

Orphan Outpost: Cape Breton Colony 1784-1820

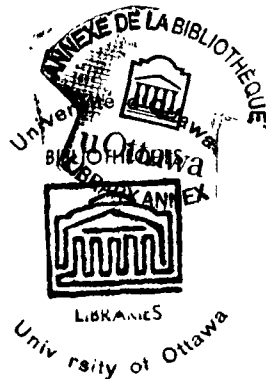
by

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Thesis submitted to the Faculty of Graduate Studies
in partial fulfilment of the requirements for the
degree of Doctor of Philosophy.

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GREAT SEAL
COLONY OF CAPE BRETON

PREFACE

Cape Breton has been the least examined of all the British colonies in North America. Yet, a study of the colony's history offers insights into the obstacles confronting a small dependency, and the attitudes of colonial officials during the thirty-five years following the American Revolution. This interlude in the island's history, though not as brilliant as the preceding rise and fall of Louisbourg, witnessed the arrival of the loyalists, the Scots and many of the French-speaking people who still form the bulk of her population. It is also from this period of separation from Nova Scotia that we can trace Cape Breton's famous strong regional loyalties.

In order to study all the facets of the colony's history this thesis attempts to trace the internal development of Cape Breton Colony, and to relate these developments to the broader colonial scene. A survey is made of the island's history up to its separation from Nova Scotia in 1784, in order to place the colony in its historical context. The first chapter deals with the political development surrounding the organization of the colony by Joseph Frederick Wallet DesBarres and William Macarmick. The second chapter deals with economic and social developments during the same period. Thereafter, chapters combine political, economic, and social developments during

the terms of an individual or more than one administrator as events warranted: for example, the third chapter covers the terms of three administrators, while the fifth chapter deals with the two administrators whose terms coincided with the period between the passage of the Embargo Act of 1807 and the end of the War of 1812. Such an arrangement was found to be the most comprehensive way to study the closely interwoven factors affecting the colony's history.

With the exception of R.W. Brown's sketchy Cape Breton, published in 1869, virtually nothing has been written about the colony. In order to investigate the colony's history and to place Cape Breton in its broader context, this study entailed a thorough examination of primary sources as well as material relating to other British colonies and the Colonial Office. Such a task required the assistance of many individuals and institutions. I wish to thank the staff of the Public Archives of Canada for their usual kind assistance, as well as Miss Phyllis Blakely of the Public Archives of Nova Scotia. Many institutions were most helpful, including the British Museum, the Public Record Office, Surrey Record Office, Kingston-upon-Thames, the Buckinghamshire Record Office, Aylesbury, the Library of All Souls' College, Oxford, the Manuscripts Division of Nottingham University Library, and the Archives of Xavier College, Sydney, Cape Breton.

I would particularly like to extend personal thanks to my adviser, Professor C.J. Jaenen and to Professor Julian Gwyn

of the University of Ottawa, to Mr. M.J. Swift of the Public Archives of Canada, to Mrs. Hilda Day of the Xavier College Archives, to Miss Juliette Bourque, Chief Librarian at the Public Archives of Canada, and to Sister Margaret Beaton, Archivist, Xavier College, without whose tireless help no project dealing with the history of Cape Breton can be accomplished.

The Canada Council can only be humbly thanked for its continued support of my studies. It is unnecessary to point out that this thesis owes its completion to their kind material support.

Finally, I would like to offer thanks and apologies to my wife, who, though a Cape Bretoner, has had to endure my complaints, moods, questions and triumphs during the four years this thesis was researched and written, and to whom I dedicate this story of her island home.

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ABBREVIATIONS

A.C.: Archives des Colonies
A.O.: Audit Office
B.M.: British Museum
C.B. A: Cape Breton A
C.B. B: Cape Breton B
C.O.: Colonial Office
M.G.: Manuscript Group
N.S. A: Nova Scotia A
N.S. B: Nova Scotia B
P.A.C.: Public Archives of Canada
P.A.N.S.: Public Archives of Nova Scotia
P.C.: Privy Council
P.R.O.: Public Record Office
R.G.: Record Group
S.P.G.: Society for the Propagation of the Gospel
T.: Treasury Board
W.O.: War Office

NOTE: Unless otherwise specified, documents are available
at the Public Archives of Canada.

INTRODUCTION

Cape Breton Island became a separate colony by royal prerogative in 1784, and in the same manner lost its independence through annexation to Nova Scotia in 1820. The reasons why the island was made a separate colony, how it developed, and why it was annexed to Nova Scotia have never been examined critically. The study of this large and involved topic therefore required a detailed examination of the economic, social and political developments within the colony. On the other hand, the role of colonial officials, though characterized by dire neglect, is vital. Indeed it is the interplay of local events and official decisions that accounts for eventual annexation.

At the root of Cape Breton's problems lay her unimportance to the mother country. She was born at a critical period in the history of the British Empire, when colonial officials were deeply involved in settling relations with the newly independent United States, when peace with France claimed high priority, and the constitutional problems of India were of the greatest concern. In none of these or other important events before 1820 did Cape Breton play a key role; hence she was ignored. Yet, since she was part of the Empire, Britain's foreign and colonial policies influenced her directly.

The last quarter of the eighteenth century witnessed attempts at the reconstruction of the British Empire which affected the fate of Cape Breton. The success of the American Revolution led to a reorganization of colonial machinery; the Board of Trade and Plantations and the Colonial Secretaryship which together had been responsible for the conduct of colonial affairs were abolished during the second Rockingham administration in 1782. The Home Department which had assumed responsibility for the remaining colonies, took over the work of the Board of Trade from various committees of the Privy Council. The Shelburne ministry (1782 - 1783) appointed a home secretary concerned with domestic as well as colonial affairs, but the Fox-North coalition (1783) had little time to effect more changes. When William Pitt assumed office in December, 1783, his determination to settle trade relations with the United States, to chart a new course for the national economy, and to settle the administration of India led to a more thorough re-organization of colonial affairs. In March 1784, he appointed a **S**pecial **C**ommittee of the Privy Council to investigate and report on colonial and American trade. Its members included people of significance in Cape Breton's history: Lord Sydney, the home secretary, and his successors, Henry Dundas, and William Wyndham Grenville, Viscount Howe who was formerly in command of the British troops in the Thirteen Colonies, and Charles Jenkinson, secretary of war during the North Administration and a close assistant of Pitt. Jenkinson was a strict

traditionalist, and though Pitt seemed to favour relaxation of the Navigation Laws, he appeared willing to allow Jenkinson and other conservatives like Sydney to maintain the old trade acts in return for the efficient service which Hawkesbury could deliver.¹ Pitt therefore accepted the Committee's recommendation that the Navigation Acts be continued toward the United States without modification.

The Committee's work did not end there; an investigation of French and Irish affairs was undertaken, along with a brief discussion of the fate of the Maritime Colonies. By now, the Committee had become so valuable that Pitt reorganized it, and on 23 August 1784, a new, more permanent Committee of the Privy Council for Trade and Plantations was commissioned, consisting largely of the members of the original committee. The head of the Committee was Charles Jenkinson, now Lord Hawkesbury. With Jenkinson at its head the retention of the old Navigation Laws was assured. Meanwhile, in September 1784, Pitt organized the India Board which was concerned with the administration of overseas dependencies and the promotion of trade, specifically that with India and the East. The home secretary, Lord Sydney, was also a member of this board.

Most members of the Committee for Trade and Plantations were involved in settling the loyalists. Previous administrations had failed to consider their fate, but large numbers

1. V.T. Harlow, The Founding of the Second British Empire 1763 - 1793, vol. 2, London: 1952, p. 236.

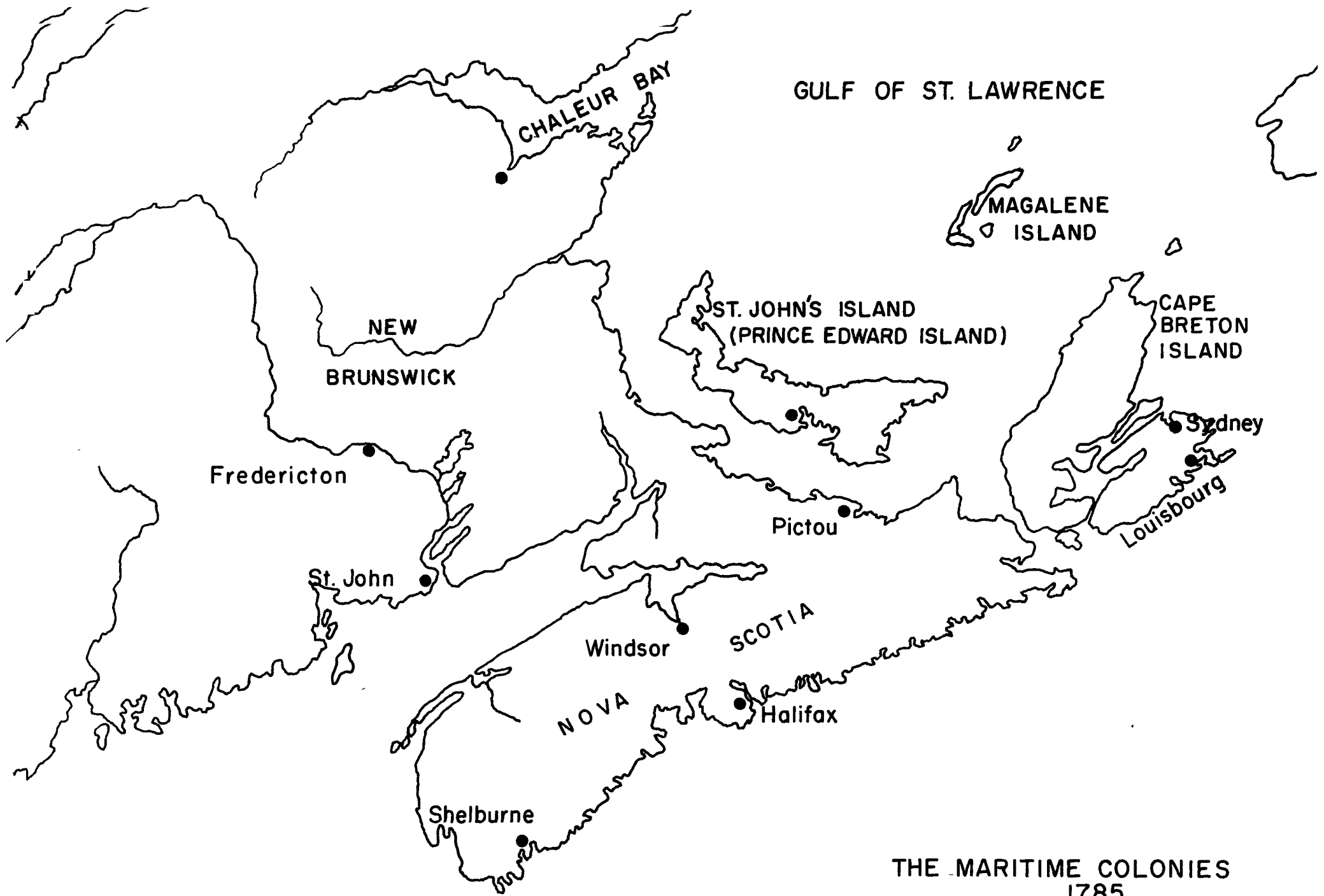
of them had been moving into Nova Scotia and Quebec when the preliminary peace was signed with the United States in January, 1783. Guy Carleton, former commander at Quebec, was in charge of their settlement, and it was on Carleton's recommendation that the home government had to rely for most of their information concerning the loyalists. Carleton was present at the Committee in March, 1784 advising the already busy ministers on the organization of new loyalist provinces in British North America.

Besides the problem of the loyalists, the American Revolution had cost Britain £100 million.² In order to recover this loss, austerity, a re-organization of government financial practices and increased trade were considered necessary.³ Pitt began to reduce expenditures and overhead in an orderly fashion, abolishing useless posts and sinecures, increasing the work of clerks, rearranging customs duties and raising taxes. In 1786, a trade treaty was signed with France which was also in heavy debt after the American War and desirous of peace. Pitt's economic austerity extended to the colonies; he was in no mood to lavish money on new colonial establishments, especially when he was already re-imbursing loyalists for their losses.

The colonies therefore received attention only in so far as they contributed to the economic betterment of the mother

2. S. Watson, The Reign of George III, 1760 - 1816, Oxford: Clarendon Press, 1960, p. 283.

3. Ibid.



GULF OF ST. LAWRENCE

MAGALENE ISLAND

NEW BRUNSWICK

ST. JOHN'S ISLAND (PRINCE EDWARD ISLAND)

CAPE BRETON ISLAND

Fredericton

St. John

Pictou

Sydney

Louisbourg

Windsor

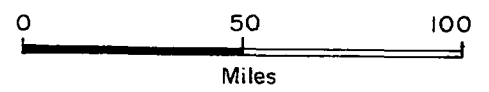
SCOTIA

NOVA

Halifax

Shelburne

THE MARITIME COLONIES
1785



country, or were able to organize a powerful voice in London. Colonies like the West Indies' were thus in a fortunate position, since their sugar trade and plantation owners both claimed Britain's serious interest. The Maritime Colonies might serve as a replacement for New England in British trade patterns, but Pitt's government was not particularly enthusiastic about this possibility.⁴ Hence, they were less important than the West Indies. In turn, among the Maritime Colonies Cape Breton was the least significant. Even New Brunswick and Prince Edward Island held greater claims to British attention. The Committee of Trade was forced to deal with the loyalists who, in 1783 and 1784, were pouring into what was soon to become New Brunswick; Cape Breton had not attracted loyalists before the middle of 1784. Prince Edward Island was largely under the ownership of landlords who had some influence in Whitehall; Cape Breton's spokesmen were fewer and less powerful.

Her unimportance and consequent lack of influence plagued Cape Breton throughout her separate existence. Like an orphan, the mother country seemed to abandon her at birth. When war with France broke out in 1793, she was left defenseless, her troops being withdrawn to Halifax which was the key to the defense of the Maritime colonies. Again, during the Napoleonic Wars and the War of 1812, her insignificance in the colonial trade pattern meant that she was ignored when free ports were

4. Harlow, op. cit., p. 258.

being created in Nova Scotia and New Brunswick; hence she failed to benefit from these conflicts as quickly as the other provinces. Finally, her greatest internal resource, coal, was unnecessary to Britain; if anything, it was a danger, lest it contribute to the development of North American manufacturing which might compete with that of the mother country. The retention of the Navigation Laws moreover, prevented the shipment of coal to the growing markets in the United States. The export of coal was therefore closely guarded and the development of the mines was never greatly encouraged. Without the exploitation of her greatest staple, the island could not develop as a significant part of the Empire.

Despite the relative unimportance of Cape Breton in the affairs of the British Empire the development and final fate of the colony are well worth exploring. Under French rule, she had enjoyed great importance and twice, in 1745 and 1758, she had played centrestage in world affairs. The aura of Louisbourg still shone around the island's name, encouraging her administrators to hope for a bright future. There was the possibility of a flourishing fishery which the French had profitably exploited, reasonably fertile areas for the production of food and cattle, copious supplies of gypsum and wood, and finally the only source of easily obtainable coal on the eastern seaboard of North America. As far as resource potential was concerned, the colony's success seemed assured. With a minimum of assistance, the island's French and Acadian fishermen, loyalists, and poor Gaelic speaking Scots, gradually exploited

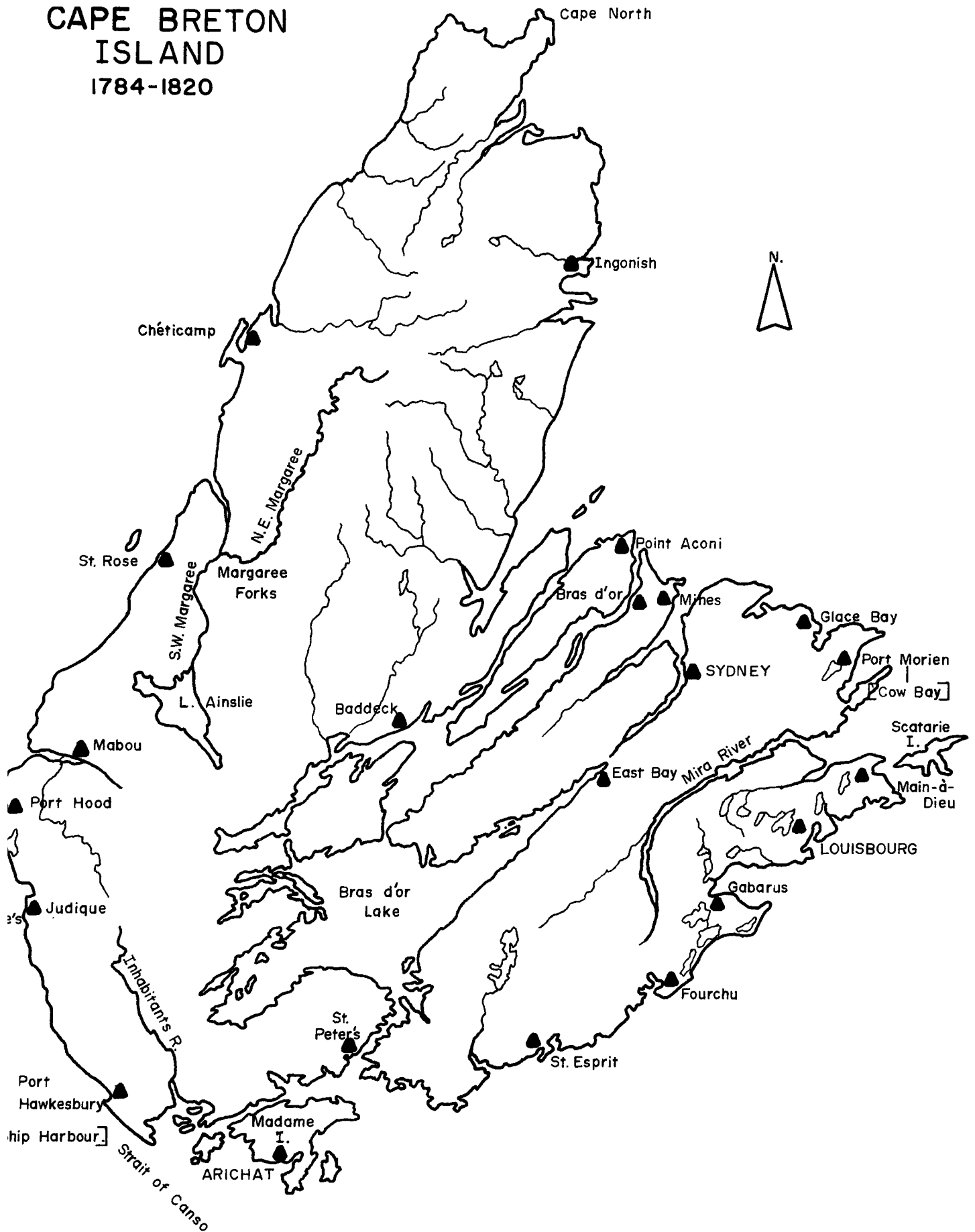
these possibilities, so that the colony never showed greater promise than in 1820. Yet, she failed. This very fact makes her unique, especially when we consider that failure took place in one generation.

The peculiar construction of the colony is also worth studying. Since she was virtually without influence at Whitehall or in parliament, colonial officials were free to organize her as they wished. Hence, Cape Breton was only partially independent, and, at least on paper, under the tutelage of the lieutenant governor of Nova Scotia. At the same time her house of assembly was never summoned, placing her under the direct control of her own lieutenant governor who, as representative of the King, was advised by a Council. In turn, these officials were not allowed to collect taxes. Such an organization, inaugurated by colonial officials in the wake of the American Revolution, crippled the colony and made Cape Breton a unique but abortive product of British colonial development. Her annexation to Nova Scotia reflected a new posture in the Colonial Office and an attempt at rationalization of colonial affairs which developed in the early 1820's.

Behind the colony's birth and failure one can easily see the importance of political influence in colonial affairs. The colony was born through successful lobbying, and her demise occurred in the same way. Since she lost the influential people who had presided over her birth, she failed to obtain administrators who were by any means on their way up in imperial

administration; on the contrary, she was a colony where unwanted officials were sent; those who were being punished for previous errors, or as a location for minor office seekers. For the most part, these officials were incapable of running the colony peacefully or effectively. This in turn tended to separate the world of political bickering in Sydney from the economic, social and religious developments in the rest of the colony. The colonial office, aware of the political crises in Sydney, but almost totally ignorant of the colony's development, was hence ready to bow to Halifax's political pressure and annex the island to Nova Scotia.

CAPE BRETON ISLAND 1784-1820



Chapter 1

The Colony's Background

Cape Breton Island lies off the north-east coast of Nova Scotia, separated from the mainland by the mile-wide Gut of Canso. The island extends 100 miles from east to west, 50 miles from north to south. On the east and south she faces the Atlantic Ocean, while her north shore is washed by the Gulf of Saint Lawrence. The island resembles a lobster claw, the Bras d'Or, a salt water lake dividing the island almost in half. The hills and mountains on the northern side of the lake are covered with forests of fir, pine, birch and maple. To the east of the Margaree River these hills drop steeply to the sea giving breathtaking scenery but poor harbours. To the west, the hills are more rolling, the climate softer.

South of the Bras d'Or Lake the topography is gentler. On the south coast is Isle Madame, its harbours free of winter ice. Indeed, all the ports of the south coast, like Louisbourg, Gabarus, and Arichat, on Isle Madame, are free of winter ice. The rest of Cape Breton is not so fortunate. "The big ice" drifts down from the north in early spring, clogging the few north shore harbours at Port Hood, Margaree Harbour and Cheticamp. The east coast fares no better: Glace Bay and Sydney harbours are frequently jammed with ice until late in May.

Before the construction of the Canso Causeway in 1955, the floes used to sweep through the Gut of Canso cutting off the island from the mainland for long periods of time. In the late eighteenth and early nineteenth centuries, this meant that contact with the outside world was risky or impossible from November until late in May or early June.

Few important rivers are to be found on Cape Breton. The Mira River flows eastward and drains a fertile valley of the southern half of the island between Sydney and Louisbourg. River Inhabitants courses through another fertile area in the southwestern part of the island. Finally, the branches of the Margaree River meander through the hilly north-east, cutting rich and beautiful valleys on their way to the Gulf of Saint Lawrence. The land along these rivers is the most productive in the island.

On the other hand, minerals abound in practically every part of Cape Breton. In the period under consideration the gypsum or plaster of paris along the Bras d'Or Lakes, and coal fields near Sydney were particularly important. Coal abounds on the north shore of the island between St. Rose and Port Hood, and on the east shore from Little Bras d'Or, where the Bras d'Or Lake meets the sea, south to Spanish or Sydney Bay, on to Lingan, Glace Bay, Donkin and Cow Bay. The seams of coal extend from far inland and run for miles beneath the sea.

Besides land resources, Cape Breton lies near the great North Atlantic fisheries extending from the Grand Banks to the

nearer Banquereau and Canso Banks. The south coast ports from Louisbourg to Arichat in particular have long participated in this important fishery. The north coast settlements at Cheticamp and Margaree Harbour also share in the cod and mackerel fisheries in the area. Salmon abound along the Margaree River while lobster fields are found off Main-à-Dieu and in nearby Mira Bay.

While the island is thus favoured in many ways, the climate, particularly at foggy and cold Louisbourg, can be trying. For the rest of the island, the summer and autumn are delightful and healthy; however, winter tends toward storminess with violent weather changes. The "big ice" delays the spring and keeps trees from sprouting leaves until June.

Geographically the hills on the north side of the Bras d'Or Lake isolate communities, while the long, often dangerous trip to the south shore of the lake, cuts off the two regions almost entirely from each other. The eastern areas around Sydney have no direct water route to the Bras d'Or, and the fact that the lake has no important settlements on its shores except at Baddeck, reveals its insignificance as a means of trade and communication. Hence by 1820 three quite distinct communities had grown up in relative isolation from each other: the south shore areas from Isle Madame to Fourchu inhabited by French and Acadians; the north coast and Bras d'Or shores settled by Gaelic-speaking Scots; and the eastern areas from Sydney to Mira containing loyalists, English and Scots.

The French were fishermen, the Scots were mainly farmers, while the Sydney area composed the mining population and government officials.¹

The island's location made it almost inevitable that Europeans would early come to its shores. Before Cabot arrived, Bretons were fishing off its coast. After Cape Breton's "discovery" by Cabot, Spanish fishermen were visiting Sydney or Spanish Bay, while the French harboured at St. Ann's at the mouth of the Bras d'Or Lake, and the English used the perennially ice-free English, later Louisbourg Harbour. These Europeans came in contact with the Micmac Indians, a branch of the Algonkian family, who still inhabit the island. These people were hunters and food gatherers. They wandered about fishing salmon and mackerel, hunting the plentiful moose, and gathering the rich harvest of berries which the island produced annually. One of their favorite haunts was the romantically beautiful harbour of "Cibou" where the colonial capital of Sydney was to be established in 1785.

After Champlain's establishment at Port Royal, Cape Breton was included in that area known as Acadia, which encompassed most of what are now the Maritime Provinces. Nicholas Denys established posts at St. Peters and St. Ann's in the 1650's

1. The best study of the historical geography of Cape Breton prior to 1760 is Andrew H. Clark, Acadia, The Geography of Early Nova Scotia to 1760, Milwaukee: University of Wisconsin Press, 1968.

where he carried on the fishery and fur trade. The island however languished through the latter part of the seventeenth century until the Treaty of Utrecht deprived France of Nova Scotia, but left her in control of Cape Breton or Isle Royale, as it was now called.

Immediately after the signing of the Treaty of Utrecht in 1713, France decided to strengthen her hold on the island which had now assumed considerable strategic importance as the key to the Saint Lawrence and guardian of the northern ocean trade routes. Approximately 160 people, mainly fishermen, were sent from Placentia, Newfoundland, as well as Acadia, France and Canada to English Harbour on Isle Royale.² This harbour on the south coast of the island, ice free and near the fishery, was to be the site of a new fortress, Louisbourg. Begun in 1719, this stronghold took twenty years to build. All the while settlers arrived and Louisbourg became a growing town, numbering some 1,763 by 1737.³ The fishery grew to great proportions,⁴ and satellite settlements sprang up along the east and south coasts at Ingonish, at Spanish Harbour where limestone

2. A.C. Departement de la France d'outre-mer, G¹, vol, 467-CA, pp. 291-297.

3. Ibid., vol. 466, p. 73.

4. Samuel Holland reported that the French had employed as many as 1,459 shallops, 300 decked vessels and 11,154 men who caught as much as 647,700 quintals of fish annually. D.C. Harvey, ed., Holland's Description of Cape Breton Island and other Documents, P.A.N.S. 1935, pp. 122-123.

and coal were available, at Mira, St. Esprit, Gabarus, Port Toulouse (St. Peters) and on Isle Madame. These locations became the nuclei of settlements which have persisted to the present. Within twenty-five years the population of Cape Breton had grown to nearly 4,000,⁵ a number which would not be equalled again until 1805.

Louisbourg became the centre of a flourishing trade with the West Indies, Québec, New England and Ile St. Jean.⁶ As trade developed within the island meanwhile, roads were built, the most important extending from Louisbourg to Mira Bay.

This prosperity was not to last, for the War of the Austrian Succession which erupted in 1744 was the signal for a British attack on Isle Royale, largely under the auspices of New England. The menace which Louisbourg presented to New England shipping, the fishery and Britain's control of Nova Scotia had to be terminated. The New Englanders arrived near Louisbourg in late April 1745 and began pillaging the nearby settlements of Mira and Gabarus, before Louisbourg was conceded to them. The victory was in vain for the Treaty of Aix-la-Chapelle which ended the War of the Austrian Succession restored

5. The French population of Cape Breton totalled 3,936 according to a census taken in 1737, including 2,063 fishermen. Settlements listed besides Louisbourg were Lorembec (243), Baleine (335), Scatarie (234), Ingonish (741), Saint Esprit (546), Petit de Grat (181), Port Toulouse (182), Port Dauphin (42), and Little Bras d'Or (32). A.C., op.cit., vol. 466, p. 73.

6. Trade with Isle St. Jean was always sporadic, but references to commerce between the two islands may be found in AC, C11B, vol. 32, fol. 227; ibid., vol. 33, f. 281; vol. 34, f. 37; vol. 36, f. 36.

Louisbourg to France. The French reoccupied the Fortress and improved the fortifications. More competent military personnel arrived, cattle were sent, the merchants returned, and trade quickly revived with greater prosperity than ever. The population of Isle Royale expanded to over 4,120, including troops, by 1752.⁷ However, this was to be only a brief reprieve.

In 1758 the War again came to Cape Breton and Louisbourg fell to Wolfe and Amherst. Two years later the English government ordered "that the Fortress, together with all the works, the Defences of the Harbour, be most effectually and entirely demolished."⁸ Not only was Louisbourg destroyed, but the French fishing settlements along the coast were pillaged. Ingonish was deserted, Spanish Harbour was left with only a few families, and the other settlements were drastically reduced in size.

The destruction of Louisbourg and Britain's determination to retain Cape Breton in the peace negotiations with France concluded at Paris in 1763, inaugurated twenty-five years of steady decline which left the island in a state of backwardness despite her riches of fish and coal. Halifax had replaced Louisbourg as the guardian of the northern sea lanes, and in 1763 a royal proclamation united the island to the government

7. Ibid., Departement de la France d'outre-mer, G¹, vol. 466, p. 77.

8. William Pitt to Geoffrey Amherst, 9 February 1760, MG. 18 L4 (Amherst Papers), packet 24, pp. 62-64.

of Nova Scotia. In 1765 Cape Breton was granted two representatives in the Legislative Assembly in Halifax.

Though the menace of Louisbourg was removed Cape Breton still presented problems to Great Britain. The fame of the coal mines, particularly those at Spanish Bay, Glace Bay and Cow Bay, which had produced fuel for Louisbourg, was spreading. William Knox,⁹ undersecretary of state for America 1770-1782, later wrote:

Soon after the peace of 1763, by which Cape Breton was ceded to Great Britain, it was discovered that the whole island was a rock of coal. Mr. Charles Townsend, who was then first Lord of Trade, asked my opinion what was to be done with it - I told him that some of our then Provinces possessed Iron ore, which they smelted into Pigs with charcoal having plenty of wood; but they manufactured it no further for want of pit coal; and sent it to Ireland and Scotland, as Dunnage for the flax seed they exported thither, that our forges manufactured these pigs, and all the Implements of husbandry, carpenters and all other artificers tools used by the Americans and sent them from hence, were made of their own iron. If then, I said, the coal mines of Cape Breton should be wrought and the coal sold, the Americans would supply themselves from thence and work up their own pigs and we should lose that trade. This statement, determined him to shut up that colony and he added the consideration of the probability that the collieries of this country might fail and that Cape Breton would then be a useful resource to apply to.¹⁰

The danger of developing industries and coal trade in the colonies, which would compete with that of the mother country, caused the home government to conclude that the island was too valuable to

9. William Knox (1732-1810) was influential in the Colonial Department. Many of the measures taken against the American colonies, as well as the creation of the Province of New Brunswick were ascribed to him. Dictionary of National Biography, vol. 11, pp. 336 - 337.

10. William Knox to the Clerk of the Council, William Falkener, 5 July 1804, C.O. 323/176, ff. 234 - 239. P.R.O.

be granted away, and for twenty years Cape Breton remained unsettled.

Only those seven hundred people who lived on the island's south coast and a company of troops guarding Louisbourg remained.¹¹ Among them were 270 Acadians who fished, as well as Irish New-foundlers and English merchants who had followed the British troops to Cape Breton in 1758. The latter managed to support themselves by supplying the troops at Louisbourg with rum and food supplies.¹²

Great Britain allowed the development of a fishing industry since its practice required the use of only small sections of the island's littoral. Hence the Jersey-based Charles Robin firm established fisheries at Arichat on Isle Madame in 1764, at Cheticamp on the north shore in 1784, and participated in the West Indies and European fish trade.¹³ Consequently the Colonial Secretary, Lord Dartmouth, reminded Governor Legge of Nova Scotia that:

I cannot too strongly recommend to you a very particular attention to encouraging the Fishery at Louisbourg, and not suffering the Inhabitants of that Town who carry on Fishing to be bothered¹⁴ with any Imposition or subjected to any Rents....

11. Population of Cape Breton, 1766: Acadians: 271, Americans: 170, Irish: 169, English: 70, Scots: 6, Germans and others: 21. Holland's Description, p. 10.

12. W.S. MacNutt, The Atlantic Provinces, Toronto: McClelland and Stewart, 1968, p. 66.

13. Holland's Description, p. 31.

14. Ibid., p. 30.

Lack of permanent land grants, however, kept fishermen from settling on the island. The fishery therefore failed to encourage any substantial settlement of Cape Breton. When the Acadia Company, a land settlement group under the directorship of Sir Herbert Mackworth, tried to purchase Isle Madame outright in 1777 with the view of a more permanent settlement, the claims of the Robin Company opposed such a move and the Lords of Trade failed to allow the grant.

Besides the fishery, the lumber industry also had potential. In 1774, the Lords of Trade requested a report on the timber resources of Nova Scotia, and the Surveyor General of Woods suggested that:

Cape Breton should be reserved for the purposes of preserving for His Majesty's use Timber for Shipbuilding and other uses--this Island being the nearest tract of land to England where such quantities of Timber are to be procured....¹⁵

The Board of Trade accepted the recommendation and ordered Governor Legge to pass an act creating reserves which would effectively cut off large areas of Cape Breton to further occupation.¹⁶

Meanwhile applications literally poured in to the Board of

15. Charles Morris, Surveyor General of Nova Scotia to the Board of Trade, 24 May 1774, P.A.N.S. vol. 44, doc. 32.

16. Local fishermen were hostile to this act, which they claimed prevented them from obtaining needed wood. Hence the act closing the timber lands to exploitation was amended in 1775 to allow access to necessary wood. John L. Gutsell, British Mercantile Policy and Cape Breton Island, 1763 - 1784, B.A. Honours Essay, Carleton University, p. 91.

Trade for land grants in Cape Breton. One John Greg, a merchant, applied for forty thousand acres at Mira Bay; Brigadier General Howe applied for a larger tract in 1764¹⁷ while the Duke of Richmond boldly asked for the whole island.¹⁸ According to Richard Brown, **Junior**, forty-two memorials for land grants in Cape Breton were received in 1769 alone.¹⁹ The applications were of course refused, the excuse being that Samuel Holland had been commissioned by the Board of Trade to survey the island. This survey was underway between 1765 and 1768.

