hills to form back settlements on the plateaus, and pushed inland to occupy the virgin wilderness along the West and South River valleys. Within a few years, and certainly by 1810, these Highlanders, the great majority of whom were Catholic in religion, were the largest ethnic group in the district.²⁵

The arrival of these Highlanders had a number of profound effects on the district, and on the political future of the County of Sydney. With a substantial population now growing at a vigorous rate, the settlers in Antigonish no longer saw themselves as a satellite of Guysborough, but increasingly took the view that the district deserved a political identity of its own. As population levels at Antigonish rivalled and then exceeded those of the district of Guysborough, a process of myosis leading to separation began.²⁶ By 1817 Antigonishers were building their first courthouse on what today is called Acadia Street. By 1822 the district had its own Court of Quarter Sessions. The last act in this process was not complete until 1836. In that year a general realignment of many of the counties within Nova Scotia took place. Antigonish was recognized as a distinct county in its own right, retaining the old name of Sydney County until 1863, when the name Antigonish was adopted.²⁷

The Hierlihy family cemetery is located within the farm of P.C. Beaton of Antigonish Harbour, who has taken special efforts to preserve the site in a becoming manner. The Hierlihy farm is now part of the farm of John and Tony Corsten.

25 Mary E. Koen, ed., *The Census of 1817, County of Sydney*, (Swampscott, Mass., 1986). This was the first comprehensive census of Sydney County and indicates that the Scots Highlanders were present in overwhelming numbers at that time. Archival material, local histories and land records all confirm that the great majority of these families listed in 1817 were present prior to 1810.

26 The 1817 census indicates that the population of the present-day county of Antigonish was by that time about twice that of Guysborough County.

27 For some reason the old spelling "Antigonishe" was incorporated into the 1863 statute, and was later changed to the spelling which is now current.

The coming of the Highlanders and the opening up of the inland river valleys for settlement had another important effect: the relocation of commercial activity away from Town Point to a site that eventually would become the town of Antigonish. The champion of Town Point was the merchant and land speculator, Squire Edward Irish (1760?-1806).²⁸ Irish might have continued indefinitely at Town Point despite the emergence of new and unfavourable traffic patterns, but his untimely death in 1806 brought to a close any substantial business activity at the old townsite.

The site that would succeed Town Point as a place for doing business was a location near the head of the harbour, referred to as "the Intervale of Antigonish." In 1801 the Intervale was a near wilderness settled by a few of Hierlihy's soldiers.²⁹ They subsisted on small clearings, connected to each other by rude pathways. It took the opportunistic and resourceful American, Nathaniel Symonds (1764-1804),³⁰ to recognize that there was an opportunity for business at this place, which was now emerging as a crossroads with the presence of the Scots on the nearby rivers. In 1805, Symonds led his own family and those of some of his New Hampshire neighbours to settle in the district. Not long after, he established a general store on what today is East Main Street³¹. Within a few years Daniel Harrington (1774-1827),³² son of a Kings County Planter, erected a mill nearby. With the arrival of other families, the Intervale took on the appearance of a village.

The village would in large measure be populated by newcomers, that is, by those who were neither Loyalist, Acadian nor Highland Scots. This hamlet would develop a character distinct from the surrounding countryside,

28 Irish was of Planter stock. His marriage in 1789 to Mary Phillips, widow of British Army officer John Phillips, who drowned on his way to Shelburne, did not hurt his relationship with the Loyalists at Antigonish Harbour. He was elected MHA for Sydney County in 1806, but died in November of that year while the House was in session.

29 See Rankin, *op. cit.*, pp. 27 and 28; and MacLean, *op. cit.*, I, 20.

30 Symonds was one of the squires, commissioned in 1807.

31 The Symonds store was located on the property now occupied by the Episcopal Corporation of Antigonish, and includes the residence of Bishop Colin Campbell.

32 Gordon S. Harrington, Premier of Nova Scotia from 1930 to 1933, was a descendant.

growing while absorbing little from either the culture or the population of the ethnic groups already in place. The village would remain for well over a generation as a community of merchants and tradesmen, most of whom worshipped in the Presbyterian church. It was an English-speaking enclave, surrounded in all directions by farmers who in the great majority of cases spoke either Gaelic or French and who attended services of the Catholic faith. When these farmers came to Antigonish to trade their cattle and their butter for the manufactured goods and staples offered by the merchants, they either spoke through an interpreter, or failing that, in uncomfortable, rudimentary English.

Eventually, the overwhelming numbers of Highlanders would result in Antigonish adopting the identity of a Scottish--and, for the most part, Catholic--community. By the latter half of the nineteenth century, the sons and grandsons of these Scots would come to dominate the professions, take their place in the worlds of politics, government and business, and take the lead in establishing a college that would develop into Saint Francis Xavier University.

In the political sphere, it would take considerable time before the Highlanders would be given authority in proportion to their numbers. It was almost a full half-century from 1801 before these Scots would receive appointments as Justices of the Peace that would reflect their numbers in society as a whole. While this might suggest an element of ethnic or religious discrimination--and indeed there may have been some lethargy in the appointment of these Scots--other factors must be considered to explain this delay.

First of all, it must be kept in mind that appointments as Justices of the Peace were uncommon in those early years. As late as 1835, there were only ten squires serving all of the district later known as Antigonish County. In some cases, these positions were filled by persons who had received their commissions decades earlier. In other words, there were few vacancies to allow for new appointments.

Secondly, as has been already pointed out, the Highlanders were Gaelic-speaking. Only a small proportion of them at that early time were comfortable in speaking English, and fewer still were those who could write in the language of the Sassenach. With the *Education Act* of 1811 and its emphasis on English, together with exposure to those who spoke the

language in the area, the second generation of Highlanders came to use the language regularly. When this generation reached maturity and became more familiar with the methods and personalities of political life, it was able to lobby discreetly for political appointments. The result was that during the late 1830s and 1840s, many sons of the pioneer Highlanders were admitted to the ranks of the squires.

It should be made clear that the Highlanders were not altogether excluded from commissions as local justices in those early decades. Between 1800 and 1836, six of the nineteen commissions for local justices at Antigonish were to individuals of Highland Scots extraction. The very first was Malcolm Livingstone, appointed in 1802. He was a Presbyterian from Lochaber in Scotland who settled at the cove which has borne his name ever since.³³ Another appointment of a Highlander was that of Father Alexander MacDonald (1753-1816), pastor at Arisaig from 1802 until his death; he was appointed in 1810, the first Roman Catholic in the district to be so commissioned. Like the Abbé Sigogne of Clare District, whose appointment in 1807 was probably the first of a Catholic clergyman within the province, no one was more representative of his flock, which encompassed the Gaelic-speaking districts of northern Nova Scotia and Cape Breton Island. As a highly educated man he would have no difficulty in communicating with men of commerce and in government.³⁴

In 1817 two more Highlanders were appointed: Alexander MacDonald (1782-1871), the highly respected medical doctor, and John MacDonald (1775-1838), called "the Adjutant," because of his long service in that capacity with the militia of Antigonish. These two MacDonalds were the best of friends. They were both active in the militia, and each was keenly interested in furthering the cause of education among their compatriots.

Two of the six appointments were of merchants. Robert Murray (1792-1884), commissioned in 1819, operated a general store in Arisaig in

33 Livingstone died ca. 1815. He is not listed on the census of 1817, and there are documents dated as late as 1812 on which his name appears.

34 There were a number of clergymen appointed across the province in the early days, perhaps a practical necessity in those times when few could read and write. Murdoch indicates (*op. cit.*, II, 302) that in 1810 fourteen clergymen were JPs. Ten were of the Church of England, two were Presbyterian and two (apparently Sigogne and MacDonald) were Catholic.

the 1820s, prior to moving to Merigomish in Pictou County. In 1826, Hugh MacDonald (1791-1867) was appointed. For most of his life he did a thriving wholesale and retail business at Elmvale, Lower South River. A failure by a Halifax partner cost him most of his fortune.

These appointments increased the number of Scots in the Sessions, but it would be yet two full decades before rough proportionality would be achieved. Of the ten local justices sitting in 1822, five were from Loyalist families, three were Highlanders, one was a New England native and the last an Irish Presbyterian.³⁵ Little changed by 1826: there were then four Highlanders, three Loyalists, one Planter³⁶ and the Irishman. In a district where more than eighty per cent of the population was Catholic, one justice only, Adjutant John MacDonald, was of that faith. None of the Acadians was a squire, though they constituted more than thirteen per cent of the population of the district.

While it may be expected that there was some dissatisfaction among the under-represented groups, there is no evidence in archival materials which documents this state of affairs. There appears to have been an acceptance of the *status quo*, perhaps a satisfaction with those appointments which promised that progress was being made, and an expectation that the future would bring the recognition that they as individuals and ethnic groups felt was appropriate.

There is also little or no commentary as to the competence or fairness of the justices in the exercise of their duties. Despite the conflicts of interest which have already been noted, and despite some nepotism and a concentration of appointments among some of the leading families, no outright criticisms survive of the Antigonish squires as individuals or as an institution.³⁷ That was not always the case throughout the province. There were serious public criticisms against local justice in Halifax made by William

35 The Irish Presbyterian was Robert Nesbitt Henry (1790-1857), the father of William Alexander Henry, one of the Fathers of Confederation and an original judge of the Supreme Court of Canada.

36 The Planter was James Randall (1793-1863), son of the patriarch Elisha Randall (1760-1828), founder of Bayfield.

37 There were complaints filed at a later date against R.N. Henry and James Ross, but nothing of any great consequence came out of the matter. Both squires retained office.

Wilkie in 1820 and by Joseph Howe in 1834. Libel trials resulted in both cases. Wilkie's conviction and sentence of two years' hard labour may have inhibited further complaints for some time. Howe's celebrated acquittal could have had the opposite effect.

Shortly after the Howe trial, local justices were required to submit details of all cases that had come before each of them in the previous year. The returns submitted by the justices of Antigonish County are of considerable interest for a number of reasons. It is apparent that most of the squires had little interest in hearing disputes between their neighbours. Some maintained that they used their offices to try to reconcile disputes before a writ was issued. Only two of these justices appear to have conducted what in effect would have been a small claims court. The return of George Brennan (1781-1866) of Antigonish indicates that in 1838 alone he handled 160 cases, mostly efforts to collect petty debts. As substantial as his docket was, it paled in comparison to Robert N. Henry (1790-1857), who in 1837 dealt with no less than 374 such cases.³⁸

In 1836 there were only eleven local justices resident in Antigonish County. In the next dozen years the number of squires would increase almost threefold. The increase can be explained by a number of reasons. It was clear that there was a need for more squires to deal with the rapidly growing population. A further reason for an increase in commissions was the fact that Antigonish [Sydney] was established as a separate county in 1836, distinct from Guysborough. As such it now had its own *custos rotulorum*,³⁹ the patrician John Cunningham (1776-1847), and in addition would shortly send to Halifax its own tandem of Members of the House of Assembly. After the death of John Young, "Agricola," in October 1837, all subsequent MLAs from Antigonish were resident in the constituency. Access to these resident members greatly increased the opportunities for the average citizen

38 See PANS RG 34-302, J.3.

39 The title *custos rotulorum* literally means "Keeper of the Rolls," that is, keeper of the records of the Court of Sessions. That function, however, was taken care of by the Clerk of the Peace. The *custos rotulorum* appears to have chaired meetings of the Sessions and was a parallel to the Warden of today's municipal council. Antigonish County had only three *custos* between 1836 and 1880: John Cunningham (1836-1847); Dr. Alexander MacDonald (1848-1863); and John MacDonald of Yankee Grant and Antigonish Town (1864-1880).

to communicate with those who might intercede on his behalf for political favours.

By the year of Responsible Government, 1848, there was established in Antigonish County a panel of thirty-one Justices of the Peace, whose ethnic and religious backgrounds were in rough proportion to that of the population of the county as a whole--with one glaring exception, in that there were no squires from the Acadian community.⁴⁰ Of the thirty-one then sitting, nineteen were Highland Scots (fourteen Catholic and one Presbyterian); two justices were lowland Scots Presbyterian; and two were of Planter background. Only two were from the old Loyalist families: Augustus Ogden (1800-1873) and William C. Hierlihy (1800-1876), both grandchildren of the patriarch, Timothy Hierlihy.

By and large the squires were the élite of the county. Doubtless many other men of fine qualities could have been, and in the future would be, added to their ranks. At the time, the relative limitation on the number of squires appointed meant that the Court of Quarter Sessions enjoyed great esteem among the populace, and the squire enjoyed a measure of deference among his neighbours.

In the next thirty years, however, the system of local government by Sessions Court was to deteriorate, and the lustre of appointment as a local justice would diminish. For the most part, this was due to an extravagant number of appointments, as will be discussed below. Another factor, however, was a growing partisanship in the commissioning of squires. While there had always been some political element in the process of appointing local justices, the selection of squires became sharply more partisan after 1848. Aggravating this partisan element was the unusual phenomenon of widespread dismissals of squires in that same year.

Coming into office in 1848, the Reformers under James Boyle Uniacke and Joseph Howe wasted little time in issuing a new list of commissions for the various counties of the province. These lists deleted the names of many squires who had previously been in good standing. The effect of this

40 The first Acadian appointed a Justice of the Peace was William Gerroir (1832-1914) of Tracadie, appointed in 1857.

manoeuvre was to guarantee that those whose names were omitted were dismissed.⁴¹

In Antigonish County there were three squires who were so removed from office. In addition to unidentifiable Angus MacDonald, there was the former Conservative MLA, Patrick Power (1800-1851), who had defeated William Alexander Henry in 1843 but lost to the same man in 1847. On more than one occasion Power had levelled serious charges against Joseph Howe, and Howe did not hesitate to have him dismissed. This was nasty business, but nastier still was the deletion of Richard J. Forrestall (1805-1884). Forrestall was the half-brother of William A. Henry, their mother being Margaret Hendriken-Forrestall-Henry. The half-brothers had sat together to represent Antigonish from 1840 to 1843, but for some reason had a falling out. Presumably Forrestall had opposed Henry in 1843 (when the latter was defeated), and in 1847 (when Henry was victorious). Either Henry took the initiative to purge his half-brother from the list of justices, or quietly allowed it to happen. Though there were appeals by MacDonald and Power directly to the lieutenant-governor for reinstatement, His Excellency declined to intervene.⁴²

After 1848 the pace of appointments increased, creating difficulties for the orderly flow of business at the Court of Sessions. By 1860 there were no less than sixty Justices of the Peace for the county, prompting the *Antigonish Casket* to complain about the futility of any cohesive scheme of road repair under such a system:

... let any intelligent person spend an hour in our Court of Sessions, when a question respecting roads is under consideration--let him witness the crowds of J.P.s who there congregate in uproarious confusion--let him listen to the undigested schemes, the apparent indifference exhibited by some, the earnestness manifested by others in carrying through a pet, though it may

41 Murdoch, *op. cit.*, I, 131: note 3 above.

42 The petition of MacDonald and Power is in PANS RG 34-302, J.1. Power died three years after this incident, leaving a large family. MacDonald may have been one of the MacRury family of Bailey's Brook, who became a merchant and went bankrupt at Saint Andrew's in 1858; however, he cannot be clearly identified because of the very limited time he served as a JP. As for Forrestall, he appears to have been too proud to beg for reinstatement. After W.A. Henry's party was voted out of office in 1860, Forrestall was reappointed a JP. There may have been a reconciliation between the half-brothers: Forrestall voted for Henry in the federal election of 1867.

be a useless line of road--let him see a large body of them give their vote without a scale or plan, and in ignorance of what they do, and . . . [they] . . . will come to the opinion that it is high time our control over roads was used in other and better keeping. When we write this we do not wish to reflect upon our Magistracy, or their ability to deal with what ought fairly to be entrusted to them, but we are strong in the opinion that, in this respect, our law throws upon them duties and responsibilities which as a body, they are unqualified to discharge.⁴³

Despite the obvious problems of so great a number of squires, the rate of appointments further increased. As one political party succeeded the other in Halifax, there was a tendency to appoint more squires to overcome the political majority established in each county during the tenure of the previous provincial administration.⁴⁴ By 1870 there were no less than eighty local justices in Antigonish County. In 1871 alone, seventeen Justices of the Peace were appointed, presumably to keep influential party workers happy in the face of the oncoming provincial election. A leading politician, perhaps old Joe Howe himself, joked that the definition of political power was "sitting around a table and making squires."

Yet for many, both the ambitious and the humble, the office still had its allure. When in 1871 a hard-working farmer from Arisaig received word that he was to be raised to the dignity of Justice of the Peace, he thought for a moment, then went outside to his almost empty rain puncheon, lowered his head into the upper part of that elliptical cavern, and in deliberate tones, enounced "John MacDonald--Esquire!"⁴⁵

43 *The Casket* (Antigonish), 30 January 1862.

44 Politics was not the only factor in considering who was to be appointed. John MacKinnon (1805-1892) of William's Point, the brother of Bishop Colin F. MacKinnon of the diocese of Arichat, served as MLA from 1851 to 1867. None of the appointments of JPs prior to 1860 were of persons related to him. Then his party, the Conservatives, were forced out of office in that year. After their return to power in 1864, five JPs who were related to MacKinnon were appointed between 1864 and 1867. This apparent nepotism does not seem to have been criticized, if in fact it was widely noticed in the first place. After all, by the mid-1860s appointments were becoming commonplace, and all of the above five appointees were persons of some substance and respectability.

45 The name has been changed to avoid any embarrassment to descendants, even at this late date. The story was related by the late Collie Gillis, who had an excellent grasp of the history of much of Antigonish County, and particularly of his own parish of Arisaig.

The reasons for reforming this system grew stronger as the number of squires increased. Yet it was a difficult subject for reform, as most of the leading men in each county were squires and were content with their status as decision-makers for local affairs.⁴⁶ When the Tories under Simon Holmes were elected in October 1878, one of their first bills was the *County Incorporation Act of 1879*.⁴⁷ Its passage resulted in a new, elective local government for each county. In Antigonish this meant that the 130 squires then entitled to sit would lose power in favour of twelve elected councillors.⁴⁸ Deprived of this most important function, the squires grumbled and complained, no longer entitled to gather in the friendly confines of the courthouse at Antigonish for their deliberations, their camaraderie and their exchange of gossip. Their discontent echoed throughout the province and carried over to the next election, where it was a factor in the defeat of the Tories in 1882.

The province would continue to appoint more local justices after 1880, though the functions of these appointees became almost entirely honorary. While local justices were still permitted to exercise their criminal and civil jurisdiction, only a few squires in the more recent decades had been very active in that role. A new generation of trained lawyers were drafting more deeds and wills, depriving the squires of much of their occasional income from that source.

Very few records survive to give us much indication of the nature of the cases that came before the squires in that last generation. All that survives today are a few isolated instances of elders in our communities who have heard second-hand about such squires as William Gerroir (1832-1914), sitting in his kitchen at Tracadie to resolve disputes between his neighbors; or some forgotten squire at the Cape, who sat in the schoolhouse to deal with teenagers who had played a mischievous trick on a farmer's horse; or neighbours at Pomquet who could not come to terms about some dispute

46 P.B. Waite, *The Man From Halifax* (Toronto, 1985), p. 86.

47 The Act specified that the first elections for the new councils were to take place in November 1879, and that the new councils would take over the conduct of the municipality for which they were elected in January 1880.

48 Most, if not all of the first council were previously Justices of the Peace, and continued to be so.

and went to see "le vieux Bonin."⁴⁹ A son of Squire John MacDonell, himself now in his eighties, tells how the parish priest at Tracadie used to advise his parishioners to see that squire, and John MacDonell would often apply practical psychology and wisdom rather than the letter of the law in resolving their differences.⁵⁰

The old system had its advantages. In the early stages of political development it was probably the only practical system available. In later years it was a method by which large numbers of men could become more deeply involved in matters of local law and government. Unlike Sir Roger de Coverly, the conventional embodiment of the English country squire, most of the 189 squires of Antigonish County who were appointed prior to 1880 were from humble backgrounds. In most instances their only assets were real estate and cattle. A few of the squires styled themselves as "Gentlemen," as did John Cunningham in the 1827 census; a few had wealth, as did the Ogdens of Antigonish Harbour and Duncan Grant (1807-1858) of Antigonish, but almost all laboured from dawn to dusk, either as farmers or merchants, ship captains, blacksmiths and the like.

The system spawned not only interest in politics but also political loyalty. The political allegiance of some twentieth-century families can be traced to the gratitude of their ancestors, when a breadwinner among them was graced with the distinction of being named a squire. It is probable that this loyalty both generated and perpetuated the conservatism which is still inherent in Nova Scotia politics, tending to favour the Tories and the Grits rather than the N.D.P. In contrast, the Canadian West has never had much by way of a similar system of local government as did Nova Scotia prior to 1880, and the West has had a much broader spectrum of political parties in its experience.

As for generating interest in law and politics, we may fairly assume that the interest maintained in these areas by the old squires was transferred in some degree to their sons and later generations. Take Squire William Chisholm (1815-1898) of Marydale, for example. His son Joseph would study

49 John Bonin (1834-1912) was from Joliette, Quebec. He was a teacher, merchant and an outstanding church choir director.

50 Interview with Laffin MacDonell in 1987, a son of Squire John MacDonell of Afton.

law, be admitted to the bar, become mayor of Halifax on two occasions, and in 1935, be made Chief Justice of Nova Scotia. Among the grandchildren of Sir Joseph Chisholm was the late William F. MacKinnon, who represented Antigonish in the Legislature from 1956 to 1970, and Reverend Gregory MacKinnon, who is now President Emeritus of St. Francis Xavier University. Another great-grandson of Squire Chisholm is Ronald St. John MacDonald, Dean Emeritus of Dalhousie Law School. The late Dean Vincent Christopher MacDonald of Dalhousie Law School was a grandson of Squire Christopher MacDonald (1828-1902) of Black Avon and Antigonish. Squire Donald "Findlay" Chisholm of Black Avon (1795-1885) was the grandfather of William Chisholm (1870-1935), leader of the Liberal Party of Nova Scotia in the late 1920s. All three aforementioned squires were appointed in 1855.

Two appointments in 1857 were of special interest. The first Acadian to sit on the Court of Quarter Sessions in Antigonish County was William Gerroir (1832-1914), appointed 102 years after the expulsion of his forebears. He was the father of Lavin Gerroir, who was appointed to the Canadian Senate in 1912. Finally, there was Squire Donald Macdonnell (1791-1870) of Saint Andrew's. One son, Samuel Macdonnell, would become the Member of Parliament for Inverness County. Another son, Archie, would become the mayor of Bay City, Michigan, and in turn was the grandfather of former Prime Minister Joe Clark.

Not everyone shared equally in the glory days of the squires. Only six Acadians received the distinction prior to 1880. None of the disadvantaged Blacks or Micmacs was ever appointed. Either by law or custom the Sessions was a male preserve, and thus no woman ever sat as a squire in Antigonish County and probably not in any other county of Nova Scotia.

It is difficult to assess the contribution made to the social and political development of Antigonish County by the squires and the Sessions, as the details of local government did not excite much commentary, nor did they motivate ample preservation of its records. What survives does, however, tend to indicate that a sense of fair play prevailed in the decisions of the squires and, particularly with respect to its leadership, the justices were for the most part well regarded. This regard went at least as far as respect and cordiality, and at times expressed itself in affection. When the first *custos*, John Cunningham, died at Antigonish Harbour in 1847, his remains were carried on the shoulders of his friends and neighbours the six-mile

distance to the village of Antigonish, where they were met by all of the clergymen then resident, including the Catholic bishop, William Fraser. It was the first time in Nova Scotian history that a Catholic bishop had walked in the funeral of a Protestant layman.⁵¹ And when some of the younger Scots Highlanders of the village made their plans for an organization that would become the Antigonish Highland Society in 1861, they prevailed on eighty-one-year-old Dr. Alexander MacDonald, Antigonish's second *custos*, to serve as its first president. Dr. MacDonald's name provided instant respectability for the embryonic society, assuring prospective members that it would be open to those of all creeds, thus enabling the society to grow in its own generation and in generations to come. The office of *custos rotulorum* bestowed not only political power but also social prestige on its holder. At a time when the incumbent would have been personally known to the majority of those among whom his jurisdiction was exercised, he embodied the ideal of community leadership, articulating its notion of civic duty and virtue.

51 Johnston, *op. cit.*, p. 224, note 24.

The Bias of Probate: Using Deeds to Transfer Estates in Nineteenth-Century Nova Scotia

Phyllis Wagg

The use of one source or set of documents to draw generalizations regarding the population in general, has the danger of replicating the bias of that source built into it. Anyone who has used probate records in family history and genealogical research, is aware of the fact that only a small proportion of the people who died in Nova Scotia in the nineteenth century had probated estates. Since studies are being conducted using probate inventories as a data base from which to draw conclusions about wealth in nineteenth-century Nova Scotia,¹ further evaluation of this source is required. It is therefore necessary to look at the purpose behind probate law, how the law was applied in Nova Scotia, whose estates actually went through probate, and what percentage of the population had probated estates. This paper is an attempt to suggest answers to these questions, and to provide some data to support the conclusions reached.

The probate law in Nova Scotia in the nineteenth century was based on the probate act of 1758, entitled "An Act relating to Wills, Legacies, and Executors, and for the Settlement and Distribution of the Estates of Intestates."² Through this act the law recognized the power of an individual "to give and devise, by his or her last will and testament in writing" any estate in his possession. This, however, did not apply to married women, anyone under twenty-one years of age, an "idiot," or anyone of unsound mind. Another section of the act provided that if a person died intestate, "upon the application of the widow or next of kin to the probate court, within thirty days after the death of such intestate," the judge of probate was to grant letters of administration to the widow or next of kin. The act was designed as one method of settling an estate; there is nothing in

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1 Fazley Siddiq, *The Inequality of Wealth and Its Distribution in a Life-Cycle Format*, Ph.D. Thesis, Dalhousie University, 1986. On the basis of Dr. Siddiq's work, Dr. Julian Gwyn of the Department of History, University of Ottawa, conducted another study during the summer of 1989 using probate records for the period 1850 to 1852. During this project, several questions arose as to the value of probate records as a single source for determining wealthholding and the soundness of the assumptions which had been used as a basis for the study. In order to test some of the assumptions it was necessary to research probate and title transfer law in Nova Scotia, and then look at how the system operated under the law. The present paper is designed to indicate some of the preliminary results of this research.

2 *Nova Scotia Laws*, 1758, c. XI, pp. 9-13.

the legislation that even suggests that probate was a requirement, unless there was a will. In such cases it was the duty of the executor or executors to have the will proved and recorded in the registrar's office.

If there was no will, and if the heirs could agree on the settlement of the estate among themselves, probate was unnecessary. This was because the law in Nova Scotia itself, determined the descent of real property:

Where any person shall die entitled to any real estate in fee simple or for the life of another, not having devised the same, it shall descend to his children in equal shares, and in case of the decease of any of his children, to such as shall legally represent them, such representatives to take the share of the deceased parent in equal proportions, and if there be no child of the intestate living at the time of his death, to his other lineal descendants and if all the descendants shall be in the same degree of kindred they shall share the estate equally, otherwise they shall take according to the right of representation.⁴

If there were no descendants, then the estate would go half to the widow and half to the father; if he had no father then the estate would go half to the widow, and the mother, brothers and sisters would share the other half. This legislation even allowed for the possibility of only distant cousins remaining. Naturally the potential existed for very complex cases which would have to be dealt with by the court, but in most cases the problem did not arise as the heirs of most decedents were easily identified. The law governing the descent of property being fairly clear, it was not surprising that the court was not used by large numbers of people. Not only was it not necessary if the heirs could settle the estate among themselves, but probate also required a lengthy procedure that could prevent the actual settling of the estate for a considerable period of time, usually more than one year, and often much longer. It also involved fees that could take a substantial portion of the estate, especially if it was of small or moderate size. There were also indirect costs of probate such as the number of trips that might have to be made. For rural Nova Scotians and families who lived a long distance from the probate office, this could be a major disincentive to use the system.

3 *Ibid.*, 1758, c. XI, VII, p. 11.

4 *Revised Statutes of Nova Scotia*, 1851, c. XXIX, pp. 314-315.

Given the history of probate and property law,⁵ it is difficult to imagine that records generated from this source could be in any way representative of the general population. To see how the law actually operated, however, one district was chosen for closer study: Richmond County. It was selected for the following reasons: the small size of the population, and the volume of material, made it easier to use, and most of the required data had already been extracted from these records. Although the estate papers from Richmond County are only available at the Court House in Arichat, the Public Archives of Nova Scotia holds two reels of microfilm that record both the wills and the letters of administration from 1831, when the probate office was first established in Arichat, to about 1910. Of these only the years from 1831 to 1883 have been used. Since the purpose of the analysis was to find out who was using the probate process, why it was used, and to what extent it was used, these records provide adequate data. There is no reason to believe that Richmond County was different from other parts of the province, and familiarity with probate records from the other counties suggests that it was typical.

Richmond County probate records for the period 1831 to 1883 contain 307 estates. In addition there was one other estate listed, for which no papers were registered, and nine letters of guardianship, which could not be used in the sample, because they do not contain sufficient data on the decedent to be of any value. Of the 307 estates considered, eighty, or twenty-six per cent, were intestate and 227 testate.

The first question to be addressed is the reasons why an estate might be probated. Three main reasons for having an estate pass through probate have been deduced from working with estate papers in the counties of Hants, Pictou, Antigonish, Guysborough, Inverness, and Richmond.⁶

5 The comments and suggestions of Philip Girard, Dalhousie Law School, and Charles W. MacIntosh with regard to probate and land law in Nova Scotia, are gratefully acknowledged.

6 The writer worked for Dr. Gwyn during the summer of 1989, and researched the probate records of these counties for 1850 to 1852, and also those of Guysborough County and Richmond County for 1871. These counties were not included in Dr. Siddiq's study. In order to obtain more extensive data than was available at the Public Archives of Nova Scotia [hereafter PANS], the writer visited probate offices in Windsor (Hants County), Antigonish (Antigonish County), Arichat (Richmond County), and Guysborough (Guysborough County). The writer would like to thank Dr. Gwyn for permission to use information obtained from that project in preparing this paper.

The main reason why an individual would choose to have his estate go through probate was the imminence of death and the wish to have his affairs settled before he died. In Richmond County, 32 per cent of those who had wills indicated that they were in failing health. Another 22 per cent of those with testate estates, while not indicating the state of their health, died within one year after making their will. In other words, about 54 per cent of those with wills, or 40 per cent of the total sample were likely ill or aged when they made the decision to settle their affairs through the probate process. In most cases it was the imminence of death that forced them to make a decision regarding the disposal of their estates.

The second principal reason for using the probate process was to transfer the securities of the estate. Since the most common securities were debts owed the estate, the authority of the court of probate was often needed to collect these debts. In order to determine the validity of this explanation, occupational information was used. There are difficulties in using occupation as a criterion, especially because of the extensive use of the terms 'Esquire' and 'yeoman.' Both these categories were used by people with a variety of occupations. 'Yeoman' was often used as designation merely for someone who owned land, and did not necessarily mean a farmer. However, 'Esquire' usually indicated a person with some standing in the community, and in most cases he was the local justice of the peace. It was therefore likely that they held some kind of securities, such as fees for services provided, that might require collection by the estate. People with the following occupations were considered most likely to be owed money: barristers, blacksmiths, carpenters, clergymen, coopers, doctors, masons, merchants, shoemakers, traders, and those designated 'Esquire.' It was found that a little more than 21 per cent of the sample was made up of people with those occupations. Such evidence did not mean that those in other occupations were never owed money, or that people in those occupations were always owed money.

Another important reason for going to probate was to collect debts from the estate of deceased persons. In these cases it was usually the creditors who pressured the heirs to have the estate probated in order to try to recover their money. If the heirs refused to accept the letters of administration, the creditors were usually granted administration. This generally happened when the heirs did not have the resources to pay the creditors, and the

estate, or at least part of it, had to be sold to cover the debts. When the creditors were given administration, the estate was often insolvent. For the period under study in Richmond County, 37.5 per cent of the intestate estates were administered by someone with a surname different from that of the decedent; this represents about ten per cent of the total sample. In only a few cases was it clearly indicated that the individual asking for administration was a creditor.

Another factor which appears to have influenced the use of probate was the degree of risk. Individuals with occupations that carried a great deal of risk appear to have been more likely to execute a will. While the numbers are too small to support a generalization, mariners, fishermen and master mariners make up 23 per cent of the testate sample; and 38 per cent of this number had wills dated five years or more before the date of probate. Fifty per cent of the wills merely stated that the testator left everything to his wife or mother,⁷ and that his wife or mother was executrix. This type of will protected the interests of the widow, since if the husband died intestate, the children would be entitled to two-thirds of his estate and the widow only to one-third. However, if the children were under twenty-one, little could be done with the estate until they came of age. A guardian for the children was often appointed and, although as the century progressed it became more common to grant guardianship to the mother, in the earlier period it was more common to grant guardianship to someone outside the immediate family. If a man had no children, moreover, his parents or brothers and sisters had a claim to a share of the estate, along with the widow. It can also be argued that mariners were more likely to own shares in vessels, and this asset might require the authority of the court for transferral.

The next question to consider is whether the reasons for an estate being probated could influence the determination of wealth from probate inventories. First of all, it would be expected that certain occupations, such as merchants, would be over-represented as they were more likely to hold securities of some kind. In Richmond County, merchants made up eight per cent of the probate sample, while in 1861 and 1871 they made up only

7 Only two cases were found where a single man left a will and in both cases his mother was named as his sole heir. A possible reason for this was that a father and son often went to sea together, and there was a chance that both might be lost at sea at the same time.

about one per cent of the enumerated population for whom occupations were given.⁸ Since the more affluent were likelier to have other securities, such as shares, they too would be over-represented in the sample.

In cases where an estate was forced to administration by creditors, it usually meant that there were insufficient liquid assets available to cover the debts of the decedent. This means that the very poor would make up a significant proportion of the intestate sample.

An elderly individual who was approaching the time of death, might already have transferred much of his estate even before he made a will. The majority of Nova Scotian farmers appear to have transferred their estates to their heirs before they died, sometimes over a period of several years. As a result, those with wills sometimes had only a portion of their original estate remaining. This conclusion can be supported by the wills which indicate that one or more of the heirs had already received their portion of the estate and therefore would receive nothing further. One such will is that of James McNaughton of Fish Pools, Pictou County, who left to his son Donald "my good will and blessing but having during my lifetime given him a fair share of my personal property I deem it just to bequeath him nothing in addition."⁹

The next question to consider is what proportion of the people who died had estates that were probated. In this aspect of the study, Richmond County death records were consulted for the years 1866, 1871 and 1876. Only married or widowed males over twenty-one years of age were selected because, until the Married Women's Property Act was passed in 1884, the law of the province vested in the male head of the household, control of all family property, unless there was a specific contract between the wife and her husband that stated otherwise. Therefore, the largest group in probate were married men over twenty-one. In 1866 only 26 per cent of all married male decedents over twenty-one had estates probated; in 1871 only 21 per cent were probated; and in 1876 only 12 per cent had probated estates. Since the number of probated estates in each year was small (eight in 1866, six in 1871, and six in 1876), the figures may appear to vary

8 *Census Report of Nova Scotia*, 1861, p. 196, and *Census of Canada Report*, 1871, p. 340.