In the meantime the position of the 144 people at Louisbourg deteriorated. In 1766, the two representatives chosen to represent the island in Halifax were refused admission to the Nova Scotia House of Assembly on the grounds there were no freeholders in the island since occupied land was held only by lease; hence no one was qualified to elect representatives to Halifax.²⁰ The people of Cape Breton were enraged at this, and felt that since they had no representation in the Colonial Assembly no taxes should be imposed upon them, particularly those on rum, the proceeds of which went to Nova Scotia from whom they received nothing in return.²¹ Though only a small colony, Nova Scotia

17. Richard Brown, A History of The Island of Cape Breton, London: Sampson Low, 1869, p. 354.

18. Holland's Description, p. 15.

19. Brown, op.cit., pp. 372 - 373.

20. Ibid., pp. 360 - 361.

21. Ibid., p. 361; MacNutt. op.cit., p. 66.

was "ready to play the imperial part in relation to Cape Breton" and the tax remained.²² The island's political position was impossible because land grants were not being allowed, direct representation in Halifax was impossible and proxy representation by the Halifax member of the provincial assembly proved inadequate.

In 1768 the garrison, after a decade of continuous service, was withdrawn from Louisbourg for service in rioting Boston.²³ Most of the merchants and rum peddlers then moved and the final decline of the settlement set in.²⁴ The only troops left were those guarding the coal mines at Cow Bay and Spanish Harbour lest "rebel pirates" attempt to fire the works. At the time, a small colliery and a wharf existed at Spanish Bay.²⁵ The troops worked the colliery supplying the military needs for coal at Halifax, Boston and New York. Though the governor of Nova Scotia asked to use the proceeds from the sale of such coal for his colony's development, permission was refused by the Board of Trade.²⁶ The potential revenue from the mines was part of the royal prerogative and would not be given to any colony. Once again the island stagnated through neglect.

22. Holland's Description, p. 15.

23. MacNutt, op.cit., p. 66.

24. Lawrence Kavanaugh, later the chief merchant on the south shore, moved to St. Peters in 1777. Holland's Description, p. 31.

25. Major General Massey to Lord Germain, 21 April 1788, N.S. A98, p. 62.

26. Holland's Description, pp. 24 - 26.

The year that the troops were withdrawn from Louisbourg, Samuel Holland's Description of Cape Breton was submitted to the Board of Trade. This survey of the coast of Cape Breton gave the British government the first clear understanding of its conquest. Apart from his detailed description of the island Holland pointed out its many resources and potentials besides coal: the fisheries, the proximity of the island to the whale fishery, the fur trade, plaster of paris, and even the possibility of a potash industry.²⁷ He was enthusiastic about the opportunities for settlement, particularly at Spanish Harbour:

The point of Land lying between the two Branches of the harbour is an advantageous situation for a Town; for which Reason, I have laid out Edward Town Lot there; & if thought proper to be fortified, there could not be a better spot, as it is not commanded by any rising Ground: A project for this purpose shall be ready if desired.

The Difference of Climate between this & Louisbourg...is beyond Conception, for the Air is very serene being seldom or never infected with Foggs.²⁸

The report did not end with Holland's praise for the site of the future colonial capital. The wretched political situation of the inhabitants of Cape Breton elicited his sympathy, and his recommendation was separation from Nova Scotia:

Whatever Prospects may be raised or Whatever Efforts be made in Favor of this Island... until the Dependency of it on an Infant Colony Nova Scotia be taken off; little Advantages can be expected to result: When it is considered the great Distance between this, & the Seat of

27. Ibid., p. 36.

28. Ibid., pp. 74-75.

Justice, there can be no Surprise, at many Oppressions & Breaches of Order going unpunished, before the proper Measures can be taken for preventing them.²⁹

He added significantly:

Should a Separation ever be thought necessary... it would beget an Emulation between the ~~then~~ two Colonies as would insure Success in all their Measures, & would perhaps be the most effectual Method of preventing all illjudged Taxes & Imposts, from being levied by either of them, as should in immediate or future Respect be burdensome to Trade or Fishery, which seems to be the Case at Present here, in the Impost, now raised, of fifteen pence Pr Gallon, on all Spirits which more than double the price of that Commodity to the Consumer, & hath such Influences from the vast Quantities used, that the Fishery must entirely be given over; for it is impossible for any Profit to be expected, when these Burdens are to be supported.³⁰

These suggestions were supported, elaborated and carried into reality by Joseph Frederick Wallet DesBarres. DesBarres was born in 1720 and educated in Switzerland, but moved to England around 1752. He became a cadet at the Royal Military Academy at Woolich and sailed for America with the Royal American Regiment, as an engineer, in 1756. The following year he was at Louisbourg; after the fall of the fortress, he charted the Saint Lawrence with Captain Cook, and was present at the fall

29. Ibid., Holland's suggestion for the separation of Cape Breton from Nova Scotia had been foreshadowed less precisely by Lieutenant Colonel Tullekens, military governor of Cape Breton 1760 to 1764. He had recommended that the island receive a lieutenant-governor with the power to grant land and fishing lots. (Tullekens to G.nGrenville, 18 September 1764, T.1/430.) P.R.O.

30. Holland's Description, p. 93.

of Quebec. DesBarres was then sent to Halifax to draw up plans for the defences of that town and its dockyard. In 1763 he undertook his memorable survey for the Admiralty of all the harbours of Nova Scotia and Cape Breton. This project lasted twenty years and was finally published as the Atlantic Neptune, in 1783.³¹

Holland and DesBarres were thus surveying the Maritime Colonies at the same time, DesBarres concentrating on the hydrographic aspects, while Holland was concerned more with the topography. While the two men hardly corresponded, much of the Atlantic Neptune was based on the work of Holland, and DesBarres acknowledged the debt in the publication of the Neptune.³² DesBarres would therefore be well aware of Holland's attitudes toward the political and economic future of Cape Breton.

Meanwhile the island continued its neglected existence, Nova Scotia treating it as a preserve rather than as an integral part of the province. A proclamation was issued 26 August 1775 ordering that infantry companies be raised throughout the province. One thousand men were needed and Cape Breton was expected to raise one-fifth of the troops, while Nova Scotia with at least twenty times the population would raise the rest.³³ Again in

31. R.J. Morgan, "Joseph Frederick Wallet DesBarres and the Founding of Cape Breton Colony", Revue de l'Universite d'Ottawa, XXXIX, 2, 212.

32. G.N.D. Evans, Uncommon Obdurate: The Several Public Careers of J.F.W. DesBarres. Toronto: University of Toronto Press, 1969, p. 23.

33. Brown, op. cit., p. 379.

December a tax was imposed for the payment and support of the militia and three commissioners were sent to Cape Breton to make the assessment.³⁴ Her land grants frozen, her collieries neglected, troops withdrawn, no representation in an imperialistic Halifax: Cape Breton's prospects seemed hopeless.

The American Revolution abruptly changed this pattern. In 1783 loyalists began pouring into Nova Scotia and Québec seeking not only land, but office. By 1782 so many people were entering Québec that General Haldimand, the military governor there, was looking for suitable locations outside of the Province in which to settle them. Samuel Holland, who had been busy surveying land for the loyalists since 1779, suggested to Haldimand that Cape Breton would make an admirable "Asylum for the Refugees from the Sea Coasts of the Northern Provinces."³⁵

Besides Haldimand, Holland also came in contact with the former Mayor of Albany, New York, the loyalist, Abraham Cuyler who arrived in Québec sometime in 1782. Cuyler had served the mother country faithfully throughout the American Revolution, and had even led a band of loyalist volunteers for a period, claiming he lost £6,000 in real estate for his troubles.³⁶ In partial compensation he was appointed inspector of refugee loyalists in Québec. Cuyler became convinced not only that Cape

34. Ibid.

35. Haldimand to Sydney, 25 October 1782, M.G. 21, Q20, pp. 310-316.

36. A Memorial of A. Cuyler to the lords Commissioners of Treasury, 30 March 1781, A.O. 13, Bundle 109.

Breton would make a suitable home for loyalists, but also, perhaps under Holland's influence, that it could be organized as a separate colony, with himself as governor.³⁷ Cuyler was soon pursuing this vision with enthusiasm, and suggested that some 3,100 New York loyalists would be willing to settle in Cape Breton under his tutelege.³⁸ He began pestering officials with his plans. The over-taxed governor of Nova Scotia, John Parr, soon received applications asking that these loyalists be allowed to settle in Cape Breton. Parr did not know what to do, since the orders restraining land grants on the island still stood.³⁹ Cuyler's enthusiastic temperament would not allow him to wait for official reaction to his plans and in the early fall of 1783 he sent Jonathan Jones, former captain in the King's Rangers of New York, to view possible sites for settlement.⁴⁰ Despite Haldimand's pleas to wait for Jones' report, Cuyler sailed for England in early November.⁴¹

Meanwhile Lord North, secretary of state for home and

37. Minutes of the Executive Council of Cape Breton, (hereafter Council) 9 July 1789, Investigation into the Conduct of Abraham Cuyler, C.B. B5, pp. 249-250.

38. Memorandum of Abraham Cuyler, Haldimand Papers, MG 21, G2, B168, p. 113, [n.d.]

39. John Parr to Lord North, 6 July 1783, N.S. A103, pp. 126-127; Haldimand to Parr, 25 August 1783, Haldimand Papers, op. cit., B.M. Additional Manuscripts 21, 810, p. 230.

40. Council Investigation..., 31 July 1789, C.B.B.6, pp. 119-124, A.O. 13/13, ff. 496-507; L. Sabine, Biographical Sketches of Loyalists of the American Revolution, vol. I, Boston: Little Brown, 1864, p. 506.

41. R. Mathews to A. Cuyler, 18 October 1783, M.G. 21 G2, B165, pp. 155-156.

colonial affairs, had realized that the influx of loyalists into the Maritime region was making the policy of preventing settlement in Cape Breton untenable. In the spring of 1783 he turned his attention to Nova Scotia, but still had no clear policy for Cape Breton. Accordingly he asked DesBarres to submit his opinion as to what might be done with the island.⁴² DesBarres was a logical choice since, besides Holland, he was one of the few who had any knowledge of the state and potential of Cape Breton Island. He corresponded with Lord North and the government throughout 1783, and with Lord Sydney who was home secretary in the Pitt government after 23 December 1783. DesBarres drew Lord North's attention to the island as a loyalist refuge, and as a location for Nantucket whalers, as well as to the coal mines "which if properly regulated might...be productive of a growing Revenue more than sufficient to support any reasonable Plan of Improvement."⁴³ Such a suggestion could only please a government overwhelmed with loyalist claims.

Abraham Cuyler arrived in London early in 1784, just after William Pitt had taken office. There he met the new home secretary, Thomas Townsend, Lord Sydney. Sydney was of course an important member of Pitt's new Committee of the Privy Council for Trade and Plantations, along with Cuyler's chief supporter, Viscount

42. J.F.W. DesBarres, Letters to Lord...on a Caveat against Emigration to America, 1804, p. 217.

43. DesBarres to Lord North, 16 May 1783, Windham Papers, B.M., Additional Manuscripts, 37, 890, ff. 28 - 30. The underlining is that of DesBarres.

William Howe.⁴⁴ With Howe's recommendation he offered to settle loyalists in Cape Breton and asked for land which presumably he hoped to distribute to them.⁴⁵ As an important loyalist, he now claimed the lucrative position of secretary and registrar, if the island should be made a colony,⁴⁶ Sydney, bowing to Howe's and Cuyler's wishes allowed the latter to take his loyalists to Cape Breton,⁴⁷ and began to think seriously of the island as a loyalist colony like New Brunswick. At a time when Pitt was determined to practice economy, Sydney's only reservation seemed to lay in the cost of running the new province. Evan Nepean, undersecretary of state for the home department, and Lord Sydney's chief adviser, asked DesBarres about the expense of maintaining a separate establishment in Cape Breton. DesBarres answered that a small annual sum of £ 2,450 would support the administration of such a colony, and that the island's coal would supply nearby garrisons cheaply and employ loyalists "without burthen to the Public."⁴⁸

Quick to realize Lord Sydney's possible intentions, DesBarres continued to press for the separation of Cape Breton with himself

44. Howe to Sydney [n.d.] 1784, C.B. A1, pp. 37 - 38.

45. Cuyler to Sydney, 21 February 1784, ibid., p. 9.

46. Council, 9 July 1789, C.B. B5, pp. 249 - 250; Cuyler to E. Nepean, 11 March 1784, C.B. A1, pp. 13 - 15.

47. Cuyler to Nepean, 3 April 1784, ibid., pp. 16 - 18; Sydney to Haldimand, 8 April 1784, M.G. 21, B.M. Additional Manuscripts, 21,705, p. 135.

48. Remarks by DesBarres on a copy of a letter from Evan Nepean to DesBarres, 2 July 1784, Windham Papers, ibid., f. 36.

as lieutenant-governor. He organized his chief supporters, Sir Herbert Mackworth and Sir William Dolbin, both members of parliament, and fellow members of the Acadia Company,⁴⁹ together with General Henry Conway who had been secretary of state in the second Rockingham administration, and Lord Chamberlain in the preceding ministry.⁵⁰ The position of lieutenant-governor, DesBarres saw as a natural compensation for the twenty years spent in the preparation of The Atlantic Neptune, which he never let the government forget had cost him money and military promotion.⁵¹

The fate of Cape Breton was thus decided during the spring and summer of 1784. Pitt's Committee of the Privy Council for Trade and Plantations discussed the division of Nova Scotia, and the constitutions of the new fragments, between May and August.⁵² Holland's, Cuyler's and DesBarres' arguments for separation, as well as the reasons for the establishment of New Brunswick, viz., the pressure of the loyalists and their supporters, and the distance of the new provinces from Halifax,⁵³ led to the creation

49. Acadia Company to Lord Sydney, 6 May 1784, N.S. A105, pp. 7-10.

50. Thomas Steele to the Duke of Portland, 16 June 1801, DesBarres Papers, Series 3, vol. 3, p. 223. Henry Seymour Conway (1721-1795) was secretary of state in the second Rockingham Administration (1782), commander-in-chief in the Shelburne Administration (1782-1783). Dictionary of National Biography, vol. 4, p. 976.

51. Narrative of the Motives of Lieut. Gov. DesBarres Appt. to Cape Breton and of the circumstances of the Expenditures for the public Service there, with Remarks, DesBarres Papers, M.G. 23, F1(3), file VIII. Original in A.O. 3/142.

52. V.T. Harlow, The Founding of the Second British Empire, p. 237.

53. W.S. MacNutt, New Brunswick A History: 1784-1867, Toronto: MacMillan, 1963, pp. 42 - 45. Sydney is approximately 270 miles from Halifax.

of the Colony of Cape Breton.

When it came to the actual organization of the colony however, unlike New Brunswick, Cape Breton had small influence in Whitehall. She did not have the 30 to 40,000 settlers who were planning an "Elysium in the north" in New Brunswick.⁵⁴ Though it was generally believed that even more loyalists would come to swell the population of all the Maritime Colonies,⁵⁵ Cuyler could promise only 3,100 settlers who were still in Québec during the summer of 1784. Apart from providing office for DesBarres and a few important loyalists, therefore, the Committee of Trade and Plantations was free to fashion the colony as they saw fit.

Searching for a master plan for the remaining British-American colonies, Sydney turned to William Knox for advice.⁵⁶ Knox formed a master plan for colonial reorganization, suggesting that, though New Brunswick be separated from Nova Scotia, St. John's Island (Prince Edward Island) should be reunited to that province, and that all the British possessions in North America be placed under a single governor general.⁵⁷ Since Knox did

54. MacNutt. op. cit., p. 12.

55. Ibid., p. 47.

56. See above, p. 8.

57. Plan for the Intended Province of _____, C.O. 217/56, /n.d.7; H.T. Manning, British Colonial Government After The American Revolution 1782-1820, New Haven: Yale University Press, C.1933, p. 36; MacNutt, op. cit., pp. 45 - 47.

not mention Cape Breton, it is likely that Sydney had not made up his mind about the island when he asked for Knox's advice. At any rate, almost all of Knox's suggestions were accepted in theory at least, Sydney drawing a rough parallel in his mind between the position of the islands of St. John and Cape Breton. He accordingly informed the lieutenant-governor of Nova Scotia, John Parr,

That the Island of Cape Breton, upon which a Lieutenant Governor with a suitable Civil Establishment is to be placed, and that the Island of St. John, after reducing it to a parallel with Cape Breton, shall both be annexed to the Province of Nova Scotia, and be subordinate to you.⁵⁸

Both of the sparsely populated islands were to be "subordinate" colonies, which could be ruled directly by the governor of Nova Scotia when present on one of the islands.

The parallel between the organization of the two islands ends there however, for St. John's Island had had a house of assembly since 1773 whereas Cape Breton's assembly was not to be summoned immediately. Parr was informed that,

Whereas the Situation and Circumstances of Our Island of Cape Breton will not at present admit the calling of an Assembly You or Our Lieutenant-Governor of Our Said Island shall, until it appears expedient to call such Assembly, in the meantime make such Rules and Regulations by the Advice of our Council for the said Island, as shall appear to be necessary for the Peace, Order, and Good Government therof,....⁵⁹

58. Sydney to Parr, 29 May 1784, P.A.N.S., vol. 33/6.

59. Royal Instructions to Governor Parr, 11 September 1784, Nova Scotia E4, P.A.C. Also P.A.N.S., B.I.N.S., vol. 40, p. 123.

The inauguration of a colony without the immediate granting of a house of assembly was not without precedent. According to traditional British policy assemblies were constituted by royal grace and favour, the colonists having no natural right to them.⁶⁰ Thus Virginia, Florida and Barbados had become royal colonies without assemblies, and Nova Scotia, though constituted a colony in 1749, did not see her first assembly called until 1758. Only once in the eighteenth century, however, had Britain authorized a governor by his commission to legislate without an assembly in continental America.⁶¹ This was in the case of the former French colony of Québec which in 1784 was being administered by a governor and council alone. A precedent was thus established,⁶² and Cape Breton with a predominantly French population in 1784 followed suit.⁶³ In the instructions to Parr, however, it was added that an assembly was to be called when it was "expedient", perhaps meaning when the English-speaking population had increased sufficiently.

In the meantime the colonial government would have to be

60 L.N. Labaree, Royal Government in America A Study of the British Colonial System before 1783, New York: Frederick Ungar, 1930, p. 187.

61 Ibid., p. 176.

62 Harlow, op.cit., p. 687.

63 The most important constitutional difference between Québec and Cape Breton was that the former's organization rested on an act of parliament, whereas Cape Breton's sprang from the royal prerogative.

supported by Parliament, since local taxes could not be raised without an assembly. Parr was therefore warned

that nothing be passed or done, that shall anyway tend to affect the Life, Limb or Liberty of the Subject,⁶⁴ or the imposing of any Duties or Taxes....

The men who drew up these arrangements may have been influenced by Samuel Holland's opposition to taxation in Cape Breton, but it is more likely that they could see no harm in denying the immediate summoning of an assembly to the colony. The mood of the Committee of Trade and Plantations, and indeed of most colonial officials was neither liberal nor innovative in the wake of the American Revolution.⁶⁵ Lord Hawkesbury, the chairman of the committee was a strict traditionalist, as was his close confidant, Lord Thurlow,⁶⁶ a well-known

64. Royal Instructions to Parr, op. cit., p. 123. This is the ancient formula which was used when provinces were not granted houses of assembly (Labaree, p. 176). It was also usual for Parliament to contribute to colonial upkeep before 1783, though not for the entire upkeep of the colony as was the case for Cape Breton until 1801 (Labaree, p. 269).

65. Manning, op. cit., pp. 12-13, 33-34.

66. Harlow, op. cit., p. 236. Lord Thurlow (1731-1806) a champion of the royal prerogative, was appointed solicitor-general, 30 March 1770, attorney-general 26 January 1771, in the Shelbur and North administrations.

opponent of colonial legislatures, which he believed were the cause of the American Revolution.⁶⁷ Of Lord Sydney,

Manning says that he was

neither a liberal nor a reformer and he did nothing further in the cause of colonial autonomy. His views on the constitutional issues involved in colonial administrations, ...appear to have been neutral, and no measures affecting the fundamentals of government in the colonies were taken during his term of office.⁶⁸

Sydney was hardly likely to worry over granting an assembly to an insignificant colony.⁶⁹ The spirit of the age is even better realized when one considers that the subject never came up in parliament.⁷⁰

While the colony's constitution was being hastily drawn up, Cuyler began seeking supplies and generally behaving like a colonial governor.⁷¹ Haldimand was given orders to

67. Helen Taft Manning notes that William Grenville, when drawing up a memorandum on the subject of Québec, in deference to Thurlow's views, inserted a paragraph that if one were founding a new colony and were subject to no legal or constitutional restrictions, it might be better not to establish a local legislature. H.T. Manning, Revolt of French Canada, p. 30. Grenville was a member of the Committee of Trade and Plantations.

68. Manning, British Colonial Government, p. 33.

69. This policy of withholding assemblies continued even after Lord Sydney's retirement. For example, after 1793 none of the colonies conquered in the Napoleonic Wars was granted a legislature.

70. Manning, Revolt of French Canada, p. 30. fn. 6.

71. Cuyler to Nepean, 11 March 1784 (enclosure), C.B.A1, p. 15.

allow the New York loyalists to leave Québec for Cape Breton with their stores.⁷² Meanwhile Cuyler left for the island, having chosen Louisbourg for his settlement, probably because it provided the only immediate shelter for any numbers so late in the season. The loyalists had not left Québec until early in October, 1784. By that time, those who feared that Cuyler's plans for Cape Breton would be unsuccessful, had decided to remain in Québec. Hence only 140 loyalists left Québec in three small vessels, the Sally, the Liberty, and the St. Peters. On 28 October the vessels arrived, one landing passengers at Louisbourg, the other two continuing to St. Peters.

Only four houses remained at the once mighty Louisbourg, and since trees had long been stripped from the area it was practically impossible to build shelters or obtain a reliable fuel supply. No one in Britain had thought to inform Governor Parr of Cuyler's plans for Cape Breton, so that he could offer the new settlers only locks and hinges.⁷³ Small comfort for a tiny group of loyalists about to face a stormy, damp winter among the ruins of Louisbourg.

During the summer of 1784 DesBarres had also been preparing for the settlement of his colony. He and Cuyler seem to have worked quite independently of each other, like two governors

72. Sydney to Haldimand, 7 June 1784, B.M. Additional Manuscripts, 21, 710, pp. 175-176.

73. Parr to Cuyler, 13 September 1784, C.B. A7, pp. 25-26.

about to establish rival settlements. DesBarres stocked up the six hundred ton ship Blenheim, and rounded up 129 settlers, mainly poor Englishmen, and some disbanded soldiers.

On 15 November DesBarres arrived in Halifax to receive his instructions and confer with Parr⁷⁴ while the Blenheim sailed for the island colony. On 5 November she arrived at Louisbourg. The conditions there must have appalled DesBarres' settlers for they continued on to Holland's favourite site, Spanish Harbour, arriving 24 November.⁷⁵ The advantages of the harbour were not immediately apparent however, as a heavy snow storm began to rage. A small frigate from Halifax helped the settlers land their supplies at Point Edward, and temporary huts were thrown up. The principal officers wintered at the coal mines on the north side of the harbour.⁷⁶

Finally, despite the winter, DesBarres left Halifax and arrived at Spanish Harbour on 7 January. The first council meeting was held, probably at the mines, on 21 February 1785, and the new British Colony was officially launched.⁷⁷

74. Nova Scotia Gazette and The Weekly Chronicle, 16 November 1784. Microfilm Reel N-4951, P.A.C.

75. Notes of Thomas Ashfield (DesBarres' secretary), DesBarres Papers op. cit., series 4, p. 23.

76. Ibid.

77. The colony was officially established by an order-in-council dated 2 May 1784. MG. 11, Supplementary 11, No. 11, P.C. 2, Vol. 129, pp. 163-164, B-1070. This is also available in P.C. 2, Vol. 129, pp. 191-195, P.R.O.

Chapter 2

Political Rivalries (1785-1795)

The regimes of J.F.W. DesBarres (1784-1787) and General William Macarmick (1787-1795) revealed critical weaknesses in the organization of Cape Breton. Revenue was slight, the colonial officials placed the colony low on its list of priorities, and Nova Scotia refused to assist in the development of the island. This in turn spawned internal struggles between factions each grasping at the small amounts of power and money available. The Executive Council became the centre of these contentions in which the whole small population of Sydney was soon involved. While the town of Sydney thus languished in local disputes the rest of the colony was all but ignored. DesBarres and Macarmick, men of contrasting yet forceful personalities, contended with these problems in different ways, but both failed to overcome them. Hence the period 1785-1795 is characterized by political struggle and disappointed hopes in Sydney.

As the colony took its first faltering steps, DesBarres and his Council began to adjust to each other.¹ Abraham Cuyler as the "founder" of the Louisbourg settlement had been forced to take his approximately forty "associated loyalists" to Sydney

1. The original Council members were William Smith, James Edward Boisseau, the Reverend Benjamin Lovell, Richard Sweet and John Frederick William DesBarres (Council, 21 February 1785, C.B. Bl, p. 2.).

where the main settlement lay.² If this blow to his pride did not alienate him from DesBarres, his imperious temperament did. As former mayor of the important city of Albany, New York, Cuyler was an influential loyalist who was not likely to subordinate himself to the governor of the small colony.³ He had chosen the important and lucrative position of Secretary and Registrar of Deeds for the colony, and from the beginning revealed himself to be headstrong. DesBarres, a military man, expected to have his orders obeyed implicitly, and matched Cuyler in obstinacy.

The senior councillor and Attorney-General was the even more powerful former mayor of New York City, David Mathews. Already advanced in years, with a large family, he had lost his properties in the American Revolution, and was anxious to recoup his losses.⁴ His home at Point Amelia across from

2. Cuyler did not become a member of the Council until 25 July 1785, when he moved to Sydney from Louisbourg.

3. His most important connection was Evan Nepean, the Under-secretary of State in the Colonial Office. See Appendix II.

4. L. Sabine, Biographical Sketches of Loyalists of the American Revolution, Boston: Little Brown, 1864, vol. 2, pp. 51-52. Mathews had held public office in New York for twenty years before 1776. In 1782 he was appointed Registrar of the hated Admiralty Court. He maintained two establishments, one in New York and another at Flatbush which were confiscated by the new regime. A.C. Flick, Loyalism in New York During the American Revolution, New York: Columbia Press, 1901, pp. 146-147; Sir William Howe to Lord Sydney, 1784, C.O. 217, vol. 114, ff. 134-135, reel B-1064; W. Smith, A Caveat Against Emigration to America: with the state of the island of Cape Breton from the year 1784 to the present year /1803/ and suggestions for the benefit of British settlements in North America, (hereafter Caveat), P.A.N.S., p. 41.

Sydney was one of the colony's finer residences, rivalled only by his neighbour, Cuyler's "Yorkfields".

Other members of the Executive Council included James Edward Boisseau, a South Carolina loyalist,⁵ William Smith, surgeon for the 33rd Regiment whose ambitions far outdistanced this position, the Reverend Benjamin Lovell, chaplain for the 33rd, and formerly a student at Harvard,⁶ and Richard Sweet who came with DesBarres. Young Joseph Frederick DesBarres also served on Council for a brief time.

The key position of Chief Justice was filled by Richard Gibbons, the former Attorney-General of Nova Scotia, 1781-1784. The Gibbons family were Virginians who had settled in Halifax before 1760. A man of good legal training in England, he clashed with the Halifax establishment due to "a high opinion of his own superiority".⁷ He and DesBarres enjoyed a long friendship,⁸ and with his enmity for Parr,⁹ he was happy to leave his position in Halifax for the higher position in Sydney. He became DesBarres'

5. Sabine, op. cit., vol. I, p. 482.

6. Benjamin Lovell, 1755-1828, moved first to Halifax, then to Sydney. He finally settled in England. Sabine, op. cit., vol. 2, p. 31.

7. J. Doull, Sketches of attorney generals of Nova Scotia, 1713-1963, Halifax: Canadian Bible Society, 1964, p. 9.

8. Ibid., p. 12.

9. Ibid., p. 11.

chief ally in Cape Breton.¹⁰ Neither Mathews nor Cuyler attended the first Council meetings, though on their arrival in Sydney both were given seats, while DesBarres' son was removed.

DesBarres' personality made it difficult for him to accommodate himself to the ambitions of this new colonial élite. A "lively and cantankerous man",¹¹ his individualism showed itself throughout his life.¹² Along with his great energy went a "certain pettiness and eagerness to dispute".¹³ His great genius however, lay in his "eye for broad plans and future possibilities"¹⁴ which he had for his colony, though his imperious personality "called forth envy and dislike rather than admiration and support".¹⁵ Such characteristics were hardly calculated to curry the support of men like Cuyler and Mathews.

10. Richard Gibbons (1734?-1794) was married 10 May 1783 to Suzanna Sheperd of Halifax. (Memorial of Suzanna Gibbons [n.d.] C.O. 217, vol. 112, ff. 138-139, reel B-1063). They had one son, Richard Collier Bernard Marshall DesBarres Gibbons. Before his appointment as Attorney-General of Nova Scotia, Gibbons had held the position of Solicitor-General since 1777. (Memorial of Richard Gibbons to Richard Hughes, 7 October 1779, Nova Scotia, A99, pp. 156-159). Gibbons' appointment as Chief Justice of Cape Breton occurred 24 December 1784, and the first sitting of the Supreme Court took place 17 August 1785. (Doull, op. cit., p. 12.).

11. G.N.D. Evans, Uncommon Obdurate: The Several Public Careers of J.F.W. DesBarres, p. 97.

12. Ibid.

13. Ibid.

14. Ibid.

15. Ibid.

Moreover, the colony's constitution precluded political harmony. With no assembly and hence no taxation, the civil list and the colonial expenses were paid by the Imperial Government.¹⁶ Without taxes major public works could not be undertaken, and even if this were possible there was no guarantee that they would be performed according to the wishes of the settlers.

While the inhabitants could not control the actions of the Executive, the colony was open to direction not only from Whitehall, but from the ambitious Halifax officialdom. According to the colony's constitution, the lieutenant-governor was

16. Lord Sydney to the Lieutenant-Governor of Cape Breton, 27 September 1784. C.O. 218, vol. 12, p. 2. The amount voted by Parliament to cover Cape Breton government expenses was generally between £2,000 and £2,500; per annum. For example, in 1785 the amount was £1,750; in 1786, £2,550; in 1787, £2,450. The following is a list of financial estimates voted by Parliament for Cape Breton, 1787 (C.B. A3, pp. 130-131):

Lieutenant-Governor - £500
 Chief Justice - £300
 Attorney General - £100
 Secretary, Registrar and Clerk of Council - £150
 Naval Officer - £100
 Provost Marshal - £100
 Minister - £100
 Surveyor General - £100
 Colonial Agent - £500
 Unforeseen Contingencies - £500

Total: £2,450

expected to take orders from the lieutenant-governor of Nova Scotia "from time to time".¹⁷ On the other hand, Parr's commission read:

...that due care be taken in all Laws Statutes and Ordinances in our Province of Nova Scotia that the same do not extend or be deemed or construed to extend to our Islands of Saint John and Cape Breton under colour or pretence that our said Islands are included in this our Commission to you and are part of our government of Nova Scotia.¹⁸

Though Whitehall was obviously aware of the possibility of Nova Scotian interference in the colony's affairs, Halifax could use other than legal means of meddling in Cape Breton affairs.

Internally, the lieutenant-governor's influence traditionally rested on his power over patronage, particularly his ability to appoint and dismiss councillors. Yet in Cape Breton he could perform the former only with the consent of Council, and the latter only with the agreement of Westminster.¹⁹

The Council, the sole local body which had the potential of protecting the colony from the governor's possible tyranny, represented only its members, and quickly split into power-hungry,

17. Commission of J.F.W. DesBarres, 3 September 1784, P.A.N.S., vol. 333, doc. 73.

18. Commission of John Parr, 11 September 1784, Nova Scotia Instructions 1773-1787, M-584 (B.I.N.S. vol. 40).

19. Ibid.

selfish factions ever eager to increase their influence at the expense of the governor and settlers. DesBarres and Macarmick both contended with such councils so that the executive arm of the government was generally divided, preventing the desires of either governor or council from being carried out. The absence of a legislative assembly divided the executive even more, since the Council Board became a forum for debate. These constitutional weaknesses were bound to lead to strife which was precisely the opposite to the wishes of Lord Sydney, Chancellor Thurlow and the Committee of Trade when they denied Cape Breton a House of Assembly. Thus we see the governor was held in check by his Executive Council, Whitehall, and Halifax, which impeded his ability to control the Council which was ready to use the other two against him. While the colonial officials realized that the governor's power had to be bridled in a colony without an assembly, the administrators of Cape Breton were so restricted as to be practically helpless. This often left the colonial ship rudderless.

The first lieutenant-governors, DesBarres and Macarmick were soon confronted by these situations. First, DesBarres trying to lure more settlers to the colony, which had been founded after the mass of loyalists had been settled, ran into a direct conflict with the home government. He realized the potential value of a flourishing fishery off Cape Breton which Samuel Holland claimed had involved twenty thousand French

before 1758,²⁰ so he sent a Cape Breton merchant, Captain Thomas Venture to Nantucket with a proclamation promising land and good anchorage to fishermen.²¹ The whalers in Nantucket, hurt by the Navigation Laws, had not benefitted from the American Revolution, and were thinking of migrating to British territory. Unknown to DesBarres, Halifax was also interested in obtaining these settlers, and was in correspondence with London attempting to gain permission to attract them. On the other hand Whitehall itself had decided that these whalers were far too valuable to be allowed to settler in any colony and should be moved to England.²² Lord Hawkesbury saw the valuable oil from the sperm whales as an object of great national importance upon which an important new industry could be built. He therefore had no compunctions about obstructing the colony in its attempt to capture an enterprise which might compete with the Mother Country.²³ Moreover, Pitt and Sydney were involved in re-modelling the whole system of colonial trade after the American Revolution, and the Nantucket whale fishery was only a part of their new trade schemes. Certainly no colonial oil industry was to be

20. Holland's Description, pp. 87-93.

21. Proclamation of Lieutenant-Governor DesBarres, 1 September 1785, C.B. A1, pp. 87-89.

22. C.B. Fergusson, "The Southern Whale Fishery 1775-1804", Collections of The Nova Scotia Historical Society, XXXII, (1959), 79-124.