9 PANS, RG 48, Pictou County Wills, Vol. 5, p. 27: will dated 12 June 1870.

significantly from year to year; but they do indicate that the majority of estates never went through probate. These figures closely approximate those adduced by Dr. Fazley Siddiq in his study of wealth inequality, which indicates that among all decedents of age twenty-one and over, approximately one out of every five were probated in 1871.¹⁰

Given the highly selective nature of the probate process, and the small percentage of estates that went through probate, the conclusion is inescapable that figures generated from the use of probate data are likely to be greatly distorted and to have the potential for yielding unreliable results.

It is therefore necessary to try to find some indication of the wealth holdings of the non-probated heads of families. Dr. Siddiq chose to place this sector of the population somewhere between zero wealth and the poorest of the probated estates,¹¹ based on the mistaken assumption that the heirs would go through probate in order to get clear title if the property had any significant value. Nova Scotian law, however, gave them title without probate. In order to determine whether those people who did not go through probate had any wealth to pass on during their lifetime--and if they did, how they transferred it to their heirs--a study of deeds was necessary.¹²

If a person sold his property, or transferred it to another person by deed, and then privately disposed of his personal property either before his death, or arranged within his family for the disposal of his personal property, then there was no need to have a will probated. This was especially true if he had little or no debt; or if his family had the resources to pay any debts he might have; or if he was not owed money that the heirs might have difficulty collecting. Dr. Siddiq's contention that the "custom in Nova Scotia

10 Fazley K. Siddiq, "Research Note: The Size Distribution of Probate Wealthholdings in Nova Scotia in the Late 19th Century," *Acadiensis*, Vol. 18, No. 1, 1988, p. 142.

11 Lars Osberg and Fazley Siddiq, "The Acquisition of Wealth in Nova Scotia in the Late Nineteenth Century," Dalhousie University, Department of Economics, Working Paper No. 89-02, August 1989, pp. 28-29.

12 During the autumn of 1989, Dr. Kris Inwood, Department of Economics, University of Guelph, undertook a study of the weaving industry in the Hopewell district of Pictou County. The writer had the opportunity to work for him, and the following discussion of deeds proceeds from the study and from previous research on Richmond County deeds.

in the nineteenth century was that while a man was living, he was generally the sole owner of all family wealth, and only after his death did it pass on to other members in his family,"¹³ is not supported by the evidence found in deeds. A study of the Hopewell district of Pictou County for the period 1851 to 1871 revealed that of all the estates that changed hands within a family, only 16 per cent went through probate while the other 84 per cent changed hands by deeds for nominal sums. While Dr. Siddiq recognized that those who transferred their estates before death would not appear in his sample, he appears to have been unaware of the magnitude of this problem.

There was a practical reason why an individual might not want to wait until he died to transfer his estate. By the mid-nineteenth century, not only the good agricultural land, but also much unarable land had been settled. Many farms had already been subdivided, and as a result the acreage of most farms appears to have been too small to be subdivided into smaller units, and thus was unable to support all the family as they became adults and married. This resulted in a migration of the young men away from the farms, either to more industrialized areas, such as the cities and towns of New England, where employment opportunities were plentiful, or to other areas of North America where they could start their own farming operations.¹⁴ There had to be some incentive to keep at least one member of the family at home because the heads of the family, as they aged, faced the probability that illness and infirmity would make it impossible for them to care for themselves. In order to ensure that at least one of the children remained at home, it was necessary to provide them with the security of ownership of the family property. This meant not only relinquishing the estate but, in some cases, also the position as head of the household. It

13 Fazley K. Siddiq, "Nineteenth-Century Wealth Transfers in Nova Scotia: The Administration of Probate," *Nova Scotia Historical Review*, Vol. 9, No. 2, 1989, p. 37.

14 Genealogical research provided many examples of young men moving to the central and western U.S.A. and to western Canada where land was still available. However, the largest migration appears to have been to the New England area. For further information on this trend see Alan A. Brookes, "Out-Migration from the Maritime Provinces, 1860-1900: Some Preliminary Considerations," *Acadiensis*, Vol. 5, No. 2, 1976, pp. 26-55, and "The Golden Age and the Exodus: the Case of Canning, Kings County," *Acadiensis*, Vol. 11, No. 1, 1981, pp. 57-82.

is likely that such estate transfers were not designed intentionally to avoid the probate process, but were a practical solution to a life cycle problem.

There were two main types of deeds used in lieu of a will. The first was a deed whereby the head of the household deeded his or her property directly to an heir, usually a son, for "love and affection" and for a nominal sum, usually five shillings or one dollar, depending on the period. An example of such a deed was when Hippolite Marmaud, mariner, and his wife Barbara transferred their lot on the north side of Arichat Harbour in Richmond County to their son Felix Marmaud in 1850.¹⁵ There are other cases in which the head of the household sold his estate to a family member for a sum possibly approaching market value. By doing so he received a sum of money that would provide for himself and his wife. Such cases are more difficult to document because the relationship is usually not indicated on the deed and the sum changing hands approaches the fair market value. In the Hopewell district of Pictou County for the period 1851 to 1871, at least thirteen deeds were registered which indicate that the transfer of property was from parents to children or other relatives. Another fourteen were found in which no relationship was indicated, but both the grantee and the grantor carried the same family name and the amount of money which changed hands was so small that a family transfer seems likely. Thus far, proof has been found of only one sale of property by parents to a son or sons, where relationship was not indicated on the deed; further research may locate others.¹⁶

The second type of deed is similar to the first, but also included a bond of obligation. The bond laid out certain obligations that the person receiving the property (grantee) owed to the person deeding the property (grantor). In many cases the bond was very general and stated that the grantee would

15 PANS, RG 47, Richmond County Deeds, Vol. I, p. 25: indenture dated 9 Sept. 1850. Many examples of such deeds can be found in the Registry of Deeds for both Richmond and Pictou Counties, and the practice appears to be common throughout the province.

16 *Ibid.*, Pictou County Deeds, Vol. 59, p. 423 and Vol. 60, p. 352. In 1870 William and Jerusha Gray of Hopewell sold a one-acre lot of land to Alexander Gray for \$200 and two small lots to a John Gray for \$100. Both Alexander and John appear in the same household with William and Jerusha in the 1871 census, Hopewell, Pictou County, Div. 1, p. 60, No. 195/230. Alexander died in 1873, and his death record in the Pictou County Death Register, lists his parents as William and Jerusha. In the East Branch East River district it appears that it was common practice for parents to sell the family farm to their heirs.

have to provide all the necessities of life for the course of the natural life of the grantors. In most cases the grantee was a son and the grantors his father and mother. Two examples of deeds that carried bonds of obligation come from the Richmond County Registry of Deeds. One was signed on 6 September 1889, when Angus McPhail Sr. deeded his property to Angus McPhail Jr., his son, on condition that he pay his bills and care for him.¹⁷ On 5 July 1872, Kenneth McAskill of Loch Lomond turned over to his son, James, land on the south side of Loch Lomond on condition he "afford him and his wife and children (or family) a maintenance . . ."¹⁸ Other bonds of obligation were more specific and detailed the exact items that the grantee would be required to provide the grantors.

In the Hopewell district of Pictou County, for the period 1851 to 1871, at least fourteen such deeds and bonds of obligation were registered. A bond of obligation between Alexander and Mary McLean of West Branch East River, Pictou County, and Enon McDonald, of the same place, agreed that:

the said Enon McDonald and his heirs executors administrators and assigns shall and will well and truly at his or their own proper cost and charges find furnish and provide the said Alexander McLean and Mary McLean his wife to the extent of the one half part of what may be a sufficiency of comfortable clothing apparal [sic] for each of them during their natural lives and the natural life of the survivor of them and shall also furnish and provide for them good wholesome and comfortable boarding washing lodging fuel medicine and attendance and every other thing which may or can appertain to their individual and personal comfort comporting with their present station and condition in life to the extent of the one-half part of the same as aforesaid . . .

If Enon McDonald did not fulfil his obligations, then "the said Alexander McLean and his heirs shall have full liberty and legal right to enter repossess and reenjoy [sic] the said premises."¹⁹

17 *Ibid.*, Richmond County Deeds, Bk. D. 1, p. 195: indenture dated 6 Sept. 1889.

18 *Ibid.*, Bk. P, p. 346.

19 *Ibid.*, Pictou County Deeds, Vol. 55, p. 316: indenture dated 6 Apr. 1859.

Since the law automatically transferred the property to the heirs as tenants in common,²⁰ when a decedent died, it only required a deed or deeds signed by the heirs to transfer the property.²¹ The heirs could also apply to the Supreme Court for partition of the lands if a dispute arose.²² One type of deed used was a joint deed where the individuals with a claim to the property deeded it to a third party. No cases of actual partition of the land among the heirs have yet been found, because usually the sections of the land were sold or transferred by the heirs at different times--making them difficult to identify in the deed registers. However, it is easier to identify a deed involving the sale of land to a third party and probable division of the proceeds among the heirs. One example of this found in the Richmond County Registry of Deeds was a deed of 19 October 1869, through which Nancy Ann Forest, Urban Fougere, Julia Fougere, his wife, Galetin Boudrot, and Susan Boudrot, the husbands of the heirs, the heirs, and widow of Simon Boudrot, of Grandique, sold Simon's land to Daniel Clough.²³

The second instrument used to transfer real property after the death of the owner was a quit claim deed. In this case, the heirs released any claim they had on the property to someone else, usually another member of the family. In these cases, the amount of money that changed hands varied from the nominal five shillings or one dollar to a sum equal to, or possibly greater than, the market value of the heirs' share of the land. An example of a nominal sum being exchanged appears in the Pictou County deeds when Donald Chisholm, West Branch East River, yeoman, and Eleanor, his wife, Alexander Chisholm, and Hector Chisholm, of the same place, Catherine Chisholm, Margaret Chisholm, and Isabella Chisholm, of the same place, spinsters, children of Alexander Chisholm Sr., deceased, released their claim to a parcel of land containing 74¾ acres, to William Chisholm

20 *Revised Statutes of Nova Scotia*, 1851, c. 116, p. 317.

21 *Laws of Nova Scotia*, 1858, c. XI, XIV, p. 12, states "that if all parties interested in such land or tenements, being of lawful age, shall, by deed, agree to a division, such agreement being acknowledged before the Judge by the parties subscribing and sealing the Deed, the said Deed being entered on record in the Probate office, shall be deemed a legal and valid partition and settlement of such estate. . ."

22 *Revised Statutes of Nova Scotia*, 1851, c. 139, "Of the Partition of Lands."

23 PANS, RG 47, Richmond County Deeds, Vol. O, p. 286.

for twenty shillings.²⁴ A second quit claim deed indicates that William Chisholm was their brother.²⁵

Sometimes quit claim deeds also carried obligations, as in the case of the deed from James, Charles C. and William Murray of New Rhynie Farm, near Pictou, to their brothers Mercer and John Murray. Their father John Murray died intestate on 25 July 1873. The three brothers deeded the property to the other two brothers for one dollar and the further consideration that "the said parties of the second part will support and maintain the widow of the said John Murray during her natural life in manner suitable to her station in life."²⁶ Meanwhile, their sister Margaret was securing her own support, while she was unmarried, by deeding her claim to the property for six hundred dollars and "a competent and suitable support in keeping with her station in society during her unmarried life but not afterwards."²⁷

Without a great deal of research, it would be difficult to determine the prevalence of the use of deeds to transfer estates in all areas of the province. In a study of the Hopewell district of Pictou County, however, it was found that of nineteen heads of household whose dates of death fell in the period between 1851 and 1871, twelve, or almost 63 per cent, did not appear in the probate records.

In comparing the number of estate transfers through the probate process for Hopewell from 1851 to 1871, and the number of transfers of property by deeds within a family for the same area and time period, it was found that about 84 per cent of the estates were transferred by deed alone and only 16 per cent by probate.²⁸

24 *Ibid.*, Pictou County Deeds, Vol. 38, p. 99.

25 *Ibid.*, p. 436.

26 *Ibid.*, Vol. 54, p. 66.

27 *Ibid.*, p. 56.

28 Census figures indicate that in this period the trend was towards ageing heads of household. This may account for the large number of estate transfers. Many of the people transferring the estates did not die until after 1871. Of a sample of 43 heads of household in 1851, whose date of death has been established between 1851 and 1900, about 28 per cent had probated estates. In some cases, those who transferred part of their estate earlier still had property to dispose of by will.

Although the probate system in Ontario differed from that of Nova Scotia, a study by Dr. Bruce S. Elliot of Queen's University indicates that a similar problem with the use of probate records occurs in that province.²⁹ Dr. Elliot found that of 85 extant wills for March Township, Carleton County, Ontario, only 36 were registered in the Carleton County Surrogate Court, while 44 were recorded only in the land registry office. He also indicated that he had found no method of determining how many wills may not have been registered at all but settled informally within families.

In order to determine whether the estates that did not pass through probate had any value, twelve individuals who died between 1851 and 1871 in the Hopewell district of Pictou County were identified in the 1851 Census, which gives the assessed and probable values of real estate and the assessed value of the personal estate of the heads of household. In 1851³⁰ it was found that ten of the twelve had real estate valued at from £100 to £200 and personal estates valued from £10 to £20. For these ten individuals the combined value of their real and personal estate averaged almost £150 per person. While it is not clear what was included in the assessment of personal estate, it is clear that these individuals at some point in their life cycle had an estate to pass on to their heirs.

If the assumption is accurate that those with probated estates were more wealthy than those with non-probated estates, then one would expect that this would be reflected in the values recorded in the census. Five of the six probated individuals had real and personal property evaluated in the 1851 census, and of this group the average value of their real and personal property was almost £156. This suggests that, especially in rural Nova Scotia, the difference in value between probated and non-probated estates was not great, and weakens the assumption that non-probated estates held significantly less wealth than probated estates.³¹

29 Bruce S. Elliot, "Research Note: Sources of Bias in Nineteenth-Century Ontario Wills," *Histoire Social-Social History*, Vol. 18, No. 35, 1985, pp. 125-132.

30 PANS, 1851 Census, Pictou County, District No. 17.

31 An interesting point here is that the average age of the probate sample was 62.7, while the average age of non-probates was 73.3. This supports the hypothesis that the older a person was, the more likely he was to have transferred his estate before death.

These preliminary results indicate that possibly as many as 80 per cent of the estates that changed hands in Nova Scotia did not go through probate. They also indicate that the assumptions regarding the wealth of probated and non-probated estates should be carefully re-examined.

Added to this difficulty is the problem of using a certain point in the life cycle of an individual to draw conclusions about his wealthholdings. A good example of the problems associated with using data from records generated as a result of death is Dr. Siddiq's example of John Green of North Sydney.³² He describes John Green as "an average farmer of moderate means," and in his will Green does refer to himself as a farmer. Nonetheless, some other records do not record him as a farmer. One early deed³³ indicates that he was a mariner, and the 1871 census³⁴ lists him as a labourer. An analysis of his estate papers does not indicate that in 1868 he transferred a ninety-acre tract of land on Sydney Harbour for the nominal fee of \$20.³⁵ Even those individuals who appear in probate may have already disposed of valuable assets. When fifty per cent or more of the sample is over sixty years of age,³⁶ moreover, then the risk of distorting the data increases even further.

There does not appear to be any one source that is totally reliable in providing objective evaluations of wealth-holding in Nova Scotia. The value of census records, assessments, deeds, and other sources such as court records and business ledgers, however, must not be overlooked, especially in making assumptions about non-probated decedents. The use of probate records alone to draw conclusions about the distribution of wealth in Nova Scotia and elsewhere has the potential for providing extremely biased results.

32 Siddiq, "Nineteenth-Century Wealth Transfers in Nova Scotia", p. 41. Dr. Siddiq missed the fact that in his will John Green named two sons, Alexander and Charles, and a daughter, Harriett Bown Liscomb. See PANS, RG 48, Cape Breton County Wills, Bk. D, p. 196 and Estate File No. W11, Reel 132.

33 PANS, RG 47, Cape Breton County Deeds, Vol. I, p. 11, indenture dated 7 Jan. 1833.

34 1871 Census, Sydney Mines, Div. 2, p. 51, No. 190/193.

35 Cape Breton County Deeds, Vol. CC, p. 625. From several other deeds it appears that the James Kelly to whom he deeded the property was either a half-brother or a step-brother, because his mother had married a Michael Kelly.

36 Siddiq, "Research Note . . .", p. 143, Table 3.

William Donkin, Northumbrian, and his Nova Scotian Descendants

Marion Donkin Oldershaw

"It is indeed desirable to be well descended, but the glory belongs to our ancestors."

Plutarch, *Morals of the Training of Children*

The arrival of the Donkin family in Nova Scotia can be traced to the years of the Yorkshire emigration, which began in 1772 and ended about 1776, on the eve of the American Revolution. During this time period, some one thousand Yorkshire emigrants came to North America, the largest number to Nova Scotia.

In England, two main factors contributed to this exodus: an increase in farm rents, and high urban unemployment. Following the Treaty of Paris in 1763, the country experienced an economic downturn. Several successive wet growing seasons, and the resultant crop failures led to price increases for grains and other farm products. This situation encouraged the owners of large farms to increase the productivity of their holdings through a process known as "enclosure," whereby small farms were incorporated into larger ones. This practice was particularly prevalent in north-central England and in Scotland. In Yorkshire and the surrounding counties, most of the small farmers were tenants, and suffered severely from this procedure. Many were displaced and sought employment in urban areas, creating further strain on the economy. For those who chose to remain on the land, rents were often increased--a raise that they could ill afford. In such an economic climate, emigration became attractive.