23. Harlow, op. cit., p. 271.

allowed to develop so near to the United States where smuggling might be possible.²⁴

It is typical of DesBarres however, that he informed the colonial officials only after he had issued the proclamation inviting the whalers, and set aside a settlement near Sydney to receive them.²⁵ DesBarres quickly came to realize where the colony stood, for not only did he fail to acquire the whalers, but he was scolded by Sydney for taking matters into his own hands.²⁶

While DesBarres was still stinging from Lord Sydney's rebuke, the weakness of the colony's position, the ambitions of the local "gentry", and the personality defects of DesBarres were revealed by the colony's first major crisis. First, DesBarres' dictatorial character which precluded compromise, goaded the members of the Council into rebellion. Attorney-General Mathews, most ambitious member of the Council, resigned his seat in December 1785, protesting that he had no voice there.²⁷ Prior to this, DesBarres realized that the colonial officials had forgotten about sending food supplies for the colony during the winter of

24. Ibid., p. 296.

25. DesBarres to Nepean, 10 September 1785, C.B. A1, pp. 96-98.

26. Sydney to DesBarres, 19 April 1786, C.B. A3, pp. 46-54. To make matters worse, Venture's ship was blown off course to England on the return voyage, and he was imprisoned for debt. Declaration of Thomas Venture 12 July 1786, ibid., pp. 117-125; Venture to E. Nepean, 4 August 1786, ibid., p. 141; Venture to E. Nepean, 26 January 1789, C.B. A6, pp. 3-6.

27. Mathews to DesBarres, 11 December 1785, C.B. B1, pp. 118-121.

1785-1786. He had asked the colony's agent, Gregory Townsend²⁸ in Halifax to send supplies in June, but Townsend sent back the shocking reply that no one had received orders to send supplies to Cape Breton, and that Nova Scotia needed all the supplies she could get for herself.²⁹ To make matters even worse, when DesBarres tried to buy supplies in Halifax, he discovered his credit was not good. Hope revived, however, when DesBarres was informed from London that supplies were to be sent to Cape Breton as soon as possible.³⁰

All supplies for the Maritimes were sent to Major General Campbell, commanding the forces in Halifax, who in turn was to issue them to the local troop commanders for distribution to troops and loyalists. This had caused confusion in New Brunswick, where the Lieutenant-Governor, Thomas Carleton, had frequently issued supplies himself since he considered that he was chief commander of the troops in New Brunswick.³¹ DesBarres, styled

28. Gregory Townsend, a former resident of Louisbourg, remained the colony's agent until DesBarres left Cape Breton, when Richard Spiller, stationed in London took the position.

29. Townsend to DesBarres, 6 July 1785, C.O. 217.

30. Turnbull Macaulay and T. Gregory to DesBarres, 6 July 1785, Evans *op. cit.*, pp. 46-50. Evans studies this episode thoroughly stressing the personalities involved rather than constitutional problems of the colony.

31. Major General Campbell to Sydney, 20 September 1785, Nova Scotia A107, pp. 201-207.

as "commanding his Majesty's Forces in Cape Breton and its Dependencies",³² also felt he should distribute supplies. Moreover, he had grown impatient with Halifax, which seemed to give him no co-operation in this matter, especially when Campbell denied that any orders had come from England to send supplies to Sydney.³³ DesBarres' concern for his new colony and natural impatience with those challenging what he considered to be his authority brought him into direct conflict with Major Yorke of the 33rd Regiment when Yorke claimed that he had Campbell's orders to distribute supplies.³⁴

When food supplies finally arrived in October 1785, both men tried to obtain control of them. John Storey, who had been sent from Halifax to manage supplies for Campbell, turned their control over to Yorke. DesBarres called Storey before Council,

32. Sydney to DesBarres, 20 February 1785, DesBarres Papers, vol. 4, pp. 772-773; Sydney to DesBarres, 25 March 1785, *ibid.*, pp. 782-785. The problem of conflicting jurisdiction of governor and troop commander originated before the American Revolution. Though all provincial military forces were under the command of the local governor, British officers were in practice rarely responsible to the governor in any way. During the Revolution they looked upon governors simply as liaison officers. The situation which developed in Cape Breton can be traced to the ambiguity of the governor's orders, and the attitude of the military authorities at Halifax in the wake of the American Revolution. (Labaree, *op. cit.*, pp. 107-109).

33. Gregory Townsend to DesBarres, 6 July 1785, Evans *op. cit.*, p. 49.

34. Yorke to DesBarres, 2 November 1785, C.B. A1, pp. 136-137.

but the latter refused to give the supplies to anyone but Yorke.³⁵ The test had come. DesBarres ordered David Tait, as Provost Marshal, to take possession of the provisions,³⁶ but Yorke refused to allow Tait near the stores. Meanwhile the Council was wavering as military members, Smith, Lovell and Thomas Moncrieffe³⁷ began to favour their commander, Yorke. Rather than face Yorke with a divided council, DesBarres decided to borrow stores from the military for the time being.³⁸

A month later the issue exploded again when another supply ship, the Brandywine, arrived with forty thousand rations. DesBarres stubbornly determined to assert his authority this time, and authorized Tait to board the Brandywine and take control of provisions.³⁹ DesBarres wanted to be certain of Council's support and directed the military members to choose between retention of their seat in Council and their army position.

35. Council, 18 November 1785, C.B. B1, pp. 82-93.

36. DesBarres to Tait, 18 November 1785, C.B. A1, pp. 136-137.

37. Captain Thomas Moncrieffe, 1725-1791, aide-de camp of General Gage, was an Irish loyalist who came from New York. He had served in Scotland 1746-1748, at the second fall of Louisbourg, and at Niagara in 1759. (Thomas Moncrieffe to Sydney, 29 April 1786, Cape Breton A3, pp. 58-62; The Royal Gazette, 10 January 1792, reel N-4953).

38. Council, 19 November 1785, C.B. B1, p. 98.

39. DesBarres to Tait, 8 December 1785, C.B. A1, pp. 211-213.

40. Yorke to officers of the 33rd Regiment, 10 December 1785, C.B. B1, pp. 109-110.

Lovell and Moncrieffe left, but Smith stayed. Yorke meanwhile issued directives to officers not to issue supplies to anyone except military personnel.⁴⁰ Hence Tait was run off the Brandywine when DesBarres sent him to get the supplies. Another crisis was averted when a young Lieutenant Norford of the 33rd offered to arrange negotiations between the intransigents.⁴¹ At the meeting Yorke told DesBarres that he would supply rations if he received a receipt guaranteeing to replace the stores or to be personally responsible to the Lords of the Treasury for the cost of the supplies. Council discussed this proposal and decided to ask Yorke for forty thousand rations.⁴² Yorke agreed and ordered Storey to distribute the provisions on the morrow.⁴³

The weakness of the lieutenant-governor's position was now clearly visible to DesBarres, but he was stubbornly determined that the principle of civilian authority, at least, would be established in the colony. He resolved to apprehend the troops who had driven Tait from the Brandywine who Yorke had refused to arrest. DesBarres had Chief Justice Gibbons call an inquest into their conduct. When Yorke heard this, any good will

41. Council, 12 December 1785, C.B. B1, pp. 132-133.

42. Ibid., p. 130.

43. Yorke to DesBarres, 12 December 1785, C.B. A1, p. 241.

44. Extracts of the Journal of Lieutenant Norford, 20 March 1786, C.B. A2, pp. 156-165.

Norford had generated, vanished, and his anger was heightened when Cuyler, who was anxious to see DesBarres ruined, told him that the Council was laughing at him for being hoodwinked out of the supplies by DesBarres.⁴⁴ Yorke thus ordered that the distribution of rations be stopped.

DesBarres replied by calling an open Council meeting, and in the presence of the sympathetic populace had Council call for the rest of the forty thousand rations for which he had given his receipt to Yorke.⁴⁵ With the people excited, Yorke took no chance of an attack on the stores and ordered that arms be issued to the troops.⁴⁶ The Council replied by passing an ordinance adopting the riot act.⁴⁷ When Tait arrived at the Brandywine the following day he was again refused supplies and read the riot act. A scuffle ensued in which Tait received "a gentle prick with a Bayonet behind", and left.⁴⁸ In anger, DesBarres issued a warrant for the arrest of the troops who had been aboard the Brandywine.

To prevent more clashes, Yorke withdrew all troops from town leaving only one guard at the governor's residence on DesBarres Street. On the early morning of 17 March, a group of

45. Council, 26 February 1786, C.B. B2, p. 42.

46. Yorke to Campbell, 28 February 1786, C.B. A2, p. 32.

47. Council, 1 March 1786, C.B. B2, pp. 43-44.

48. Yorke to Campbell, 2 March 1786, C.B. A2, pp. 34-35.

settlers knocked down the sentinel and dragged him before Gibbons on a felony charge. Yorke warned DesBarres of the "disagreeable circumstances" which might occur if Hunt, the sentinel, were not released.⁴⁹ Meanwhile Hunt was already on his way to jail, which was near the barracks, under a civilian guard. As the prisoner and his escorts passed, a group of soldiers frightened off the guard, seized Hunt and "the Soldiers and Women of the Regiment who seemed to be all turned out...set up several loud shouts".⁵⁰ Yorke ignored a warrant for the arrest of these men.⁵¹ Having lost control over the military, DesBarres could only wait for spring and hope for the Regiment's removal, while citizens complained that soldiers roamed the streets brandishing clubs and bayonets.⁵²

Supplies were finally obtained when a March storm forced a supply ship ashore at Arichat. A group of one hundred settlers in sleighs and carriages set out to "purchase loan or Impress" the flour and other supplies aboard the ship.⁵³

49. Yorke to Campbell, 17 March 1786, ibid., pp. 39-41.

50. Deposition of E. Hickey (jailer), 17 March 1786, ibid., pp. 141-144.

51. Ibid., pp. 131-132.

52. Petition of the Inhabitants of Cape Breton, 19 May 1786, C.B. A3, pp. 84-93.

53. Council, 21 December 1785, C.B. B1, p. 151.

Though DesBarres had obtained supplies, the preceding near-farce portrays not only flaws in his personality, but weaknesses in Cape Breton's constitution. First the colony's insignificance was revealed when she was obviously forgotten during the allocation of supplies.⁵⁴ Then Halifax gave little co-operation to assist the rival colony.⁵⁵ Thirdly, due to the vagueness of the orders from the colonial officials, the boundaries of the military and the civilian powers overlapped, a matter which was never solved in Cape Breton. Each of these problems continued to hinder the colony's development.

More immediately, DesBarres who had been forced into an open contest with the military had been compelled to make strong, quick decisions. This had divided the Executive Council causing Cuyler, Mathews, Lovell and Smith to form a clique whose immediate purpose was the removal of DesBarres. This faction gave birth to a combination which lasted with changing membership, throughout the colony's history. Without an assembly, DesBarres and later Macarmick, could rely on no official body to support them, though it is apparent that most of the settlers did so, except the forty or so loyalists who had come with Cuyler.⁵⁶ The clique

54. Evans, op. cit., p. 49.

55. Ibid., p. 50.

56. Ibid., p. 50.

sought to disrupt the DesBarres regime by inventing stories and inciting Yorke to rash actions.⁵⁷ Mathews, far more crafty than Cuyler, soon became the faction's leader, first complaining to Lord Sydney about DesBarres' behaviour, imputing profiteering motives to him, and complaining that he controlled "the Mob" by feeding them.⁵⁸ Then, aligning themselves with Yorke, Mathews and his clique protested to General Campbell in Halifax of the "Vexatious Conduct" of DesBarres, and the "peaceful conduct under repeated, general abuse and particular insults..." of Yorke and his regiment.⁵⁹ Finally, a "Remonstrance and Petition of the Principle Inhabitants of the Island of Cape Breton" was secretly drawn up by the faction and sent to Parr who quickly forwarded it to Evan Nepean, advising that "something must be done, or it [the colony] will all come to nothing".⁶⁰ This Remonstrance accused DesBarres of tyranny and of profiteering, of putting land aside for the Acadia Company⁶¹ and of allowing illegal trade

57. Extracts of the Journal of Lieutenant Norford, 20 March, C.B. A2, pp. 156-165.

58. Mathews to E. Nepean, 10 June 1786, C.B. A3, pp. 105-110.

59. Cuyler, Smith, Uncle, Lovell, Hurd, H. White, John Storey, A. Gordon, Wm. Russell, Jonathan Tremain to Yorke, [n.d.], Enclosure in a letter Campbell to Sydney, 22 June 1786, ibid., pp. 112-115.

60. Parr to E. Nepean, 28 June 1786, Nova Scotia A108, pp. 240-242.

61. The Acadia Company was a colonization group which, among its other concerns, was interested in obtaining Ile Madame. R.J. Morgan, "Joseph Frederick Walleet DesBarres and the founding of Cape Breton Colony" Revue de l'Université d'Ottawa, XXXIX, No. 2, April-June 1969, 212-213. Besides DesBarres, members included Sir William Windham, who always gave his strong support to DesBarres. See also Evans, op. cit., p. 71; above, p.10.

with St. Pierre and Miquelon in broad daylight. These allegations which were never proved, also referred to DesBarres' foreign birth, as causing him to enact "Measures that would be detested by a British-born Ruler, and are singularly painful to British-born Subjects".⁶²

Though the faction was growing in power, there could be no doubt that without Halifax's aid and the failure of the colonial officials to support their governor, they could not have been successful. One could hardly expect Halifax suddenly to lose her imperialistic attitude toward Cape Breton. Nova Scotia had surrendered a good deal of territory and potential revenue when she had been deprived of Cape Breton and New Brunswick, and Parr complained to Sydney "of the fear of the King's Servants here relative to a report of a reduction of their appointments".⁶³ DesBarres himself probably sensed a coolness toward him in Halifax before he left there for Cape Breton for he and Parr were not friendly. DesBarres even chose Richard Gibbons as his Chief Justice, a man whom Parr despised.⁶⁴ The feeling was

62. Remonstrance and Petition of the Principle Inhabitants of the Island of Cape Breton, DesBarres Papers, vol. 2, pp. 370-371.

63. Parr to E. Nepean, 2 January 1785, Nova Scotia A107, pp. 2-6. W.S. MacNutt in the Atlantic Provinces, pp. 97-98, writes that the "...officialdom of Halifax resented the position of the province. It was for them a loss of control over extensive territories where their influence had only lightly been extended but which promised much". See also Caveat, p. 44.

64. Parr to E. Nepean, 2 January 1785, Nova Scotia A107, pp. 2-6.

mutual, and it is certain that the outspoken Gibbons confirmed DesBarres in any dislike he had for Parr or Halifax officialdom. "We expect," DesBarres told the Council, "to be considered by the Rivals of our Country with an envious Eye...",⁶⁵ and in this category he included Halifax. DesBarres had reasons for his mistrust of Halifax. He believed that General Campbell had not co-operated in sending supplies. Moreover, when Campbell visited Sydney a few months after it was founded, he could only inform Lord Sydney, "I am sorry to observe to your Lordship that at present I see little prospect of this settlement getting on..."⁶⁶ He even tried to have two companies of troops detached from Cape Breton to St. John's Island, surely realizing this would seriously cripple the young colony's economy.

No rational explanation is necessary for DesBarres' and the settlers' hatred for Halifax however, since most of the colony's supplies came from Halifax where high prices drained capital from Cape Breton.⁶⁷ The young dependent colony was naturally short of cash, but when the Treasury Board, alarmed at DesBarres' distribution of supplies without authorization, refused to accept his

65. Council, 25 July 1785, C.B. B1, pp. 9-12.

66. Campbell to Sydney, 29 August 1785, Ibid., pp. 177-181.

67. Petition of the Inhabitants of Sydney, C.B. A1, pp. 206-212.

letters of credit, cash was quickly drawn away to Halifax and labour or barter replaced money. Naturally Halifax was blamed for this situation. Gibbons and DesBarres saw Yorke as Campbell's agent, representing Halifax, intent on ruining the colony and starving out the colonists.⁶⁸

One ship captain bringing supplies from Rhode Island to Cape Breton wrote that Halifax was even keeping settlers from Cape Breton:

By reason of Letters wrote from this Place [Halifax] and My Vessel being seized is the sole means of preventing a number of Families settling in your government, and I find that every art and means is made use of here to prevent the settlement of your government.⁶⁹

The "sophisticated" Haligonians **also** looked down on the Cape Breton pioneers. Campbell lamented to Lord Sydney when the 33rd Regiment were to leave Sydney since they were "the most (and almost only) respectable characters of the Inhabitants of Sydney".⁷⁰ Chief Justice Strange of Nova Scotia probably typified the attitude of Halifax officialdom toward Cape Breton when he wrote, "I can scarcely bring myself to apply the title of Chief Justice to such places which I have always thought ought not to exist as separate governments".⁷¹

68. Case of Lieutenant-Governor DesBarres, DesBarres Papers, vol. 7, p. 1602.

69. John Andrews to DesBarres, 3 June 1786, C.B. A3, pp. 99-100.

70. Campbell to Sydney, 22 June 1786, C.B. A3, pp. 112-113.

71. Doull, op. cit., p. 17.

The lieutenant-governor's position in relation to Halifax was thus delicate. The senior colony had far more influence with Whitehall than Cape Breton, and could use that influence to its detriment. Hence when DesBarres alienated Mathews and Cuyler they soon drifted into league with Halifax officials represented by Parr and Campbell, or Yorke who was under orders from the Halifax command. It was Parr who quickly forwarded the Remonstrance drawn up by Mathews and Cuyler to Evan Nepean, and it was this combination of Halifax officialdom and the Sydney clique which led to the fall of DesBarres.

Lord Sydney decided to dismiss DesBarres in November 1786, for, among other things, his "disposition...to encourage a disunion of affection between Nova Scotia and Cape Breton".⁷² After the episode of the Nantucket whalers, he did not seem to trust DesBarres. The latter's independence of mind was interpreted as disobedience. Under strong pressure from Pitt to practice economy, Sydney scolded DesBarres for the execution of "Works of magnitude without first receiving the approbation of Government".⁷³ By this he was referring to the barracks DesBarres had erected. Sydney felt that huts would have been good enough for the soldiers while his Office considered less elaborate plans, presumably costing less than DesBarres' barracks. DesBarres of course could never have done this, both because of his tendency

72. Evans, op.cit., pp. 54-55.

73. Sydney to DesBarres, 19 April 1786, C.B. A3, p. 50.

to act on his own, and because a Cape Breton winter would have destroyed any weakly built huts, simply adding to the ultimate expenses.

Again economy was the issue when Sydney scolded DesBarres for feeding the half-starved settlers who were not loyalists, since their "Situation did not entitle them to such an Indulgence, whereby a considerable Expense has been unnecessarily incurred".⁷⁴ Indeed Sydney had gone so far as to refuse payment on DesBarres' personal notes for the supplies⁷⁵ he had obtained for the settlers, thus throwing him into heavy debt. Obviously angry at DesBarres' insubordination, Sydney was ready to believe the reports emanating from Halifax and Sydney.

Since no one in England was familiar with events in Cape Breton, DesBarres sent Richard Gibbons to plead his case. Gibbons left in June 1786 only to find his influence at Whitehall paralyzed by Parr who had written Lord Sydney attacking him as the "worst of characters".⁷⁶ Sydney agreed with Parr in his low

74. Sydney to DesBarres, 30 November 1787, C.O.218, vol. 12, ff. 10-12.

75. Sydney to DesBarres, 5 April 1787, C.B. A4, pp. 63-65.

76. Parr to E. Nepean, 28 June 1786, Cape Breton A3, pp. 1-9.

estimate of Gibbons.⁷⁷ He saw Sydney only once, but--the latter remained unmoved in his displeasure with DesBarres.⁷⁸

In November, 1786 DesBarres was ordered home to face charges of incurring unnecessary expenses, of providing supplies to those not deserving them, and of causing dissention in the colony.⁷⁹ Before leaving, he reappointed all those except Cuyler whom he had dismissed from Council. He left Cape Breton 26 October aboard a small brig and landed in Jersey, evading his English creditors until he could see Lord Sydney. For fifteen years he kept his case before the Colonial Office, until finally he received compensation, though not as much as he wished.⁸⁰

II

The abrupt removal of DesBarres after only two years in Sydney left the completion of the colony's organization to General William Macarmick. Macarmick seemed better prepared to deal with these problems than DesBarres. He had had a thirty year military career, rising from Captain in the 45th Regiment of Foot in 1764 to Colonel of the 93rd Foot in 1780.⁸¹

77. Sydney to Parr, 8 March 1785, P.A.N.S. vol. 33, doc. 18.

78. Case of Lieutenant Colonel DesBarres, DesBarres Papers, vol. 7, p. 1601.

79. Sydney to DesBarres, 30 October 1787, C.O. 218, vol. 12, ff. 10-12.

80. Evans, op. cit., p. 77.

81. Royal Military Calendar (1816), vol. I, p. 101.

During the American Revolution he raised troops at his own expense, a factor highly in his favour.⁸² Afterwards, he sat as a Tory M.P. for Truro in Cornwall from 1784-1787.⁸³ He resigned his seat to become Lieutenant-Governor of Cape Breton on the promise of a "Government of larger Salary in three Years",⁸⁴ and £500 in salary with £300 in unofficial perquisites from coal sales.⁸⁵ Macarmick arrived in Sydney 19 October 1787 with his wife and two daughters.⁸⁶ He had been warned by the colonial officials to seek a truce with the military, to put an end to factions, and to practice rigid economy. Officialdom obviously believed that the crises that had beset the island were the fault of DesBarres rather than any shortcomings of theirs. The Macarmick regime was to prove that this was false. Indeed, trends begun under DesBarres continued during Macarmick's tenure despite his more orthodox behaviour.

82. Macarmick to Sydney, 18 March 1789, C.B. A6, pp. 32-33.

83. W.M. Courtney, The Parliamentary History of Cornwall, 1889, p. 12. Macarmick vacated his seat for George Evelyn, third Viscount Falmouth (d.1808) who was the youngest son of Admiral Edward Boscawen. After vacating his seat for Lord Falmouth, Macarmick became his protégé.

84. Ibid.

85. Memorial of William Macarmick to Lord Hobart, 25 August 1801, C.O. 217, vol. 119, f. 190, reel B-107.

86. Catherine Buller (1757-1807) was the sister of Edward Buller of Cornwall. Their mother, the Right Honourable Lady Jane Buller was a daughter of Allan, First Earl Bathurst (1684-1775). Mrs. Macarmick could not long stand the drafty government house in Sydney so and her daughters left for Calais in 1788 where living expenses were lower than in England. During the French Revolution, the Macarmick ladies were with difficulty removed from Calais, and appear to have settled at Bath where Mrs. Macarmick died in 1807. She was interred

Since the constitution of the colony remained unchanged, the political situation went from bad to worse. The Executive Council was sharply divided into 2 factions when DesBarres left; David Mathews, Abraham Cuyler, Benjamin Lovell and Lt. Colonel Graham of the 42nd Regiment which replaced the 33rd in 1787, had been welded together in their opposition to the Lieutenant-Governor and his supporters, composed of David Tait, Richard Gibbons, Archibald Charles Dodd,⁸⁷ "their cunning man",⁸⁸ and the loyalist minister of the Church of England, Ranna Cossit, recently arrived from New Hampshire.⁸⁹ The Mathews faction were triumphant over DesBarres' removal which had set a dangerous precedent, threatening the power of the lieutenant-governor and encouraging factionalism.

87. Archibald Charles Dodd (1745-) came to Cape Breton from England in 1787 under peculiar circumstances, possible to escape a charge of bigamy. On 8 July 1788 he married Susanna Gibbons, daughter of Richard Gibbons, but became a factional leader only after 1800, after which he became Chief Justice of the colony.

A.C. Dodd to Edward Cooke, 24 February 1806, C.O. 217, vol. 124, f. 143, reel B-1073; Petition of Bridget Dodd, 5 April 1818, C.C. 217, vol. 136, ff. 310-312, reel B-2368; Caroline B. Johnstone, Memories, Sydney Mines, 1931 (private printing, available at Xavier College Archives).

88. Macarmick to E. Nepean, 18 May 1790, C.B. A7, p. 123.

89. Ranna Cossit, 29 December 1744-17 April, 1799 was born in Connecticut and ordained in 1773. He arrived in Sydney in June 1788. He was intensely interested in local politics and kept a record of political events in Sydney. C.O. 217, vol. 138, f. 84, reel B-2368. Archdeacon A. Smith, "The First Seventy Years of Saint Georges' Parish", The Cape Breton Historical Society, 1932, pp. 1-29; Smith, "The Church in Isle Royale", The Centennial History of the Anglican Church in Nova Scotia, pp. 87-93; Smith, "The Reverend Ranna Cossitt", The Journal of the Canadian Church Historical Society, V, 3, September, 1963.

Macarmick's political experience, reasonable disposition, and awareness of his position were given full trial. He was determined to preserve "rectitude, Justice and Impartiality",⁹⁰ catering to both sides by reappointing Cuyler as Clerk of Council,⁹¹ and by allowing Gibbons to take his position as Chief Justice on his return from England.⁹² Determined to remain on good terms with the military,⁹³ Macarmick appointed Lt. Colonel Graham to the Council.⁹⁴ By the end of 1787 Macarmick had organized his carefully balanced Executive. William Smith who favoured Gibbons and DesBarres was given a seat with Cuyler and Thomas Uncle⁹⁵ who supported Mathews. The neutrals were the ailing James Edward Boisseau,⁹⁶ and Thomas Sparrow, a local merchant.

90. Macarmick to E. Nepean, 18 May 1790, C.B. A7, p. 123.

91. Council, 17 October 1787, C.B. B3, pp. 116-119.

92. Council, 20 October 1787, ibid., pp. 125-126.

93. Caveat, p. 48.

94. Council, 22 October 1787, ibid., pp. 127-128.

95. Thomas Uncle was Commissioner of Customs in Cape Breton, but left the island in 1788.

96. James Edward Boisseau was a South Carolina loyalist. (Sabine, op. cit., p. 481) Boisseau's will is of interest, since it makes an early reference to a negro slave. This, along with the Saint George's Church Records, provide information as to the first negroes in Cape Breton, many of whose descendants form a sizeable proportion of the population of Whitney Pier which is now part of Sydney. The Boisseau will (1790) is found in the Registry of Probate in Sydney, or a copy is available at the Xavier College Archives, Xavier 11-17. Copies of Saint George's Church Records are found at P.A.C., MG9, B8, vol. 28, or at Xavier College.

This delicate balance was impossible to maintain. Before DesBarres had left Cape Breton he had unofficially sanctioned the establishment of a Volunteer Militia mainly for his supporters' protection from the 33rd Regiment. Gibbons used the Volunteer Militia as the nucleus of a "Friendly Society" composed of those who had supported DesBarres. Macarmick, perhaps reminded of the radical societies developing in England at the time, wrote that the Society held "nightly meetings of the lower order of men (who were distressed at the total stop being put to public Buildings and delivery of the Provisions at the moment of my arrival)... It appears that Gibbons was becoming leader of "the lower order", and using the Friendly Society as a popular sounding board against his enemies. The Tory Macarmick regarded the supporters of Gibbons, mostly Englishmen from the Blenheim with contempt, alleging they "were concerned in the riots and setting London on Fire - Idlers from other Provinces come here in hopes of receiving three years Provisions from the Kings Stores".⁹⁸

97. Macarmick to E. Nepean, 18 May 1790, C.B. A7, p. 125. For an explanation of the development of radical societies in England during the early stages of the French Revolution, see J. Darry, William Pitt, London: B.T. Batsford, 1962, pp. 94-99; S. Watson, The Reign of George III, 1760-1815, Oxford: Clarendon Press, 1960, pp. 360-363.

98. Ibid.

Macarmick also distrusted Gibbons, describing him to Evan Nepean as "a turbulent Man, with whose Violent Disposition I doubt you must be acquainted, by his former Proceedings...."⁹⁹ He thought Gibbons was merely using the populace to regain the power he had lost when DesBarres left. The organization of any group or party was, in principle, anathema to Macarmick, whose motto was "conciliation and unity of parties which I have laid down as the Basis of my Authority...."¹⁰⁰ He accordingly outlawed the Friendly Society, and hopefully Gibbons' and the lower class's drive for greater powers.¹⁰¹

At the next sitting of the Supreme Court, in February 1788, however, Gibbons addressed the jurors as the "only representative body of the People...."¹⁰² Macarmick feared that this was another challenge to his power, and refused to recognize the supreme court as "Arbitrators of the Legislation of the Island and as a check upon the Governor and Council until a House of Representatives can be formed...."¹⁰³ Mathews, bent on Gibbons'

99. Macarmick to E. Nepean, 16 April 1788, C.B. A5, p. 83.

100. Ibid., p. 85.

101. Ibid., p. 84.

102. Memorial of Richard Gibbons to Lord Dorchester in "Precis of Papers and Documents to the Consideration of Mr. Secretary Grenville by Richard Gibbons Esqr. Chief Justice of Cape Breton. 1790 C.B. A8, pp. 158-159. Ibid., p. 167.

103. Macarmick to Nepean, 16 April 1788, C.B. A5, p. 86.

destruction, cultivated Macarmick's fears, and attacked the jurors as a collection of "Rebel Rascals".¹⁰⁴ When the court opposed his plans for the organization of a militia,¹⁰⁵ Macarmick agreed that under Gibbons' control they represented "the Seed of Rebellion",¹⁰⁶ and dismissed Gibbons as Chief Justice 1 March 1788, to "lop off the Head of Faction...."¹⁰⁷

Protests were lodged immediately. A number of citizens, probably at Gibbons' instigation, attacked Mathews and his followers, expressing fear of depopulation if the "conduct which they persue are to be continued and their systems become established by His Majesty's Approbation...."¹⁰⁸ They threatened that they would leave the colony and "seek an Asylum more congenial to a British Constitution to the enjoyment of which from British Birthrights we claim a Modest Pretention".¹⁰⁹

The dismissal of Gibbons destroyed Macarmick's plans for a balanced Council. Distrustful of Gibbons, he fell in more

104. Precis, op. cit., p. 163.

105. Ibid., p. 125.

106. Macarmick to Nepean, 18 May 1790, C.B. A7, p. 126.

107. Ibid., pp. 125-126; Gibbons, draft letter to William Wyndham, 1788, Dodd Papers, P.A.N.S.

108. Citizens of Sydney to Lord Sydney, 23 April 1788, C.B. A5, p. 93.

109. Ibid., p. 94.

closely with Mathews. When in May, 1788 Graham alleged that Tait and William Day, the jailer, were interfering with military operations near the jail, Tait was cautioned to watch his behaviour. The following spring he was dismissed from Council and sent to England to explain why he had tried "to counteract my wishes for the Establishment of unanimity of Government".¹¹¹ Though Macarmack fully realized that his regime was unpopular,¹¹² he felt that he had to dismiss Tait to show the colony that "designing men will fall".¹¹³

Mathew's faction was delighted with the destruction of the opposition, and bestowed the title of "Your Excellency" upon Macarmick thereby increasing his prestige if not his popularity.¹¹⁴

The unanimity in Council which Macarmick had desired apparently had arrived, since the fall and early winter of 1788-1789 passed quietly. Samuel Sparrow left the island and was replaced in Council by A.C. Dodd who was careful not to upset the Council's unanimity. Instead it was the temperamental Cuyler who broke the peace. He foolishly underrated the determination of Macarmick

110. Council, C.B. B4, 26 May 1789, pp. 41-46.

111. Macarmick to Tait, 20 May 1789, C.B. A6, p. 77; Macarmick to Dorchester, 5 July 1788, C.B. A6, p. 107.

112. Macarmick to Nepean, 18 May 1790, C.B. A7, p. 125.

113. Macarmick to Dorchester, 5 July 1788, C.B. A5, p. 110.

114. Council, 7 July 1788, C.B. B4, pp. 74-75.

who had no intention of becoming a pawn of any faction. The wiley Mathews realized this and was happy to bide his time, but Cuyler's daring had grown "to an ungovernable pitch".¹¹⁵ Macarmick suspected that Mathews' faction "would not suffer any Person to be a governor here that did not please them" and was particularly watchful.¹¹⁶ The break with Cuyler occurred in February, 1789 when the colony was burdened with a number of shipwrecked convicts from Main-à-Dieu. By keeping many of them in Sydney the local food supply was almost depleted. On 20 February Cuyler declared that though he had never agreed to keeping the convicts in Sydney, the Council minutes showed unanimity in the decision.¹¹⁷ Macarmick was alarmed at the inference of his tampering with Council minutes, as well as this new sign of discord.¹¹⁸ Mathews quickly declared that he had warned Cuyler not to bring up the matter.¹¹⁹

Cuyler was thus alone. He had failed to discredit another governor, for Macarmick's conduct was beyond reproach. The

115. Ibid., p. 126.

116. Macarmick to Nepean, 18 May 1790, C.B. A7, p. 126.

117. Council, 20 February 1789, C.B. B5, pp. 4-13.

118. Ibid., p. 11.

119. Ibid., p. 12.

latter was determined not to be questioned by Councillors like a "Cypher".¹²⁰ He refused to accept that "The advice and dictation of a Council must be the Sole Rule of his conduct without leaving him a Will to Plan, a power to act".¹²¹ He suspended Cuyler in June 1789, and appointed Captain Ingram Ball, a loyalist to replace him in Council.¹²² He then launched an investigation into Cuyler's conduct dredging up a pot-pourri of accusations against the man. Mismanagement of land grants, obstruction of the formation of a militia, allegations as to the falsity of Council minutes, opposition to unanimity in Council, and intemperate language, these were only some of the charges hurled at Cuyler in a poorly conducted investigation aimed at his destruction.¹²³ Macarmick, determined to restore concord, caused all but Mathews to agree to a verdict of guilty and suspension from office.¹²⁴

120. Macarmick to Sydney, 18 March 1789, C.B. A6, p. 28.

121. Ibid.

122. Council, 22 June 1789, C.B. B5, pp. 44-45. Captain Ingram Ball "late a Captain of the 7th Dragoons", his wife and 6 children settled around 1788 in the vicinity of the present Ball's Creek about 5 miles from Sydney. (Ball to Nepean, 26 July 1792, C.B. A10, p. 86; Ball to Duke of Portland, 10 September 1795, C.O. 217, vol. 3, ff. 200-201, reel B-1062).

123. A. Cuyler, 17 July 1789, C.B. B6, pp. 15-16; 29 July 1789, ibid., pp. 92-93; ibid., pp. 115-296.

124. Council, 19 August 1789, C.B. B6, pp. 243-245.

Cuyler was so infuriated at the decision that he refused Macarmick's orders to surrender the Council minutes,¹²⁵ and Mathews had to be sent to get them. Within two weeks the minutes were in the Lieutenant-Governor's hands.¹²⁶

Meanwhile, Gibbons, Tait and soon Cuyler arrived for hearings at the Home Office. DesBarres of course was still pestering government over injustices he had suffered as Lieutenant-Governor. Nepean wrote to Macarmick "as a friend" that the colonial officials did not want "to be troubled upon every little bickering in the colonies", and warned him, "to try what can be done, with a view of keeping things quiet".¹²⁷ The officials felt Tait's case to be too trivial to be dealt with, and sent him home.¹²⁸ Gibbons too was given a hearing, was reprimanded, but was re-instated as Chief Justice. Even Cuyler was sent back with only a mild rebuke.¹²⁹

Tait returned, but retired to his farm on the Mira River; Cuyler too arrived in Sydney, and after bickering for the salary lost during his suspension, tried to obtain a position elsewhere.¹³⁰

125. Council, 21 August 1789, C.B. B5, pp. 84-90.

126. Council, 22 August 1789, ibid., pp. 91-93.

127. E. Nepean to Macarmick, 20 October 1789, ibid., pp. 181-182.

128. Grenville to Macarmick, 20 October 1789, ibid., pp. 179-180.

129. Grenville to Macarmick, 30 June 1790, C.B. A7, pp. 171-172.

130. Memorial of A. Cuyler to W.W. Grenville, 19 July 1790, C.B. A8, pp. 14-18.

He decided to leave Cape Breton for Montréal, but first he issued a pamphlet attacking Macarmick.¹³¹ Gibbons never returned to Sydney for he, his wife, son and a maid were captured on their return voyage by a French ship, and were imprisoned at Nantes, where Gibbons died in 1794.¹³²

Macarmick therefore ruled over a docile Council for two years until he tried to organize a colonial militia without consulting the Council. Behind the resistance he could see the hand of Mathews:

I plainly see that it was determined by Mr. Mathews and the gentlemen coallesced [sic] with him that no arguments of mine should have weight, and that it would answer no good purpose for me to reply, but that it might tend to disturb the People who I believe are well disposed....¹³³

Though he dropped his militia plans, tension increased when Macarmick left Sydney for a trip to Mt. Grenville and Isle Madame in the spring of 1794. Another society was then formed "to include", Macarmick claimed, "all the principle people, that I might be obliged to fill vacancies out of this society".¹³⁴ Mathews and Lovell, however, declared that the

131. Macarmick to Nepean, 3 December 1790, *ibid.*, pp. 134-137.

132. Memorial of Suzanna Gibbons 1796, C.O. 217, vol. 12, ff. 138-139, reel B-1063.

133. Macarmick to Henry Dundas, 17 March 1794, C.B. A12, ff. 138-139, reel B-1063.

134. Macarmick to Dundas, 19 May 1794, C.B. A12, pp. 52-53.

Association was formed on an English model "to prevent the rise and progress of sentiment and opinions subversive to our happy Establishment in Church and State".¹³⁵ The Association was specifically directed against "the very considerable Influx of Strangers, into one of their neighbouring Ports",¹³⁶ meaning the French from Saint Pierre and Miquelon who were entering Cape Breton. Macarmick was determined to destroy this group as he had the Friendly Society, especially since it threatened the amicable relations he had established with the Acadians.¹³⁷ Mathews' enemies now led by the Reverend Ranna Cossit, drew up a petition claiming that the Association would "subvert the good order of Society".¹³⁸ Mathews alleged that the petitioners had been coaxed into signing the petition attacking his Association on the promise of government employment, but Macarmick denied this.¹³⁹ Macarmick thus squelched the organization in its infancy.

Mathews was outraged, and planned to bring a case against the petitioners before the island's Supreme Court vowing that

135. Minutes of Meeting, Enclosure in Macarmick to Dundas, 19 May 1794, C.B. A12, p. 55.

136. Ibid., p. 56.

137. Macarmick to Dundas, ibid., p. 53.

138. Petition, in Macarmick to Dundas, 18 July 1794, C.B. A12, p. 89.

139. Mathews to Dorchester, 28 July 1794, ibid., pp. 117-131.

"no power on Earth Shall deter me from taking every step that Law will warrant in prosecuting the man who shall take upon himself to aid and abet or impeach my loyalty...."¹⁴⁰ Macarmick was worried that if the petitioners were prosecuted, "Riot, Confusion and Bloodshed would probably ensue".¹⁴¹ The most serious crisis since DesBarres' day had been reached, caused not only by Mathews, but the system of government which made no provision for representation of the colonists' wishes.

The conflict ended only with outside intervention. Nepean's unheeded warnings came home when the Duke of Portland, the Secretary of State for the Home Department,¹⁴² wrote: "This squabbling is more destructive of His Majesty's interests and those of the Island, which are inseparable, than any evil whatsoever".¹⁴³ Quarreling was quickly suspended. But another letter from Portland cooled tempers even more, and resulted in Mathews' dropping his case:

140. Mathews to Macarmick, 13 August 1794, ibid., p. 162.

141. Macarmick to Dundas, 18 August 1794, ibid., p. 152.

142. The Duke of Portland became Secretary of State for the Home Department 7 August 1794, and held the position until 1801. See Appendix II.

143. Portland to Macarmick, 3 October 1794, C.B. A12, p. 229.

It is from the commencement of disputes and distractions of this nature in Cape Breton, that the gradual decline of its prosperity may be traced, and nothing short of a total change of proceedings there can justify His Majesty's Confidential Servants in continuing the administration of the Government of that Island, upon the footing it now stands.¹⁴⁴

This letter reveals that Whitehall saw the political quarrels which ravaged Sydney as the cause rather than the effect of the "gradual decline of...prosperity". The prosperity had never existed, but it was easier to blame the local inhabitants than to question policy. The threat to the status of the colony, moreover, reveals that officialdom was ready to destroy it, probably by re-annexation to Nova Scotia.¹⁴⁵ Portland's warnings eliminated disputes during the final six months of Macarmick's tenure.

DesBarres and Macarmick had both attempted to establish a prosperous colony within the framework of a non-representative government. DesBarres' heavy-handed methods caused factionalism. Macarmick's attempt to establish a powerful, paternalistic role for the lieutenant-governor to crush the cabals, failed. Macarmick left behind power-hungry factions and a frightened, leaderless populace. The Mother Country revealed that while she was ready to scold the colony into peace, she was not yet prepared

144. Portland to Macarmick, 4 November 1794, C.B. A12, pp. 276-277.

145. William Bentick to Adam, 25 October 1797, Papers of the Duke of Portland, Nottingham University, P.W.F. 10501.

to help Cape Breton develop toward political maturity. As she failed to help in the political development of the colony, so she did little to encourage other facets of the island's growth.

Chapter 3

Blighted Hopes 1785-1795

The political stagnation of Cape Breton was **accompanied** by the disappointing economic growth of the young colony. Sydney's population froze after the first settlement in 1785, the coal mines in need of capital were neglected, and defense was almost totally ignored. Yet without official assistance, the first signs of economic development were apparent by the end of the Macarmick régime.

DesBarres' hopes were high when he arrived in Cape Breton in January, 1785. Supplies were landed, food was rationed out and was supplemented by fresh moose meat provided by the local Micmac Indians.¹ During the winter the settlers were busy felling trees and were paid in provisions.² A limekiln was built at Point Edward³ while DesBarres drew up plans for an elegant capital with parks, crescents, and straight, broad avenues. By the middle of May enough ice had cleared from the harbour to allow DesBarres, his son Frederick, and David Tait, a British-

1. Memorandum of Thomas Ashfield 1827, DesBarres Papers, M.G. 23 F1, vol. 1, series 1, p. 169.

2. Thomas Ashfield to H.W. Perry (supply chief), 17 January 1785, Ibid., pp. 27-30.

3. Agreement between Joseph Rodderham [sic] and J.F.W. DesBarres, 1 April 1785, C.B. A8, p. 11. The Rudderham family still occupies "Lime Kiln Point".

born loyalist⁴ and the colony's Provost Marshal, to survey the peninsula on the south side of Spanish Harbour, "one of the pleasantest situations..."⁵, as the capital, to be christened "Sydney" in honour of the home secretary. By 1 June the north end of the peninsula was being cleared and the settlers were opening roads.⁶ On 22 July six companies of the 33rd Regiment arrived from Halifax and encamped in tents on the extreme north end of the peninsula⁷ while their barracks were under construction nearby.⁸ DesBarres expected the troops to work, and drove them mercilessly; stone had to be carried for building foundations, roads had to be built, barracks and huts erected.⁹ By December, a barracks, a hospital, a mess house, carpenter's shop,

4. David Tait (1740-1834) was appointed deputy superintendent of the Creek Nation in 1772. In 1779 he was appointed an army captain and served under General Prevost in Carolina and at the siege of Savannah, Georgia. In 1780 he went to West Florida to remove property he owned there, but was made a Spanish prisoner and taken to Mobile. He finally escaped from the Spanish in 1781, arriving in Cape Breton, presumably aboard the Blenheim in 1784. (Memorial of D. Tait to William Wyndham Grenville, 1 October 1789, C.B. A6, pp. 151-152.) He is buried in old St. Paul's Graveyard in Halifax.

5. Tait to E. Nepean, 18 September 1785, C.B. A1, p. 99.

6. "Amount paid for clearing the Town Spot of Sydney and in making Roads etc. from the 1st to the 30th June 1785 incl.," DesBarres Papers, ibid., pp. 173-175.

7. This area is now known as Victoria Park, and is under the jurisdiction of the Department of National Defense.

8. DesBarres to Yonge, 27 July 1785, W.O. 1, vol. 3, ff. 310-312, B-3060.

9. Yorke to DesBarres, 6 October 1785, C.B. A1, pp. 107-108.

governor's quarters, bake house, provision store, jail and teacher's house were nearing completion.¹⁰

In the meantime DesBarres sought to bring the coal mines on the north side of the harbour into working order. The challenge was almost overwhelming, since the mines were in a neglected state. This had been caused by careless operation dating back at least to the fall of Louisbourg. At that time, troops trained as colliers had been sent to the mines to raise coal for the Louisbourg garrison, the commissary in charge receiving a perquisite for surplus coals raised.¹¹ When the commissary learned that the troops were to be withdrawn from Louisbourg, he had them produce as much coal as possible for quick sale. Hence coal pillars which supported the mines were cut, resulting in cave-ins destroying the coal level over a wide area.¹²

Lord Sydney intended that the Crown take over the mines when the island was made a colony,¹³ but in typical fashion never got around to doing so, probably because of the money any rehabilitation of the mines would cost. DesBarres therefore arrived with no instructions regarding the mines and proceeded to run them on

10. Memorandum to H.W. Perry, 1785, C.B. A1, p. 252.

11. James Miller, "Report Concerning the Colliery of Cape Breton", C.B. A12, 8 January 1794, pp. 4-10.

12. Ibid., p. 4.

13. Sydney to Parr, 8 March 1785, P.A.N.S. vol. 33, doc. 18.

his own account and profit, charging 19 shillings 6 pence per chaldron. In 1785 DesBarres leased the mines to a Thomas Moxley and his wife on an annual basis. They tried to reclaim some of the mines and clear the shafts of water "without complete effect".¹⁴ However, since his tenure was uncertain and he had to pay 6, later 5 shillings duty on each chaldron of coal shipped, Moxley did not really bother to improve the mines.¹⁵ Without financial aid, yet desiring to ship coal, DesBarres allowed Moxley to sink pits into the coal strata nearest the surface, ruining those measures beyond recovery.

Like DesBarres, when William Macarmick arrived in Cape Breton he had no instructions regarding the operation of the mines.¹⁶ Hence he began operating them on his own account. In 1790 however, John Wentworth, the Lieutenant-Governor of Nova Scotia, who had been Surveyor-General of Woods for that province, realized that the scarcity of timber along the shores of the Maritime colonies had forced the price of wood to 21 shillings

14. P.A.N.S. Report 1933, pp. 44-146. Printed copy from the diary of Lieutenant William Booth who visited Sydney in August, 1785.

15. Miller, Report, op. cit., p. 5. Duty was collected only on coal shipped from the island, this being the only legal tax in the colony. It was hoped that the money could be used to improve the mines, with any surplus going to pay the salaries of public officials.

16. Macarmick to Sydney, 28 October 1787, C.B. A4, pp. 141-143.

per cord, while coal with superior burning qualities was selling at around 16 shillings per chaldron.¹⁷ British coal was too expensive and the senior colony needed more coal.¹⁸

In such circumstances, Macarmick realized the possibilities for Cape Breton coal. In 1789 Thomas Moxley had died, leaving his wife to run the mines. A more efficient operation was imperative, and on 15 May 1792, Macarmick transferred the mining lease to Messrs. Jonathan Tremain and Richard Stout, "the principle and indeed the only respectable Merchants in this place".¹⁹ Tremain owned a flour mill in Halifax, and Stout resided in Sydney. According to the lease, Macarmick retained control of the mines and granted Tremain and Stout a 7 year lease. In return they were to pay a duty of 5 shillings per chaldron.²⁰ The mines were never to be closed more than 30 consecutive days²¹ and coal sales were to be persued actively.²²

17. Three cords of wood equal one chaldron of coal; one chaldron equals 36 bushels.

18. Ibid., p. 187.

19. Macarmick to Dundas, 6 October 1792, C.B. A10, pp. 125-133.

20. Identure between Tremain and Stout and Lieutenant-Governor Macarmick, 15 May 1792, C.B. A10, pp. 25-40.

21. Ibid., p. 29.

22. Ibid., p. 32.

Meanwhile, when Britain realized that the United States lacked coal and wood in her developed areas, Dundas wrote that "it follows that the Coal Mines of Cape Breton are increasing in their consequences, and require that particular attention should be paid to them".²³ James Miller, a mineralogist, was appointed to evaluate the mines from the evidence of knowledgeable people in England, and to submit a preliminary report. Miller found that the mines had been wasted, and that Cape Breton coal was selling at 14 shillings sterling per chaldron at Sydney, or about twice that of the British product. He recommended that the colony's coal be sold in the United States.²⁴ Miller had thus hit on one of the essentials for the development of the mines: a large market. British policy however, prevented American trade, limiting coal sales to relatively small outlets like Halifax and Newfoundland.

23. Dundas to Macarmick, 4 July 1792, C.B. A10, pp. 80-84.

24. Miscellaneous Observations on the coal trade of the Island of Cape Breton collected from the information of sundry Persons who have been in the Island, either in the course of business or as Residents; and also Those in Public Office. James Miller, 31 June 1792, C.B. A10, pp. 60-64. The Halifax Royal Gazette and Nova Scotia Advertiser 19 October 1790, advertised "Fresh Spanish River Coals" at 35 shillings per chaldron.

The small market and poor mining methods caused coal production to reach a plateau in 1791.²⁵ Since DesBarres did not keep accurate records it is impossible to estimate the amount of coal raised between 1785-1787. In 1788, 1,871 chaldrons were raised, increasing to 2,165 in 1789 and 2,659 in 1790. This dropped to 1,442 chaldrons in 1791.²⁶ As costs rose, Macarmick was forced to lower the duty during this period from 6/6 to 5/8 chaldron, lessening the price at the pit head from 16/- to 14/-.²⁷ This duty yielded between £350 and £770 per annum.

Meanwhile, in the summer of 1795, James Miller was sent to Sydney to survey, report on, and supervise the entire mining operation.²⁸ He was the perfect man for this task, clever,

25. During the colonial period, coal was handled by driving a sloping level to the sea to carry off water, and then sinking pits down to the level. As the mining progressed, pillars were left to support the roof. Picks and wedges were used to work the coal free from the mine face. It was then taken to the pit in tubs over a "railway" of small poles lying side by side. The tubs were emptied into a larger one and raised up the shaft by a double horse gin and emptied into a hopper. Thence carts took the coal to the wharf. Small ships called "lighters" took the coal to vessels drawing over ten feet of water. For full information on mining methods, see R.W. Brown, The Coal Fields and Coal Trade of the Island of Cape Breton, pp. 45-55.

26. Enclosure in Macarmick to Dundas, 6 October 1792, C.B. A10, p. 134.

27. Ibid.

28. Henry Dundas to Macarmick, 17 August 1793, C.B. A11, pp. 85-92.

perceptive, hardworking and gifted with a curiosity which involved him in the problems not only of the coal mines, but of the entire colony. Because of the importance of the mines he had a local prestige almost equal to that of the lieutenant-governor.

He lost no time in organizing the mining operations. A supervisor was appointed to measure coal for the exact payment of duties,²⁹ and clear records were to be kept of all coal raised.³⁰ When he informed Dundas that Macarmick was receiving a non-authorized perquisite for each chaldron of coal raised, it was stopped.³¹ Macarmick was bitter since he had used the extra money for the "occasional festivity to Militia men etc. etc. for their encouragement", and to help the poor.³² Shortly after this, Macarmick applied to leave for England.³³

Miller investigated not only the weaknesses of the Sydney coal trade, but the closely related social and economic ills of the area. He concluded that Tremain and Stout were "totally

29. Ibid., p. 88.

30. Ibid., p. 87.

31. Ibid., p. 85.

32. Macarmick to Buller 1790 C.B. A8, pp. 185; Macarmick to John King, 27 November 1795, C.O. 217, vol. 3, f. 143, B-1062. For an allusion to Macarmick's love of parties, see Smith, Caveat, p. 48.

33. Viscount Falmouth to Dundas, 4 July 1794, C.B. A12, p. 78.

unintelligent in Coal Works" and that their methods were as damaging to the mines as those of their predecessors, since they employed no colliers.³⁴ He noted that though labourers were paid the extremely high wage of one dollar per day, most payment was made in goods, which were expensive since bulk shipments to a small town were impossible. Tremain shipped commodities from Halifax to Stout in Sydney and the labourer was "bound to his Employers Shop, Here also they are obliged to take up Articles for which they have no occasion to exchange them for such as they require".³⁵ The two merchants made their profits this way and not on the actual sale of coal.³⁶ Moreover, since the miners did not work from September to May they demanded high wages, driving up production costs.³⁷ The cost of labour was increased even more by the lack of troops to perform public works.³⁸

He also found that miners left the colony in winter when work was unavailable, and that spirits were sold freely at the mines encouraging a debauched existence there. These factors

34. James Miller, Report concerning the Colliery of Cape Breton, 8 January 1794, C.B. A12, pp. 4-10.

35. Ibid., p. 8.

36. Ibid., p. 9.

37. Ibid., pp. 7-8.

38. Miller to Dundas 27 August 1794, C.B. A12, p. 215.

help explain the population drain, and the low class of settler in the Sydney area, a fact which was frequently noticed. To eliminate these evils, Miller suggested that the government should assume control of the mines, pay miners in cash, and employ them all year round; this would reduce wages and prices, and stabilize the population.³⁹

Another factor, beyond local control, was the lack of return cargo which raised shipping prices. Coal ships returned to Sydney frequently loaded only with ballast. This meant that coal from Scotland or Liverpool was cheaper in Halifax than that from Cape Breton which sold only when the British product was unobtainable.⁴⁰

As if to confirm Miller's criticism, during his investigation Tremain and Stout claimed that they could not make the mines profitable, and asked that the price of coal be raised by 2 shillings per chaldron, or that government reduce its duty from 5 to 3 shillings.⁴¹ Macarmick was forced to lower the government duty by 1 shilling.⁴²

39. Ibid., p. 10.

40. Ibid., pp. 8-9.

41. Memorial of Tremain and Stout, 19 March 1794, C.B. A12, pp. 194-197.

42. Portland to Macarmick, 4 November 1794, C.B. A12, pp. 280-281.

The lessees on the other hand blamed mine problems on smuggling. "It got so bad", wrote Tremain to Miller, "that there comes Three or Four smugglers in every Day, and makes no kind of secret where they load them [coals] and sell them so low that We or the Persons that pay for them cannot sell Them". Tremain added that smugglers even told him that Halifax got so much of its coal this way, "that I don't think you will have any more Vessels from Halifax this fall for Coals".⁴³ Since outcroppings of coal were found along much of the shore of the island, smuggling was difficult to halt, and the government brig, Lady Apsley, which was expected to pursue smugglers, was so leaky as to be useless.⁴⁴ Even if the Attorney-General apprehended smugglers, a "Jury in this place being very tender where poor People are concerned" would be clement, especially as they themselves bought cheap smuggled coal.⁴⁵

Miller's answer to the smuggling problem was that British ports should forbid the purchase of coal from anyone without a special permit signed by the lieutenant-governor of Cape Breton.⁴⁶

43. Tremain to Miller, 13 August 1794, C.B. A12, pp. 204-206.

44. Ibid., p. 203.

45. Miller to Dundas, 27 August 1794, C.B. A12, pp. 200-213.

46. Ibid.

The Home Secretary, the Duke of Portland, quickly agreed to this plan, and smuggling complaints stopped.⁴⁷

Miller also suggested a new stone quay at the mines and a level to replace the old pits which had to be drained by buckets.⁴⁸ The high cost of labour meant that the wharf would cost £2882.7.5. Needless to say, this project was postponed until annual coal duties, which amounted to around £800 sterling in 1794, should increase.⁴⁹ The new level was begun shortly after Macarmick left Cape Breton. Hence the few bright spots in the first 10 years of Sydney's existence included Miller's plans for the mines: their tightened organization, the attack on coal smuggling, and the new level. The colonial officials' interest offered a new measure of hope for the future of Sydney.

Though it may seem that the Pitt administration was finally showing an awareness of the value of Cape Breton's coal mines, the same government severely retarded the colony's population growth. In a dispatch of 10 March 1789, instructions were sent forbidding free land grants in the Maritimes.⁵⁰ Whitehall had decided that money could be raised on the sale of land in the

47. Portland to Macarmick, 4 November 1794, C.B. A12, p. 282.

48. Miller to Dundas, 27 August 1794, *Ibid.*, p. 214; Dundas to Macarmick, 7 August 1793, C.B. A11, p. 88.

49. Council, 26 January 1795, C.O. 217, vol. 3, f. 107, reel B-1062.

50. Macarmick to Grenville, 12 January 1790, C.B. A7, pp. 2-3.

Maritimes.⁵¹ All four colonies suffered from this, but none worse than the infant Colony of Cape Breton. Fearing the loss of settlers, Macarmick and the Council resorted to various expedients to skirt the orders: people who had land promised them before the order were allowed to retain it, those who lived a distance from Sydney were permitted to file land claims until 1 June 1792, and squatters' rights were recognized.⁵² Henry Dundas, Home Secretary 1791-1794, felt these exemptions were too generous, but acquiesced since the colony was so backward.⁵³ He warned Macarmick, however, not to grant land to anyone "who has lived under the present French regime".⁵⁴ There is no record of Macarmick's expelling refugees from St. Pierre and Miquelon even after the restraining order.

The land grant restraint was even more pernicious for Cape Breton since DesBarres had often issued his own licences of occupation possibly because they were cheaper, at five shillings, than land grants.⁵⁵ The result was that the land tenure of many of the colonists, even those arriving before the restraining orders, was insecure, a fact hardly likely to attract more settlers.

51. N.S. MacNutt, op. cit., pp. 109-110.

52. Council, 6 February 1792, C.B. B7, pp. 127-134.

53. Dundas to Macarmick, 7 August 1793, C.B. A11, pp. 89-90.

54. Ibid., p. 91.

55. Schedule of Fees for land grants, 23 November 1790, C.B. A8, p. 117; Sydney to DesBarres, 9 April 1785, DesBarres Papers, vol. 4, p. 789.

The colony had barely braced itself for the adverse affects of Dundas's land policy when the French Revolution broke out. Shortly after his arrival a secret communication from Lord Sydney ordered Macarmick to keep the colony in a state of military preparedness.⁵⁶ London gave no assistance however, and Macarmick hesitated before procuring weapons or ammunition lest his bills, like DesBarres', not be honoured.⁵⁷ Moreover, defence works could not be erected until authorized either by London or Lord Dorchester.⁵⁸ Dorchester, whose official power extended to a Maritime colony only when he was present,⁵⁹ never answered the communications Macarmick sent him, and never set foot in the Maritimes. Finally, since Halifax had priority over Sydney in defence allocations, the troop commander there decided if Sydney should receive weapons or troops not needed in Nova Scotia. In effect, Halifax controlled Sydney's defence capabilities.

Lord Dorchester had warned Brigadier-General Ogilvie, troop commander at Halifax, that if war should erupt, troops

56. Macarmick to Lord Sydney, 22 December 1787, C.B. A4, pp. 163-165.

57. Macarmick to Sydney, Ibid.

58. Guy Carleton, Lord Dorchester, 1724-1808, was Governor General of British North America 1786-1796.

59. W.W. Grenville, Home Secretary, to Macarmick, 6 May 1790, C.B. A7, pp. 70-71.

were to be withdrawn from outlying posts.⁶⁰ When the French Revolution began, a detachment of the 42nd Regiment stationed in Sydney was replaced by a contingent of the 21st, consisting of a subaltern, and twenty men. Otherwise, the colony was without cannon, arms or ammunition until 1790.⁶¹ The wide harbour at Sydney seemed indefensible, and even the exposed barracks would have to be abandoned before a shot was fired.⁶²

At 2 a.m. in the morning of 31 May 1790, Macarmick informed the Council that the 6th and 20th Regiments might be withdrawn from Nova Scotia at any moment, and that hence the 21st was soon to be called to Halifax. Council could only beg Brigadier-General Ogilvie to keep the interests of the little outpost in mind.⁶³ When hostilities between England and France broke out less than three years later, the last troops left Sydney, and Ogilvie advised that they would not be replaced.⁶⁴ In 1794, Prince Edward was placed in charge of the Maritime command, and he too wrote Macarmick that Halifax would send no troops.⁶⁵

60. "The Military History of the Island of Cape Breton 1785-1815", Cruikshank Papers, M.G. 30, D32, vol. 2, file 6, p. 5.

61. Macarmick to Grenville, 16 February 1790, C.B. A7, pp. 7-11.

62. Ibid.

63. Council, 31 May 1790, C.B. B7, p. 63-68.

64. Council, 16 April 1793, C.B. B7, p. 195.

65. Macarmick to Henry Dundas, Secretary of State for the Colonies, 16 September 1794, C.B. A12, pp. 221-223.

Macarmick's pleas for help were answered only by a shipment of 300 musquets and some ammunition from Halifax in July, 1793.⁶⁶

Since the colony was virtually without troops, Macarmick decided to form a militia. Apart from DesBarres' and Gibbons' Volunteer Militia which Macarmick had outlawed because of its political involvement, no regularly organized militia had yet been established in the colony. Realizing the influence which a militia could wield in a colony without troops, Macarmick sought the sole power to organize such a body. He claimed that DesBarres had delivered him "papers" showing that the consent of the Council was unnecessary for organizing or calling out the militia.⁶⁷ His argument was that since many councillors lived across the harbour, it was too difficult to summon them in an emergency. More significantly he added that the necessity for the Council's consent in militia organization weakened the power of the lieutenant-governor "in this country where the levelling spirit so much prevails".⁶⁸ Council replied that the lieutenant-governor should not have unilateral power to call out the militia except in extreme emergency, alleging that he would be gaining too much power in a colony without an assem-

66. Macarmick to Grenville, 16 February 1790, C.B. A7, pp. 7-11; Macarmick to Grenville, 25 August 1790, C.B. B8, pp. 35-43.

67. Macarmick to W.W. Grenville, 15 September 1789, C.B. A6, pp. 142-147.

68. Ibid., p. 144.

bly.⁶⁹ Rather than allow the council to have any control over the militia, Macarmick never organized such a body.

This does not mean that defence preparations were not made. Remembering France's earlier possession of the island, but without tangible evidence, Macarmick believed that Cape Breton was still desirable to the French "who look always with an anxious Eye, upon this their former Property and favourite Spot."⁷⁰ In 1790, a check was made of the main population concentrations on the island which revealed that there were 355 men "liable to Service" in eastern Cape Breton, and 243 in the western district.⁷¹ To these were added another 500 who were seasonal fishermen or traders from Jersey whom Macarmick imagined he might be able to conscript. By 1793 the number of permanent residents liable to service had increased to only 611, including 397 under the age of fourteen.⁷²

Macarmick also drew up plans for the erection of hilltop signals from Sydney to Mount Grenville, near St. Peters. Provi-

69. Council, 12 March 1794, C.B. B8, pp. 16-19.

70. Macarmick to Sydney, 22 December 1787, C.B. A4, pp. 163-165.

71. Return of the number of resident Inhabitants in the Island of Cape Breton and its Dependencies, who are Enrolled and liable to Service in the Militia thereof, 1 August 1790, C.B. A8, p. 33.

72. Macarmick to Dundas, 26 August 1793, A11, p. 99.

sions were made for the rapid evacuation of Sydney and spy ships were dispatched to Saint Pierre and Miquelon.⁷³

In order to move the population quickly in case of an emergency, by spring of 1788 Macarmick began a road between Sydney and Conway Harbour (Arichat) and St. Peters, and another from Sydney to the Mira River and thence to Louisbourg. He did not complete the latter and the former was only a narrow portage road from the end of the North-West Arm of Sydney Harbour to East Bay, six miles distant on the Bras d'Or Lake.⁷⁴ Soldiers did some of the work, but citizens did the major share in return for high wages or free land.⁷⁵

Rumors of a possible French invasion caused Macarmick to fear the local Acadians. These people had been scattered after the fall of Louisbourg; some were deported to Europe, but others

73. Macarmick to Sydney, Ibid. One spy ship was gone the entire winter of 1787-1788 and arrived home in April. The Council was told that there were only 60 regular troops and 980 men fit to bear arms on the Island of St. Pierre. (Enclosure in Macarmick to Sydney, 16 April, 1788, C.B. A5, p. 79). If this seemed hardly warlike it was made even less so by the fact that the Commandant of Saint Pierre sent Macarmick 2 cases of Bordeaux wine via the spy ship! (Council, 15 April 1788, C.B. B4, pp. 16-18.)

74. Macarmick to Sydney, 16 April 1788, C.B. A5, pp. 76-78. For the story of Rev. James McGregor's trip from Pictou to Sydney via St. Peters and the East Bay to Sydney road, in 1799, see Brown, Cape Breton, pp. 417-419. The zealous man failed to reach Sydney by this 6 mile route and to reach there had to go by water from East Bay, a journey of 80 miles via Grand Narrows, Little Bras d'Or, and Cranberry Head.

75. Macarmick to Sydney, Ibid.; p. 77; Macarmick to Grenville, 15 September 1789, C.B. A6, pp. 142-147.

had managed to escape, returning to the Arichat region where they found employment with the Robin Company, a Jersey fishing and trading firm which opened a branch in Arichat in 1764. In 1770, the company began a summer establishment at Chéticamp on the north shore of the island,⁷⁶ which attracted Acadians from Prince Edward Island, when it became a permanent settlement in 1786. Before he left Cape Breton, DesBarres also tried to attract Acadians with the promise of land grants and food supplies,⁷⁷ and Macarmick wanted to maintain friendly relations with them, because of their role in the fishery. Before his arrival, however, Richard Gibbons had warned Macarmick that the Acadians might leave Cape Breton for the United States or St. Pierre if they were forced to take the oath against transubstantiation before receiving permanent land grants.⁷⁸ The Acadians lost no time in confirming this, and in demanding the regularization of their holdings. Macarmick was free to overlook the oath and

76. Ansêlme Chiasson, Cheticamp Histoire et Traditions acadiennes, 2nd ed., Moncton: Editions des Aboiteaux, 1962, p. 31.

77. Emile Lauvrière, La Tradégie d'un Peuple, Paris, 1922, vol. 2, p. 454.

78. Council, 16 April 1793, C.B. B7, p. 196; Council, 30 August 1793, ibid., pp. 235-239; Enclosure in Macarmick to Dundas, 26 September 1793, C.B. A11, p. 112.

with the agreement of Henry Dundas, the new Colonial Secretary, allowed the Acadians regular land grants.⁷⁹ In September 1790 therefore, 7,000 acres of land were granted to fourteen Acadians at Cheticamp giving legal status to the "Chéticantins" land holdings.⁸⁰ This move increased racial harmony and Macarmick improved his relations with the Acadians even more when he abolished all fish curing fees.⁸¹

A challenge to this peaceful situation was a squabble among the Acadians themselves. Their only priest was Father William Phelan, an Irishman, whose inability to speak French, according to David Tait, caused the Acadians to seek a French-speaking priest.⁸² Without warning, Father James Jones from Halifax arrived in Arichat with a Father Francis Le Jamtel to replace Phelan. Le Jamtel had been forced to leave St. Pierre after serving there for five years, since he refused to live

79. Henry Dundas was Colonial Secretary from 8 June 1791 to 7 August 1794, (See Appendix 11). Dundas to Macarmick 7 August 1793, C.B. A11, p. 90.

80. Letters Patent for Lands at Cheticamp to Pierre Bois and Associates, 27 September 1790, Book C41, Cape Breton Land Grants, P.A.N.S. These men, the "14 vieux" as they are still known, are considered the founders of Cheticamp. Their names were: Pierre Bois, Pierre O'Quin [Aucoin], Joseph Boudroit [Boudreau], Joseph Codet [Gaudet], Gregoire Mallette [Maillet], John Chiasson, Lazare White [Leblanc], Raymond Poirier, Anselme O'Quin [Aucoin], Joseph O'Quin [Aucoin], and Justin Desveaux [Deveau]. Names in brackets are current spellings.

81. Council, 1 March 1792, C.B. B7, pp. 141-142; Council, 24 August 1792, ibid., pp. 153-154.

82. Tait to E. Nepean, 4 December 1792, C.B. A10, p. 193.

under the new French régime.⁸³ He had gone to Halifax where Father Jones realized his potential value to the Acadians in Cape Breton.

Immediately after Le Jantel's arrival, Phelan wrote to Macarmick calling Le Jantel a "foreigner placed in his situation unacquainted with the Laws and unable to speak the English language...and useless to a very considerable number of Irish Catholics...."⁸⁴ Macarmick sympathized with Phelan, especially since Le Jantel had settled without obtaining his permission, and because he was a Frenchman who might preach disloyalty to the Acadians during this delicate period.⁸⁵ He therefore allowed Phelan to keep the key to the chapel at Arichat until Jones and Le Jantel should at least present themselves at Sydney.⁸⁶

83. Macarmick to Dundas, 1 November 1792, *ibid.*, pp. 177-179. Father Francis Le Jantel was born in France, November 1757, near Granville, Normandy. He was ordained 14 June 1783 and sent to Saint Pierre and Miquelon. The French Revolution caused him and his companion Father Jean-Baptiste Allain to flee since they refused to take the oath of allegiance to the Civil Constitution of the Clergy. Chiasson, *op. cit.*, p. 109. See also A.A. Johnston, A History of the Catholic Church in Eastern Nova Scotia, vol. 1, Chapters 30-31, pp. 149-156.