In Nova Scotia, a different situation obtained. The thousands of acres of arable land left vacant after the expulsion of the Acadians were settled by New England Planters during the 1760s. The influx slowed after 1768, however, when the Ohio country was opened. This decline, combined with revolutionary rumblings to the south and rising discontent within the New England communities in Nova Scotia, prompted the government in Halifax to look for more settlers, ones who would be unquestionably loyal to the British Crown. This coincided with a period of intense land speculation, whereby large tracts of undeveloped acreage were granted to individuals or companies offering to bring out Protestant settlers from Great Britain and Europe.

Among these land speculators was Michael Francklin, lieutenant-governor of the colony from 1766. Francklin obtained several large grants, including one of twenty thousand acres on the River Hebert in present-day Cumberland County, a tract which he named Francklin Manor. In an effort to promote settlement of this property, and well aware of the economic situation in England, Francklin employed overseas agents to promote emigration, specifically to the Cumberland area. In particular, he concentrated on the Yorkshire holdings of his friend, the Duke of Rutland, whose tenant farmers were experiencing difficulty in paying their increased rents. Francklin's bid was successful, for within two years of his attempts to attract colonists, the first recorded sailing of the Yorkshire emigration took place: on 16 March 1772, the *Duke of York* sailed from Liverpool, England, bound for Nova Scotia with sixty-two passengers. The exodus had begun.

Upon arrival in Nova Scotia, the travel route followed a standard pattern. After disembarking at Halifax, most passengers bound for Cumberland went on by schooner. Some of the younger men travelled from Halifax overland on foot to Fort Edward, Windsor, then by boat to Partridge Island (Parrsboro), and along the high ridge called the "Boar's Back" to River Hebert, on to Minudie, and by boat to Fort Cumberland. From there the immigrants spread out through the isthmus townships of Cumberland, Sackville and Amherst; being tenant farmers they were not rich, but most were able to pay their own passage, and they came prepared to buy or rent land in Nova Scotia. Evidently most did not find Francklin's terms acceptable, since only a few settled on his, or neighbouring, property. They were all, however, industrious and hard-working people, honest, law-abiding, and above all, loyal to the British Crown.

Church records place the Donkin family of this essay in Ovingham, Northumberland, for several generations preceding their departure for Nova Scotia. According to Cassell's *Gazetteer of Great Britain and Ireland* (ca. 1895), Ovingham was the name given to the village, township and parish, all situated on the north bank of the Tyne River, some eleven miles west of Newcastle-on-Tyne.

William Donkin, the subject of this genealogy, was the son of Robert and Margaret (Hunter) Donkin. Robert Donkin was baptized in Ovingham, 27 April 1704, and buried 18 December 1750, in the parish. He married, 18 May 1730, Margaret Hunter, who was buried 26 August 1770. Their

issue included:

- i. Thomas, bp. 18 Aug. 1731; m. 18 May 1769, Catherine Reed.
- 1 ii. William¹, bp. 26 June 1734; emigrated to Nova Scotia.
- iii. John, bp. 1 Sept. 1736.
- iv. Barbary, bp. 18 Apr. 1741; bur. 10 July 1763.
- v. Elizabeth, bp. 26 Mar. 1746.
- vi. Isabel, bp. 24 Apr. 1747/48.

- 1 William Donkin (Robert), bp. 26 June 1734, Ovingham, Northumberlandshire, England; m. 18 May 1758, Ovingham, Ann Scott, b. 1734. He d. 31 Oct. 1811; she d. 29 Feb. 1807; both in River Philip, Cumb. Co., N.S. Their gravestone can still be seen in the River Philip United Church Cemetery.

William Donkin's name does not appear on any known immigration list. However, in Feb. 1810 his eldest son, Robert, petitioned for land, stating that he [Robert] had "emigrated from England 35 years since" [i.e. ca. 1775]. Since William bur. a child in Ovingham, Dec. 1772, it would seem that the family emigrated between 1772 and 1775.

According to Cyrus Black, in his *Historical Record of the Posterity of William Black* (Amherst, 1885), William Donkin lived several years in what is now Westmorland Co., New Brunswick, near Fort Cumberland, before removing to Nova Scotia in 1784. In June of that year, Charles Morris, Surveyor-General, was ordered to "lay out unto William Donkin, Senior, and 17 others each a plantation containing 500 acres in the County of Cumberland on the River Philip." Accordingly, the land was surveyed and the grant issued, 30 June 1785, to William Donkin Sr. and seventeen others; and to Hance Baker and three others. It came to be known as "The Yorkshire Grant."

The general direction of the grant was southeast to northwest; the lots, fifteen chains wide, were at right angles to the river, which ran through the centre of each lot. The settlement was established on the west side of the river. William Sr. received Lot No. 18, and his two eldest sons Lots 9 and 10.

William Donkin Sr. spent the remaining years of his life in River Philip, a successful landowner, not a tenant farmer. His prosperity is reflected in the records of the time. His livestock holdings increased

from five cattle in 1791, to ten cattle and twenty-two sheep by 1795. In 1793 he purchased the adjacent Lot No. 17, for £15. In his will, he bequeathed £5 to both his daughters. He also gave £5 to his grandsons William Donkin and William Donkin Black. He bequeathed all his real estate to his son Thomas.

Issue of William and Ann (Scott) Donkin:

- 2 i. Robert², bp. Ovingham, 23 Sept. 1759; m. Jane **Crawford**.
 ii. Ann, bp. Ovingham, 6 Feb. 1762; bur. 6 June 1763.
- 3 iii. William, bp. Ovingham, 6 Feb. 1765; m. Mary ---.
 iv. Barbary ("Barbara"), bp. Ovingham, 16 May 1767; d. River Philip, 19 June 1831; m. John **Black**, b. Paisley, Scotland, ca. 1760 and d. River Philip, 11 Jan. 1829. John was the eldest son of William and Elizabeth (Stocks) Black, of Huddersfield, England; and a brother of the Rev. William Black.

Issue: eleven children, surname **Black**.

- v. Thomas, bp. Ovingham, 25 Dec. 1770; bur. Ovingham, 15 Dec. 1772.
- 4 vi. Thomas, bp. N.S.; m. Easter (Ester) **Ripley**.
 vii. Margaret, b. N.S.; m. John **Ripley**; lived at River Philip. No further information.
- 2 Robert² Donkin (William¹), bp. Ovingham, 23 Sept. 1759; d. Amherst, 12 Oct. 1832. He m. Jane **Crawford**, said to have been the daughter of John Crawford, but more likely the daughter of Matthew Crawford, one of the original grantees of Amherst Township in 1765.

Robert Donkin was listed as a resident of Amherst on the "Return of Refugees for Cumberland County," 30 Aug. 1785. On 24 June 1788, he bought Lot No. 8, Amherst Township, from Matthew Crawford; the farm that Robert established on this land remained in the family for at least the next three generations, and came to be known as the "Old Homestead." His 1810 petition for land noted that

your petitioner emigrated from England thirty-five years since, His Excellency Lieutenant Governor Parr was so kind as to give your petitioner a grant of 500 Acres of land on River Philip your petitioner made large improvements on said land and for the benefit of his rising family sold said land, and purchased a farm in Amherst in the County

of Cumberland where your petitioner has resided this twenty one years. Your petitioner has a wife and now eight children who all reside with him, except his eldest daughter. . .

Robert was subsequently granted five hundred acres on the road leading from Maccan to Five Islands, the warrant being dated 31 May 1810, and the grant issued 3 Apr. 1813. There is no evidence, however, that he ever lived on this land. He sold one-half of the lot to Matthew Logan in 1818, and the remaining half to Nicholas Malone of Amherst in 1822. Assessment rolls for Amherst, 1791 to 1794, and the 1827 Census, show him in Amherst, and a detailed deed search locates him on Lot No. 8 in that community, from the time he moved from River Philip until his death.

Two wills were found in Robert Donkin's estate papers. The earlier one was signed 1 Dec. 1828; the later, 8 Aug. 1832. The later will is presented here, as written:

I Give and Bequeath Unto Jane Donkin My Wife at my Death 2 Cows 2 Steers 1 Horse 15 Sheap 1 Shay all my farming Youtanshels with my sadel and Everything that is called mine to be for her Youce as long as God shall spare her Life in this world and likewise all money affter the Debts paid and the Mortgage is settled up Tis hoped that shee will have the Prevelege of Remaining in the Old Habitation with the Assistance of her two sons William and Matthew if any properties should remain at her death if thare faithfull in doing thare duty let it be divided between them _____ I have you all in the hand of God Rejoised that so many is brought into the Liberty of the Gospell of God my Savier to experience and Enjoy the Cartharsis of His Holy Spirit.

In his later will there is no statement revoking any previous testament; this is most interesting, because the first will contained these sentences:

Also it is My will and Desire Should thear still be any Remaining property that the same Be Equally Devided between My two sons Namely William Donkin and Matthew and it is my will and Desire that should any Dispute arise between My two afore mentioned sons that the same be Referred to three Judicious men to Settle. . .

Careful study of these two documents indicates that there may have been strong discord within the family, but that it was resolved before Robert's death.

Robert and Jane Donkin are both interred in the Old Burying Ground in West Amherst. Robert's stone reads: "Mark from the tombs a doleful sound/Mine ears attend the cry/You living [may] come view the ground/When [you wilst] shortly lie."

Issue of Robert and Jane (Crawford) Donkiin (order uncertain):

- 5 i. William³, b. 17 Feb. 1785; m. Susanna **Fuller**.
- ii. Jane, b. ca. 1786; m. 26 Nov. 1804, David **Bulmore**, son of William Bulmore, an early settler from England. At least five children, surname **Bulmore**.
- iii. Sarah, m. Noah Garrison **Fuller**, who was b. 4 Jan. 1793, Horton, son of Elisha and Elizabeth (Bill) Fuller; d. 24 Mar. 1860.
- iv. Nancy, b. 20 Aug. 1793; d. 14 June 1876; m. Aug. or Oct. 1812, Elisha **Fuller**, son of Elisha and Elizabeth (Bill) Fuller, and brother of Noah Garrison Fuller. Elisha was b. 14 Dec. 1784, Horton; d. 14 June 1842, Amherst. Both are bur. in the Old Burying Ground, West Amherst. At least four children, surname **Fuller**.
- v. Ruth, b. Amherst; d. Painesville, Ohio; m. Elisha **Card**. He was b. 19 July 1805; d. 1 May 1854, St. Thomas, Ont., son of Henry and Lucy (Fuller) Card, Horton.
- 6 vi. Matthew, b. Amherst; m. Abigail **McElmon**.
- vii. Charlotte, b. ca. 1794; d. 31 May 1882; m. 23 Jan. 1812, Anthony B. **Fillmore**. He was b. Jolicure, N.B., 22 Dec. 1787; d. 27 May 1882 of tuberculosis; son of Asa and Priscilla (Burk) Fillmore. They lived in River Philip, Pugwash River, and Nappan; both bur. in the Old Burying Ground, West Amherst. Five children, surname **Fillmore**.
- viii. Margaret, m. William **Logan**. He was b. 29 May 1795, Amherst Point, son of Hugh and Margaret (Dickie) Logan. William and Margaret were instrumental in establishing the first Baptist Church in Amherst. Margaret d. 1876,

William 1878; both bur. in the West Amherst cemetery.
No known issue.

- 3 William² Donkin Jr. (William¹), bp. 6 Feb. 1765, Ovingham; m. probably after 1791, since he was listed as "1 male head of family" in the poll tax roll for River Philip in that year. The parentage of his wife has not been determined; her first name was Mary. Since their second son was named David Vance, she may have been the daughter of David Vance, listed in the 1770 Census for Londonderry, Colchester Co..

William Jr. was assigned Lot No. 10 in the Yorkshire Grant; the 1785 survey map shows the "general course of the Road from Cumberland to Cobequid" running through his lot and crossing the river there. Perhaps young William was somewhat of an entrepreneur, for he took advantage of his crossroads location to build an inn, which has also been referred to as "a house of entertainment," with a licence to sell "spiritous liquors." This was without doubt the "Pugnose Inn" referred to by Thomas Chandler Haliburton in *The Clockmaker or the Sayings and Doings of Sam Slick of Slickville* (Paris, 1839). There is a plaque at the crossroads in River Philip today, placed there in 1960 to mark the site.

William Jr., still the entrepreneur, sold Lot No. 10 on 22 Apr. 1814 to James Hewson, Westmorland. On 28 Apr. 1814 he purchased 1400 acres of land in Francklin Manor, from Alexander Blair of Castle Brunswick, Great Britain, for £1200. The property was known as Downing Hill Farm, and was located on the west side of the River Hebert. This was a large tract, and William may have intended to divide it eventually, and to sell off the lots to recover his investment.

By 1815, William Jr. and his family were well established on the Downing Hill Farm, and in local community life. The list of town officers for River Hebert and Minudie, 1815, as recorded in the Cumberland County Court of General Sessions, included William Donkin as overseer of the poor; David Donkin as constable; and William Donkin as fence viewer.

In 1818, William Jr. sold the Downing Hill Farm to Robert Pugsley of Maccan; and a parcel of land south of the farm to Daniel Mills, also of Maccan. In both cases, Mary Donkin released her dower rights.

The 1827 Census listed William at Minudie, his family consisting of four males and three females, with a prosperous fifty-acre farm under cultivation. No further record of William Jr. or his wife has been found.

Issue of William and Mary Donkin Jr. (probably incomplete, order uncertain):

- i. Susan³, m. 11 Oct. 1811, Levi **Brundage**. They settled in River Philip and Pugwash. Eleven children, surname **Brundage**, listed in the River Philip Township Book.
- 7 ii. David Vance, b. before 1809, and likely during 1790s; m. Hannah **Murray**.
- 8 iii. Thomas, b. before 1809, and likely during 1790s; m. Margaret **McQueen**.
- 9 iv. William, m. Hannah **Elder**.
- v. Elizabeth, b. 1800; m. Daniel **Mills**. He was b. 1794; d. 28 June 1882, Goose River, and is bur. in the Linden Cemetery. Elizabeth d. before 1881. At least eleven children, surname **Mills**.
- vi. Mary Bowden, m. 22 July 1824, Joshua **Read**, Minudie, son of Joseph Read. They settled in Leicester, and their marriage and issue are listed in the River Philip Township Book. Eight children, surname **Read**.
- vii. Barbara, noted in Susan (Christie) Hall, *Gilbert Seaman Diary* (Amherst, 1988), p. 114, as living next door to William Donkin Jr. Barbara was a witness to the deed signed 8 Apr. 1831, when David Donkin sold his land on the west side of River Hebert and moved to Prince Co., P.E.I. In 1849, she was listed in the Rent Books for Lot 27, Bedeque Settlement, P.E.I.
- viii. Isabella, m. John **Read**, Minudie, son of Joshua Read. He d. before 1833; his real estate, sold to pay estate debts, had been purchased from David Donkin in 1829.
- 4 Thomas² Donkin (William¹), b. ca. 1775, probably in N.S.; a thorough search of the parish records for Ovingham reveals no record of his baptism after 1772; d. 6 Nov. 1831; m. 13 Sept. 1794, Easter (Esther) Ripley. She was b. 13 Aug. 1780, making her fourteen at the time

of marr.; d. 19 May 1858; the daughter of Robert and Isabella Ripley of River Philip. Both are bur. in the River Philip Cemetery.

Thomas, who was not assigned a lot in the Yorkshire Grant, inherited all his father's real estate in 1811. These holdings included William's original Lot No. 18, plus Lot No. 17, purchased by William from Robert Ripley, Easter's father, in 1793. The year after his father died, Thomas sold one-half of the sawmill built by William on Lot No. 18, to Joseph Oxley, the husband of Thomas's niece, Barbara Stocks Black. This water-powered mill, using an up-and-down saw, produced from five hundred to a thousand feet of boards per day.

Thomas Donkin, a lifelong resident of River Philip, was active in both the political and religious life of the community. He served as surveyor of highways in 1808, 1810, 1813 and 1816; and as fence viewer and trustee of schools in 1816. In 1817, he was one of five men who, acting as trustees, purchased from John Oxley part of Lot No. 11, to be set aside for the "construction of a Meeting House and Burying Ground for the 'people Called Methodists.'"

Issue of Thomas and Easter (Ripley) Donkin (listed in the River Philip Township Book):

- i. Sophia, b. 21 Feb. 1800; d. 22 Apr. 1892, Amherst; m. *ca.* 1820, Hiram **Ferguson**. He was b. *ca.* 1787 in the U.S.; came to Amherst as a young man; d. 19 Feb. 1869. By 1828, he owned an "Inn and Establishment" at Amherst, well known as Ferguson's Hotel, which he leased in 1848 to Andrew Coffey. At least five children, surname **Ferguson**.
- ii. Matilda, b. 16 Jan. 1802; d. 19 Mar. 1838; m. 16 Oct. 1820, Asa **Fillmore**. He was b. 16 Aug. 1798, River Philip, son of Asa and Priscilla (Burke) Fillmore; d. 18 July 1875 of measles. According to C.F. Fillmore, in *The Fillmores of River Philip*, "Asa was the idol of the River Philip Fillmores." He was also involved in a grisly murder, 11 Oct. 1838, which has been recounted in James F. Smith, "Cumberland County Hatchet Murder," *Nova Scotia Historical Quarterly*, 5, 2 (June 1975), 117-129. Eight children, surname **Fillmore**.
- 10 iii. Robert, b. 19 Jan. 1804; m. Eliza **Oxley**.
- 11 iv. John, b. 9 June 1806; m. Pamela **Seaman**.