84. Council, 24 October 1792, C.B. B7, p. 165. The Irish population at Arichat could hardly have been "considerable", since most lived in the vicinity of Louisbourg and had come there just after its fall, some later spreading westward.

85. *Ibid.*, pp. 165-166.

86. *Ibid.*, p. 167.

The Acadians were deeply disturbed by this decision and 111 heads of families petitioned on behalf of Le Jamtel, supporting his ownership of the chapel.⁸⁷ Fortunately the situation was settled when Le Jamtel came to Sydney with a certificate confirming that he had taken the oath of allegiance at Halifax.⁸⁸ Such a situation would have been averted had the Halifax Church authorities and government officials ordered Le Jamtel to do this immediately.

Le Jamtel was merely the precursor of a migration to Cape Breton and the Magdalen Islands from St. Pierre and Miquelon during the French Revolution.⁸⁹ Several hundred French-speaking people entered Cape Breton in the spring of 1793, but threatened to leave if they were not permitted to settle near Isle Madame.⁹⁰ Macarmick was again deeply worried over the effects of these foreigners on the loyalty of the Acadians, especially when the Acadians, in this respect no different from the Sydneyites, opposed his plans for the formation of a local militia, though the Jerseymen and loyalists around Isle Madame had been more

87. Macarmick to Dundas, 1 November 1792, C.B. A10, pp. 174-175.

88. Council, 28 November 1792, C.B. B7, p. 182.

89. Council, 20 May 1793, ibid., pp. 213-221; ibid., 24 May 1793, pp. 222-223; ibid., 10 June 1793, ibid., pp. 225-230.

90. Ibid., p. 226.

responsive.⁹¹ Macarmick and the Council were also suspicious - of Le Jantel whom they suspected of stirring up the Acadians.⁹² Dundas shared Macarmick's fears, worrying that "until their disposition is thoroughly ascertained, they cannot be watched with too much care and attention".⁹³ He further warned that if they got out of hand he would no compunction about expelling them to Nova Scotia, where they could not get into "mischief".⁹⁴

British officials were concerned with the possibility of an Acadian insurrection, especially when war broke out with France in 1783. Dundas, fearful that Macarmick could not deal with such a possibility wrote to John Wentworth, Lieutenant-Governor of Nova Scotia, to withdraw all Acadians from Cape Breton.⁹⁵ Since such a move was impossible Macarmick had to prove that he could handle any possible trouble the Acadians might cause. In the spring of 1794 he sailed to Arichat to investigate the Acadian situation and to supervise the erection of a fort at Mount Grenville to be manned by Jerseymen, loyalists and Irish. The fort was intended obviously as a protection not

91. Ibid., pp. 226-227. Macarmick to Major-General Ogilvie, 8 July 1793. R.G. 8, C 366, pp. 67-68.

92. Council, 30 April 1794, C.B. B8, pp. 52-78.

93. Dundas to Macarmick, 4 September 1793, C.B. A11, p. 103.

94. Ibid.

95. Dundas to Wentworth, 1 January 1794, N.S. A120, p. 2.

only from a French or American attack, but as a safeguard against an Acadian insurrection. Macarmick returned convinced that the situation was in hand, and a delegation of Acadians arrived in Sydney two days after his return with an address of loyalty.⁹⁶

The addition of more Acadians at Chéticamp and Arichat was bound to have an effect on the colony's economy. The fishery, virtually run by them, began to grow and showed a diversity of products, such as fish oil, varieties of pickled fish, dry cod, along with salmon, mackerel and seal skins. The growth of shipping was steady; for example between July and October 1787, 8,000 quintals⁹⁷ of cod was shipped from Arichat to such places as Jersey, Spain, Portugal or the United States.⁹⁸ Between October 1787 and January 1788, 15,324 quintals were shipped.⁹⁹ Returns are missing for the period 1788-1795, but in July of the latter year to January 1796, 15,000 quintals of dry cod left Arichat.¹⁰⁰ Another 14,000 quintals were shipped between July of 1796 and January of the following year.¹⁰¹

96. Council, 17 July 1794, C.B. B8, pp. 84.

97. One quintal is approximately 100 pounds.

98. Shipping Returns; Exiting Arichat, 6 July - 10 October, 1787, C.O. 221, no. 34, f. 46.

99. Ibid., 11 October 1787 - 5 January 1788, f. 6.

100. Ibid., 5 July 1795 - 5 January 1796, f. 131.

101. Ibid., 6 July 1796 - 7 January 1797, f. 141.

Along with the fishery, shipbuilding began to grow. According to Macarmick's returns, 167 Cape Breton-built vessels, all shallops, were at sail in 1793. Besides the Sydney area, Baddeck with five vessels, Port Hood with twenty, as well as the Cheticamp and the Margaree regions were producing small craft.¹⁰² The more heavily populated Isle Madame area alone accounted for 110.¹⁰³ This ranked shipbuilding behind fishing and the colliery in economic importance to the island.

Another barometer of economic development is the growth of agriculture in Cape Breton. Starting from virtually nil in 1785, by 1793 there were 1,766 black cattle, 565 sheep and 95 horses, mainly at Isle Madame, the Cheticamp, Port Hood and Louisbourg areas. Even the Sydney region boasted 288 black cattle.¹⁰⁴ By 1793, small numbers of sheep and oxen were being exported to Newfoundland¹⁰⁵ indicating that the colony was becoming more self-sufficient in meat production.

102. Port Hood or "Juste au Corps" (Chestico) was first settled by Acadians before the fall of Louisbourg. The family of Captain Smith, loyalists, arrived in 1786, and lived on Port Hood Island. Shipbuilding was always important in early Port Hood. Holland's Description, p. 8; P. Smith, History of Port Hood and Port Hood Island, with the genealogy of the Smith Family, 1610-1967, Port Hood, 1967, Chapter 3.

103. Enclosure in Macarmick to Dundas, 26 August 1793, C.B. All, p. 99.

104. Ibid.

105. In the period 6 July - 6 January 1797 for example, 84 sheep and 4 oxen were shipped from Sydney, (C.O. 221, no. 34, pp. 143-145.)

The growth of areas outside of Sydney necessitated surveys in 1790 of the north shore from Cheticamp to Port Hood, Big and Little "Judick" and even "Hawkesbury town" on the Gut of Canso.¹⁰⁶ The reason for this survey was not only the influx of Acadian settlers, but also the arrival of the first Scots, who were beginning to enter Cape Breton. After the arrival of the Hector at Pictou in 1773, Scots had been moving gradually eastward. They began entering Prince Edward Island, and by 1775 the first Scot had crossed over from Prince Edward Island to Judique. Thereafter a trickle of Scottish settlers began to flow into the Judique, Mabou and Gut of Canso areas.¹⁰⁷

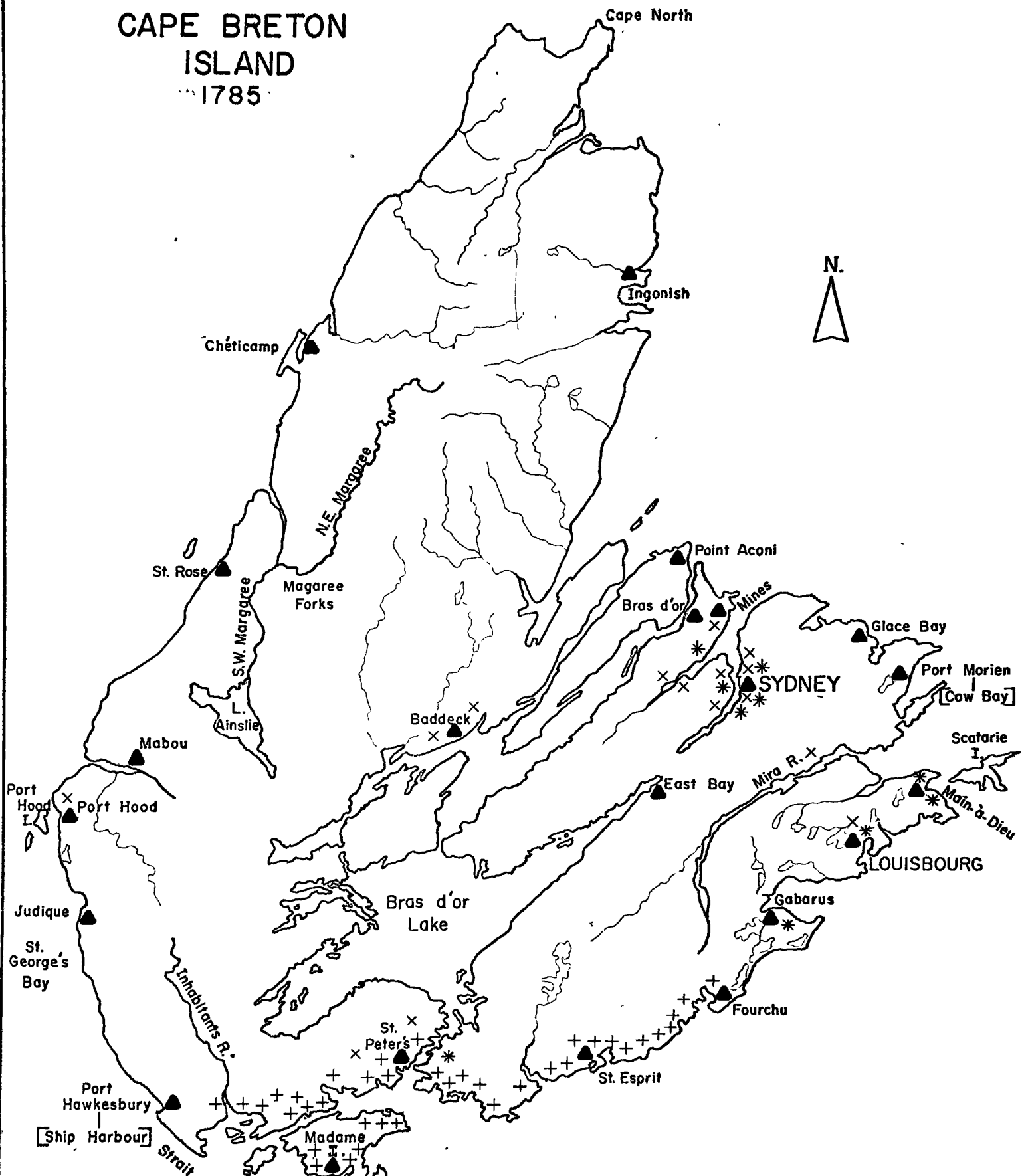
Apart from the French and a few Scots hardly any new settlers entered the colony between 1785 and 1795. DesBarres had claimed that the population of the island was between three and four thousand in September 1785.¹⁰⁸ Though this was likely a "white lie" to impress the colonial officials with the correctness of his prophecies of the great future in store for the colony, a truer idea of the population of the island is found by studying

106. Macarmick to Sydney, 20 May 1789, ibid., p. 57.

107. The first settler in Grand Judique came from Prince Edward Island via Pictou, in 1802. For details of earliest settlers in the Judique area see J.L. MacDougall's History of Inverness County, Nova Scotia, 1922, p. 190. In this book, the emphasis is on genealogy, and the connection between Cape Breton, Prince Edward Island and Pictou Scots is fully drawn.

108. Statement of Lieutenant-Governor DesBarres, DesBarres Papers, M.G. 23, F.1, (3), file V111, photostat of A.O. 3/142, p. 128.

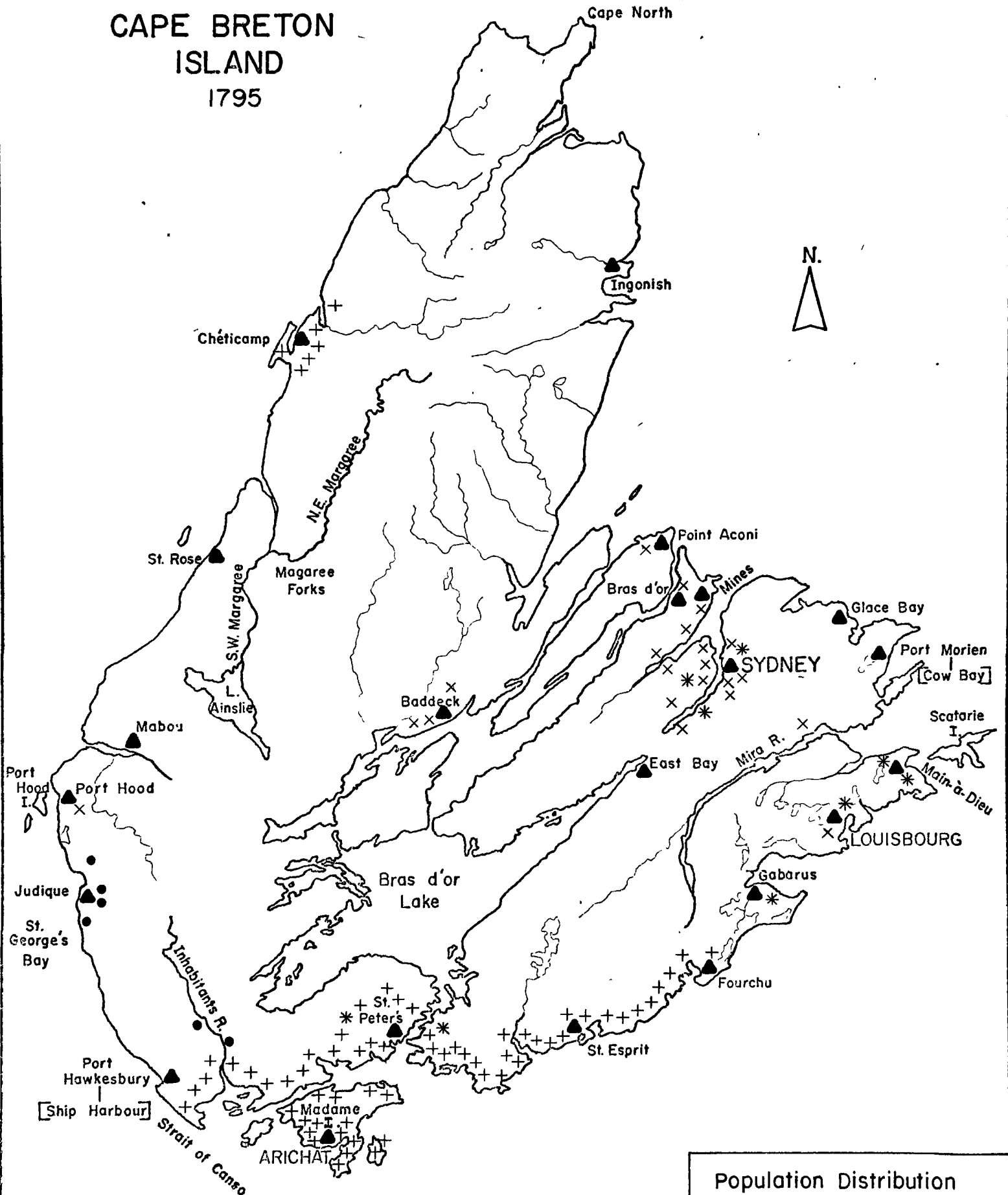
CAPE BRETON ISLAND 1785



Population Distribution
 X 25 LOYALISTS
 + 25 ACADIANS
 ● 25 HIGHLANDERS
 * OTHERS

One inch equals about 13.0 Miles

CAPE BRETON ISLAND 1795



Population Distribution

- × 25 LOYALISTS
- + 25 ACADIANS
- 25 HIGHLANDERS
- * OTHERS

One inch equals about 13.0 Miles

the detailed inventory of tools and building materials distributed to male settlers between November 1784 and October 1787, which listed three hundred men in the Sydney area.¹⁰⁹ This would indicate a possible maximum of around one thousand settlers in the region, which, added to the one thousand people living along the south shore¹¹⁰ would yield a population of probably two thousand, exclusive of Indians. In 1790, however, the Reverend Ranna Cossit estimated that only 624 people lived in the Sydney area, with the same number in the rest of the colony.¹¹¹ His calculations indicate a lower population than the contemporary militia estimates, which judged 598 men capable of service.¹¹² Three years later this number increased to a mere 611. These statistics are probably too low for they fail to take account of the French from St. Pierre and Miquelon who squatted in remote coves, and Scots who were already crossing from Prince Edward Island to the Judique area. It would be fair, however, to say that Cape Breton held no more than 2,500 people by 1795.

109. Tools, Building Materials used 19 November 1784-13 October 1787, M.G. 11, Supplementary 1, number 19.

110. Holland's Description, A Return of the State of the Island of Cape Breton 17 October 1774, p. 11. The population estimate for Sydney is likely too high while that for the Acadians is probably too low.

111. Cossit to Morice, 30 September 1790, C.B. A8, p. 54.

112. Return of the number of resident Inhabitants in the Island of Cape Breton and its Dependencies, who are Enable and liable to Service in the Militia thereof, August 1790, ibid., p. 33.

Sydney did not share in the moderate growth of the rest of the colony. Though building had gone ahead quickly in 1785, it had ceased by 1787. Macarmick thought Sydney needed a new government house, court house and jail,¹¹³ but public building had been suspended while DesBarres answered charges of over-spending. DesBarres's policy of distributing provisions freely also ended.¹¹⁴ The withdrawal of the troops destroyed the sale of liquor which was the town's chief means of livelihood, and Sydney declined into shambles.¹¹⁵ Lieutenant William Dyott, visiting the capital in the fall of 1788 wrote in his diary:

The town of Sydney consists of about fifty houses situated on the banks of Spanish River, and surrounded to the very sides of the buildings by an almost impenetrable wood. There is a narrow path from the barracks just to keep up a communication, and that's all the clear country I saw. The barracks are shamefully bad; the troops have cleared a good parade and made themselves as comfortable as their situation would allow. The officers had no rooms in the barracks, and were obliged to build huts and log-houses.¹¹⁶

113. Council, 27 October 1787, C.B. B3, pp. 138-139.

114. Macarmick to Nepean, 18 May 1790, C.B. A7, p. 125.

115. Mathews to Portland, 6 May 1796, C.O. 217, vol. 112, pp. 48-52, reel B-1062. James Miller's "Map of the Town of Sydney", 10 July 1795, gives a total population of 121. Twenty-six of those people were prepared to emigrate and 95 were remaining. Of dwelling houses, 27 were inhabited, 17 were empty. Another 27 were in ruins. There were 14 public buildings. P.A.C., Map Division, H3/240, Sydney, 1795.

116. Diary of Lieutenant William Dyott, in "Description of Sydney, 1788", Cape Breton, C.B. Ferguson, ed., Appendix A, pp. 144-145.

Government house, which Macarmick described as a "slight wooden building formed of green and bad materials and every room...constructed...at a different time so that the whole is a heap composed of many useless parts", also served as a church and court house.¹¹⁷ He moved to Yorkfields after Cuyler left the colony and council meetings were held there after 1793. The only bright spot on the building scene was the allocation of £500 for the construction of a stone church, St. George's, which held its first service on Christmas Day, 1789, though pews and pulpit were still lacking.¹¹⁸

Even elementary services were absent in Sydney. The garrison doctor left with the troops in 1793, and no one replaced him. The Reverend Ranna Cossit, Sydney's first Anglican priest, managed to lure a teacher to Sydney, but the young man, Hiram Payne, was preparing to leave for the seminary.¹¹⁹ An ordinance was passed "for making repairing and mending the Highways Roads Bridges and Streets in the County of Sydney" by impressing people four to six days per year.¹²⁰ This was a

117. Macarmick to Sydney, 16 May 1789, C.B. A6, p. 150. Smith, Caveat, p. 48.

118. Council, C.B. B4, 21 May 1788, p. 31. Ranna Cossit to Rev. William Morice, 30 September 1790, C.B. A8, p. 52.

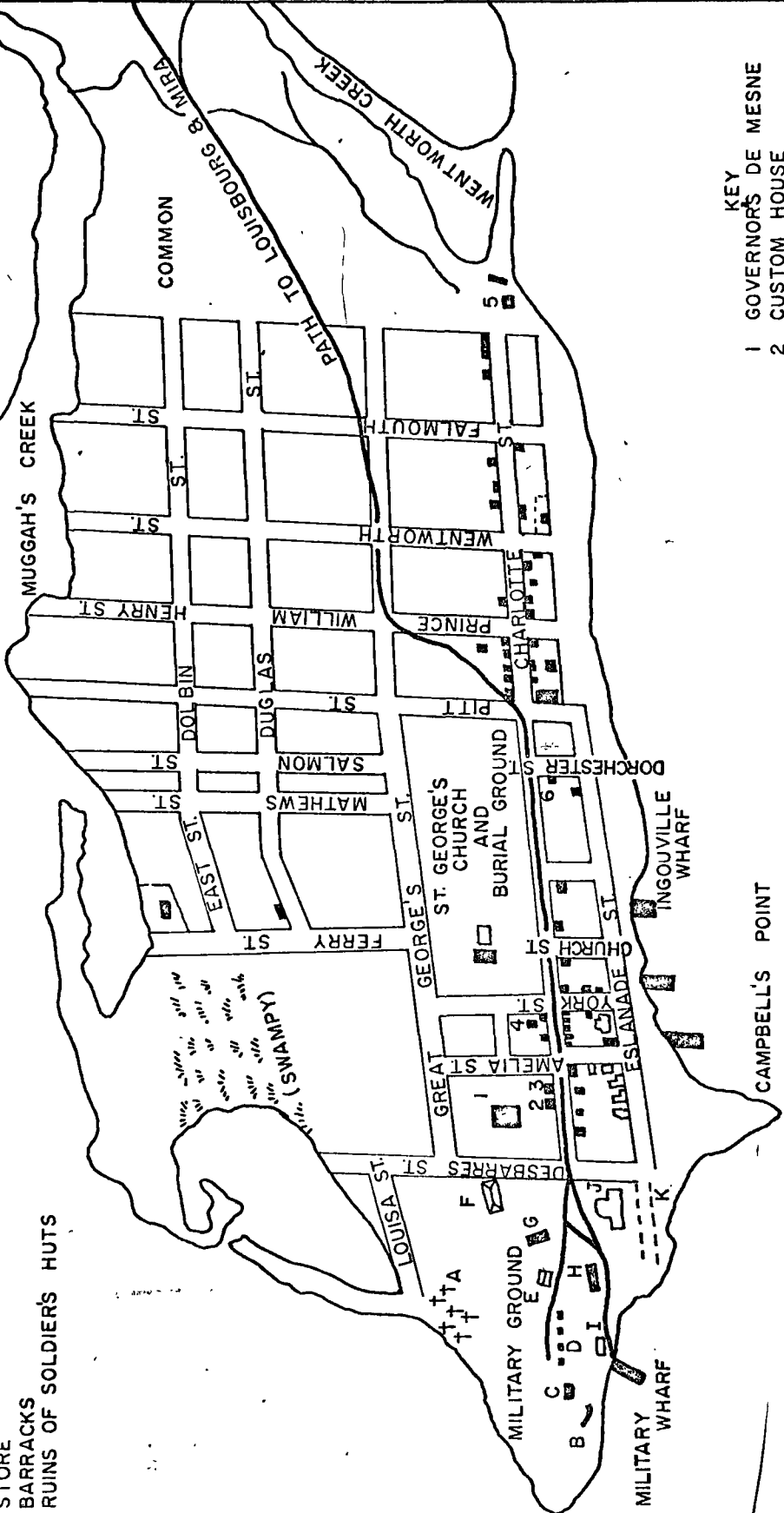
119. Ibid., p. 54.

120. Ordinance, C.B. A6, pp. 215-222. 1789 .

SYDNEY 1795

AFTER JAMES MILLER 10 JULY 1795
H3/240 SYDNEY (1795) P.A.C.

- KEY**
- A MILITARY BURIAL GROUND
 - B MAGAZINES AND BATTERY
 - C PROVOST MARSHALL PRISON
 - D OFFICERS HOMES
 - E COMMANDER'S HOUSE
 - F OLD BARRACKS
 - G MESS HOUSE
 - H INFIRMARY
 - I STORE
 - J BARRACKS
 - K RUINS OF SOLDIER'S HUTS



- KEY**
- 1 GOVERNOR'S DE MESNE
 - 2 CUSTOM HOUSE
 - 3 COURT HOUSE
 - 4 RANNA COSSIT-GLEBE HOUSE
 - 5 KINGS STORES
 - 6 A.C. DODD HOUSE

failure for a map of Sydney drawn in 1795 shows only two streets, Charlotte and the Esplanade, meeting at the south end of town to form a path leading to Louisbourg and the Mira River "from whence our Winter Supply of Fish and wild fowl is generally drawn...."¹²¹

The poor buildings, lack of schools and doctors, and the bad roads reflected and contributed to the slow growth of the colony. Without taxation and a mere £500 annual contingency allowance public works could not be undertaken. Feeding the local poor or Indians absorbed the allowance, and in December 1788 a further drain on the colony's finances occurred when a shipload of 70 or 80 Irish convicts "bound to the back settlements of Canada" was dumped nearly naked onto the shores of Main-à-Dieu.¹²² Most were taken frost-bitten to Sydney where food was scarce.¹²³ Macarmick decided to send all but the sick prisoners to Halifax.¹²⁴ Those remaining caused trouble: there was a murder in March and disease broke out among them and threatened to spread. By spring, supplies were exhausted and had to be shipped in from Arichat. Macarmick took "the first

121. Council, 15 July 1789, C.B. B5, p. 290, See map. p.98.

122. Macarmick to Sydney, 18 December 1787, C.B. A5, p. 176.

123. Council, C.B. B4, 15 December 1788, pp. 150-162.

124. Council, 16 December 1788, ibid., pp. 163-169.

and best opportunity to get rid of them",¹²⁵ which meant letting the convicts go where they would.

The bright hopes of DesBarres seemed disappointed in 1795. The town of Sydney had failed to prosper, the anticipated influx of settlers had failed to materialize, the withdrawal of the troops spelt the ruin of local business, and the mines which held promise, remained undeveloped. Economic stagnation had set in, while colonial officials, interested in economy and the war with France, gave small assistance to the insignificant colony. Without government help, however, the remainder of the island began to increase in population, and the foundation of an economy based on fishing and agriculture was being laid.

125. Macarmick to Sydney, 30 March 1789, C.B. A6, pp. 34-36; Macarmick to Sydney, 18 March 1789, ibid., pp. 22-28; ibid., p. 25.

Chapter 4

Unsalutary Neglect, 1795-1800

Though William Macarmick never returned to Cape Breton after his departure 27 May 1795, his influence was such that he managed to retain the position of lieutenant-governor at half pay until his death in 1815.¹ This meant that Cape Breton was governed by administrators or presidents of the council for twenty years, a position lacking the prestige if not the power of a lieutenant-governor. All but one of these administrators were military men who supplemented the remaining half of the lieutenant-governor's salary with their military income. Meanwhile the colony remained neglected by the Mother Country.

The first three of these administrators, David Mathews (1795-1798), Major General James Ogilvie (1798-1799) and General John Murray (1799-1800), presided over the colony during its darkest days when factional intrigues and purges reached almost

1. With Lord Falmouth as his patron, Macarmick made frequent requests for the governorship of St. Vincent, Tobago or Bermuda, but was unsuccessful. Portland to Lord Falmouth, 15 June 1796, Portland Papers, Private Letter Book, vol. 4, p. 140, Pw V110; Portland to Falmouth, 18 January 1797; ibid., p. 272; 5 March 1799, ibid., Letter Book, vol. 3, Pw V111 n.p. ; 11 January 1801, ibid., 28 March 1797, ibid., Pw V113.

Byzantine proportions. While other facets of the colonial economy were practically stagnant, only the coal mines showed signs of significant development. All of the colony's weaknesses, apparent under DesBarres and Macarmick, continued only to be heightened when Mathews found himself colonial administrator. Ogilvie's short tenure did not permit him a deep insight into Cape Breton's problems, and his bewilderment caused him to leave its shores. It was only Murray's stern personality and ruthlessness which hammered some order out of the political chaos. The period of these first three administrators marks both the height of the selfish factionalism which characterized the first fifteen years of the colony's history, and its termination.

Under DesBarres and Macarmick two political factions had developed, one headed by Chief Justice Gibbons, then by David Tait and the Reverend Ranna Cossit, and the other by David Mathews. The Gibbons group had supported DesBarres, but due to their identification with the "Voluntary Militia" lost their influence under Macarmick who suspected all "parties". Though Mathews and his followers had hoped to benefit from the misfortunes of their enemies, they too attempted to form a "Friendly Society" which Macarmick condemned. The contentions between the lieutenant-governor and these two groups were suspended by the Duke of Portland's admonitions to end political rivalries.

The resulting period of calm ended when Macarmick left Cape Breton, with no choice but to appoint David Mathews as the senior councillor to be his successor. The sad consequences of such a nomination were soon manifest, for Mathews used his new position for personal aggrandizement. Within five days of Macarmick's departure, he appointed his son David "a young Sportsman who probably never studied a Law book", as acting Attorney-General.² Ingram Ball whom Macarmick had appointed acting Chief Justice was soon replaced by A.C. Dodd who had begun to support Mathews as soon as the latter assumed power³ Richard Stout, who, as lessee of the coal mines was Sydney's principal merchant, and to whom Mathews was deeply in debt, became a councillor.⁴

Despite his expressed hope that the "unhappy disputes and distractions which have hitherto occasioned the gradual decline..."⁵

2. James Miller to John King, 20 September 1795, C.O. 217, vol. 3, f. 275, B-1062.

3. A.C. Dodd's wife, Suzanna Gibbons, was the daughter of former Chief Justice Richard Gibbons. Their son, Edmund Murray, later married Amelia Mathews, daughter of David Mathews, thus forming a powerful Sydney family.

4. Caveat, p. 45. According to Mathews' will he owed Stout £247. 6..9 at his death, and the firm of Tremain and Stout £668. 3..71/2. His debts were £1420..16..51/2, while his assets were only £253..18..8, leaving a debit of £1166..17..91/2 at his death. Will of David Mathews, Halifax County Court of Probate, M60. Copy at P.A.N.S.

5. Mathews to Portland, 1 June 1795, C.B. A13, p. 102.

of the island's prosperity would now end, Mathews' imperious disposition led him not only to appoint favourites, but to attack his rivals. This in turn rekindled the factional disputes which appeared so confusing to outsiders.⁶

The man whom he most harried was his principal rival, James Miller. In so doing he re-invigorated the old Gibbons faction led by people like Reverend Ranna Cossit, and made new enemies such as the deposed Chief Justice Ingram Ball, and the newly-arrived William McKinnon, a Scottish-born loyalist from West Florida.⁷ McKinnon had been appointed Clerk of Council and Registrar of Deeds by Macarmick to replace Abraham Cuyler.

Miller, in charge of driving the new level at the mines, was in communication with John Wentworth, Lieutenant-Governor

6. Sir John Wentworth to King, 8 November 1797, Nova Scotia A126, p. 174.

7. William McKinnon, (d. 1811), had resided in the Carolinas, Georgia and West Florida where he was living at the time of the American Revolution, and lost £7,900. He was a captain in the Provincial Regiment during the Revolution. McKinnon had awaited appointment in America since Parliament had made no provision for cash payments to people from West Florida. McKinnon to Portland, 15 January 1796, C.O. 217, vol. 112, f. 148, B-1063; William McKinnon, Memorial to the Treasury Board, 12 September 1795; *ibid.*, f. 199; Nicholas Nepean to the Earl of Liverpool, 23 April 1811, *ibid.*, vol. 129, B-1074.

of Nova Scotia, who was interested in developing Nova Scotia's coal reserves at Pictou. With Portland's support and Wentworth's friendship, Miller's position seemed impregnable.⁸ This fanned Mathews' jealousy for he wrote home that Miller was doing nothing on the new level and he even cut off the latter's salary for going to Halifax without permission.⁹ On his return Miller angrily claimed that he had gone to Halifax to discourage Sir John Wentworth from opening a coal mine in Nova Scotia since this would hurt Cape Breton, and that his proposed trip had been discussed a number of times at Council.¹⁰

The harrassment continued when Miller asked permission to live in a deserted barracks near the mines. Mathews refused on the grounds that if troops should arrive -- an unlikely event -- they might want to live there.¹¹ While Miller had to begin building his own house near the mines, Portland wrote warning Mathews not to interfere with Miller's work, and to let Miller live in any government-owned building near the mines.¹²

8. Wentworth to King, 8 November 1797, Nova Scotia A126, p. 174, Portland to Mathews [?] May 1796, C.O. 217, vol. 112, fl 22, B-1062.

9. Mathews to Portland, 8 December 1795, ibid., ff. 2-4. Miller's salary was £500 per year.

10. Miller to Portland, ibid., ff. 145-146, B-1063.

11. Miller to King, 20 March 1796, ibid., ff. 143-144.

12. Portland to Mathews [?] May 1796, ibid., ff. 122-124, B-1062.

Mathews persisted however. Picking on small matters¹³ he vexed Miller continually, complaining at his absence from the pits, or the high wages he was paying.¹⁴

The allegation concerning high wages caught the attention of the Home Office and Portland ordered Mathews to investigate Miller's accounts.¹⁵ This finally gave Mathews the power to interfere with Miller. He charged that Miller's vouchers and reports had all been part of a "manifest design of misrepresentation", and that Miller's money had been used for himself, while the "extensive drainage" of the mines, which Miller was undertaking amounted only to "little gutters 18" wide".¹⁶

Mathews' interference in Miller's work drove the latter toward an alliance with Ranna Cossit and William McKinnon. Every incident became an excuse for a party clash, and with no outside administrator to stop them, bitter battles raged throughout 1796-1797. For example, the perennial problem of a schoolmaster's appointment arose in the fall of 1795. Both sides put forth their candidates, despite the fact that Cossit and the Society for the Propagation of the Gospel were in charge of

13. Miller to King, 29 September 1796, ibid., vol. 113, ff. 284-285, B-1063

14. Mathews to Portland, 30 October 1796, ibid., ff. 1-6; ibid., 4 February 1797, ff. 57-60.

15. Portland to Mathews, 13 June 1797, ibid., ff. 123-124.

16. Mathews to Portland, 7 August 1797, ibid., f. 176.

hiring a teacher. Cossit and his group favoured a Mr. Brenton, the barrackmaster, and had the Bishop's permission to appoint him.¹⁷ Mathews tried to block the appointment, but Cossit opened the school at his home on 24 November. The next day, Mathews had Brenton arrested for debt though Miller and Cossit foiled him by giving security for Brenton's court appearance in July.¹⁸ Within a year, Mathews had appointed his own teacher, a Catholic Newfoundlander, Timothy Hogan, without his taking the oath.¹⁹ Of course each faction sent its children to a different teacher.

Again, though there was no assembly, both parties soon tried to organize support. The Cossit group moved first.²⁰ Mathews claimed that they were stirring up "Sedition among the

17. Cossit to the Society for the Propagation of the Gospel in Foreign Parts, (henceforth S.P.G.), 9 March 1796, S.P.G. vol. 27, pp. 64-68, reel A-157.

18. Cossit to S.P.G., ibid.

19. Timothy Hogan was born in Limerick, Ireland and moved first to Newfoundland and then to Cape Breton when the French attacked in 1796. Cape Breton Land Grants, P.A.N.S., 1809, no. 488.

20. The leaders of Cossit's clique were James Miller, Ingram Ball, William McKinnon, Barker, the Coroner, William Hill, Comptroller of Customs, T.S. Bursey, Surveyor and Customs Searcher, and Cossit himself.

Inhabitants", and struck sharply, dismissing McKinnon from Council "for other reasons which I do not think fit to communicate to this Board...",²¹ though he was forbidden to dismiss anyone without Council's consent. McKinnon's temper flared and he challenged A.C. Dodd to a duel, which fortunately never took place.²² This was all Mathews needed to force McKinnon's resignation as Clerk of Council.²³

With almost all of the Crown Officers opposed to him Mathews then had a petition drawn up signed by 104 people in the Sydney area and 140 around Isle Madame which praised him as a "popular ruler".²⁴ Cossit's followers ridiculed the petition, and demanded the appointment of a new lieutenant-governor.²⁵

21. Council, 18 May 1797, C.O. 217, vol. 113, ff. 152-153, B-1063.

22. The duel concerned a remark Mrs. McKinnon had made concerning A.C. Dodd, alleging that he had accused Ranna Cossit of robbing the Church in Halifax, and of being guilty of sacrilege. Dodd refuted the story, and referred to Mrs. McKinnon as a "most infamous liar", and to McKinnon as a "Damn'd Scotch Highland Brute". Council, 1 August 1798, ibid., vol. 115, ff. 216-218, B-1064; Miller and Ball to Mathews, 18 May 1797, ibid., vol. 113, ff. 389-390, B-1063.

23. Council, 16 June 1797, ibid., f. 154.

24. William Plant, John Storey, William Brown to Mathews, 20 May 1798, ibid., vol. 115, f. 200, B-1064. Signatures included that of Lawrence Kavanagh, the chief merchant and virtual ruler of St. Peters, Caveat, pp. 75-76.

25. "The Memorial of all the Crown officers residing on this side of the Island" to Portland, 27 June 1797, C.O. 217, vol. 113, ff. 456-459, B-1063; Ball and Miller to Portland, 27 June 1797, ibid., ff. 460-463.

As enmity grew on both sides the danger of physical violence again appeared. In early September of 1797 a group of sailors led by David Mathews, Junior, went about town without his father's opposition and terrorized inhabitants, finally breaking into Ingram Ball's house. Judge Ball was absent, and some of the group attacked Mrs. Ball and "teized & tossed her about for some time", while the rest, "a Strumpet in their Company," looked on.²⁶

Before matters could grow worse, the home office finally replaced Mathews, and in December, Major General James Ogilvie was chosen as new administrator of Cape Breton. Ogilvie had been Commander-in-Chief of the troops in the Maritimes since 1789, and was being elbowed from his office by Prince Edward, the Duke of Kent,²⁷ though the Duke of Portland tried to ease the blow by billing Cape Breton as "this important Out Post of

26. Miller to King, 15 September 1797, ibid., f. 534.

27. James Ogilvie began his military career in 1756 and served in the West Indies, the American colonies during the Revolution, and in Ireland. He served in Halifax as Brigadier commanding the Nova Scotia District. 1787-1794, during which time he led an expedition which captured St. Pierre and Miquelon. He was then appointed administrator of Cape Breton and created Major General. Ogilvie remained in Cape Breton from June 1798 to June 1799. In October 1799 he retired to Great Britain where he died as a General in 1813. P.R.O. File W.O. 25/747, copy at P.A.N.S.

His Majesty's North American Possessions",²⁸ and promised Ogilvie troops to command while there.²⁹ Cape Breton was to be Ogilvie's last assignment before retirement and he was given the task of "putting an end to the differences and disputes, which at present prevail there amongst His Majesty's Servants...."³⁰ Specifically, Ogilvie was to investigate William McKinnon's suspension, examine Miller's accounts and his progress on the new level, and review the problem of rising coal prices. These instructions, sent in December 1797, did not reach Ogilvie until the following April, and the difficulty of obtaining a convoy for the 150 troops who were to sail with him delayed his departure until 20 June. When he finally did leave he was almost drowned when his ship was wrecked off Scatarie Island so that he did not reach Cape Breton until 29 June.³¹

Ogilvie's delayed arrival allowed the political situation in Sydney to deteriorate even further. William McKinnon had been imprisoned when a woman suddenly appeared who claimed that

28. Portland to Ogilvie, 12 December 1797, C.O. 217, vol. 113, f. 275, B-1063.

29. Ibid., also Portland to Prince Edward, 12 Decemner 1797, N.S. A126, pp. 187-188.

30. Portland to Ogilvie, 12 December 1797, C.O. 217, vol. 113, f. 271, B-1063.

31. Ogilvie to Portland, 6 August 1798, ibid., vol. 115, ff. 120-121, B-1064.

she had purchased a moiety of his military pay for two years but that he had disappeared. McKinnon had defiantly taken all Council and Land Records to jail with him and refused to surrender them.³² Miller and Ball were also in jail on debt charges, and Cossit who had pledged bail for Ball was arrested until his £25 debt was paid to David Mathews, Junior.³³

The day after his arrival, Ogilvie began his investigation and soon laid the causes of dispute at Mathews' and his followers' feet.³⁴ A.C. Dodd resigned from Council in July,³⁵ and by August, Ingram Ball and William Smith shared the former's position of chief justice.³⁶ The new administrator was destroying

32. Mathews to Portland, 1 March 1798, ibid., ff. 52-54.

33. Ogilvie to Portland, 10 January 1799, ibid., vol. 117, f. 21, B-1064; Cossit to William Smith, 16 July 1799, ibid., ff. 143-145, B-1065. Miller and Cossit were in jail from 21 December - 16 March 1798.

34. H. Piers, Evolution of the Halifax Fortress, 1749-1928, p. 21, fn. 23; Ogilvie to Portland, 24 October 1798, C.O. 217, vol. 115, ff. 145-149, B-1064.

35. Dodd to Ogilvie, 3 July 1798, ibid., ff. 122-123, B-1064. Ogilvie thought that Dodd was "chiefly concerned in the disagreeable [sic] bussiness [sic] before the Council". Ogilvie to Portland, 6 August 1798, ibid., f. 121.

36. Ogilvie to John King, 5 August 1798, ibid., f. 87. Smith had been garrison surgeon of the 33rd Regiment when they had been stationed in Sydney, and afterwards had returned to England. While there, he had vainly sought the position of Chief Justice of Nova Scotia. His long friendship with Sir John Wentworth and Ogilvie assured his appointment in Cape Breton. Wentworth to King, 10 November 1796, Nova Scotia A124, pp. 168-169.

Mathews' power, and McKinnon, Smith, Ball and Miller once again controlled the Council.

Mathews however, managed to keep Ogilvie's investigation moving slowly, so that the exact charges against William McKinnon were not heard until 18 July when he contended that McKinnon had defrauded a settler of 130 acres of land.³⁷ By the fall even the cautious Ogilvie could see that the threatened duel between Dodd and McKinnon had been merely a petty personal matter which had become involved in wider issues. He also decided that although McKinnon's conduct had been "improper and reprehensible Yet it was by no means such, as to Authorize in any respect, Mr. Mathews to suspend him from his Seat at the Council Board, particularly in the high and arbitrary manner in which it was done...."³⁸ As for the land fraud, Ogilvie wrote, "I am clearly of opinion that their [sic] was no intention...to defraud...it was evidently a mistake in transcribing the Patent...."³⁹

McKinnon however was still in jail for debt, and Mathews, as the colony's only practicing lawyer refused to defend him.

37. Council, 30 June-24 October 1798, C.O. 217, vol. 115, ff. 150-335, B-1064.

38. Ogilvie to Portland, 24 October 1798, ibid., f. 148.

39. Ibid.

Ogilvie was no legal expert and though he knew Mathews' refusal "proceeds from the old dissensions;...I coul'd [sic] afford them no relief nor interfere with the law and the Attorney General, gave me his opinion, that his Son and proceedings are perfectly legal."⁴⁰ He tried, but failed to hire a solicitor-general in Halifax to defend McKinnon.⁴¹ Meanwhile Mathews suddenly dropped his charges, the reason soon becoming apparent, for "This...operated so as to make Mr. McKinnon act as...he is directed by Mr. Dodd or Mr. Mathews".⁴²

Ogilvie begged to be removed from these shifting factions. He realized that he could not solve Cape Breton's problems which he felt sprang "from the inactivity in business, occasioned by the improper scite, [sic] of the town of Sydney; -- nine miles distant, from the staple of the Island, and in a situation that can never be calculated for carrying on any trade...."⁴³ In his brief tenure Ogilvie noticed the effects rather than the causes of the colony's unrest and left an unimproved situation.

40. Ogilvie to Portland, 10 January 1799, ibid., vol. 117, ff. 20-22.

41. Ibid., f. 22., Smith to King, 24 September 1798, ibid., vol. 116, f. 110, B-1064.

42. John Murray to Portland, 9 October 1799, ibid., vol. 117, f. 198, B-1064.

43. Ogilvie to Portland, 10 January 1799, ibid., f. 22.

Ogilvie sailed from Sydney less than a year after his arrival, and was replaced by Brigadier General John Murray.⁴⁴ This soldier had served twenty years in the West Indies and in 1798 was assigned to the Halifax command to serve directly under Prince Edward. An enthusiastic and ambitious man, he was also "haughty and despotic"⁴⁵, characteristics which made him unpopular with Halifax officialdom; hence his appointment to Cape Breton. Before leaving Halifax, Murray was given all the lurid details of "the violence of Party" in Cape Breton, and came to the conclusion that "something very wrong exists radically there".⁴⁶ When he arrived in Sydney he knew that his chief antagonist would be David Mathews.⁴⁷ His fears were confirmed when he discovered

44. John Murray first served as Ensign in the 59th Regiment in 1760, and afterwards led a troop of dragoons in Ireland. He was appointed Brigadier General in the West Indies in 1796, and was assigned to Nova Scotia in January 1798. After he left Cape Breton he was appointed Major General in 1803, and Lieutenant-General in 1809. The Royal Military Calendar (1816), vol. 1, p. 156; Murray to Major W. Gordon, 2 March 1800, C.O. 217, vol. 118, ff. 25-26, B-1065; Despard to Portland, 1 August 1801, ibid., vol. 119, f. 116, B-1071.

45. Caveat, p. 80. Murray wanted control of the troops in both Nova Scotia and Cape Breton, "residing...alternately in either Province". Murray to Portland, 10 April 1789, C.O. 217, vol. 117, f. 76, B-1064.

46. Murray to Portland, 23 February 1799, ibid., ff. 18-19.

47. Murray to Portland, 4 May 1799, ibid., ff. 89-90.

that Mathews had illegally distributed land grants to his friends in the brief period between Ogilvie's departure and his own arrival.⁴⁸

Like previous administrators, Murray desired harmony in Council and was determined to stay out of party quarrels. He wrote to Portland that:

several attempts have been made here by these contending Parties to draw me into action on their sides, but their schemes are so flimsy that I wonder any of my Predecessors have suffer'd themselves to be led by them -- everything is carried on with a degree of contention & acrimony scarcely conceivable....⁴⁹

Hence, Dodd was allowed to join the Council, and Ingram Ball, an "old Military Debauchée" who was drunk "from Morning to night", was later dismissed as associate Chief Justice.⁵⁰ Council was thus composed of Mathews, Dodd and McKinnon who counterbalanced Ball, Smith, Cossit and James Miller, the latter mortally ill after his winter in jail. In October, Miller was replaced by James McTier, the Customs Collector.

48. Murray to Portland, 6 July 1799, ibid., f. 121, B-1065.

49. Murray to Portland, 26 August 1799, ibid., f. 166.

50. Murray to Portland, July 1799, ibid., f. 125.

Mathews however, was soon to upset Murray's plans. Murray wrote to Portland that Mathews:

appears to me capable of doing mischief if it would tend to keep up a Party. there seems to be a kind of madness in his pursuit of Party, what would Government say to the Atty. General of England if he made a practice of being apparently in opposition to Government?⁵¹

Before Murray answered this question, he gave Mathews a chance. In an attempt to achieve mutual friendship he issued an invitation to the Councillors to dine with him. At the last minute, Mathews failed to attend since he refused to associate even socially with his enemies. This caused words to pass between him and Murray.⁵²

While the hostility between Mathews and Murray grew, the latter feared his enemies in Nova Scotia. He had refused to spend £25,000 on land owned there by Sir John Wentworth. He had also arrested a confidential officer of Prince Edward and had let it be known "that His Majesty might be displeased if Madame St. Laurent [Edward's mistress] accompanied H.R.H. to London...."⁵³ Murray thus feared that Wentworth and Prince

51. Murray to Portland, 13 August 1799, ibid., f. 157.

52. Caveat, p. 80; Murray to Portland, 9 October 1799, C.O. 217, vol. 117, ff. 195-196, B-1065.

53. Murray to Portland, 22 March 1800, ibid., vol. 118, ff. 11-13, B-1065.

Edward might try to discredit him in Cape Breton, and sought all the support he could obtain there.

Mathews' enemies, quick to realize Murray's desire for support, and anxious for Murray's friendship, met at the church vestry and passed a resolution praying for his continuance in Cape Breton.⁵⁴ The problem of a schoolmaster brought Cossit's faction and Murray even closer together for mutual support. Dodd and McKinnon refused to support Council's and Murray's choice of a Protestant schoolmaster and continued to support the Catholic, Timothy Hogan and his "opposition school".⁵⁵ Open warfare ensued. Word had reached the colony that Prince Edward had succeeded in obtaining Murray's removal.⁵⁶ Mathews' group passed a petition disclaiming the Cossit clique's resolution that Murray be continued in Sydney.⁵⁷

54. Murray to Portland, 9 October 1799, ibid., vol. 117, f. 199.

55. Ibid., f. 198.

56. Caveat, pp. 95-97.

57. Members of the Council who were present and all the Inhabitants in Sydney of Property and Respect to the Duke of Kent, 28 September 1799, ibid., ff. 495-496.

These events caused Murray to lose all restraint, and he set out to destroy Mathews and his followers. A Solicitor-General, William Campbell,⁵⁸ was obtained from Halifax to protect the colony from Mathews, and he was also appointed Superintendent of Mines in order to give him a full salary.⁵⁹ An ordinance was then passed regularizing land grants to prevent Mathews from giving illegal permits to friends.

Mathews fought back. Murray's instructions had been directed to a "Thomas" rather than "John Murray,"⁶⁰ but Murray had thought little of this and noted the mistake at his first Council meeting.⁶¹ While he waited to have the error corrected,

58. William Campbell, later Sir William Campbell of the Supreme Court of Upper Canada, came to Cape Breton in October, 1799 to manage the mines and to act as solicitor-general. He was appointed Attorney-General succeeding David Mathews 24 December 1799. Before coming to Sydney he had served as M.L.A. for the County of Sydney (Antigonish) for fifteen years, and Wentworth later referred to him as a member of "this reprehensible opposition". His interest in the judiciary appears to have begun in Cape Breton when, in 1806, he unsuccessfully bid for the position of Chief Justice. In 1825 he was knighted and made Chief Justice of Upper Canada. B. Murdock, Nova Scotia, vol. 111, p. 187; H. Morgan, Celebrated Canadians, p. 238, Campbell to Windham, 22 October 1806, C.O. 217, vol. 124, ff. 164-165, B-1073; ibid., vol. 119, ff. 64-65, B-1071.

59. Murray to Portland, 25 October 1799, C.O. 217, vol. 117, f. 244, B-1065.

60. Murray to Portland, 23 February 1799, ibid., vol. 117, f. 19, B-1064.

61. Council, 22 June 1799, ibid., ff. 203-204, B-1065.

Mathews announced to Council that no ordinance could be passed until these instructions were corrected.⁶² The Council immediately divided, Cossit and MacTier of course agreeing that John Murray was the person designated by the instructions while McKinnon, Dodd and Mathews refused to permit the passage of ordinances until the error was corrected.

Murray was in no mood to argue. Within a month he had forced Council, with the exception of A.C. Dodd, to agree to the dismissal of Mathews from his position as Attorney-General on the grounds of factious conduct and illegal land granting.⁶³ Murray had accomplished what even DesBarres had failed to do, and with immoderate vigour, he set out to smash all opposition. He dismissed the Clerk of Council, William Plant, for being absent from his position for a year, though Plant alleged it was due to his support of Mathews' petition.⁶⁴ McKinnon was then dismissed as Registrar of Deeds,⁶⁵ and a number of liquor licenses were suspended for those who had signed "Mr. Mathews'

62. Murray to Portland, 9 October 1799, ibid., f. 96.

63. Council, 12-13 November 1799, ibid., ff. 291-292.

64. Statement of William Plant before George Moore, 14 November 1799, ibid., ff. 350-351.

65. Council, 14 November 1799, ibid., f. 293.

Paper".⁶⁶ A.C. Dodd was then dismissed from Council on the charge of jury packing during his term as Chief Justice.⁶⁷ Gaps in Council were filled by William Stafford, the garrison surgeon, William Baker, and William Campbell. Continuing his purge, Murray dismissed Ingram Ball as co-Chief Justice, leaving Smith alone in the position.⁶⁸ In his dismissal of Mathews and Ball, Murray had anticipated the Duke of Portland,⁶⁹ and could finally feel "that Faction is now at an end I trust never to rise into any situation sufficient to enable them to do mischief again."⁷⁰

Still, Murray had to contend with his enemies in Halifax. In mid-winter of 1800, David Mathews, Junior, arrived from Halifax triumphantly bearing a letter from Prince Edward's military secretary, James W. Gordon, charging that Murray had engaged military personnel in civilian affairs without permission by appointing his son, a major in the 108th Regiment, and William Stafford, garrison surgeon to Council. Prince Edward's vengeance

66. Statement of William Plant, *ibid.*, f. 351.

67. Council, 16 November 1799, *ibid.*, ff. 298-307.

68. By spring Ball was again in jail on a charge of perjury. Actions in the Criminal and Civil Court, March Term, 1800, *ibid.*, vol. 118, f. 13, B-1065.

69. Portland to Murray, 11 October 1799, *ibid.*, vol. 117, ff. 150-151.

70. Murray to King, 23 November 1799, *ibid.*, f. 323.

was at hand, and he promised to inform London of Murray's actions.⁷¹ Murray was enraged at this alliance of the Mathews faction and Halifax officialdom, claiming that it favoured:

a Report very prevalent here that it is the Nova Scotian policy to lessen the general character of Cape Breton with design to tire out Ministry with all sorts of storey's [sic] about it and get it reannexed to Nova Scotia.⁷²

Though the Mathews faction "begin already to triumph in the success of their embassy to Halifax", Murray pointed out that it had been the custom in Cape Breton to appoint military men to Council since the days of DesBarres because of the lack of qualified civilians for positions. If they were not allowed Council seats, the only alternative would be Mathews' faction.⁷³ London thus took no action and Prince Edward failed to discredit Murray.

Murray's success led him to retaliate against Mathews and his followers. At the spring assizes, David Mathews, Junior,

71. J.W. Gordon to Murray, 15 February 1800, *ibid.*, vol. 118, ff. 19-20; Prince Edward to the Duke of Portland, 15 February 1800, Nova Scotia A133, pp. 9-12. In his letter Edward complained "that Brigadier General Murray conducts himself generally without temper and without judgment...he gives wholly way to the dictates of personal pique, and revenge."

72. Murray to Major J.W. Gordon, 8 March 1800, C.O. 217, vol. 118, f. 29, B-1065.

73. Murray to Gordon, *ibid.*, f. 23.

William Plant and Ingram Ball were fined on charges ranging from trespassing to debt.⁷⁴ As in the latter days of DesBarres and Macarmick, the Cossit-Smith faction were now triumphant, and the Mathews group put up their houses for sale, threatening to leave the island. Murray merely jeered at this display of pique, writing that "everyone is glad to get rid of them let the pretense be what it may".⁷⁵

Murray hoped for government support of his new Council as he settled down to the construction of a new barracks and government house in the spring of 1800. However, his whole edifice collapsed when on 11 June the brig Earl of Moira left Halifax for Sydney bearing a new administrator for the small colony, General John Despard.

II

While the colony's political situation continued along its discouraging path, other facets of Cape Breton's development were just as unpromising. Britain persisted in her refusal to allow free land grants on the island, and Thomas Crawley, a Cape Bretoner visiting London wrote, "From what I can learn you must not expect

74. Actions in the Criminal and Civil Court. March Term 1800, ibid., f. 13.

75. Murray to King, 22 March 1800, ibid., f. 17; Caveat, p. 89.

any assistance from Government - set your wise heads together and form some plan for the settlement of your Island...."⁷⁶ But as Murray remarked, without land grants, "the Colony is nothing, & the expense of its' [sic] establishment might not be incurred."⁷⁷ When he asked that "these instructions [refusing land grants] may be changed so far as to enable me to give encouragement to those who may desire to settle in this colony,"⁷⁸ Portland refused.⁷⁹

Not all the blame for lack of settlement can be laid at Whitehall's door, for local officials did nothing to attract settlers. When William McKinnon assumed Abraham Cuyler's position of Registrar of Deeds, he discovered that the colony's first assistant surveyor had accepted £60 from a group of twenty-seven Scottish settlers coming from Prince Edward Island to Judique, and had fled with the money.⁸⁰ Other settlers

76. Murray to Ogilvie, 22 June 1799, C.O. 217, vol. 117, f. 120, B-1065.

77. Murray to Portland, 6 July 1799, ibid., f. 121.

78. Portland to Murray, 21 January 1799, ibid., f. 6, B-1064.

79. Dodd Papers, 21 December 1797, P.A.N.S.

80. McKinnon to Portland, 15 January 1796, C.O. 217, vol. 112, f. 150.

appeared,

despairing at the unaccountable delay of their Patents for the term of Years as had elapsed that some of them were preparing to depart from their improvements which they said would have been much more considerable but they had no spirits to work on Land without its being secured to them by Regular Patent.⁸¹

Between the London and Sydney officials, little encouragement was being given to settlers.

Besides, the colony was hardly appealing to perspective colonists. Roads were almost non-existent even though Macarmick had made a beginning at a road from Sydney to East Bay, and one to Arichat and St. Peters. Murray used the 130 troops Ogilvie had brought with him to complete a road from Sydney to the North West Arm where several prosperous farms, such as that of Captain Cox, were located. Macarmick's path from Sydney to the Mira River ferry was also improved.⁸² Still, the capital was cut off from the population centres at Isle Madame for half of the year.⁸³

Neither the home office nor local officials were the cause of other economic problems. The advent of war with France meant

81. Ibid., f. 152.

82. Mathews to Portland, 17 June 1795, C.B. A13, pp. 105-106.

83. Murray to King, 13 August 1799, C.O. 217, vol. 117, ff. 158-159, B-1065.

that labourers were being hired to work in high-paying merchant ships.⁸⁴ Hence, to keep them at the mines, they had to be paid higher wages. In the years 1793-1796, miners' weekly wages doubled from twenty-five to fifty shillings. This and the war, caused the price of local supplies to climb during the same period, the price of pork increasing from eighty to one hundred shillings per barrel, of molasses from two shillings six pence to six shillings per gallon, and of bread from fifteen to forty-five shillings per hundred weight.⁸⁵ Officials living on fixed salaries were in straightened positions and most were in debt to Tremain and Stout.⁸⁶ Ranna Cossit could hardly feed and clothe his family of ten.⁸⁷ Such poverty of course, increased the scramble for office.

Despite the high wages, the war and the yearly harvest continued to draw men away from the mines, especially since the work was hard and entailed not only mining, but making hay

84. Mathews to Portland, 24 August 1795, ibid., vol. 111, f. 192, B-1062.

85. Memorandum, in James Miller to Portland, 20 September 1796, ibid., vol. 112, f. 224, B-1063.

86. Caveat, pp. 44-45; Miller to King, 26 September 1796, op. cit., vol. 113, f. 283.

87. Caveat, p. 25; Miller to King, 17 July 1795, C.B. A13, pp. 131-132.

for the five horses at the mines. As far as work division was concerned, there were normally nineteen men employed in actually mining, with six men to fill the coal carts, four cartsmen, two coal trimmers at the wharf and seven to load and run the lighters which carried coal to the larger ships waiting in deeper water. There was also an overseer, making a total of thirty-nine men normally employed.⁸⁸ The shortage of labour however, meant that there were only six to eight men working at the mines and loading the coal, so that in November, 1795 James Miller had to send to his native Northern Ireland for colliers.⁸⁹ To make matters worse a storm destroyed the loading wharf in the winter of 1796-1797, and drunken revellry amongst the miners resulted in a conflagration which destroyed one of the largest barracks that housed them at the mines, "tho' none could tell the Cause".⁹⁰

These difficulties occurred as the influx of troops into Halifax increased the coal demand. Not only were Macarmick's

88. Memorial of Tremain and Stout to Portland, 20 September 1796, C.O. 217, vol. 112, ff. 118-120, B-1063.

89. Miller to Portland, 14 July 1795, C.B. A13, p. 123.

90. Miller to Portland, 7 January 1797, C.O. 217, vol. 113, ff. 306-309, B-1063.

lessees, Tremain and Stout, failing to produce enough coal for Halifax, they were not producing it cheaply enough, and British coal still competed successfully with the Cape Breton product.⁹¹ Indeed, Halifax could hardly get enough coal for her needs and lieutenant-governor Wentworth began investigating the opening of mines at Pictou.⁹²

In 1796, Tremain and Stout had two pits in operation, one twenty-two yards deep, sunk during the first year of their lease, and nearly exhausted, and another on the rise of the same level about fourteen yards deep. Miller thought that both would be exhausted by the summer of 1797,⁹³ and with Macarmick's permission he had begun a new level in 1796. A drain for the level and its opening (adit) at the sea front, consisting of logs to hold stone and rubbish in place for protection from the pounding surf, was completed in July, 1797 and the digging of

91. Miller to Portland, 10 July 1795, ibid., vol. 111, f. 234, B-1062, The Royal Gazette and the Nova Scotia Advertiser, 20 June 1797, 12 September 1797.

92. Miller to King, 4 February 1796, C.O. 217, vol. 113, f. 302, B-1063.

93. Miller to Portland, 20 September 1796, ibid., vol. 112, f. 220.

the new level was undertaken.⁹⁴ The level would have been well underway within a year, but Mathews' jealousy of Miller led him to suspend work in October.⁹⁵

The slow progress on the new level and the shortage of labour forced Mathews to permit the digging of coals along the five miles of coast line from Sydney's mines to Point Aconi.⁹⁶ This resulted in an increase of coal production from 3,750 chaldrons in 1795 to 4,250 in 1796 and 4,314 1/2 in 1797.

While Mathews claimed that in 1796 so much coal was shipped to Halifax "that several small Vessels have been six Weeks there without being able to dispose of their Cargoes...";⁹⁷ still we see advertisements for coal in Halifax newspapers.⁹⁸ The reason for this apparent contradiction is probably the expense of Cape Breton coal. A Halifax newspaper in 1797 advertised Spanish River coal at forty shillings per chaldron,⁹⁹ which means that Tremain and Stout were making fifteen shillings, the Crown five, while twenty shillings were being divided between the shippers and Halifax merchants. Inefficient methods

94. Miller to Portland, 10 July 1797, ibid., vol. 113, ff. 444-445.

95. Miller to Portland, 4 October 1797, ibid., f. 549.

96. Mathews to Portland, 24 August 1795, ibid., vol. 111, f. 192, B-1062.

97. Mathews to Portland, 10 December 1796, ibid., vol. 113, f. 28, B-1063.

98. Royal Gazette and The Nova Scotia Advertiser, 3 October 1797 - 14 October 1798, N-4956, reel 9.

99. Ibid., 10 January 1797.

and high expenses certainly ate into Tremain and Stout's profit, but these high costs account for the successful competition of English coal vis à vis that of Cape Breton.

When Ogilvie arrived he allowed work on Miller's new level to begin once again. He also allowed Miller to hire an experienced British collier who helped drive the level.¹⁰⁰ By the end of December, 1798, the combined coal production from the old pits and the new level was a record 6,412 1/2 chaldrons, leaving £661.2.4 1/2 sterling in the coal account to pay for Miller's work.¹⁰¹ Ogilvie's investigation of Miller's accounts revealed that they were "intricate and incorrect", though he excused the minerologist who had "acted under particular disadvantages".¹⁰² Yet before he left, Ogilvie discontinued Miller's work on the level, since he felt that little progress could be made with so few available laborers, and because Miller had fallen ill with pneumonia after his imprisonment.¹⁰³

Murray with his enthusiasm and energy quickly attacked the whole problem of the mines. Realizing that the small coal markets would never lead to significant growth of the colony's

100. Miller to Portland, 1 September 1798, C.O. 217, vol. 116, ff. 134-135, B-1064.

101. Ogilvie to Portland, 25 March 1799, ibid., vol. 117, ff. 36-41.

102. Ogilvie to Portland, 10 January 1799, ibid., f. 23.

103. Ibid.

economy, he wrote:

I am persuaded from all I can learn here, that if a modification of the Navigation Act could be devised permitting [sic] American Bottoms to carry Coals to their Continent a very considerable Revenue would be the consequence, & that instead of applying to Parliament for defraying the Civil Establishment of Cape Breton it would soon pay its own & others too.¹⁰⁴

Murray of course understood that the problems of the small colony were not likely to cause a change in the Navigation Laws, so he turned his attention to the immediate problems of the mines. He allowed Miller to continue his work on the new level,¹⁰⁵ but feared that it would not be completed by the time Tremain and Stout's lease expired in February, 1800.¹⁰⁶ If this should happen and the lease were not renewed, a new pit would have to be sunk at government expense. He could see that Tremain and Stout were digging coal from the old pit as quickly as possible, with no apparent intention of sinking a new one into the rise of the old level.¹⁰⁷ This meant that they would mine out the

104. Murray to Portland, 4 May 1799, ibid., f. 90, also Murray to Portland, 22 May 1799, ibid., ff. 91-92, ibid., 22 June 1799, ff. 119-120.

105. Murray to Portland, 23 July 1799, ibid., ff. 127-128, B-1065.

106. Miller to Portland, 29 December 1798, ibid., ff. 13-14, B-1064.

107. Murray to Portland, 23 July 1799, op. cit., f. 128.

old level before the new one was finished, resulting in a temporary lack of coal, as well as the danger of the collapse of the old level. Murray concluded that lessees were not to be trusted, and that perhaps the Crown should take over the mines.¹⁰⁸ In the case of such an eventuality he had £1,600 in the coal fund which could be used for purchasing mining tools.¹⁰⁹

Tremain and Stout on the other hand, contended that the old level would suffice for two years, and that new pits need not be opened at least until the spring.¹¹⁰ Murray disagreed, but in an attempt to get Tremain and Stout to renew their lease, promised that the Crown would dig the new pit.¹¹¹ Just as the lease was to be signed, Miller died, depriving Murray of a proper mines superintendent to advise him. He appointed the acting Solicitor-General, William Campbell, leaving Miller's sister Jane, "a woman of uncommon abilities" to run the mines with Miller's Irish collier.¹¹² He then decided that with these people in charge government could run the mines more profitably than Tremain and Stout, and the lease was allowed to expire.

108. Murray to Portland, 6 July 1799, ibid., f. 122.

109. Murray to Portland, 23 July 1799, ibid., f. 128.

110. Tremain and Stout to Murray, 19 October 1799, ibid., p. 250, B-1065.

111. Contract, Coal Mines, C.O. 217, vol. 273-274, B-1065.

112. Murray to Portland, 25 October 1799, ibid., f. 244.

In the period between Miller's death in November and the expiry of their lease in February, Tremain and Stout continued to work the old pit which they naturally stripped mercilessly. When Murray finally forbade them to work the old pit it was too late, for in the spring a large part of it collapsed. Complete cessation of operations was prevented however, by the completion of the new pit. Hence government had managed to raise a good deal of coal from this fresh source and a large heap of coal was on hand by the summer of 1800.

Murray then put an end to Tremain and Stout's payment in kind, and regular pay for miners was introduced. The average amount of coal mined rose to 80 chaldrons a day, 100 at best, and 37 men and 8 boys were working in the mines by the summer of 1800. A new wooden pier was also erected at the mines at a cost of £110.9.6.¹¹³ As in the case of the colony's politics, Murray had attacked directly the problem of the mines and bequeathed an improved situation to his successor.

As coal production increased, Sydney's aspects also slowly improved. Without troops local business had stagnated, leading Mathews to complain that "the Town of Sydney disappeared almost as quickly as it had arisen, for as a Street was deserted, it was immediately converted into fuel by the next neighbour..."¹¹⁴ The arrival of Ogilvie with 150 troops injected

113. Murray to King, 11 August 1800, *ibid.*, vol. 118, ff. 71-73, 109, 111, B-1065.

114. Mathews to Portland, 6 May 1796, *ibid.*, vol. 112, f. 54, B-1062.

new life into local business. Moreover, the colony which had been left virtually defenceless with the withdrawal of the contingent of the 21st Regiment in 1793, had witnessed the decay of small "forts", probably mere dugouts, which Macarmick had erected around the harbour.¹¹⁵ In his three years as administrator, Mathews made a half-hearted attempt to organize a militia in Sydney, calling them out only once, on the King's birthday in 1796,¹¹⁶ and had contented himself with raising a flagpole as a signal on Low Point at the mouth of Sydney Harbour.¹¹⁷ Ogilvie, in his brief tenure, attempted to organize the militia, and concluded that 526 men could be mustered in Cape Breton, 128 in Sydney and 398 at Arichat. He also had Prince Edward send four twelve pounders to Sydney to be placed near the blockhouse at the mines, though he realized that the harbour was too broad to be defended in this manner.¹¹⁸

The five years of the first three administrators was a discouraging one in the history of the Colony of Cape Breton.