- v. Ann, b. Sept. 1808; d. 18 Nov. 1846.
 - vi. Ornsilla, b. 27 Mar. 1811; d. 10 May 1824.
 - vii. Caroline, b. 24 June 1813; d. 14 Oct. 1839; m. 14 Dec. 1831, Samuel **Bent**. He was b. 1801, son of Jesse Bent Jr., Fort Lawrence; d. 1881. Two children, surname **Bent**.
 - viii. Joseph William Henry, b. 5 May 1816. He was mentioned in his father's 1831 will, whereby he and his brother Charles Wesley were to receive 290 acres of land, divided between them, on the death of their mother. In the 1881 Census for River Philip, Joseph was living with his nephew, Rupert Bent Donkin. No further information.
 - ix. Charles Wesley, b. 4 Apr. 1819. The 1871 Census listed him aged 53, Methodist, a wheelwright by trade, the owner of a carpentry shop. Charles had retired by 1891, and lived with James and Sara Scott in River Philip. He did not marry; there is no record of his death.
 - x. Mary Elizabeth, b. 18 Mar. 1822; d. 1899; m. 29 Feb. 1848, Christ Church Anglican, Amherst, Thomas **Lusby**. He was b. 1820; d. 1892; son of Luther and Mary (Embree) **Lusby**. Four children, surname **Lusby**.
- 5 William³ Donkin (Robert², William¹), b. 17 Feb. 1785, Amherst; d. 28 Mar. 1875, of old age, in the same community; m. Susannah Fuller, daughter of Elisha and Elizabeth (Bill) Fuller, 2 Jan. 1812. Susannah was b. Horton, Kings Co., 19 July 1782; d. Amherst before 1860. William was listed as a widower, living alone, in the 1861 Census. The 1827 Census included William, Methodist, farmer, in Amherst, the family unit consisting of two males and one female. William's grandson described him as a zealous Methodist, but by 1871 he had adopted the Baptist faith.

William was active in community life in his early years, as documented in the Cumberland County Court of Quarter Sessions records. For example, in 1815 he was overseer of the poor; in 1816, collector; and in 1818, overseer of the poor, assessor of lines, and collector.

In his lifetime, he accumulated upwards of one thousand acres of land including, besides the old homestead farm, two three-hundred-

acre lots of wilderness land near Leicester Road, and several acres of salt marsh in the Fort Lawrence area. He deeded all his real estate to his only child, a son, before he died.

Issue of William and Susannah (Fuller) Donkin:

- 12 i. Charles⁴ Garrison, b. 1812; m. Susan Marie **Fuller**.
- 6 Matthew³ Donkin (Robert², William¹), b. Amherst; d. intestate in Black River, near Claremont, Cumberland Co., *ca.* 1862; he and his wife were listed in the 1861 Census, and his estate papers were filed 23 Mar. 1862. According to family documents, Matthew m. Abigail **McElmon**, whose parentage has not yet been established. Signatures on various land transactions place the marr. *ca.* 1830. Abigail, aged 85, was listed in the 1891 Census for Middle Londonderry, Colchester Co., living with Rupert and Harriet Carter; her relationship to this family is not clear. In her will, dated 14 May 1888, filed in 1892, Abigail, of River Philip, bequeathed her estate to Abigail Davison, wife of Isaac Davison. Mrs. Davison was the daughter of Spillar and Ann McElmon of Great Village, and possibly a niece of Abigail Donkin.

In 1815, Matthew's parents conveyed to him, for "the natural love and affection they have and bear to the said Matthew Donkin, and for the better encouragement and security of Matthew," the one-hundred acre lot on which they were living, Lot No. 8, and the marsh lot in Fort Lawrence. The terms of the conveyance were described in a performance bond, signed by Matthew, for £700.

Shortly after his father died, however, Matthew purchased land in Claremont, near Black River, and sold all his Amherst properties. The lives of Matthew and Abigail have been particularly difficult to trace after their removal to Claremont.

Issue of Matthew and Abigail (McElmon) Donkin (possibly incomplete):

- i. Margaret Ann, bp. 8 May 1849, Wallace Methodist Church.
- 7 David Vance³ Donkin (William², William¹), b. River Philip, probably *ca.* 1795; m. 3 Jan. 1833, Hannah **Murray**, Bedeque, Prince Co., P.E.I. Hannah was the daughter of William and Hannah (Wright) Murray, Loyalists, who came to Shelburne, N.S., 1783, and moved to P.E.I. the next year.

The only documentation of the family tradition that David was indeed the son of William Donkin Jr. is found in two land transactions. The first is the supplementary documentation to a land petition submitted in 1809 by William Donkin Jr., River Philip. The warrant, dated 5 July 1809, provides for "William Donkin's two oldest sons. . . ." The surveyor's report, dated 17 Nov. 1809, reads: "laid out unto David Donkin and Thomas Donkin, of Cumberland County, three hundred acres of land. . . on the Northern side of the River Pugwash. . . ." The second transaction is a deed signed 28 Jan. 1815, in which David sold "land on the River Pugwash: the land granted to David and Thomas Donkin, sons to William Donkin Jr. of River Philip. . . ."

David initially lived in Minudie, but moved to Prince Co., P.E.I., sometime between 1820 and 1829. Rent books for Lot 27, Bedeque Settlement, show him as a tenant on one hundred acres there prior to 1829. After that date, the tenant was John Wright, Sr. In the deed witnessed by Barbara Donkin (above), 8 Apr. 1831, David still gave his residence as Prince Co.

David, Hannah and the children still living with them returned to Cumberland Co. between 1847 and 1858. David died between 1861 and 1871; he was listed in the 1861 Census, but by 1871 Hannah, his widow, was living with her unm. son Thomas. By 1891 Thomas died and Hannah, then aged 87, had moved to Fenwick, Cumberland Co., to live with her oldest son William.

Issue of David and Hannah (Murray) Donkin (order uncertain; probably incomplete):

- i. Mary, b. 28 Nov. 1833 (North Bedeque United Church records); m. 16 Jan. 1856, Christ Church, Amherst, Stephen Mills, b. 1830, son of Daniel Mills of Salt Springs. In 1871 they were living in Maccan; by 1891 they had moved to Springhill. Five children, surname Mills.
- 13 ii. William⁴, b. 1835; m. (1) Mary Terhune; (2) Hannah Abigail Lowther.
- 14 iii. Thomas, b. 1838.
- iv. Ellen, no further information.
- v. Hannah, b. 14 June 1846, Bedeque, P.E.I.; d. 7 Feb. 1937,

Moncton, N.B., of cancer of the stomach; bur. 10 Feb. 1937, Glenville, N.S. Hannah m. 31 Dec. 1873, Leicester, Richard **Keivor**, b. 1838 in Athol, son of John and Sophia Keivor. Her obituary in the *Amherst Daily News* noted: "A woman of strong Christian character, she took a deep interest in church activities and up to the time of her last illness followed closely current world events." Five children, surname **Keivor**.

- vi. James R., bp. 16 Oct. 1847, North Bedeque United Church, P.E.I. James may have been the single male between fifteen and twenty years of age living with David Donkin in the 1861 Census, Amherst. No further information.

- 8 Thomas³ Donkin (William², William¹), b. River Philip, probably during the 1790s; d. Pugwash, 7 June 1865, of consumption. The death registration gave his age as 58 years, which would place his birth *ca.* 1807. Since this would mean that he was about two years old when his father requested land on his behalf in 1809 (see above), it is likely that his age as cited on the death record is incorrect—although attempts to include very young children as land grantees are not unknown. Thomas m. Margaret **McQueen**, b. 1808 in Cape Breton, daughter of James and Elizabeth (Paton) McQueen, from Paisley, Scotland. James McQueen was schoolmaster in Minudie, 1827. Margaret d. 1896, at the home of her son Albert in Clifton, Colchester Co.

Thomas moved with his family to Minudie, 1814; he remained in the area until at least 1840, and perhaps later. He subsequently lived in Leicester, then in the area of Economy and Five Islands, and finally in Pugwash, shortly after the 1861 Census was taken.

Issue of Thomas and Margaret (McQueen) Donkin:

- 15 i. John William⁴, b. 1831; m. Sarah Helen **Dewis**.
- ii. Albert, b. 1833; m. (1) Jessie **McPhail**; m. (2) Janet **Archibald**.
- iii. Elizabeth, b. 23 May 1833, Minudie; d. 13 Aug. 1867, Pugwash, of fever; m. 19 July 1865, Pugwash, Jesse **Bent**, widower, who was b. 19 June 1816, son of Jesse and Dorothy (Freeman) Bent, Fort Lawrence. Elizabeth was bur.

in the Old Methodist Cemetery, Pugwash. Her epigraph reads: "Dearest friend resign your claim,/He who smooths the brow of care,/Points to heaven a noble aim,/And we'll meet together there." One child, surname **Bent**.

- iv. Mary, d. at 18 years.
- 16 v. James, b. 1839; m. Louisa **Hall**.
- vi. Charles Chalmers, according to family records, m. (1) Mary **Mattatal**; (2) a widow, Sarah **Davis**. Charles and Sarah had four children; they moved to the Canadian Northwest, and there is no further information.
- vii. Margaret Huldah, b. 1843; m. 5 Feb. 1873, Truro, Albert **McCurdy**, widower, who was b. 1841, Musquodoboit, son of Matthew and Eliza McCurdy. Four children, surname **McCurdy**.
- viii. Sarah, b. 1847; d.s.p. 10 Mar. 1872; m. 17 Feb. 1869, Pugwash, Albert **McCurdy** (above). Sarah's epigraph reads: "Oh to the mourners heart how fraught with Joy,/Is the firm hope that we again shall meet./That where no farewell words are ever breathed,/If faithful, we our loved ones there shall meet."
- 9 William³ Donkin (William², William¹), b. River Philip; m. Hannah **Elder**, but no record of the marr. has been found. At the time his son was bp., William was a farmer in Apple River. The link between these two Williams has not been firmly established.
Issue of William and Hannah (Elder) Donkin:
 - i. Charles Smith⁴, b. 17 July 1849; bp. 26 Sept. 1849, Trinity/St. Stephen's United Church, Amherst.
- 10 Robert³ Donkin (Thomas², William¹), b. 19 Jan. 1804, River Philip; d. 10 July 1888, in the same community; m. 13 Sept. 1828, Cynthia Eliza **Oxley**. She was b. 1805, daughter of George and Cynthia (Bent) Oxley, Wallace, and d. 29 Nov. 1873. Both are bur. in River Philip Cemetery.

Robert purchased Lot No. 18 in the Yorkshire Grant from his father in 1827. This lot remained in his possession until his death. He was a Member of the Legislative Assembly, representing the Liberal-Conservative Party, as listed by Shirley B. Elliott, *The Legislative Assembly*

of *Nova Scotia 1758-1983* (rev.; Halifax, 1984). An article in the *Amherst Daily News*, 23 Apr. 1932, summarized his political career and support for Confederation:

[He] was one of the representatives of Cumberland in the House of Assembly before Confederation as a colleague of Dr. Tupper and Mr. McFarlane. When Confederation was accomplished Robert Donkin was appointed governor of the penitentiary at Halifax and was superannuated about the time the Maritime penitentiary at Dorchester was being completed.

A rather half-hearted compliment was paid Robert Donkin by Joseph Howe--an anti-Confederate and thus no friend of Donkin's--in *The Novascotian* (as quoted by E.M. Stevenson, in "The Witness," *Nova Scotia Historical Quarterly*, 10, 1 [Mar. 1980], 56):

Silent as a statue, still as a stone, with a hilly and hollowy face, near a post, near the Speaker's chair, near Dr. Tupper, sits MR. DONKIN. He always votes as his leaders dictate, and this is all I can say of him, as I never heard him open his mouth, and as he sits there in the same spot whenever I choose to look for him, I infer that he is a wise man; if he were a fool we would have heard of it long before now--he wouldn't have held his tongue.

Issue of Robert and Cynthia Eliza (Oxley) Donkin (all born in River Philip and listed in the Township Book):

- 17 i. George Oxley⁴, b. 1829; m. Christina McKay.
- ii. Olivia, b. 28 July 1831; d. 9 Feb. 1905, Collingwood; m. 28 Sept. 1859, River Philip, John William Schurman, who was b. 17 Nov. 1829, son of John and Mary Oxley (Black) Schurman. John d. 8 Sept. 1904, Collingwood. Seven children, surname Schurman.
- iii. Amos Black, b. 10 Oct. 1833; d. 20 Nov. 1847.
- 18 iv. Frederick Augusti, b. 1835; d. 20 Nov. 1847.
- v. Mary Amelia, b. 6 July 1838; m. 4 Jan. 1872, Halifax, Charles W. Lawrence, widower, b. 19 Nov. 1822, son of Gilbert and Sarah (Trueman) Lawrence, Maccan. No issue.
- vi. Matilda, b. 1840; living with Frederick Augusti and Eliza Donkin in the 1871 Census.

- 19 vii. Rupert Bent, b. 1841; m. Augusta Black.
- 20 viii. Hiram, b. 1845; m. (1) Frances Barberie; m. (2) Gertrude Hadley.
- 11 John³ Donkin (Thomas³, William¹), b. River Philip, 9 June 1806; m. 30 June 1831, Pamela (Pamela) Seaman, b. 11 Nov. 1811, Horton, daughter of Abraham and Mercy (Bishop) Seaman. She d. 12 Jan. 1872; he d. 9 Dec. 1880, aged 74 years. Both are bur. in River Philip Cemetery.
- John and Pamela Donkin lived in River Philip on Lot No. 17, Yorkshire Grant, land that John had inherited from his father. John, a farmer, and his family were listed in the 1871 Census, Methodists, with three adult sons living with them. At that time John owned 430 acres of land, of which 250 were occupied, eighty improved and thirty in pasture. The farm, according to the 1871 statistics, was prosperous, the harvest yielding five hundred bushels of potatoes, ninety bushels of apples, and two bushels of grass and clover seed. Other products were four hundred pounds of maple sugar, the same of butter, and forty pounds of cheese.
- Issue of John and Pamela (Seaman) Donkin (as listed in the River Philip Township Book):
- 21 i. William Henry⁴, b. 28 Mar. 1832; m. Sarah Hare Schurman.
- 22 ii. Lewis Seaman, b. 28 July 1833; m. Sarah Fanny Campbell.
- iii. Thomas, b. 20 July 1835; d. 12 Apr. 1837.
- iv. Abraham, b. 30 Nov. 1837; d. 10 June 1839.
- 23 v. Charles Edwin, b. 15 Nov. 1841.
- 24 vi. Levi Brundage, b. 25 Oct. 1848; m. Emma _____.
- 12 Charles⁴ Garrison Donkin (William³, Robert², William¹), b. Amherst, 19 Sept. 1812; d. there 6 Apr. 1894; m. 27 July 1850, Horton, Susan Marie Fuller, b. 1830, daughter of Stephen Bill and Martha (Lockhart) Fuller, Horton. Charles and Susan Marie were first cousins, his mother and her father being sister and brother, both children of Elisha and Elizabeth (Bill) Fuller, Horton. Susan Marie d. 3 Jan. 1912. She and Charles had lived on the original homestead, Lot No. 8, purchased by Charles's grandfather Robert in 1794 from Matthew Crawford. Their children were all bp. at Trinity/St. Stephen's (Methodist) United Church.

The 1871 Census shows that Charles was a prosperous farmer. In that year, of the fifteen hundred acres of land that he owned, 633 were under cultivation; there were three houses, one warehouse or store, five barns, two carriages and sleighs, three wagons, one pleasure vehicle, five ploughs and one reaper.

His obituary in *The Evening News* (Amherst), 6 Apr. 1894, read:

He was in his 84th year, and has been ailing for some time, and was only out once or twice for several months. He was a land surveyor and in his junior days was an able debater, and took part in all matters pertaining to the town and district. Mr Donkin leaves a wife and grown up family 3 sons and 2 daughters. . .

Issue of Charles and Susan (Fuller) Donkin:

- i. Louisa Maria⁵, b. 4 May 1851; d. 14 Feb. 1903, Weymouth, Digby Co., of bronchial pneumonia; m. 2 June 1892, Byron **Oakes**, merchant and widower. He was b. 1844, Weymouth, son of Edward Oakes; d. 29 Nov. 1912. No issue.
- 25 ii. William Frederick, b. 1854; m. (1) Jennie **Smith**; m. (2) Elizabeth Trueman **Avard**.
- 26 iii. Joseph Edmund Dennis, b. 1857; m. Ermina **Foster**.
- iv. Harold Smallwood, b. 10 Aug. 1861; d. 31 Oct. 1873, of typhoid fever.
- 27 v. Charles Clinton DesBrisay, b. 1864; m. Helen Maude **Lyons**.
- vi. Mary Collins, b. 17 Nov. 1866; d. 3 May 1921, Amherst; previously lived in Melville Cove, Armdale, Halifax Co. Family tradition says that "Aunt May" gave painting lessons; this is supported by the 1891 Census, where she was listed as a teacher and painter. In her will, Mary left the bulk of her estate to her brother, Clinton. At his death, the estate was to be divided among her nieces and nephews. The compiler of this genealogy, a grandniece of Mary, thus came to inherit from her father, a set of pearl-handled knives and forks, a much-cherished possession.
- 13 William⁴ Donkin (David³, William², William¹), b. P.E.I. ca. 1835; d. 20 Jan. 1923, Amherst; m. (1) Mary **Terhune** of Great Village, 20 Mar.

1861, Great Village Presbyterian Church. At that time he was living in Leicester. Mary d. 1887, and William m. (2) 19 Sept. 1888, Abigail **Lowther** of Fenwick, b. 1850, eldest daughter of Henry and Esther Lowther. She d. Fenwick, 24 Dec. 1942.