115. Ogilvie to Portland, 10 January 1799, ibid., vol. 117, f. 23, B-1064.

116. Mathews to Portland, 7 July 1796, ibid., vol. 112, f. 94, B-1062.

117. Council, 29 June 1797, ibid., vol. 113, ff. 154-155, B-1063.

118. Ogilvie to Portland, 10 January 1799, ibid., vol. 117, f. 23, B-1064.

Trends begun under DesBarres and Macarmick continued, such as population stagnation, improper exploitation of the mines, and political friction. A closer examination reveals some changes taking place: Ogilvie brought in troops which promised to revive the prosperity of Sydney, while Murray all but crushed Mathews' faction and put the coal operation on a more promising footing. Even the Duke of Portland forecast that the colonial officials might "carry into effect some further arrangements which appear to me to be necessary for placing the Government of the Island of Cape Breton on a respectable footing...."¹¹⁹ The stormy years between 1795-1800 continued to show the basic problems which the colony had to face, with only a few signs of a better future.

119. Portland to Murray, 11 October 1799, ibid., f. 151, B-1065.

Chapter 5

Economic and Political Advancement, 1801-1807

During the years 1801 to 1807 Cape Breton finally began to show signs of growth and development. With the even-tempered John Despard as fourth administrator, the selfish political wrangling began to decline, and was replaced by a movement for political reform. The brief period of peace between England and France in 1802-1803 saw the arrival of the first Highlanders directly from Scotland, the forerunners of a great migration to Cape Breton which affected its economic and social prospects considerably. Despard's initiation of local taxation meant that these immigrants could be assisted locally, and that public improvements could finally be undertaken. Despard found Cape Breton a derelict colony, but when he left exports were increasing, Sydney was growing, and new hope was abroad.

John Despard was the most successful administrator of the Cape Breton Colony. The juncture of his personality with external events favourable to Cape Breton made this possible. William Woodfall, Chief Justice of the island, described him as "temperate in his habits and mild and chearful [sic] in his disposition".¹ He maintained these qualities for the seven

1. William Woodfall to Adam Gordon (3rd Clerk in the Office of the Secretary of State for War, and son of an American loyalist), 25 July 1805, C.O. 217, vol. 123, f. 175, B-1072.

years he was in Sydney, despite frequent attacks of "a most violent fit of gout or cramps in the Stomach".²

The fourth administrator of Cape Breton had a long military career behind him when he arrived in Sydney at the age of fifty-five. Despard was a brave soldier who had fought in twenty-four engagements, had two horses shot from under him, was three times shipwrecked and twice taken prisoner. He had served at Quebec during the American invasion of 1775 and later fought the Americans at Charleston and in Virginia. After the American Revolution, Despard returned to Quebec and then to England.³

2. George Moore to Earl Camden, 21 November 1804, *ibid.*, vol. 122, f. 312, B-1072. The parish record at St. Oswald's, Oswestry, England, where Despard is buried gives "ulcerated intestine" as the cause of his death in 1829.

3. John Despard (1745-1829) began his military career as an ensign at the age of fifteen in the 12th Foot, serving first in Germany. In 1776, he joined the Royal Fusiliers and in 1773 embarked with them for Quebec. He was captured by the rebels at St. John's in November 1775, but in December 1776 he was exchanged with his regiment, and joined under the command of Sir William Howe at New York. He fought at Charleston under Cornwallis, and in Virginia. In 1788 he was appointed Major in the Fusiliers and in 1790 sailed with them to Gibraltar. In 1793 he served as Lieutenant Colonel in the Fusiliers at Quebec. In 1794, H.R.H. the Duke of Kent ordered him to England to supervise the recruiting of the Regiment and in 1795 he went to Halifax, where he was promoted to Colonel. In June 1799 he was removed to the command in Dorsetshire, and in August he was appointed to Nova Scotia, then to Cape Breton, returning to England in August 1807. In October 1805, he was made Lieutenant General, and in 1814, General. In 1809 he obtained the Colonelcy of the 5th West India Regiment. He died at Swan Hill, near Oswestry, and is buried in St. Oswald's graveyard there. He married Harriet Ann Hesketh, (1772-1848) sister of Sir Thomas Dalrymple Hesketh Bart., of Rufford Hall, Lancashire. She was twenty-seven years his junior and is buried with her husband. (Gentleman's Magazine, October 1829, 369-370; The Royal Military Calendar (1816), vol. 1, pp. 129-130; Dictionary of National Biography, vol. V (1964), pp. 859-860; Despard's tombstone, parish records, St. Oswald's Church, Oswestry, England).

In 1795 he served at Halifax under, and became friendly with, Prince Edward, the Duke of Kent. After his return to England, Edward and the King met him in 1799 in Dorsetshire and discussed his superseding the hated John Murray in Cape Breton.⁴ Despard accepted the position possibly as an escape from the embarrassment in which his younger brother had placed the family by his imprisonment.⁵ The Despard "entourage", his wife, his daughter, Elizabeth, his nephew William and his wife, reached Sydney 16 June 1800.

The relative political peace of his term of office did not begin immediately, for John Murray was not prepared to surrender the position which he believed was being taken from him for purely personal reasons. When, after four months in Sydney, he had first heard that Despard might replace him, Murray wrote Portland that if Despard should relieve him in his civil capacity, "although he should possess very superior abilities to me I think there will be much mischief...."⁶ Portland ignored Murray's

4. Despard to Portland, 26 August 1800, C.O. 217, vol. 118, ff. 164-166, B-1065.

5. Edward Marius Despard (1751-1803), after a brilliant army career for which he received shabby treatment from Whitehall, was illegally imprisoned at this time as a result of his importunate claims against government. When released he formed a plot with twelve others to seize the Tower and the Bank of England, and to stop the mails. He was again arrested, and despite Lord Nelson's appeal on his behalf, was executed. (Dictionary of National Biography, (1921) vol. V, pp. 858-859).

6. Murray to Portland, 25 October 1799, C.O. 217, vol. 117, B-1065.

determined stand, and sent out Despard with the usual instructions appointing him commander-in-chief of the troops in Cape Breton, which implied civil control as well. When he arrived in Halifax and heard of Murray's refusal to surrender the civil command, Despard hesitated and asked Wentworth for advice. The latter simply added to his confusion by stating that although "It was expected, that Genl. Despard would have been President of the Civil Government...it appears He has not any Mandamus... in that line____".⁷ Accepting Wentworth's opinion, Despard arrived in Sydney and allowed Murray to retain civil command, while he commanded the troops.

The patient Despard bided his time until September, when Wentworth suddenly wrote:

...I misapprehended the case, in supposing there was any defect of authority to you, As the Instruction intended otherwise, and that the Officer commanding the King's Forces on that Island...should ex officio exercise the chief civil Government also.
 ...It is impossible that Colonel Murray should hereafter take upon himself to resist, as he is now, and has been from the day of your landing at Sydney, only a member of the Council.⁸

Murray's stubbornness and his determination to see his work bear fruit caused him to continue to resist Despard's

7. Wentworth to John King, 27 May 1800, N.S. A131, p. 166.

8. Wentworth to Despard, 4 September 1800, Wentworth Papers, vol. 53, p. 131, P.A.N.S.

attempt to assume authority. Besides, Murray was resentful of the whole Despard clan, sprung as they were from the Despards of Queen's County, Ireland, and former tenants of the Murrays.⁹

The confusion was heightened when Wentworth forwarded to Despard the mandamus correcting the error in Murray's earlier instructions, and changing the name in the orders from "Thomas" to "John". The orders were addressed to "Brigadier General John Murray or the Officer Commanding Our Forces in our said Island...."¹⁰ Supported by Wentworth, Despard approached Murray, certain that the Home Office, in addressing the new instructions to the "Officer Commanding", thereby recognised him in civil command. Murray of course saw this in another light; in the instructions he read "We do hereby revoke annul and make void our said additional instructions, And we do hereby Nominate and Appoint Brigadier General John Murray or the Officer Commanding Our Forces in Our said Island...."¹¹ To Murray, this long-awaited correction of his mandamus simply confirmed him in office, and the phrase "or the Officer Commanding", was thus redundant.

9. Murray to Portland, 23 August 1800, C.O. 217, vol. 118, f. 151, B-1065.

10. Council, 15 September 1800, *ibid.*, vol. 117, f. 18, B-1071; Despard to Murray, 19 August 1800, *ibid.*, vol. 119, ff. 152-153, B-1065.

11. Council, 15 September 1800, *ibid.*, vol. 118, f. 221, B-1065.

The Sydney élite, of course, became involved in the quarrel. Which administrator might they choose? The choice was predictable for Murray had all but destroyed Mathews' local influence, at the same time allowing the Reverend Ranna Cossit and his followers, William Smith and William Baker to rise in influence. Accordingly, the latter group naturally rallied to Murray's support for their political life while Mathews, Dodd, whom Murray had removed as chief justice, William Campbell who had argued with Murray over the control of the mines, and George Moore of Arichat, whom Murray had opposed as councillor since he lived too far from Sydney, all predictably supported Despard. Mathews' illness and death in the early fall of 1800 lessened the increasing bitterness, but Dodd replaced him as leader of his faction, and soon became Despard's confidant.

Since Murray refused to leave office peacefully, the settlement of political conflict once again became a matter of brute force. In such a struggle Despard had the advantage. As commander of the troops he could overwhelm Murray. He also had the support of Richard Stout from whom Murray had taken the mines lease. Stout was captain of the Sydney militia, and called them out on duty for the first time when Despard decided to convoke a Council meeting on 17 September, to have himself proclaimed the new administrator. Sydney was in a state of high excitement with both factions gathering support. A mob gathered at the governor's quarters, but Stout's militia was on hand to

prevent riot.¹² Murray thus could do nothing; Cossit and Smith failed to attend the swearing-in, and Murray sent Smith to England that day to explain his case. He himself expected to be imprisoned the next morning.¹³ Despard, of course, took no such action, but let Murray linger powerless, as long as he wished to stay in the colony.¹⁴

Despard had won power, and his supporters, Dodd, Campbell, Hames, the new provost marshall, Cox, Stout, Lawrence Kavanagh, and David Mathews, Junior all hoped to gain by the change of administration. They had probably supported the right man, Portland had intended Despard to head the civil command. Murray's confusion is explained when we realize that Portland sent the mandamus of 17 October 1799 to correct the name mistake.¹⁵ Meanwhile Despard had arrived and the correction of the name had become irrelevant; he was to be in civil command, though the ambiguity of the wording confused everyone.¹⁶ A clerk's error in confusing Murray's name, and subsequent tardiness in correcting it, as well as Wentworth's ineptitude had thrown the colony into another round of turmoil.

13. Murray to Portland, 17 September 1800, ibid., f. 188.

14. Murray did not leave Sydney until the spring of 1801, and although he tried to stir up dissention against Despard, he was never more than an annoyance to him. Despard to Portland, 18 December 1800, ibid., ff. 338-339.

15. Murray to Portland, 25 November 1800, ibid., ff. 325-327.

16. Portland to Murray, 20 September 1800, C.B. A28, part 2, pp. 179-180.

With the defeat of Murray and Cossit's party, the familiar purge followed. William Smith left for England, Baker was dismissed as mines manager; both withdrew never to return. Campbell replaced Baker. Despard was informed that James Miller, an enemy of Mathews and Dodd, had never done his duty, and that his sister who had assisted in the bookkeeping at the mines, had obtained the job "injudiciously". She was dismissed, and McCowan, the collier Miller had imported, was not paid for his work on the new level.¹⁷ With Despard's concordance, Dodd's party assumed ascendancy, and were soon after Cossit's blood. By late fall, Despard was appealing for the minister's removal for the sake of harmony.¹⁸ Five years passed before this was achieved, but Despard's patient prodding resulted in Bishop Inglis himself coming to Sydney to retrieve the controversial cleric. After three days of negotiations, Cossit "prudently resigned the mission."¹⁹ Cossit's deep involvement in the political life of the colony had become unbearable, and there was the danger that the scandal involved would lead to people becoming "Methodists, Catholics, or infidels".²⁰ He was replaced

17. Despard to Portland, 26 October 1800, C.O. 217, vol. 118, ff. 247-250, B-1065.

18. Despard to Portland, 12 November 1800, *ibid.*, f. 282.

19. Bishop Charles Inglis to the Society For The Propagation of the Gospel, 12 September 1805, S.P.G. vol. 29, p. 135, A-158.

20. Inglis' diary of his visit to Cape Breton, Inglis Papers, M.G. 23, C6, vol. 6, 7 July 1805. Cossit was removed to Yarmouth where he died in 1815.

by the Reverend William Twining from Cornwallis, Nova Scotia, who arrived 5 June 1806. Though he did not become involved in the political life of the province, Twining lacked Cossit's genuine love of his mission, and was applying to leave Sydney two years later.²¹

While he acted to have Cossit removed, Despard examined the state of the colony to which he and his family had come. The obvious need for public improvements, especially roads and mills, appalled him. Clearly local revenue had to be obtained if the colony was ever going to develop. It is likely that Portland had come to this conclusion as well, and had decided to initiate some means of attaining financial support locally. He had written Murray somewhat cryptically in October 1799 that he planned to "carry into effect some further arrangements which appear to me to be necessary for placing the Government of the Island of Cape Breton on a respectable footing...."²²

The complicity of Despard and Portland might explain how Despard's plans were received without protest by the Home Department. Despard called for a tax on rum which he claimed poured into Cape Breton at the rate of 10,000 gallons per year. If a tax of one shilling three pence were collected on each gallon, over £600 might be obtained annually for public improve-

21. Twining to S.P.G., 10 September 1808, S.P.G. vol. 30, p. 15, A-158.

22. Portland to Murray, 11 October 1799, ibid., f. 151, B-1065.

ments. When he presented the idea to the Council now headed by A.C. Dodd, all agreed that a local ordinance could inaugurate the tax, and that it should be laid on for two years at a time. It was subsequently renewed in 1803 and 1805.²³ The ordinance was meanwhile submitted to the Lords of the Treasury by the home office for their approval. The Lords replied the following June that "the Proposition of Major General Despard, appears to their Lordships to be fit to be adopted, as a Measure calculated to preserve the Health and Morals of the Inhabitants of Cape Breton...."²⁴ Despard was so informed.²⁵

The idea of a tax certainly did not originate with Despard. DesBarres had hit upon the notion, as had Macarmick,

23. Despard to Portland, 18 December 1800, C.O. 217, vol. 118, ff. 340-341, B-1065.

24. Stephen Cottrell to John King, 28 July 1801, *ibid.*, vol. 119, ff. 176-177, B-1071.

25. [] to Despard, 30 September 1801, *ibid.*, ff. 110-111. It is interesting that no authority in England placed his signature on this most controversial decision. In the period between the submission of the ordinance to the Lords of the Treasury and their reply, responsibility for the colonies shifted to the war office (February, 1801), though the Treasury Lords wrote their decision to John King, undersecretary of the home department. Since the home department no longer had jurisdiction over the colonies, King or Portland may have refused to sign the letter informing Despard of the Treasury's decision. Lord Hobart, the new secretary of war may have hesitated as well, since he was unfamiliar with the situation which had brought about Despard's request. At any rate, the communication informing Despard that he might initiate the tax reached him unsigned.

though no record of its collection was kept. James Miller wrote in 1797 that "the Tax was levied for some Years, and at length given up, some refractory Person refusing to comply: as the Govr & Council, it was alledg'd was not a Body authorized to Tax the Subjects".²⁶ At best the tax was taken irregularly if at all. David Mathews for example, had flirted with the plan, and tried in vain to find an ordinance which Macarmick had passed supposedly authorizing such a tax.²⁷ Everyone of course realized that only a local assembly or the Parliament of Great Britain could initiate such a tax. Although the American Revolution had proved the danger of Parliamentary taxation of the colonies, Cape Breton had no assembly. The only body that could legally approve of such a tax was thus parliament which however was not informed. Despard, the Lords of the Treasury, and the colonial officials, after three months of deliberation, decided to treat the colony's Council as an assembly, and brushing aside constitutional problems pragmatically determined that the tax would benefit the colony while saying the British taxpayer the burden of undertaking public improvements in Cape Breton.

Having achieved an outstanding coup in the field of taxation, Despard then moved to overcome another key problem: that of land grants. Though crown land could not be allotted outright,

26. Miller to King, 1 February 1797, ibid., vol. 113, ff. 322-323, B-1063.

27. Ibid.

some means had to be discovered to render good land readily available and tenable with security. He decided to establish an escheats court, since prime tracts of land, many issued during DesBarres' administration, had either been abandoned or never taken up. Meanwhile, in both Nova Scotia and Prince Edward Island, land was not readily available; in Nova Scotia the best tracts were settled, and on the Island, absentee landlords prevented settlement.²⁸ In 1800 alone over sixty families from these two provinces applied for land in Cape Breton.²⁹ Within a year, the Colonial Office sent its approval for the establishment of the court which was quickly organized.³⁰ The 100,000 acre fertile Mira Grant which DesBarres had hopefully granted to a handful of possible settlers was immediately escheated.³¹ Despard meanwhile let it be known that

28. For a discussion of land problems and occupation in Nova Scotia, see W.S. MacNutt, The Atlantic Provinces, p. 109. Prince Edward Island's more complicated land problems are dealt with in ibid., 65-66, 98-99, 112-113, 173-176, and in A.H. Clarke, Three Centuries and the Island, Toronto, 1959.

29. Despard to Portland, 18 December 1800, C.O. 217, vol. 118, ff. 336-337, B-1065.

30. Council, 3 December 1801, ibid., vol. 120, f. 27, B-1071.

31. Despard to Lord Hobart, 15 February 1802, ibid., ff. 3-4. Land which had not been improved since it was granted by DesBarres was subject to reversion to the Crown. The escheats court held hearings and investigated the various grants.

land leases were as secure as grants and were cheaper as well.³² Petitions for crown and escheated lands began to arrive in Sydney even before the end of the winter, from such diverse places as River Inhabitants, Cow Bay, Arichat, Port Hood, and Louisbourg.³³

With more fine land available, and the promise of public improvements, Cape Breton offered greater attractions than ever to settlers. Still, in December 1801, her population hovered around 2,513, with 1,520 living in the Isle Madame, Judique, Port Hood, and Port Hawkesbury areas, 801 around Sydney and 192 in the Louisbourg region. Cattle numbered 2,931, and sheep 2,677, which were shipped primarily to Newfoundland. There were 217 vessels constructed in Cape Breton plying the coal and fishing trades.³⁴

Though the population of the island was not large in 1801, the picture of a little colony beginning to prosper emerges during this period. The loyalists and British at Sydney lived apart from the Acadians and Jerseymen at Arichat and Chéticamp "which has three grist Mills one House of Consequence carries on the fishery here but the Inhabitants who are all french

32. Fees for leases were established at two-thirds those of land grants which cost £2.5.9. Council, 18 November 1802, ibid., vol. 121, f. 12.

33. Council, 8 March 1802, ibid., vol. 120, ff. 118-119; 9 March, ibid., ff. 119-120.

34. Census of Cape Breton, 24 December 1801, in Despard to Hobart, 15 February 1802, ibid., ff. 131-133.

follow farming particularly the raising of Cattle".³⁵ The "House of Consequence" referred to is the Jersey firm of John and Charles Robin, which first came to Arichat in 1764. In 1767 a branch was established on the Bay of Chaleur and later others in Newfoundland, New Brunswick and Paspédiac (Gaspé). In 1786 they had opened a branch at Chéticamp and attracted settlers there.³⁶ The population of the area had grown to 353 by 1803. Besides Chéticamp, small settlements were growing very slowly along the north west coast from Port Hood and Judique to Port Hakesbury or Ship Harbour, along the south coast at Arichat, Gabarus and at Louisbourg where in 1805 the ribs of French gun ships jutted into the harbour and rusty cannons lay on shore. The ruins of the French barracks, hospital, and officers' homes stood amidst the rubble of the fortifications. As in DesBarres' day, only four families lived in the old town in poor huts, fishing and raising cattle; fourteen families however, lived in the new Louisbourg which was developing at the east end of the harbour.³⁷

35. A sketch of the Memorandums taken from Observations made in Exploring the Island of Cape Breton, A.C. Dodd, 1805 written 1816, ibid., vol. 134, f. 147.

36. A.C. Saunders, "Charles Robin, Pioneer of the Gaspé Fisheries", Société Jersiaise Bulletin Annuel, 1929, 169-182; Jean Falconer, "A Sojourner in Gaspé", Dalhousie Review, Xll, April, 1932, 80-96; "Sundry Notes Concerning the Firm of Chas. Robin and Co., at Paspédiac", in Robin, Charles file, P.A.N.S.; Clara Dennis, Cape Breton Over, Toronto: Ryerson, 1942, pp. 7-15.

37. Diary of trip to Cape Breton, 17 July 1805, Inglis Papers, M.G. 23 C6, vol. 6.

Mira was largely a stagnant hamlet of fifteen scattered huts, inhabited by fishermen who caught 1300-1400 quintals of fish per year.³⁸ Besides Sydney and Mira there was only tiny Ingonish on the east coast, with four or five families,³⁹ where hay was grown for the horses at the mines.

All of these settlements had good harbours, and ship building was a usual side occupation, undertaken in winter using the plentiful supplies of yellow and black birch, maple and black spruce on the island. Most ships constructed were shallops or schooners which sailed with two to five hands. Cod was usually caught at the end of September so that the ship builder-fisherman could, with a crew of four, catch about 400 quintals per season. This was supplemented by herring and mackerel netted in May and August, or by salmon caught at St. Ann's.⁴⁰ The wives and children cured the fish⁴¹ which were sold to local firms such as Robin or Janvrin.

The little ships also carried coal, particularly after the outbreak of war in 1793 when the market expanded, the high seas became dangerous for long fishing trips, and supplies grew

38. Ibid., 16 July 1805.

39. Dodd's "Observations", op. cit., f. 147.

40. Ibid., f. 148.

41. Ibid.

too expensive for the small fishermen. The war also forced up insurance rates in the Maritimes 10 to 12 1/2 per cent above those of the neutral Americans, while Britain allowed the West Indies to import American produce at their discretion. The result was, that New England assumed almost total dominance over the West Indies trade.⁴² Arichat's earlier direct trade with the West Indies therefore ended between 1798 and 1801. Ships thus released began to carry coal to Halifax and Newfoundland. A handy profit, generally around 20 shillings per chaldron, could be made by the tiny shallops and schooners produced in Cape Breton.⁴³ Early shipping returns reveal a predominance of outside ships carrying on trade with the island, but by 1795 it became apparent that Cape Breton ships were beginning to control the local trade. By 1810 ninety per cent of ships trading in Cape Breton were local, and only ships leaving for England, Jersey or Spain, usually brigs or larger craft, were alien built and owned. Hence the lucrative profits from the Halifax or Newfoundland coal trade reverted more and more into the hands of Cape Bretoners.

42. W.T. Easterbrook and H.J. Artken, Canadian Economic History, Toronto: Macmillan, 1956, p. 147.

43. Ibid.

Cape Bretoners combined farming with fishing and ship-building to earn a living. The growth in cattle production has been noted,⁴⁴ but around Sydney in particular, subsistence farming was coming to an end, as farmers produced for the town market. The most prosperous farms according to Bishop Inglis were those of Philip Ingouville the Jerseyman, and Captain Cox whose farm at Coxheath outside Sydney consisted of 100 acres fully cleared, where sheep and cows grazed and a dairy with an excellent churn was located. Turnips and giant strawberries flourished there.⁴⁵

Hunting supplemented these occupations. The most outstanding native animals in Cape Breton were its moose, less numerous than the vast quantities existing at the colony's inception when, in 1787 alone, 11,000 were killed. By 1805 most were found around Cape North, where Macarmick had attempted to preserve them. Carriboo were also indigenous to the island; Dodd reported having seen a herd of 1500 on the Gabarus Barrens near Louisbourg.⁴⁶ Besides moose, fur-bearing animals like beaver, otter, martin, mink, seal, wild cat and fox were trapped and traded abroad, though their number dwindled until **mainly** seal skins were exported.

44. See p.91.

45. Inglis Diary, 13 July 1805, op. cit.

46. Dodd, op. cit., f. 149.

Such animals offered a reliable food supply to the approximately 443 Mic Mac indians on the island in 1805. Of these, 130 were able hunters skillful with the bow and arrow, who could hurl their tomahawks with precision eight to ten yards.⁴⁷ They had all been converted to Catholicism by the French, and though occasional fears of their conduct arose they were peaceful and helpful to the colonists.

This portrait of static self-sufficiency was shattered on the afternoon of 2 August 1802 by the unheralded arrival of a ship, the Northern Friends, bearing 415 Scots intent on settling in Cape Breton, the vanguard of a great migration which changed the character and prospects of the colony. Obviously the reports of Scottish immigrants who had crossed from Prince Edward Island to the Judique and Port Hood areas had reached the Scottish highlands. Lack of land in Nova Scotia had driven the Scots eastward, but Prince Edward Island's land system discouraged settlement there. Cape Breton, the closest Maritime area to Scotland, geographically so like the Highlands, with plenty of land, must have seemed like a blessing, and acted like a magnet attracting the Celts.

Their arrival delighted Despard, for the political tranquility, his new land policy, and the revenue on hand from the rum tax meant that Cape Breton was ready to receive them. Coun-

47. Ibid., ff. 144-145.

cillors were quickly rounded up and it was decided to inform the colonists' agents, Hunter and Company, that assistance would be given the settlers to "prevent their further Emigration to A Foreign Country".⁴⁸ Hence 40 shillings was lent for one year to each man, 30 shillings to each woman, 20 shillings to every child over 12, 15 shillings to each child under 12. The rum duty was the source of this money which the settlers could repay in public road work or cash.⁴⁹ These first Scots received escheated land around Mira and Sydney and were clearing their holdings within a month.⁵⁰

The colony suddenly began to show signs of genuine growth for the first time. By fall new grist mills were springing up and Despard predicted that the garrison would soon be fed locally.⁵¹ Word of the arrival of the new settlers, with the promise of more to come, caused land petitions to increase dramatically as Cape Bretoners realized they had to obtain legal title to their land. Within a year Sydney was showing signs of prosperity. A new market house was built for the peddling of increasing amounts of local produce,⁵² and work was

48. Council, 1 August 1802, C.O. 217, vol. 121, f. 8, B-1071.

49. Ibid. There is no record of cash repayments.

50. Despard to John Sullivan (Under Secretary of State for the Colonies), 10 September 1802, ibid., vol. 120, f. 144.

51. Ibid., ff. 143-144.

52. Council, 20 July 1803, ibid., vol. 122, f. 33, B-1072.

finally undertaken to complete St. George's Church, when in 1804, £300 was assigned for its completion.⁵³ Newly settled Roman Catholic Scots and the Irish miners in the Sydney area, petitioned in 1805 for leave to erect a chapel⁵⁴ which was constructed of wood on the Esplanade.

As more Scots arrived, areas outside of Sydney began to grow. In the spring of 1803, £25 was granted for the erection of a new grist mill at Judique.⁵⁵ Settlements literally began materializing all along the island's coasts, around the Gut of Canso and near Mira, around Little Bras d'Or, at St. Ann's Harbour and near Ingonish, and all along the north west coast from Chéticamp to the Margaree River up to its branches, now known as Margaree Forks.⁵⁶

Despard suddenly had to cope with the new problem of growth. A surveyor-general, Captain William Cox, was appointed to replace Captain Hurd, the colony's first surveyor who had been absent for 15 years.⁵⁷ Hurd's surveys and those of his crooked assis-

53. Earl Camden to Despard, 7 June 1804, ibid., ff. 73-75.

54. Council, 1 April 1805, ibid., vol. 123, f. 72. The Church was named St. Patrick's, and was replaced by a stone edifice in 1828.

55. Council, 8 March 1803, ibid., vol. 121, f. 131, B-1071.

56. For details of the Scottish immigration to Cape Breton, see Barbara Kincaid, Scottish Immigration to Cape Breton, 1758-1838, unpublished M.A. thesis, Dalhousie, 1964; D.C. Harvey, "Scottish Immigration to Cape Breton", Dalhousie Review, XXI, 1941-1942, 313-324.

57. Despard to Hobart, 4 March 1803, C.O. 217, vol. 121, ff. 49-50, B-1071.

tant, Nugent, were now inadequate.⁵⁸ The Arichat region, which included the River Inhabitants and Gut of Canso areas was growing so quickly that sessions of the supreme court had to be held each September at Arichat, beginning in 1803.⁵⁹ Council also met in Arichat for the first time on 21 August 1806, with land problems and land grants the chief topics of discussion.⁶⁰

Not since the rise of Louisbourg had Cape Breton seen such a population influx. The Scots, especially the Hebrideans, however, did not take long to adapt to their new home which resembled their former one so closely. They were soon building ships, and by 1805 shipping returns reveal growing numbers of them as captains of their own shallops and schooners. Trade through Arichat and Sydney began to grow as goods to and from the new settlements increased.⁶¹ In 1787, Sydney had seen only 27 ships enter and 32 ships clear her harbour. By 1795, 118 had entered and 131 had left. In 1805 the number had increased to 138 and 168 respectively, increasing to 185 and 242 the year after Despard's departure. A change in shipping patterns also became

58. See p.123.

59. Council, 20 July 1803, C.O. 217, vol. 122, f. 33, B-1072.

60. Those present were A.C. Dodd, J.B. Clark and Thomas Crawley. Council, 21 August 1806, ibid., vol. 125, ff. 11-12, B-1073.

61. For the number of ships trading through Sydney and Arichat, See Appendix IV.

apparent at this time. Early returns reveal a wide assortment of goods entering Sydney from ports like Jersey, Halifax, Lisbon, Spain, London, Bermuda, Boston, Quebec, Prince Edward Island, St. Pierre and Shelburne. In 1785 for example, 15 ships arrived from Jersey, 23 from Halifax, 4 from Shelburne, 2 from Lisbon, 2 from Newfoundland, 2 from Quebec, and 1 each from New York, Prince Edward Island and Main-à-Dieu.⁶²

As the years advanced, the number of ports shipping to Sydney declined as Halifax became the port of trans-shipment for the capital, since there were always Cape Breton shallops, or after 1815 pinkies, ready to load manufactured and exotic goods there for home use. Of 97 ships entering Sydney between July 1800 and January 1801, 90 were from Halifax, 6 from Newfoundland, and 1 from Boston.⁶³

This pattern became typical of exports as well. In 1787 for example, ships leaving Sydney included 9 bound for Halifax, 2 for Prince Edward Island and 1 each for Quebec, St. John's, Jersey, Spain, Malaga and Madeira.⁶⁴ They bore articles such as coal, codfish, salmon, mackerel (to Spain and Madeira), furs, molasses, wine, rum, flour, tobacco, nails, brandy and fresh

62. Shipping Returns, Entering Sydney, 5 April-2 November 1785, C.O. 221, no. 34, f. 1.

63. Ibid., 5 July 1800-5 January 1801, ff. 51-53.

64. Ibid., 5 July-10 October 1787, f. 47.

fish (to Jersey). Most ships were non-Cape Breton owned and built and were obviously in the carrying trade. By 1796, however, of 190 ships leaving Sydney, 177 were on their way to Halifax with coal, 8 to Newfoundland, 2 to the Bay of Chaleur and 1 each to Portugal, Jersey and Liverpool.⁶⁵ Most of the ships were owned by Cape Bretoners, only those larger brigs bound for Europe being operated by outsiders. By 1805, of 145 ships leaving, 126 sailed to Halifax, 13 to Newfoundland, 1 to Quebec, 1 to Prince Edward Island, 2 to Liverpool and 1 each to Boston and New Brunswick.⁶⁶ This trend continued until 1814 when all ships registered were going either to Halifax (208) or Newfoundland (16).⁶⁷ The goods leaving Sydney narrowed down to either coal or possibly gypsum, again carried mainly by Cape Breton ships.

While the varied goods bound for the island entered Sydney, usually in a few large ships, most small Cape Breton ships entered carrying mainly ballast, and left with coal. Hence the

65. Ibid., 5 January-6 July 1796, f. 132. 6 July 1796-6 January 1797, ff. 143, 144, 145.

66. Ibid., 6 January-5 July 1805, f. 75. 5 July 1805-5 January 1806, ff. 85-87.

67. Ibid., 5 January 1814-5 July 1814, no. 35, f. 86. 5 July 1814-5 January 1815, f. 87.

local share of the Sydney coal-carrying trade increased immensely over the years, particularly after the arrival of the Hebrideans, and formed an important sector of the whole island's growing prosperity.

Although Arichat was affected by the same influence as Sydney, the international flavour of the Robin and Janvrin Companies kept trading ports more varied. West Indies trade ceased between 1798-1801, but as late as 1814 Arichat was sending goods to Halifax (19 ships), Newfoundland (6), Bilboa and other Spanish ports (4), Manchester, Nova Scotia (3), the Bay of Chaleur (2), the Magdalen Islands (2), and the Gaspé (1).⁶⁸ A wide variety of goods like manufactured products and sub-tropical fruit, meant that Arichat maintained an important carrying trade, though the coal trade was growing in importance. Fewer ships entered Arichat than Sydney due to the greater number of larger foreign vessels. Tonnages were also lower.⁶⁹ Hence, the two ports played different roles in the colony's economy,

68. Ibid., 5 July 1814-5 January 1815, f. 89. Value of these exports amounted to £37,821.15.8.

69. In 1795, 4890 1/2 tons left Sydney, 1,669 left Arichat; in 1810, 11,977 left Sydney, 4,268 left Arichat; in 1814, 11,640 left Sydney, 5,001 left Arichat. Ibid., no. 34, ff. 128, 129, 130, 131; no. 35. ff. 46, 47, 48, 50, 55, 56, 58, 83, 86, 87, 89.

one in the fishing and international carrying trade, the other in the local coal trade, at the same time exchanging goods with each other and the rest of the island.

As the trade grew, shipbuilding increased dramatically:

From 1792 onwards there was a steady increase in ship building which spread beyond Sydney to other parts of the Island. In 1795 the first vessels were set afloat at St. Ann's and Bras d'Or, and in 1796 the first Margaree vessel was launched. Between 1792 and 1800, 62 schooners and 78 shallops slid off the ways. These were nearly all small craft, rarely going over 50 feet in length, but as time went on they increased the tonnage of their vessels by changing the depth rather than by altering other dimensions.