The 1871 Census for Londonderry, Colchester Co. shows William, a tenant farmer, and his family operating a 200-acre farm; the family was still there in 1881, but after his first wife died, William moved to Fenwick, where he lived until his death.

Issue of William and Mary (Terhune) Donkin:

- i. Johanna⁵, b. 1861; d. 1942; m. 24 Jan. 1892, Wylie **Darragh**. He was b. 1856, Shinimicas; d. 1939; son of William and Rachael Darragh, a clergyman. At least six children, surname **Darragh**.
- ii. Elizabeth, b. 1862; m. 11 Oct. 1882, Edward **Gilroy**, farmer, Springhill, son of Thomas and Emily Gilroy.
- iii. Sarah, b. 1865; m. 17 Aug. 1892, Amherst, David H. **Turner**, carpenter. He was b. 1867, Kingsford, N.S., son of William and Elizabeth Turner. They later moved to Moncton, N.B., where they were living when Sarah's father d. in 1923.
- 28 iv. Robert Terhune, b. 1867; m. Minnie **Oxley**.
- v. David, b. 1869. No further information.
- vi. Albert, b. 18 Aug. 1871. No further information.
- 29 vii. James, b. 1872; m. Maggie **Slack**.
- viii. Vance, b. 15 Nov. 1872, living in New York, 1923.
- ix. Stewart, living in Boston, 1923.

Issue of William and Abigail (Lowther) Donkin:

- 30 x. Henry L., b. 1889; m. Carrie **Dickinson**.
- 14 Thomas⁴ Donkin (David³, William², William¹), b. New Brunswick, 1838. Family tradition holds that Thomas never marr.; this is supported by existing records. He was probably one of the single males between the ages of twenty and thirty years living in the household of David Donkin, Amherst, in the 1861 Census. The 1871 and 1881 Census returns list him in Amherst, with his widowed mother.

In 1856 he purchased a 75-acre farm from Jesse Bent of Leicester. He lived there until at least 1883, when he sold it to his brother William. No further record of Thomas has been found.

- 15 John William⁴ Donkin (William) (Thomas³, William², William¹), b. Minudie, 9 Nov. 1831; m. ca. 1854, Sarah Helen **Dewis**, daughter of Robert Dewis of Economy; d. 1 May 1885, Mass.

William was granted land in Economy, 1854. By 1861, the family was living in Goose River. They were listed on the 1871 Census in Pugwash, where William was a trader. No further trace of this family has been found in N.S. Family records suggest that they moved to the Falmouth area of Mass. before 1881.

Issue of William and Sarah (Dewis) Donkin (all baptized in St. Matthew's Methodist Church, Pugwash):

- i. George Ernest Fairfax⁵, b. 11 Aug. 1858, Economy; m. Mass., Mary Ingersoll **Wheeler**, daughter of Benjamin Franklin and Elizabeth (Leels) Wheeler, according to family tradition, which is supported by Albert G. Wheeler, *The Genealogical and Encyclopedic History of the Wheeler Family* (Boston, 1914). No further information.
 - ii. Eliza May, b. 16 Apr. 1858, Economy; d. unkm.
 - iii. Dala Ada, b. 1 Mar. 1861, Goose River; d. unkm.
 - iv. Margaret Ella (Ella), b. 1 Apr. 1863, Goose River; d. unkm.; an artist and china painter. A fine collection of her art is held by her cousin, once removed, Keith Donkin, the son of her cousin Thomas Donkin; he now lives in Little Dyke, Colchester Co., N.S.
- 16 Albert⁴ Donkin (Thomas³, William², William¹), b. 14 Sept. 1833, Minudie; m. (1) Jessie **McPhail**, Boston, 1875. She was b. Big Harbour Island, Inverness Co., daughter of Alexander and Ann (McRae) McPhail. Jessie d. in childbirth, Brooklyn, Mass., June 1888. Albert m. (2) 10 July 1895, Old Barns, Colchester Co., Janet **Archibald**, widow, b. 1836, Musquodoboit. No issue by this marriage. Albert d. 23 Aug. 1923; no obituary, burial, or probate record has been found.

Albert Donkin was living with his father in Economy in 1861. By 1871 his father had died, and Albert, a farmer and wheelwright, was living in Pugwash with his widowed mother Margaret. The 1881 Census includes Albert, wife Jessie, their older children, and widow Margaret living in Clifton, Colchester Co. There was subsequently some movement back and forth between N.S. and the U.S.; the two youngest children were b. in the latter, and Jessie (McPhail) Donkin d. there.

Albert's older brother William had emigrated to Mass. several years previously, and Jessie (McPhail) Donkin may also have had siblings there. Following her death, Albert returned to and remained in the Clifton/Old Barns area.

Issue of Albert and Jessie (McPhail) Donkin:

- i. Lena Margaret⁵, b. 6 Apr. 1876, Clifton; m. Dec. 1909, Elmer **Stiles**; living Peabody, Mass., 1955. No issue.
- ii. Sarah Augusta, b. 8 Oct. 1878, Clifton; d. 24 Feb. 1955, Peabody, Mass.; m. 19 Apr. 1899, Edward **Rainford**. At least three children, surname **Rainford**.
- 31 iii. Thomas Cecil, b. 1881; m. Edith Clyde **Lane**.
- iv. Ida May, b. 3 Mar. 1882, Clifton; m. (1) _____ **Carsley**. m. (2) _____ **Abbot**; living in California, 1955. One child, surname **Carsley**.
- v. Annie Maude Lillian, b. 24 May 1885, U.S.A.; m. Victor **Gibson**. Four children, surname **Gibson**.
- vi. Jessie McPhail, b. 14 June 1888, Brooklyn, Mass.; d. 12 Nov. 1979; m. 29 June 1916, Earle **Wiggins**, of New Brunswick. Jessie was raised by her grandparents, Alexander and Ann McPhail, River Denys, Inverness Co.; went to Mass. to study nursing; living in Lynn, 1955. Three children, surname **Wiggins**.
- 17 James⁴ Donkin (Thomas³, William², William¹), b. ca. 1839, Minudie; m. 21 Nov. 1867, Cape Canso, Guysborough Co., Louisa M. **Hall**, daughter of David and Deborah Hall, Cape Canso. No death or burial record for either James or Louisa has been found.

James moved from Minudie to the Economy/Five Islands area by 1854; he and his brother Albert bought land there that year. James was involved in several older land transactions around Economy, but by 1866 was well established in Pugwash, having purchased a harbour-front lot in 1861. James had moved to Truro by 1871, but has left no further record. He possibly moved to the U.S. with his brother William.

Issue of James and Louisa (Hall) Donkin (possibly incomplete; order uncertain):

- i. William Albert⁵, b. Pugwash, 24 Nov. 1869. Family tradition says he m. a widow with one child, and that there was no issue.
 - ii. Frederick Percy, b. 2 Nov. 1870, Pugwash; d. in childhood.
 - iii. Charles; no further information.
 - iv. Maria Louisa, m. James Carroll Megquier.
 - v. Margaret, m. Jesse Harris. Adopted a child.
- 18 George Oxley⁴ Donkin (Robert³, Thomas², William¹), b. 23 July 1829, River Philip; d. 28 June 1896, Truro; m. 24 Dec. 1868, Christianna McKay, daughter of William and Mary McKay.

George Donkin was a railway conductor when he m. in 1868. Two years later, he and Christianna were living in Kentville, where their first child was born. George was then a railway guard. When their second child was born, 1872, George and his family had returned to Truro, where they remained. His obituary, in the *Amherst Daily News*, 29 June 1896, stated that the cause of death was "spasm of the heart. Mr. Donkin had held the position of station agent for 22 years, previous to which he was a conductor on the road." Christianna d. 11 May 1909; both are bur. in Robie Street Cemetery, Truro.

Issue of George and Christianna (McKay) Donkin:

- i. Robert Vernon Smith⁵, b. 1 Feb. 1870, Kentville. In the 1891 Census, he was a telegraph operator, Truro; when his mother d. 1909, he was living in West Virginia.
 - ii. George W. McKay, b. 26 Sept. 1872, Truro. In 1891 he was employed as a grocery clerk; in 1909 he was with the *Globe*, New York City.
 - iii. Hector L., b. 18 Sept. 1876; d. at 15 mos.
 - iv. Harry, b. 1880; in South Africa, 1909.
 - v. Gertrude Olivia, b. 1883; at home, unm., 1909.
 - vi. George T., b. 1888; in the western U.S., 1909.
- 19 Frederick Augusti⁴ Donkin (Robert³, Thomas², William¹), b. 6 Feb. 1835, River Philip; m. 25 Mar. 1862, Eliza (Elderkin) Neville, widow, daughter of James Elderkin, Falmouth, Hants Co., in St. James' Presbyterian (United) Church, Parrsboro. Both were living in Maccan when they married. Frederick d. 9 Nov. 1881, and was bur. in River

Philip Cemetery. Eliza, a widow, was still living in Maccan, 1891, with two adopted children, Mary and Robert Johnson, ages fifteen and nine. No bur. record or obituary has been found for Eliza.

Frederick Donkin and Jephtha Elderkin were granted one hundred acres of land in Little Forks (Athol), 1866. The 1871 Census showed Frederick and his family living in the Maccan district. A merchant, he owned eighty acres of land, as well as sixty-eight shares in sailing vessels. By 1881, Frederick was still in Maccan as the postmaster, with his son the assistant postmaster.

Eliza Donkin, Athol, granted a power of attorney to John Elderkin, 10 Aug. 1893. A year later Eliza Donkin, widow, and Ernest Donkin, yeoman, of Missoula County, Montana, sold the one-hundred-acre lot in Athol to David B. Scott, the Methodist minister at Athol. Eliza may have spent her remaining years in Montana.

Issue of Frederick and Eliza (Elderkin Neville) Donkin:

- 32 i. Ernest A.⁵, b. 1863; m. Cecilia **Thompson**.
 - ii. Florence Eliza, b. 8 Feb. 1865, Little Forks; bp. 13 Aug. 1865, Grace Methodist Circuit, Port Greville; d. 22 Oct. 1876, of diphtheria, Athol; bur. River Philip Cemetery.
- 20 Rupert Bent⁴ Donkin (Robert³, Thomas², William¹), b. 27 May 1841, River Philip; m. 4 Nov. 1869, Wesleyan Methodist Church, River Philip, his first cousin, Augusta **Black**, b. 1841, daughter of Richard and Arathusa (Oxley) Black. Rupert's mother and Augusta's mother were sisters, children of George and Cynthia (Bent) Oxley.

They lived in River Philip, where Rupert owned 1500 acres of land in 1871; 750 acres were occupied, 140 were improved, fifty were in pasture. That year he also operated a water-powered sawmill that provided employment for two employees during four months of the year, producing hardwood and softwood lumber, valued at \$480.00

Rupert purchased seven hundred acres of land for \$6,000 from Robert Donkin of River Philip, 23 Jan. 1879, and on 31 Jan. of that year he mortgaged it to Sarah Stewart for \$2,700. Rupert, Augusta and their family were still in River Philip in 1881, when the Census was taken. No further record of the family has been found.

Issue of Rupert and Augusta (Black) Donkin:

- i. Janet Amelia⁵, b. 13 May 1871; d. 14 Feb. 1878; bur. River Philip Cemetery.

- ii. Rupert Edgar (Edgar), b. 20 May 1872; listed in 1881 Census as going to school; no further information.
 - iii. Robert Christie, b. 12 Dec. 1873; d. 9 May 1874; bur. River Philip Cemetery.
 - iv. Ada Black, b. 3 Aug. 1875, listed in 1881 Census; no further information.
 - v. Bessie, b. 1877, listed in 1881 Census; no further information.
- 21 Hiram Fergusson⁴ Donkin (Robert³, Thomas², William¹), b. 2 Mar. 1845, River Philip; m. (1) 2 Oct. 1871, Restigouche Co., N.B., Frances Eliza **Barbarie**, b. 1845, daughter of Andrew and Eliza Barbarie, of Restigouche. A widower by 1881, Hiram m. (2) Gertrude **Hadley**, 17 Feb. 1881, in the Church of England at Port Mulgrave, Guysborough Co. Gertrude was b. 4 Apr. 1855, daughter of James and Sarah Hadley, McNair's Cove. At the time of his second marr., Hiram was a civil engineer, employed as a contractor for the Canadian Pacific Railroad. He d. 7 Jan. 1934 at his residence, 64 South Park Street, Halifax; Gertrude d. 11 Aug. 1936, at home in Halifax.

Hiram went to school in River Philip; at the age of seventeen he took his first job, working on the survey of the railway extension from Truro to Pictou Landing, and remaining with that company until the line was formally opened in 1867. By 1871 he was in Restigouche Co., N.B. He returned to N.S. shortly after 1875, and by 1880 was divisional engineer for the survey and construction of the railway between New Glasgow and Canso. He next was chief engineer of the Cape Breton Railway from the Strait of Canso to Sydney, then resident chief engineer of the Dominion Coal Company Railroad from Sydney to Louisbourg. In 1896 he was appointed resident manager of the Dominion Coal Company, and held that position until 1901. For the next five years, Hiram was employed by the Nova Scotia Steel and Coal Company, designing and constructing coal and ore-shipping piers at North Sydney, Port Hastings, and Pictou Harbour. In 1907 he was appointed Deputy Minister of Public Works and Mines for Nova Scotia, holding that position until superannuation in 1923.

During the sixteen years that Hiram Donkin was Deputy Minister, he directed construction of the Nova Scotia Technical College

(Halifax) and buildings at the Victoria General Hospital (Halifax), the Nova Scotia Hospital (Dartmouth) and the Nova Scotia Sanitorium (Kentville). In 1940, the community of Dominion #6, Cape Breton, was renamed Donkin, in his memory; he had been general manager of the Dominion Coal Company when the coal mine there was opened, in 1903.

Issue of Hiram and Frances (Barbarie) Donkin:

33 i. Francis William⁵ Donkin, b. 1875; m. Jane Olivia **Sanders**.

Issue of Hiram and Gertrude (Hadley) Donkin:

ii. Bertie Gladys Tremaine, b. 29 June 1886, Mulgrave; d. 20 Oct. 1965, Annapolis Royal, unm.; bur. in Donkin family plot, St. John's Cemetery, Fairview (Halifax).

34 iii. Robert Percy, b. 1888; m. Harriett Lillian **Parker**.

- 22 William Henry⁴ Donkin (John³, Thomas², William¹), b. 28 Mar. 1832, River Philip; m. 20 Dec. 1860, Sarah Hare **Schurman**, b. 3 Mar. 1834, daughter of John and Mary Oxley (Black) Schurman. William Henry d. 5 May 1903, Truro; Sarah d. 14 Aug. 1912.

After their marriage, William Henry (he used both names) settled first in Windham Hill, near River Philip. In May 1868 he went to work for the Intercolonial Railway as a brakeman, then moved to Halifax, where he was listed in the 1871 Census. The family moved to Truro by 1876.

William Henry was one of the most highly respected railwaymen running out of Truro, according to his obituary in the *Truro Daily News*, 6 May 1903.

Issue of William Henry and Sarah (Schurman) Donkin:

i. Alice Maude⁵, b. 14 Jan. 1862, Windham Hill; d. 23 July 1869.

ii. Annie Rosa, b. 17 Apr. 1865, Windham Hill/River Philip; m. 10 Nov. 1897, Truro, Willard Catherwood **Cutten**, b. 1863, son of Alexander Upham and Sarah Lyon (Blair) Cutten. They moved to Vancouver, B.C., where Annie d. 23 Jan. 1918. Willard returned to Truro and m. 1 July 1925, Annie's younger sister, Madge.

35 iii. Samuel Walter, b. 1868, m. Ada Abigail **Shaw**.

iv. Maggie Blanche (Madge), b. 25 Sept. 1871, probably in

Halifax. After her father d. 1903, Madge went to the U.S. to work, where she m. May 1906, Cushman H. **Harden**, superintendent in a dyke works. They lived in Natick and Auburndale, Mass. Cushman d., Madge returned to N.S., and m. July 1925, her brother-in-law, now a widower, Willard **Cutten**. They lived in Halifax. After Willard d., Madge went to Montreal, then to Lower Truro, where she d. 23 Dec. 1963. She and Cushman are bur. Ashland, Mass.

- v. Mary Etta, b. 9 Mar. 1876, Truro; d. 10 Feb. 1950, Vancouver; m. 4 June 1902, Truro, John Huntley **Bentley**, a carriage painter, b. 1874, son of John and Rachael Bentley, Upper Stewiacke. They later moved to Vancouver, where they d., John 29 Dec. 1937 and Mary Etta 10 Feb. 1950.

- 23 Lewis Seaman⁴ Donkin (John³, Thomas², William¹), b. 28 July 1833, River Philip; m. 31 Aug. 1875, Sarah Fanny Campbell, widow, Wesleyan Methodist Church, River Philip. Lewis d. between 1881 and 1891, probably after 1882, the year his second child was born. In the 1891 Census, Sarah Donkin, widow, was listed with her son and daughter in River Philip.

Lewis, a wheelwright by trade, operated a shop in River Philip, in which he had \$40.00 invested capital and \$20.00 floating capital. In the twelve months preceding the 1871 Census, using hardwood lumber valued at \$40.00, he produced ten carts and wagons valued at a total of \$300. He was also part owner, with his younger brother Charles Edwin Donkin and Joseph Niggs, of a factory producing broom handles and trunnels (hardwood pegs). The factory was located on the south side of Davidson's Brook, where it flowed into the River Philip. Lewis had purchased his shares from Frederic Sweet, housejoiner, in 1876.

By the end of 1881, Lewis Donkin seems to have disposed of most of his real estate, including the lot on which he was then living, as well as his share in the factory, which he sold to Thomas Johnson of Port Philip. No death, burial or probate record has been found for him.

Issue of Lewis and Sarah Donkin:

- i. Lewis Arthur⁵, b. 15 Nov. 1876, River Philip. In the 1891 Census he was living in River Philip with his widowed mother. No further information.

- ii. Sarah Z., aged 9 in the 1891 Census. No further information.

- 24 Charles Edwin⁴ Donkin (John³, Thomas², William¹), b. 15 Nov. 1841, River Philip; on the 1871 Census he was listed as a farmer, unm., living with his parents; d.s.p. 13 Dec. 1880, and is bur. in River Philip Cemetery.

In his will, filed Mar. 1881, he cited his share in the factory owned with his brother Lewis and Joseph Niggs, directing his executor--his brother Levi--to sell his (Charles's) share in the factory, tools and other personal estate, including a red mare owned with Niggs; and to divide the money among the remaining brothers, Lewis, William Henry and Levi. By 1883, Levi had sold all the outstanding Donkin shares in the factory to Niggs.

- 24 Levi Brundage⁴ Donkin (John³, Thomas², William¹), b. River Philip, 25 Oct. 1848. In 1881, Levi, a farmer, was living with his uncle Robert Donkin. By 1891, Levi had m. Emma, surname and parentage unknown, had sold all his lands in River Philip, and was living in Springhill. Emma and her parents were all b. in N.B., according to the 1891 Census; perhaps Levi and Emma were m. there.

The obituary of Lewis B. Donkin in the *Parrsboro Record*, 22 Dec. 1931, noted that Levi left Springhill after 1897, moved to Minneapolis, Minn., then on to California, 1907. He d. in St. Helena, California, 1931. The obituary noted that he was twice marr., but that both wives had predeceased him, and that there were no children.

- 25 William Frederick⁵ Donkin (Fred or W.F.) (Charles⁴, William³, Robert², William¹), b. Amherst, 2 June 1854; m. (1) 30 Dec. 1874, Christ Church, Amherst, Jennie **Smith**, b. 1855, daughter of James and Jane Smith. Jennie was bur. 2 Jan. 1888 in the Anglican churchyard, Amherst; no issue. Fred m. (2) Halifax, 17 Sept. 1889, Elizabeth Trueman **Avard** (Lizzie), b. 1864 Pointe-de-Bute, N.B., daughter of John and Nancy (Dobson) Avard. Fred and his second wife both d. Amherst; Fred, of a severe heart attack, 17 Nov. 1935; Lizzie, 13 Jan. 1948. Issue: one son.

Fred attended Mount Allison University in Sackville, N.B. and on 24 Sept. 1877, began reading law under Charles R. Smith, K.C., Amherst, and Samuel G. Rigby of MacDonald, Rigby and Tupper,

Halifax. He was admitted to the Nova Scotia bar, 19 Dec. 1881; with the exception of a short time in Halifax following the death of his first wife, he practised exclusively in Amherst. Fred was a Liberal, a longtime member of the Masonic Order, and a life member of Trinity-St. Stephen United Church, Amherst.

Fred accepted the position of Clerk and Treasurer of the town of Amherst, 12 Jan. 1890, the date of the town's incorporation; he held that position continuously for thirty-six years, when he voluntarily resigned. His obituary in the *Amherst Daily News* noted that

He was also Deputy Stipendiary Magistrate for the town. His legal training served him admirably in connection with his new duties, and the town had but few lawsuits during his holding of the office. He was well read in all the statutes pertaining to municipal matters and members of succeeding Town Councils placed great confidence in him in this respect. He provided a link of continuity from the earliest days of the corporation down through the period of Amherst's greatest growth...

- 26 Joseph Edmund Dennis⁵ Donkin (Charles⁴, William³, Robert², William¹), b. Amherst, 4 Apr. 1857; m. 10 July 1883, Wesleyan Methodist Church, West Aylesford, Ermina Churchill Foster (Minah), of North Kingston, Kings Co., daughter of John Foster. Joseph d. Amherst, 19 Dec. 1924; Minah d. Amherst, 20 Oct. 1947, aged 87 years. Issue: two sons; three daughters.

Joseph attended Mount Allison University and in 1878 was received into the Methodist ministry. He served circuits in North East Harbour, Acadia Mines, Weymouth, Arcadia, Liverpool, Wolfville, Canso, Parrsboro, Hillsboro, Owl's Head, and Amherst Head. His obituary in the *Amherst Daily News*, 19 Dec. 1924, noted that

Mr. Donkin was very highly esteemed. . . He had a keen analytic mind and there was a vein of poetic fancy running through his thought that made his sermons something out of the ordinary. He was also a man with a great genius for friendship and in all his circuits he was known as a very faithful pastor. He took a bright cheery view of life and was always a welcome visitor to the home. This happy frame of mind did not leave him when he quit the Ministry.

- 27 Charles Clinton DesBrisay⁵ Donkin (Clinton) (Charles⁴, William³, Robert², William¹), b. 8 Jan. 1864, Amherst; m. 24 June 1903, Amherst, Helen Maude Lyons, b. Shelburne, 1875, daughter of George and Ann Lyons. Helen Maude d. Amherst, 30 Aug. 1924; Clinton d. Montreal, 5 Feb. 1926, and was bur. Amherst.

In the 1871 Census, Clinton was listed as a deaf-mute, indicating that he may have been born deaf. He attended the School for the Deaf in Halifax, as shown in the 1881 Census. A barber by trade, he operated a shop in Amherst for many years. He was not listed in the 1891 Census, but when his father d. 1894, Clinton came home from Boston for the funeral. No issue, but one adopted daughter.

- 28 Robert Terhune⁵ Donkin (William⁴, David³, William², William¹), b. Great Village, 1866; d. there 1892 and was bur. in Mahon Cemetery. On 20 Dec. 1887, he m. Minnie Oxley, born Halifax, daughter of Robert and Mary Oxley. Issue: one son. Minnie Donkin m. (2) a miner and widower, John Parker Clark, 24 Dec. 1898.

- 29 James M.⁵ Donkin (William⁴, David³, William², William¹), b. 1872, d. 1946, according to his gravestone. On 21 Dec. 1899, in the Springhill Baptist Church, he m. Margaret (Maggie) Bertha Slack, born Folly Lake, 1880, daughter of Ivan and Lydia Slack. They lived in Folly Lake area. Maggie d. 1964; both are bur. in Mahon Cemetery, Great Village. Issue: one daughter.

- 30 Henry Lowther Donkin (William⁴, David³, William², William¹), b. Leicester, 29 July 1889; d. Fenwick, 10 Oct. 1939; m. 2 July 1918, Fenwick, Carrie Dickinson. She was b. 6 Nov. 1891, daughter of Clarence and Mary Ann (Bird) Dickinson; d. 18 Apr. 1977, Fenwick.

Henry Donkin attended school in Amherst; in his adult life he was a prosperous farmer and dairyman. Issue: five sons, two daughters.

- 31 Thomas Cecil⁵ Donkin (Albert⁴, Thomas³, William², William¹), b. 17 Sept. 1881, Old Barns, Colchester Co.; m. 19 Dec. 1909, Truro, Edith Clyde Lane, b. 1882, daughter of James and Lizzie Lane, Truro. Thomas d. 29 June 1955, Truro. His obituary in the *Truro Daily News*, 30 June, read: "Mr. Donkin spent practically all his life here except for a few years in the United States and in Western Canada. He was a trainman with the C.N.R. and retired some years ago." Edith d. 20 July 1968. Both are bur. in Robie Street Cemetery, Truro. Issue: four sons, one daughter.

- 32 Ernest A.⁵ Donkin (Frederick Augusti⁴, Robert³, Thomas², William¹), b. 1864, near Amherst; m. 12 Jan. 1884, in the Presbyterian Church, New Glasgow, Celia D. **Thompson**, daughter of William and Annie Thompson. No death record for Ernest has been found; Celia d. 1943, New Glasgow.

Ernest, an assistant station-master in Maccan, left for the West ca. 1882. When he m. in 1884, he was a train dispatcher in Kamloops, B.C. By 1887, he was in Duncan, Dakota, and by 1893 the family was living in Missoula, Montana. Eliza Donkin, Ernest's mother, was living with them.

No further record of Ernest Donkin has been found. Possibly he d. in Montana, and his widow returned home to New Glasgow with her children to live. Issue: at least one son, one daughter.

- 33 Francis William⁵ Donkin (Hiram⁴, Robert³, Thomas², William¹), b. Moncton, 20 Mar. 1875; m. Olive **Sanders** of Round Hill, Annapolis Co.; d. 8 May 1940, Round Hill. Issue: one daughter.

The career of Francis Donkin is well summarized in his obituary, in the *Annapolis Spectator*, 9 May 1940:

...deceased had an outstanding career, both in civic and military life. He went to South Africa when he was 21 to serve with the Durham-Natal Railway in an engineering capacity. On the outbreak of the First Great War he joined the South African Scottish Regiment, which first saw action in Africa. He later volunteered for service in France. Shortly before 1918 Armistice he received a leg wound, and was invalided home. Mr. Donkin was particularly well-known, residing in Dartmouth, and had his office located in Halifax. He visited many sections of the province on projects.

Francis received his high school education in Pictou, attending the Academy there. He then went to Bishop's College, Lennoxville, Quebec, and was in his final year at McGill University, Montreal, when he accepted the position in South Africa.

Francis and Olive moved to Round Hill, 1939, shortly after he retired from the Dominion Water Power Board, in Halifax. He had been employed there for several years.

- 34 Robert Percy⁵ Donkin (Hiram⁴, Robert³, Thomas², William¹), b. Mulgrave, 4 July 1888; m. 16 June 1915, in St. Mark's and St. John's

Anglican Church, Halifax, Harriet (Hattie) **Parker**, of Rockingham, Nova Scotia. Hattie was b. England, 1888, daughter of Lewis and Harriet Parker. Robert d. Halifax, 5 Apr. 1954; Hattie d. Halifax, 30 June 1970. Issue: one son.

Robert P. Donkin, a professor emeritus of the Nova Scotia Technical College, Halifax, was one of the province's best known authorities on technical research. He received his education at Acadia University, Wolfville, and the Nova Scotia Technical College. His obituary in the *Chronicle-Herald* (Halifax), 6 April 1954, noted:

He has held the position of associate professor of Mechanical Engineering of Nova Scotia Technical College for many years and was well known throughout the province and Eastern Canada for his work in connection with fuel research. He was a director of fuel research for the Nova Scotia Foundation, a member of the Board of Directors of the Halifax Infirmary and the Blue Cross Medical Association.

- 35 Samuel Walter⁵ Donkin (Walter) (William Henry⁴, John³, Thomas², William¹), b. River Philip, 22 Mar. 1868; m. 18 Oct. 1893, Mount Denson, Hants Co., Ada Abigail **Shaw**, b. 4 Mar. 1867, Falmouth, daughter of Theodore and Mary Ann (Curry) Shaw. Walter d. 11 May 1950, Truro. Ada Abigail predeceased him on 11 Feb. 1942. Issue: three daughters.

Walter studied bookkeeping at the Business College in Halifax, was a bookkeeper for a Truro grocer, and for a time operated his own grocery store.

Appendix

Two additional Donkin families have been located who may be related to William Donkin, Sr., of River Philip, but the connection has not as yet been established.

1. Edwin and Sarah (Lockhart) Donkin, with seven children, were listed in the 1871 Census for Sackville, New Brunswick. Edwin, farmer, was born P.E.I., aged 39 years; Sarah was born N.B., aged 34 years.
2. Sydney Donkin and family, farmer, was living in Lot 27, Bedeque Settlement, P.E.I., according to both the 1841 and 1861 Census returns.

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Book Reviews and Notes

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The Bench: The History of Nova Scotia's Provincial Court, by R.E. Kimball, with Timothy T. Daley. ISBN 0-88871-122-0. Province of Nova Scotia, Halifax, N.S., 1989. xv + 210 pp., illustrated, hardcover, \$25.00.

Challenging the Regional Stereotype: Essays on the 20th Century Maritimes, by Ernest R. Forbes. ISBN 0-919107-22-2. Acadiensis Press, Fredericton, N.B., 1989. 220 pp., softcover, \$16.95.

The Causes of Canadian Confederation, edited by Ged Martin. ISBN 0-919197-25-7. Acadiensis Press, Fredericton, N.B., 1990. 172 pp., softcover, \$15.95.

Democratic Government in Canada, by R. MacGregor Dawson & W.F. Dawson, revised by Norman Ward. 5th edition. ISBN 0-8020-6703-4. University of Toronto Press, 1989. vi + 152 pp., softcover, \$10.95.

Promoters, Patriots, and Partisans: Historiography in Nineteenth-Century English Canada, by M. Brook Taylor. ISBN 0-8020-6716-6. University of Toronto Press, 1989. x + 294 pp., softcover \$17.95, hardcover \$40.00.

Rawdon and Douglas: Two Loyalist Townships in Nova Scotia, by John Victor Duncanson. ISBN 0-921341-34-2. Mika, Belleville, Ont., 1989. xx + 605 pp., illustrated, hardcover, \$48.00.

The ideal held up by professional historians in writing about the past is to bring the highest possible degree of objective assessment to any account or interpretation. This approach has its basis in the teaching of the nineteenth-century German historian Leopold von Ranke (1795-1886), who fostered what became the cult of "allowing the documents to speak for themselves." In fact few histories can be said to be wholly objective. The authors invariably bring to their work their own cultural bias, and they are influenced one way or another by contemporary political, social, religious and environmental issues. Even where the individual historian consciously tries to avoid undue intrusion of the present into his reconstruction of past events, he may fall into use of misleading sources as found in the writings of earlier historians. Nonetheless, the bias of an historian can lead to new interpretations by bringing a different way of examining surviving documents

into view, or even to the reassessment of previous writers' observations. This is the value of positive bias as noted by G.R. Elton, when he commented on the issue:

As long as discussion continues, and especially as long as the issues discussed are alive, the obvious or hidden preferences of the historian will intervene but are quickly discovered and allowed for; what remains are the positive products of scholarship, originally often directed in its search by some bias, products which endure only if thanks to scholarship they have risen above the mere expression of prejudice. (*The Practice of History*, 1984, p. 134).

It is, of course, the historians who will pass judgement on a scholar's merit.

M. Brook Taylor's *Promoters, Patriots, and Partisans*, based on his Ph.D. dissertation, is an intriguing examination of the development in pre-1896 histories. The latter date is taken as the beginning of professional historical writing in Canada, symbolized by creation of the forerunner of the *Canadian Historical Review*. Prior to 1896 historical writing was undertaken by interested antiquarians, gentlemen authors, politicians and promotional entrepreneurs.

Taylor has delineated three phrases for provincial histories, summed up in the title of his book. "Promoters" were non-natives, often non-residents, who wrote descriptive tracts to interest investors and settlers in the virtues of a new land. When a colony did not measure up to the glowing promises of the promoters, it took the descriptive skills of first- and second-generation natives to reassess the worth of the province, its natural resources and the potential to be achieved by inhabitants. Taylor's "Patriots," like their predecessors, wrote for the British government and investors first, and for fellow colonists secondly. In the process of identifying what goals a province's inhabitants could achieve, the Patriots indirectly forged a consciousness of local identity in relationship to London and the British empire. Nova Scotians, New Brunswickers, and Canadians began to consider themselves as nations under the British flag.

Confederation did not abolish the growing pride in regional identity, for the old political boundaries remained. There was no submergence into a single colonial or national consciousness. The third phase of historical writing fell into the hands of "Partisans" who looked to the past to explain Western rebellions, political scandals and other woes which Confederation failed to address. Disillusionment with the future prospects of Canada generated a longing for a real or imagined golden age in the pre-1867 era.

Even those nostalgic visions were darkened by political wrangling in the present. It would be the twentieth-century professional historians who restored a positive theme in the description of Canada's past, with the foundation of the "Canadian Empire" in 1867 and its subsequent expansion across the continent.

Taylor has chosen to illustrate his thesis primarily with English-language histories, standard works in their day, from the four founding provinces of Canada. The particular heritage of the eastern colonies, he points out, was in marked contrast to that of Quebec and Ontario, where the French factor was of crucial importance. Taylor astutely notes how the historians of the latter two colonies, following the premise in Lord Durham's 1839 *Report*, took their outlook to be the normative one for British North America. Confederation merely provided a larger political framework over which was superimposed that centralist vision, at the expense of eastern provincial realities. Professional nationalist historians in the 1900s absorbed the central Canadian bias of the pre-professional era. Criticism levelled by Taylor at that Ontario-Quebec prejudice stands in opposition to Carl Berger's *The Writing of Canadian History: Aspects of English-Canadian Historical Writing: 1900 to 1970* (1976). Berger did not question the rightness of standard central Canadian national histories. Brook Taylor has probed behind both the traditions and the handling of documentation in writing Canadian history to offer a clearer understanding of its uses and various changes in approach.

One example of the abuse of history highlighted by Taylor is the Evangeline myth. Longfellow's best-selling 1847 poem set in motion a long-lasting, acrimonious debate about the expulsion of the Acadians in 1755. Nova Scotia's first Public Records Commissioner (i.e. provincial archivist), Thomas Beamish Akins, found himself unjustly accused of the omission and suppression of documents which bore on the Expulsion in the publication of his *Selections from the Public Documents of the Province of Nova Scotia* (1869). Apologists for Lieutenant-Governor Lawrence and the Council at Halifax came into conflict with emerging Acadian neo-nationalism and Québécois historians. What belonged properly to Maritime history became a *cause célèbre* among historians across Canada, for reasons unrelated to historical research.

Promoters, Patriots, and Partisans provides a refreshing look at how we view our past, and how writings about the past colour our self-perception. Taylor's

thesis should have elaborated on the influence of liberal or conservative thought on the writing of history, and in particular the whig or progressive viewpoint. Continuing political change which curbs monarchical power and extends parliamentary rule is frequently the underlying theme of historical discourse, which purports to follow the inevitable evolution of democratic governments, law and institutions. Even the recent text *Democratic Government in Canada* by Dawson, Dawson and Ward propagates the nineteenth-century, whiggish concept of change. Ostensibly this book explains the structure of Canadian government at the federal, provincial and municipal levels, in addition to quasi-governmental institutions such as the civil service and federal-provincial conferences. The relationship of respective responsibilities and powers between institutions is carefully presented. As a handbook to democratic government it is to be recommended. There are reservations to be allowed, though, in the strong republican bias of the authors.

The book justifiably starts with a look at Parliament, primarily the role of the Commons, Prime Minister and Cabinet, as the core of political, legislative and (to some extent yet) judicial activity in the country. The function of the Senate is explained, though in disparaging remarks. One need hardly guess at the authors' opinion of the Upper House in the light of statements such as that on page 64, "The Senate, in short, has its merits, but they are not so outstanding as to stop an observer from wondering if many people would notice if it were simply abolished."

In a similar vein the head of state, the Monarch, is dismissed in two sentences before the function of the Governor-General and Lieutenant-Governor is discussed. This is a rather curious treatment when it is recalled that the Kingdom of Canada (a *de facto* designation upon Elizabeth II's taking the title "Queen of Canada") is the monarchical hold-out between the world's two republican superpowers, the United States to the south and the U.S.S.R. to the north. The monarch's presence has been sought for symbolic and constitutional purposes in Canada when it suited the governing party of the day; the most recent example was the public signing of the Constitution Act, 1982, when a Governor-General's signature would have had far less triumph in it for the Prime Minister.

Any book which deals with Canadian political institutions in this century is quickly dated. *Democratic Government in Canada* is no exception to this truism,

all the more so in its comments on possible changes to be wrought by the Meech Lake Accord. The text of that document is provided in an appendix. By the end of June 1990 "Meech Lake" either will be an amendment to the Constitution Act, 1982 or an historical curiosity.

Historical stereotypes and the corrective potential of sound scholarship provide the main thrust behind the articles in *Challenging the Regional Stereotype: Essays on the 20th Century Maritimes*. The author of the collection, Dr. Ernest R. Forbes of the University of New Brunswick, has re-examined a number of subjects in recent years to re-evaluate the validity of older and contemporary interpretations. The eleven essays cover diverse topics: the Social Gospel, rum-running, the feminist movement, Maritime Rights Movement, economic development and regional post-Confederation Maritime historiography. In addition to Forbes's reputation for thorough research, the articles as a group are bound together by the author's willingness to challenge standard conceptions of Maritimers held by outsiders and by Maritimers themselves. Forbes rightly observes that whereas outsiders make use of the "blame-the-victim" formula (lack of entrepreneurial skill; conservative, lazy population; etc.), natives of the region are just as liable to fall back on the myth of "victimization and powerlessness" in relation to policies formulated in Ottawa.

The heart of Forbes's approach is best exemplified in his 1978 article, "In Search of a Post-Confederation Maritime Historiography, 1900-1967." Forbes pursues here the influence of frontierism in historical interpretation (an American import) on Canadian writing, notably the shift of focus by historians of the post-1867 era from eastern to central and western Canada. The result of this shift was relative neglect of the old east with its limited land expanse and minor foreign immigration (either British or eastern European). It was the colonial period which came to be blended with the idea of a golden age and romantic adventure, and which struck the interest of national and native Maritime scholars.

The departure from past studies, which had left untouched the idea of a post-1900 Maritime conservatism and backward economy, was forged by a few individuals. These writers either pursued a specific policy as did A.G. Bailey at the University of New Brunswick, or broadened the field by assignment as in *The Government of Nova Scotia* (1957), undertaken by J. Murray Beck. It was the rapid expansion of universities in the 1960s and

1970s, together with the impetus provided by Expo '67, which permitted graduate students the scope to introduce new methodologies (and ideologies) in historical studies. Labour and social history shifted attention to the 1920s and 1930s, which in turn legitimized a recent Maritime historiography.

Forbes makes one observation which is only in part justified. He blames the lack of archival materials at major provincial repositories for hindering post-Confederation research. It is quite true that in the past historians' interests to some extent influenced archivists in their selection of materials to acquire. On the other hand it has been the systematic application of records management principles and practices which has ensured the acquisition of government documents in the past few years. The obsession of government with secrecy has been a barrier both to scholarly utilization of public records, and to archival acquisition and appraisal of them. Now the deposit agreements of government departments with provincial archives threatens historians with the other extreme—an inundation of material needing to be surveyed, digested and interpreted.

There is an undoubted need to continue post-Confederation research to correct erroneous stereotypes, as admirably pointed out and argued by Forbes. At the same time, though, the colonial period and Confederation decade continue to offer wide scope for exploration. One recent example is the set of papers given at a gathering sponsored by the Centre for Canadian Studies at Edinburgh University (1988). *The Causes of Canadian Confederation* contains seven papers which wrestle with the impact of the 1867 union on the Atlantic Canadian colonies. It is popular to state that Nova Scotia and New Brunswick were dragged into a central Canadian-dominated political alliance. Such a view ignores the supporters of Confederation, and tends to leave the general reader with visions of flags upside-down and at half-mast, without a thorough presentation of why people were upset—either for real or imagined reasons.

These essays by Canadian and British historians at first glance appear to tread already well-trodden ground. Closer reading reveals a mixture of traditional and radical viewpoints on subjects such as Nova Scotian resistance to loss of identity and the ideological history behind the concept of British North American union. Peter J. Smith's "The Dream of Political Union: Loyalism, Toryism and the Federal Idea in Pre-Confederation Canada," seeks to apply an ideological approach to the concept of union. Smith sees in

Tory writings of eighteenth-century Loyalists the foundation for a British colonial union in opposition to American republicanism. That conceptual legacy persisted in spite of colonial nationalism among the British North American provinces. The threat of American expansionism at the close of that country's civil war and the drive for intercolonial ventures (i.e., the railways) provided stimulus for the resurrection of Tory union ideology, which included perpetuation of constitutional monarchical democracy, preservation of British and French-Canadian heritage, and the elimination of barriers which hindered economic expansion or entrepreneurship.

Smith's article provides a fine contrast to University of New Brunswick historian Phillip A. Buckner's "The Maritimes and Confederation: A Reassessment." Buckner is equally aware of a union tradition, but chooses to focus on an important divisive issue. The contentious matter for Maritimers in the 1860s was not whether British North American union should come into existence; instead, politicians argued over the most advantageous form of union (federal or legislative), in terms of preserving Maritimers' economic health or enhancing it. It was the failure of the new federal government to live up to the Quebec Resolutions which fostered resentment, even among former supporters of Confederation.

The reader will find that each essay in *The Causes of Canadian Confederation* seeks to reassess older interpretations concerning the crucial initial stages of Canadian federal union in 1867. The results are promising for future studies, which must be similarly innovative in looking at this special subject. Not all books seek to shatter historical interpretations. Some authors have a story to relate, and produce in the process a basis for future research. R.E. Kimball and Timothy T. Daley in their commemorative volume achieve that mixture.

The Bench contains two informative sketches, on the histories of the Provincial Court of Nova Scotia (1938-87) and the Nova Scotia Family Court. Both articles, to the credit of the authors, briefly summarize the nineteenth-century judicial predecessors and legal bases for each court. Subsequent legislative acts to clarify or alter the jurisdiction of each court and the powers of magistrates provide a ready reference source for Nova Scotia's legal history. Kimball's Provincial Court article in addition notes the less-than-ideal relationship between provincial court judges and the Attorney-General's Department and the Governor-in-Council, in terms of judicial independence or

impartiality. Both the provincial and family court judges are depicted as the foundation level of legal involvement for most citizens of the province. In this sense, these magistrates have inherited the centuries-old burden of the justices of the peace.

Supplementing each article are a series of biographies of provincial and family court judges. Here lies the full reference value of *The Bench*; yet it is to be hoped that the essays will receive the attention which is certainly their due.

Rawdon and Douglas: Two Loyalist Townships in Nova Scotia, by John V. Duncanson, is a county history that no longer fits into Taylor's patriot or partisan mould. It is instead a celebration of Nova Scotian heritage through studies in genealogy, biography and local history. At the same time it presents an image of the past which is influenced in part by the sense of identity among the two townships' present-day inhabitants; on the other hand, *Rawdon and Douglas* will instil an altered perception of self in those same people and among outsiders who will see these townships as Loyalist rather than Planter or solely Highland Scots regions.

The hallmark of John Duncanson's work has been his meticulous documentation both in the genealogies, which comprise the bulk of his current book, and in the introductory settlement history. Undergraduate studies in history at Queen's University, and his own extensive readings since, have brought the professional historian's training to bear on Duncanson's research. It is this background, combined with a special interest in collective biography, which distinguishes *Rawdon and Douglas* from such histories as A.W.H. Eaton's *King's County* (1910) or W.A. Calnek's *Annapolis* (1897), though both of the latter contain useful material. Those same features and source identification increase the value of Duncanson's writings for both academics and family historians.

Rawdon and Douglas in its nine opening chapters (or principal chapters, if one's focus is local history) briefly relates the Acadian background and subsequent British settlement of Hants County. The townships of Kempt, Douglas, Rawdon and Uniacke are traced from their respective original grants through early development and administrative institutions. Special attention is given to the American and Scottish roots of the majority of Loyalist "refugees" (a contemporary 1780s term). Ostensibly, South Carolina and Florida supplied Nova Scotia with these settlers--disbanded soldiers and

their families of the 2nd Battalion, Royal Highland Emigrant Regiment (84th Foot), and civilian refugees. Closer inspection of the genealogies, though, shows a great number of heads of household who were born in the British Isles or New England. It is this sort of information which can be used to correct the impression that the rugged interior of Hants County was settled only by people born and raised in a southern, milder climate.

Among the leading individuals given particular prominence in the book are the colourful Lieutenant-Colonel John Small, Lord Francis Rawdon and Rear-Admiral Sir Charles Douglas. One of the more curious episodes in the county's history was the attempt by Small to establish two feudal baronies to benefit the heirs of his branch of Clan Donnachaidh (i.e., Robertson). The Barony of Straloch and the Barony of Dinanean, consisting of lands along the Kennetcook and Shubenacadie Rivers, were never realized in fact since Small's main heir, General John Reid, had the lands sold. It can be said in effect that the property went for a song; the funds were used by Reid to found a chair in music at the University of Edinburgh.

The small print index and a number of typographical errors may bother readers who search for stubble instead of the historical harvest. Duncanson amply makes up for these deficiencies with the 1879 Hants County map which forms the endpieces; noting the location of township books (both administrative and vital statistic records); and some fine photographs of portraits from the Loyalist period. The only omission to be regretted is the absence of Carole Troxler's "The Migration of Carolina and Georgia Loyalists to Nova Scotia and New Brunswick" (Ph.D. dissertation, University of North Carolina, 1974), a copy of which is available at the Public Archives of Nova Scotia.

Each of the foregoing six books, either directly or as a result of research, challenges traditionally held views of our past. That approach is the essence of sound scholarship and provides the vital dynamic for historical analysis. At the same time, the continuous revision of historical interpretation is what provides that branch of the humanities with its innate fascination for the general reader. Documents can indeed "speak for themselves," but it often requires skilled translators to make those utterances intelligible.

Book Notes

College Street Remembered: The History of a School, by Isobel Page, R.S.C.J. Kaice/tec, Ottawa, 1989. iv + 60 pp., illustrated, softcover, \$5.00. Available at 1455 Summer Street, Halifax (Phone 423-7579).

Sister Page's non-academic account permits the reader to glimpse an educational ethos lost in today's non-distinct public schools. College Street's past is told through the lives and schooling efforts of its principals, members of the Sacred Heart order, supplemented with homey vignettes and photographs. The resulting book is a blend of admirable primary and secondary source research and a labour of love.

An Early History of Windsor, Nova Scotia, by Henry Youle Hind. ISBN 0-88999-450-1. Jas. J. Anslow, Windsor, N.S., 1889; repub. Lancelot Press, Hantsport, N.S., 1989 for the West Hants Historical Society. xii + 102 pp., softcover, \$10.00. Available from West Hants Historical Society, P.O. Box 2335, Windsor, N.S. B0N 2T0 + \$2.00 handling.

This republication of Hind's work, first printed under the title *The Old Parish Burying Ground at Windsor*, is a welcome addition to Nova Scotiana. The author presented documents to illustrate Windsor's heritage from Acadian days down to the early 1800s. The original pamphlet made rare manuscripts available to the general public. Thanks to the West Hants Historical Society the public can once more have within easy reach a copy of Hind's material on church history, biographies, militia records and burial customs.

The Genesis of the Canadian Criminal Code of 1892, by Desmond H. Brown. ISBN 0-8020-5833-7. University of Toronto Press, 1989 for the Osgoode Society. xi + 253 pp., hardcover, \$35.00.

This is a succinct account of criminal law in Canadian history--its origins in the colonies and attempts at codification following Confederation, which led to the successful passage of the 1892 Code. English and colonial American legal systems are examined for Nova Scotia's and sister colonies' judicial and legislative precedents. Readers of the *Review* should note Sir John S.D. Thompson's leading role in creating the 1892 Code, as well as the informative legal history from 1749 to 1867. Brown's book is highly

recommended as a companion to J. Murray Beck's two-volume *Politics of Nova Scotia*.

Memoir of Mrs. Eliza Ann Chipman, Wife of the Rev. William Chipman, of Pleasant Valley, Cornwallis, edited by Allen B. and Carolene E.B. Robertson. ISBN 0-88999-411-0. Lancelot Press, Hantsport, N.S., 1989. xxvi + 234 pp., softcover, \$9.95. Volume 9 in the series "Baptist Heritage in Atlantic Canada."

This volume in the Baptist Heritage series is devoted to a woman's religious experience (1823-53) and counterbalances earlier books on New Light and Baptist church fathers. The authors' useful introduction describes spiritual diaries, the social world of rural nineteenth-century Nova Scotian women, attitudes toward children and the pervasive influence of hymnody among Protestant evangelicals. The reprinting of Chipman's *Memoir*, replete with extensive modern footnotes, allows the reader to encounter head-on this Calvinistic Baptist's introspective religious struggles.

Steeves and Colpitts: Pioneers of the Upper Petitcodiac, by William S. Hoar. ISBN 0-9692490-1-2. Tangled Roots Press, Vancouver, B.C., 1988. x + 166 pp., illustrated, softcover, \$9.95. Available from the author, 3561 West 27th Avenue, Vancouver, B.C. V6S 1P9, or Gerald G. Hoar, 962 Salisbury Road, Moncton, N.B. E1E 3V4, + \$2.05 handling.

The author has created a most commendable approach to a New Brunswick family history, continuing the example set in his earlier work *Branches of the Family Tree: The Hoar Ancestry* (1985). He has combined history, thorough documentation, biographies and reminiscences in a highly readable and reliable genealogy. The *Steeves and Colpitts* account, charmingly illustrated with sketches, is a model worthy of imitation.

"Through Him Who Strengthens Me": *Selected Shorter Writings of Stuart Eldon Murray*, edited by James S. Murray. ISBN 0-88999-452-8. Lancelot Press, Hantsport, N.S. 1989. xxxv + 270 pp., softcover, \$9.95. Volume 11 in the series "Baptist Heritage in Atlantic Canada."

This volume is a departure for the Baptist Heritage series. Its contents are devoted to a contemporary Baptist educator and religious leader, the late Rev. Dr. S.E. Murray (1919-1985). The result is a fortieth-anniversary commemoration of the Atlantic Baptist College through the writings of

a long-time principal of that institution. The book certainly will be useful as a source for both ABC history and mid-twentieth-century conservative Baptist theology within the Atlantic Baptist Convention.

Windham Hill is Home: A Rogers Genealogy, by Alice Rogers Nieman. Halcraft Printers, Halifax, N.S., 1989. 126 pp., illustrated, softcover, \$25.00. Available at Box of Delights Bookshop, Wolfville, N.S.; or by mail (pre-subscription) at \$20.00 + \$2.50 handling from Sheldon Papers, Oxford, Cumberland County, N.S. B0M 1P0.

Alice Nieman was the driving force behind the cooperative effort to prepare this book. The first two chapters look at the Connecticut background and immediate descendants of Nova Scotia settlers Rolan and Lucretia Rogers Sr. (1760) of Horton, Kings County. The family is traced as members moved across North America; Nova Scotia, though, seemed to beckon many back. Notables include Baptist ministers, folk-singer Garnet Rogers and "Ready Kilowatt" historian Murrille E. Schofield. Use of the New England genealogical format, good use of photographs and numerous biographies make for an engaging history.

Workers and the State in Twentieth Century Nova Scotia, edited by Michael Earle. ISBN 0-919107-21-4. Acadiensis Press, Fredericton, N.B., 1989 for the Gorsebrook Research Institute of Atlantic Canada Studies. 265 pp., softcover, \$19.95.

This collection of eleven essays provides some thought-provoking observations on labour-management relations vis-à-vis the growth of labour laws and workers' contracts in late nineteenth and twentieth-century Nova Scotia. Various sectors of the economy are examined: coal and gypsum-mining, the fisheries, dockyard activities and the civil service. There is a neo-Marxist undercurrent in several articles, which creates unease in the historian who strives for objectivity in assessing the past. The graduate students and professionals represented in *Workers and the State*, nonetheless, have made valid contributions to labour historiography, contributions which are worth more than a casual glance.

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