...Between 1800 and 1810, 40 schooners and 27 shallops were built around the Island, but by 1811 it was obvious they were building larger vessels. In this year six of the schooners were over 50 tons. ...Before 1815, 34 schooners and 47 more shallops were built.⁷⁰

Between 1801 and 1805, the number of ships built in Cape Breton increased from 217 to 267,⁷¹ and a survey of ship proprietors reveals that the increase was made up of Scots who managed to replace outsiders in the local carrying trade.

The importance of a growing coal industry not only to Sydney, but to the shipping industry of the whole island did not

70. J.P. Parker, Cape Breton Ships and Men, Toronto: G.J. McLeod, 1967, p. 26.

71. Dodd's "Observations", op. cit., f. 148.

escape Despard's notice, and despite the demands of a newly growing colony and poor health, he established a prosperous coal trade. He was naturally suspicious of any involvement Murray had had with the mines, so he **ordered** a study to be taken of the whole operation. The situation there was promising. Murray had taken control of the mines from Tremain and Stout, and running them on government account, had opened a new pit, and built a new wharf, all of which caused an increase in coal exports. Unfortunately, Despard appointed William Campbell, Murray's mines manager, who had supported him in his struggle with Murray, to carry out the investigation of the works. Campbell was interested in running the mines himself, and reported that they "have not been so near productive or advantageous to Government...as they were when worked by Contract".⁷² Campbell knew exactly how to convince Despard of the evils of government ownership of the mines by attacking Murray who had "taken upon himself the immediate management and responsibility of that Office [mines superintendent], as indeed of all other Offices in this Government from the Presidency to that of Common Goaler,...and therefore would not suffer the smallest remonstrance or even advice".⁷³ Campbell claimed that Murray's control made

72. Despard to Portland, 19 September 1800, C.O. 217, vol. 117, f. 198, B-1065.

73. Campbell to Despard, 16 October 1800, ibid., vol. 118, f. 252.

work at the new level inefficient resulting in low productivity, while all the buildings at the mines were in disrepair, the houses had been neglected, the miners were short of winter supplies, and had not been paid for five months.⁷⁴

Another problem was inflation which was still increasing prices and wages. Despard decided to raise coal prices by two or three shillings since carriers were loading at 16 shillings per chaldron and selling for 40 shillings. Let them absorb the increase!⁷⁵

Faced with these difficulties at the mines, Despard allowed Campbell to convince him to abandon Murray's plans for government ownership on the grounds that duties would be "more certain and far more considerable than any profit that can be derived from continuing to work them [the mines] for the Crown".⁷⁶ He began advertising in Halifax inviting lessees for a 7 year term beginning 1 November 1801.⁷⁷ With Jonathan Tremain to warn Halifax merchants of the problems awaiting amateur mine proprietors, no replies were received from there. In late August Despard advertised again, extending the time for receiving proposals to 1 September.⁷⁸

74. Ibid., ff. 250-252.

75. Despard to Portland, 8 February 18-1, ibid., vol. 119, ff. 41-43.

76. Despard to Lord Hobart, 25 October 1801, ibid., f. 139, B-1071

77. Nova Scotia Gazette, 9 July 1801.

78. Ibid., 20 August 1801.

Meanwhile, government ownership was still producing coal; between 1 October 1800 and 23 November 1801, a record 7,271 chaldrons were raised and shipped.⁷⁹ Despard was still determined to rid government of the mines, and when no replies came to his advertisements by November, he leased them to the eager Campbell. Campbell's operations proved unsatisfactory. He claimed that expenses forced him to seek higher profits leading to a necessary decrease in duties from seven to four shillings seven pence per chaldron.⁸⁰ He even refused to sink new pits, claiming that he could not spare the workers. Coal shipments dropped from 7,271 chaldrons in 1800-1801, to 5,514 1/2 chaldrons in 1802, and to 4,616 1/6 in 1803.⁸¹

Halifax began to complain of a coal shortage. Wentworth, always impatient with Cape Breton, was trying to lease the Pictou coal fields for local needs and export to the United States.⁸² In 1803 he argued that Cape Breton coal supplies were clearly insufficient for Nova Scotia's needs, and that only the mildness of the winter of 1802 had averted a disaster.⁸³ He began experiments on coal mining, and asked A.C. Dodd to send him Miller's

79. Despard to Hobart, 16 February 1802, C.O. 217, vol. 120, ff. 58-64, B-1071.

80. Despard to Hobart, 2 March 1803, *ibid.*, vol. 121, ff. 45-47.

81. Despard to Hobart, 2 March 1803, *ibid.*, ff. 19-21; *ibid.*, f. 143; Account of Coal Mines, half year ended 24 December 1803, in Despard to Hobart, 15 February 1804, *ibid.*, vol. 120, ff. 6-8, B-1072.

82. Wentworth to Lord Hobart, 10 August 1802, Official Correspondence, P.A.N.S., vol. 53, no. 105.

83. Wentworth to Hobart, 2 April 1803, *ibid.*, pp. 409-411.

instruments.⁸⁴

Despard recognized Murray's wisdom in distrusting lessees, and especially Campbell, and took control of the mines for the Crown 28 February 1804. The latter refused to surrender the mining equipment until Despard paid him £427.⁸⁵ Campbell had not ordered miners' supplies and since it was winter, they had to be bought in Sydney at outrageous prices. In spring a new pit was sunk. By the time Despard restored the mines only £100 was left in Murray's bulging coal fund.

Despard would not be stung again. He chose a Halifax merchant, the capable John Ritchie as his mines superintendent. Ritchie made the mines productive; from 25 June 1804 to 24 June 1805, 5,084 chaldrons were shipped and 6,969 1/2 for 1806-1807, approaching the quantities when government last ran the mines.⁸⁶ By June 1807, £4,289.5.3 1/2 was in the coal fund.⁸⁷ At that time the level was extended, a new pit was completed, and the

84. Wentworth to Dodd, 18 April 1803, *ibid.*, pp. 414-415.

85. Despard to Earl Camden, 15 February 1805, C.O. 217, vol. 123, ff. 33-35, B-1072.

86. *Ibid.*, Despard to Camden, 5 September 1805, *ibid.*, f. 77; Return of the Mines for the half year ending ~~25~~ December 1805, in Despard to Castlereagh, 25 February 1806, *ibid.*, vol. 124, ff. 26-28, B-1073. Account of Coal Mines, in Despard to William Windham, (Secretary of State), 12 September 1806, *ibid.*, f. 109; Account of Coal Mines, in Despard to Windham, 16 February 1807, *ibid.*, vol. 125, f. 18, f. 64.

87. Despard to Windham, *ibid.*

wharf at the mines was extended to deeper water.⁸⁸ Larger ships could now be loaded more quickly without having to wait in deep water to be serviced by lighters. This success again kept Wentworth from opening the Nova Scotia coal fields.

Along with material advances, the colony finally began to make political progress. There were signs as early as 1803 that opposition to the Despard-Dodd alliance was arising, based not on pure office seeking or jealousy, but on principle. The new unrest originated with two reformers, William Campbell and Richard Gibbons, Junior.

Campbell had been summoned from Halifax by Murray as acting Attorney General to break the law monopoly of Dodd and Mathews. In Halifax he had been a supporter of William Cottnam Tonge, an early Nova Scotia reformer, and had won the ire of John Wentworth.⁸⁹ Since Campbell supported Despard, and thus had helped bring about Murray's downfall, Despard retained him as Attorney General and mines lessee. However, when Campbell proved a failure in the mines operation, Despard forbade him to hold the two offices at once.⁹⁰

88. Despard to Castlereagh, 26 February 1806, C.O. 217, vol. 124, ff. 26-28, B-1073.

89. Wentworth to Hobart, 24 July 1803, Official Correspondence, vol. 53, P.A.N.S. pp. 440-441.

90. Despard to Hobart, 25 November 1803, C.O. 217, vol. 121, ff. 189-190, B-1071.

In anger, Campbell aligned himself with Richard Gibbons, Junior. Gibbons' life had been difficult. In 1792 his father, the stern chief justice of Cape Breton, had taken the lad and his mother with him to England to fight for his own career, and the right of Cape Bretoners to participate in their colony's political development.⁹¹ The French captured their ship on the return voyage and the family was imprisoned at Nantes, where Richard saw his father die. After 22 months in jail he and his mother escaped to England.⁹² In 1796 the young man returned to Cape Breton with a knowledge of the law probably gained from his gifted father. Family tradition contends that during his absence he had become bitter and unfriendly.⁹³ A later lieutenant-governor found that he "never discovered Mr. Richard Gibbons speaking favourably of any man, on the contrary his conversation teemed with accusation and Scurrility against every person whose name he uttered".⁹⁴ Remembering that his father was not popular

91. See above p.61.

92. Memorial to Nicholas Nepean, 6 July 1807, C.O. 217, vol. 126, ff. 37-38, B-1073; Memorial to Hugh Swayne, 26 February 1813, Dodd Papers, P.A.N.S.

93. Caroline B. Johnstone, Memories, private printing, 1931, p. 5.

94. George Ainslie, to Lord Bathurst, 13 May 1817, C.O. 217, vol. 135, f. 36, B-2367.

in Halifax, and that in prison the old man likely told his son stories of his hated rivals in Sydney, helps to explain the behaviour of Gibbons.

When he arrived in Sydney his father's enemies, the Mathews and Stouts, and their children were around him. A.C. Dodd had even married his sister so he never spoke to her.⁹⁵ The only remaining friend of his father was the older and less volatile David Tait whom Despard had called from his farm on the Mira River to serve in Council. He watched Mathews', now A.C. Dodd's party, gain power in Council which was composed of George Moore of Arichat, Richard Stout, Captain William Cox, William Campbell and two new faces, Job Bennett Clarke, a newly arrived Englishman, and William Despard, the administrator's nephew and private secretary. Dodd served as senior councillor and had a deep influence on Despard, while Tait shunned controversy, mindful of the crushing defeat he and the elder Gibbons had suffered under Macarmick. The removal of the Reverend Ranna Cossit and William Smith meant the apparent end of the Gibbons faction. The young Gibbons proved the error of such a conclusion.

At first Campbell and Gibbons worked independently. Campbell's disagreement with Despard over the mines led him to correspond with the Lieutenant General commanding the district to induce him to "send an Officer here to supercede Genl. Despard

95. C. Johnstone, op. cit., p. 5.

in the Command...."⁹⁶ Remembering Murray's experience this would mean the end of Despard's civil command as well. Campbell's plans were squelched when new instructions arrived 20 September 1804 confirming Despard as commander of the troops in Cape Breton.⁹⁷ With this failure Campbell joined Gibbons.

The latter had decided to destroy not an individual, but the whole political system of the colony, attacking its weakest spot, the liquor tax, in an attempt to obtain a colonial house of assembly. Trying to muster local support for this plan he alleged that the absence of an assembly led to abuses which existed in the colony, such as the mal-use of the coal duty to build government houses, the lack of roads and bridges, money wasted on useless government schooners. He pointed out that Nova Scotia had been granted a house of assembly in 1759 when her population was proportionally considerably less than that of the growing Cape Breton of 1805.⁹⁸ His most telling argument was that any tax was illegal unless initiated by Parliament or a local assembly, and hence the colony's rum tax could be made legitimate only if passed by Cape Bretoners in their own assembly.⁹⁹

96. Despard to Hobart, 15 February 1804, C.O. 217, vol. 122, f. 48, B-1072.

97. Manadamus, 20 September 1804, ibid., vol. 123, ff. 12-13, B-1072.

98. William Woodfall to Adam Gordon, 15 February 1805, ibid., f. 134.

99. Ibid.

Despard calmly ignored the movement, probably deciding that less harm would arise if the affair were allowed to run its course. William Woodfall, the new English Chief Justice however, was horrified, and feared that Campbell and Gibbons, and probably others in the opposition would coalesce to bring a test case involving the liquor tax before the court. "Such a suggestion", he wrote, "as...a House of Representatives cannot but strike you as originating in absolute insanity or (what is nearer the truth I believe) in that Factious disposition which would risk every positive benefit possessed...."¹⁰⁰ Woodfall wondered how the colony could support an assembly with a population made up of "of the very lowest Irish and Scotch, in a state of gross ignorance and such paupers that a great proportion of them cannot pay the fees for their grants that another part... consists of French fishermen ignorant...of the English language."¹⁰¹

Though it might prove difficult for a poor trilingual colony to support a house of assembly, Cape Bretoners needed a broader base of representation, and Gibbons' movement was not based on "Factious disposition" alone. Philip Ingouville who ran a pros-

100. Ibid.

101. Ibid., Though it is true that the same statement might apply to Nova Scotia, the proportion of Loyalists and Englishmen especially in Halifax was higher than in Cape Breton.

perous farm and built ships near Wentworth Creek, blamed many of Cape Breton's problems on the lack of a house of assembly. On returning to Sydney in 1801 after a four year absence, he complained that "very little is felt towards its [the colony's] advantage to forward the settlement". With no assembly to stop them, four governors had built four government houses, and three different government vessels had been bought and condemned during the same period. Roads were all but non-existent; there were no grist mills. He lamented that governors were removed too frequently, and "it causes nothing But...Confusion to your office when a change and novation take place and the Settlement [sic] neglected - no representation for the Poor Orphan Settler...."¹⁰²

It must be noted that Ingouville was writing in 1801 before Despard's improvements, such as grist mills, had begun, and without realizing that Despard would remain for seven years. Moreover, there were alternatives to an assembly. The conservative Woodfall believed that the colony's problems could be solved by more reliable settlers, especially disbanded soldiers, and by settling the succession of governors.¹⁰³

Despite these arguments, the Gibbons' movement for an assembly grew, for Woodfall had to admonish the Grand Jury in

102. Philip Ingouville to John King, 15 December 1801, ibid., vol. 119, ff. 227-228. The underlining is Ingouville's.

103. Woodfall to Gordon, ibid., vol. 122, f. 135.

the spring of 1805 of the dangers of "the spirit of factious restlessness and daring innovation" to the "illiterate settler". How could such a person elect representatives whose abilities he was incompetent to judge? "How he would be advantaged by being occasionally withdrawn from his humble, but happy, home and useful occupation and embarked in the turmoil, idleness and dangerous dissipation which are almost inseparable from popular elections...", was a mystery to Woodfall.¹⁰⁴ He warned the jurors that a house of assembly would mean heavy taxation. How could the colony possibly support the grandiose schemes of these "arrogant innovators and mock-patriots...?"¹⁰⁵

Such warnings failed to daunt Gibbons. At the next meeting for the election of church wardens, Gibbons questioned not only the legality of the rum tax, but wondered if Cape Bretoners should obey any local laws "as they are not represented".¹⁰⁶ Campbell supported Gibbons, "though not quite so daringly...."¹⁰⁷

Despard continued to avoid the disruption which a showdown might involve. Besides, the relative good times prevented the

104. Charge of William Woodfall to the Grand Jury of Cape Breton, March Term 1805, enclosure in Woodfall to Gordon, 13 May 1805, ibid., ff. 166-168.

105. Ibid., f. 168.

106. Ibid., f. 163.

107. Ibid., f. 164.

movement from gaining ground too rapidly. Campbell, however kept the question alive by refusing to prosecute the captain of a shallop for taking coals without a permit, contending that Cape Breton ordinances were illegal.¹⁰⁸ Even the phlegmatic Despard had to admit that it was going too far when the Attorney General **refused** to enforce the colony's laws. He dismissed Campbell from his Council seat. This solved nothing. William Woodfall, after only one year in Sydney died in 1805, and A.C. Dodd as Despard's confidant became Chief Justice. Almost immediately Dodd and Despard began to argue, first over the sittings of the Supreme Court, and then over the legality of the rum duty. Despard despaired of harmony and echoed Murray's sentiment when he called Dodd "the cause of everything unpleasant that has occurred in the Colony for the past Twenty Years...."¹⁰⁹ He wrote that he had no communication with Campbell or Dodd, which might suggest that the new Chief Justice was working with Campbell and questioning the legality of the rum tax. It is certain that Dodd and Gibbons had become confidants in 1806, the latter writing confidentially to Dodd of his delight at the impending departure of their common foe, Despard.¹¹⁰ Whitehall,

108. Despard to Castlereagh, 26 February 1806, ibid., vol. 124, ff. 32-34, B-1073.

109. Despard to Windham, 8 May 1807, ibid., vol. 125, f. 38, B-1074.

110. Gibbons to A.C. Dodd, 22 July 1806, Dodd Papers, P.A.N.S.

ignoring Despard's reservations about Dodd, confirmed the latter's appointment as Chief Justice.

Despard meanwhile decided to return home "on Private Affairs", probably because of his health, the difficulties of governing a rapidly growing colony, and to settle family business in the wake of his brother's having been hanged for treason.¹¹¹ Permission was granted for his departure in March, 1807.¹¹²

Despard left a colony which was set on a new course. There was now hope in the island in the form of new settlers and in the growth of the mines, of shipping and of shipbuilding. There were signs of a political awakening based on ideals which might unite the people of Sydney. Building on Murray's foundations, and aided by outside events Despard had helped to transform the island into a vital community. The chief challenge for the local reformers was to convince the people and the colonial officials that Cape Breton was now ready for, and indeed needed, an assembly.

111. See p.137.

112. Windham to Despard, 7 March 1807, C.O. 217, vol. 124, ff. 128-129, B-1073.

Chapter 6

The Challenge of War 1807-1815

Though the economic and political development of Cape Breton continued between 1807 and 1815, the departure of John Despard coincided with external events which were immediately unfavourable to the island's growth. The Embargo Act of 1807 and the War of 1812-1815 stimulated the growth of all the Maritime colonies, but in the case of Cape Breton they also accentuated her problems: defencelessness, inflation, antiquated mining methods, Colonial Office disregard, and the vacillating policies of the administrators.¹ The weak character of Nicholas Nepean (1807-1812), and Hugh Swayne's preoccupation with defence (1812-1816) permitted Whitehall to ignore these problems, and the constitutional demands of Cape Breton reformers. On the other hand, the growing demand for fish, fish products and other food supplies in the West Indies and Europe stimulated the island's economy.

In 1807, the United States Congress passed the Embargo Act which effectively prohibited all commerce out of American

1. For the prosperity of the other Maritime colonies during this period see W.S. MacNutt, The Atlantic Provinces, Chapter 6, pp. 129-154.

ports. This was the indirect result of Napoleon's Berlin Decree of 1806, which forbade commerce between Britain and neutral nations. Britain responded with a number of orders-in-council declaring that neutrals were not to participate in direct trade with countries which excluded British ships. Such moves could only imperil American trade, and after British searching parties began boarding American ships looking for deserters, President Jefferson allowed passage of the Embargo Act in an ill-advised attempt to force Great Britain to cancel the orders-in-council. This plan backfired, for Nova Scotia and New Brunswick stepped into the position formerly occupied by New England and undertook an active carrying trade between the West Indies and Britain. New Englanders began large-scale smuggling into the two colonies, and in 1811, Britain allowed American ships to land key food products, most of which were destined for the West Indies, in Halifax, St. John, and St. Andrews, New Brunswick. This gave these colonies enough trade supplies to carry on growing commerce with the West Indies, a state of affairs which continued during the Peninsular campaign when New England goods, shipped by Maritimers, supplied Wellington's troops. During the War of 1812 the Maritimers continued their European and West Indian trade.

Cape Breton could not participate in this trade directly. Her ships were too small, and she did not have the quantity of

2. W.T. Easterbrook and Aitken, Canadian Economic History; pp. 142-150.

goods necessary for the West Indian trade. Without influence in London neither Sydney nor Arichat were designated as ports where American ships might land products intended for the West Indies.

Instead, the sudden prosperity of New Brunswick and Nova Scotia caused an increase in prices which once again stimulated inflation in Sydney. The outbreak of war with France in 1793 had been a key factor in the rapid inflationary spiral which had earlier plagued the town. Despard had complained of inflation when he raised coal prices by two shillings in 1801. Since he did not remark on inflation after 1801, it is possible that the peace with France had prevented steep price increases, and even after 1804, when war began in earnest, the non-involvement of the Maritime colonies had prevented a rapid price rise. The Embargo Act however boosted inflation once again: by November, 1808, the price of winter stores had increased by fifty percent and flour by one hundred percent over the previous year.³ Nepean issued a proclamation allowing the free importation of American foodstuffs in 1807 and 1808, but prices continued to climb until he forbade the exportation of local provisions or cattle.⁴ With the outbreak of the War of 1812, the price of flour rose immediately

3. J.C. Ritchie to Nepean, 26 November 1808, C.O. 217, vol. 127, f. 14, B-1063.

4. Council, 7 September 1807, C.O. 220, vol. 15, ff. 6-7, B-1825; ibid., f. 81.

from sixteen to twenty-six dollars per barrel.⁵ The cash drain to Halifax again increased and salaries, by no means low, proved inadequate. For example, Swayne reported that A.C. Dodd was forced to mortgage his house and take a twenty percent discount on his bills to gain cash in 1815.⁶ The accompanying chart lists the salaries which officials received, and it may be noted that even Nepean could hardly be expected to maintain a decent establishment with his low salary, in a colony plagued by inflation.

As prices rose, the costs of mining operations increased. Consequently profits fell, and J.C. Ritchie had to ask for a price increase from sixteen to twenty shillings per chaldron.⁷ The war with France also caused another labour shortage at the mines as men were attracted away by the increasing demand for sailors, and the prosperity of Halifax and St. John. On the other hand, as more troops entered Halifax, the demand for coal increased. Nepean wondered how he could increase production without enough miners, especially when the mines were still suffering from Campbell's mismanagement.⁸ The roof of the pit, weak and leaking,

5. Twining to S.P.G., 8 October 1812, S.P.G. Papers, vol. 30, p. 286, A-158.

6. Swayne to Henry Goulburn (Undersecretary of State for War and the Colonies), 1 January 1815, C.O. 217, vol. 133, ff. 3-4, B-2367.

7. John C. Ritchie to Nepean, 26 November 1808, *ibid.*, vol. 127, f. 14, B-1073.

8. Nepean to Castlereagh (Colonial Secretary), 11 June 1808, *ibid.*, vol. 126, ff. 26-27.

Salaries of Cape Breton Officials, 1812.

Office	Officer's Name	Net Income (Halifax Currency)	Source (If not parliamentary)
Administrator	Nicholas Nepean	£276.18.9 1/2	
Chief Justice	Archibald Charles Dodd	£449.8.10	
Deputy Surveyor of Woods	Archibald Charles Dodd	No Salary	Fees, 12s.
Provincial Treasurer	Peter Hall Clarke	£298.0.0	
Private Secretary of the Administrator	P.H. Clarke	£119.7.9 1/4	
Acting Attorney General	Richard Gibbons	£94.8.10	
Solicitor General	Richard Gibbons	No Salary	
Agent for Coal Mines and Shipping Superintendent	A.C. Ritchie	£225.0.0	
Crown Clerk	James Hill	£86.0.8 3/4	
Clerk of Pleas	James Hill	No Salary	Fees, £8.2.6. (Seventeen Months)
Clerk of Peace	James Hill	No Salary	Fees, £8.0.0 (Seventeen Months)

Salaries of Cape Breton Officials, 1812.

Office	Officer's Name	Net Income (Halifax Currency)	Source (If not parliamentary)
Clerk of Commission for Expenditure of Public Revenues	James Hill	No Salary	From provincial revenue, £10.0.0
Public School Master	James Hill	£40.0.0	Fees, £30-40 per annum
Jailer, Council Messenger	William Day	£58.6.8	
Acting Provost Marshall	William Cox	£129.0.0	
Customs Collector	Philip Dumaresq	£280.0.0	Mainly from ship fees
Deputy Customs Collector (Arichat)	George Moore	£120.0.0	Mainly from ship fees
Medical Officer at Mines and for the Poor	J.W. Clarke	£122.4.5 1/4	Paid from colliery fund)
Secretary and Registrar, Clerk of the Council	William McKinnon	£211.3.4	£61.2.2 1/2 in fees
Surveyor General of Lands	Thomas Crawley	£136.13.4	£40.0.0 in fees

Salaries of Cape Breton Officials, 1812.

Office	Officer's Name	Net Income (Halifax Currency)	Source (If not parliamentary)
Mines Superintendent	Thomas Crawley	£247.15.6 1/2	-(£100.0.0 from coal revenue)
General Surrogate Judge of Probate of Wills	Richard Stout	No Salary	Fees, £10.0.0
Acting Auditor	Richard Stout	No Salary	Fees, £25.0.0
Commissioner of Escheats	Richard Stout	No Salary	No Fees
Clerk of the Market	Philip Elly	£10.0.0	Paid from provincial revenue
Comptroller of Customs	Ranna Cossit, jr.		Fees, £140.15.7
Assistant Comptroller of Customs, (Arichat)	George Moore		Fees, £27.15.6 1/2
Deputy Treasurer for Government's Hospital at Cape Breton	Ranna Cossit	No Salary	
Harbour Master	George Brown	£55.15.6 1/2	From coal revenue
Naval Officer	George Moore	£175.14.3 (1807-1809)	

Salaries of Cape Breton Officials, 1812.

Office	Officer's Name	Net Income (Halifax Currency)	Source (If not parliamentary)
Collector of Provincial Revenue, Western District	Clement Hubert	£30.0.0	From provincial revenue
Surveyor and Searcher	Samuel Plant	£161.0.0	£100 paid by masters of vessels
Collector of Provincial Revenue, Eastern District	Samuel Plant	£25.0.0	From provincial revenue
Coroner	Samuel Plant	£2.10.0	
Parochial Minister	Rev. William Twining	£160.0.0	Government allowance £94.1.10; S.P.C.
Garrison Chaplain	Rev. Benjamin Lovell, (residing in England)	£45.12.6 (Sterling)	

was threatening to cave in. Supports, therefore had to be placed 2 1/2 feet rather than six or seven feet apart. This increased time and costs. Eight foot pillars and a ten inch stratum also had to be left to support the roof. Corridors were narrowed from twenty-five to thirty, to only fourteen feet. Thus only thirty to thirty-three chaldrons could be mined per day as opposed to the forty-five chaldrons of Despard's term. By the winter of 1810 the pit was almost exhausted. Thomas Crawley, the new mines superintendent, advised that the level be driven up preparatory to sinking a new pit.⁹

In June, 1808 Nepean put thirty of the newly-arrived New Brunswick Fencibles to work on the mines.¹⁰ Coal production began to increase from 6,616 chaldrons in 1808, to 9,570 in 1812.¹¹ Still this did not meet the demand, and when rising costs forced Nepean to seek an increase to twenty shillings per chaldron,¹² the Lieutenant-Governor of Nova Scotia, George

9. Thomas Crawley to Nepean, 6 February 1809, *ibid.*, vol. 127, ff. 12-13, B-1073.

10. Nepean to Castlereagh, 11 June 1808, *ibid.*, vol. 126, ff. 26-27.

11. Chaldrons produced were 8,919 (1809), 8,609 (1810), 8,516 (1811). Richard Brown, The Coal Fields and Coal Trade of the Island of Cape Breton, Stellarton: Maritime Mining Record Office, 1899, p. 55.

12. Nepean to Castlereagh, 13 April 1809, C.O. 217, vol. 127, ff. 10-11, B-1073.

Prevost, again tried to obtain permission to lease the Pictou coal fields.¹³ When, two years later, Prevost ordered the troops to stop working the Cape Breton mines, the frustrated Nepean decided to lease them to Jonathan and John Tremain of Halifax.¹⁴ John Tremain's previous experience, it was hoped, would lead to a more successful operation, as he promised to keep the price below 20 shillings per chaldron.

Within two months the Tremains were demanding a price increase to 20 shillings per chaldron. They were certain that the market could bear the increase since "Coals are now found to be cheaper fuel both at Halifax and Newfoundland by nearly one half than Wood".¹⁵ Since Nepean did not favour the increase, the Tremains surrendered their lease in July, 1812, after only one year.¹⁶ Council then agreed to allow a new lessee to charge a duty of six rather than the current four shillings.¹⁷ A Halifax merchant, Richard Swallow, decided to accept the lease

13. Prevost to Castlereagh, 24 June 1809, Official Correspondence, vol. 58, doc. 88, P.A.N.S.

14. Nepean to the Earl of Liverpool, 5 July 1811, C.O. 217, vol. 129, ff. 37-38, B-1074.

15. John and Jonathan Tremain to Nepean, 2 September 1811, ibid., f. 64.

16. Council, 8 July 1812, C.O. 220, vol. 15, f. 142, B-1825.

17. Council, 13 July 1812, ibid., ff. 143-144; 17 October 1812, ibid., ff. 150-151.

if it extended for fourteen years.¹⁸ Nepean left before this offer could be considered.

When Swayne arrived he therefore found no one in charge of the mines, and the coal fund with only £1.14.3 1/2.¹⁹ Costs had risen to £1.3.2. per ton, the highest in the colony's history. Since his terms could not be met, Swallow refused to take out the lease, forcing Swayne to accept the bid of Messrs. Ritchie and Leaver who offered government a duty of only 3/8.²⁰

Meanwhile, in a concerted effort to break Cape Breton's coal monopoly, both the Legislative Council and Assembly of Nova Scotia complained to the Lieutenant-Governor, John Coape Sherbrooke, that coal was "exceedingly expensive" and "wholly insufficient", and that Sydney Harbour was unsafe and inaccessible in winter. The poor could not afford the prices, and many coal ships could get no cargo.²¹ The antiquated methods, the lack of capital, and inflation had choked Cape Breton coal production. Britain finally agreed to the opening of the Nova Scotia mines.²²

18. Council, 17 December 1812, *ibid.*, ff. 172-173.

19. Account of Coal Mines, 1 January 1813-1 January 1814. C.O. 217, vol. 132, f. 6, B-2367.

20. Swayne to Bathurst, 30 November 1813, C.B. A34, p. 60. Brown, *Early History*, p. 73.

21. Draft of an address of the Legislative Council and Legislative Assembly to J.C. Sherbrooke, 27 March 1815, Official Correspondence, vol. 288, no. 25, P.A.N.S.

22. Extract of a dispatch, Bathurst to Lieutenant-Governor of Nova Scotia [Sherbrooke], 10 May 1815, *ibid.*, no. 103.

Henceforth, the administrators lost all control over the colony's development; not only the coal market and defence problems were beyond them, but the movement for a legislative assembly continued to grow despite their actions.

Brigadier-General Nicholas Nepean received his appointment through his brother, Evan Nepean's influence,²³ but neither his military experience nor his weak, vacillating temperament conditioned him for the Cape Breton posting.²⁴ Despard wrote bluntly, "He is as I am informed by several who know him well a remarkably indolant man and unfortunately for himself too easily imposed upon by artful and designing men".²⁵ The two were at odds immediately, and during the four precious days between Nepean's arrival on 2 July 1807, and his own departure Despard "could never persuade him to enter into any conversation with me relating to the Government...."²⁶

23. Evan Nepean was Undersecretary of State for the Colonies 1782-1795.

24. Nicholas Nepean was appointed second Lieutenant in the Royal Marines in 1776, and served at Brest in 1778; in 1789 he obtained a company in the New South Wales corps, and stayed in New South Wales until 1793. In 1802 he joined the Banffshire Fencibles at Gibraltar. He was commissioned Brigadier-General in 1804, and 17 March 1807, he was appointed to Cape Breton. He was made a Lieutenant-General in 1814. The Royal Military Calendar (1816), vol. I, pp. 285-286.

25. Despard to Lt. Col. J.W. Gordon (Horse Guards), 4 January 1808, R.G. 8, C366, p. 134.

26. Ibid., p. 135.

Nepean thus entered Cape Breton ignorant of its current political situation, and proceeded to verify Despard's character analysis of him. First he fell under the influence of William Campbell and dismissed J.B. Clarke, Despard's recent appointee as the administrator's private secretary, replacing him with Campbell's law apprentice friend, Captain Hector MacLean of Halifax. He also appointed MacLean as collector of rum duties.²⁷ Then Campbell became mines agent and J.C. Ritchie was dismissed without reason.²⁸ Just as arbitrarily, Nepean reappointed A.C. Dodd to Council "for the good of the Service", without asking Council's advice. With Dodd, the Council as of 1 October 1807 was composed of George Moore (absent at his Arichat home), Richard Stout, William Cox, William Campbell, David Tait, J.B. Clarke, and Thomas Crawley.²⁹ By November, Cox and Moore had resigned, alleging that they lived too far from Sydney to

27. Nepean to Lord Castlereagh, 16 July 1807, C.O. 217, vol. 125, ff. 76-77, B-1073. There was confusion in Whitehall as to whether Despard could appoint Clarke before he left. Edward Cooke (Undersecretary of State) to Sir Evan Nepean, 7 September 1807, C.O. 217, vol. 125, ff. 171-173. At any rate the appointment would have been unpopular since MacLean was a Haligonian; Nepean finally dismissed him on suspicion of absconding with the rum revenue, and for aligning himself with Campbell against the administrator. N. Nepean to Castlereagh, 22 July 1808, *ibid.*, vol. 126, ff. 34-35, B-1073.

28. J.C. Ritchie, Memorial to Lord Castlereagh, 25 September 1807, *ibid.*, ff. 178-179.

29. Nepean to Castlereagh, 1 October 1807, *ibid.*, f. 95.

commute.³⁰ In their places Nepean decided upon Hector MacLean, the Reverend William Twining, and William McKinnon, the former Secretary and Registrar of the colony.³¹

Word of Nepean's unjustified dismissals reached the Colonial Office where it was feared that he had fallen under the influence of that "arch-reformer", William Campbell, whom Despard had held in check.³² Though his brother defended Nepean, alone in Cape Breton with that "troublesome, turbulent set of people", enough complaints had arrived that the Colonial Office ordered him to reappoint officers he had dismissed.³³ He was also informed that "His Majesty's Servants cannot perceive any grounds upon which they are enabled to uphold the Conduct you have pursued, or to recommend your longer continuance in the administration of the Government".³⁴

30. Council, 17 November 1807, ibid., f. 100.

31. Nepean to Castlereagh, 20 November 1807, ibid., ff. 97-98.

32. Edward Cooke (Under Secretary of State, War and the Colonies, 1804-1809) to Sir Evan Nepean, 7 September 1807, ibid., ff. 171-173.

33. Sir Evan Nepean to Edward Cooke, 22 September 1807, ibid., f. 182; J.W. Gordon to Sir James Craig, 8 January 1808, R.G.8, C366, p. 133; Despard to Gordon, 4 January 1808, ibid., pp. 134-137; Windham? to Nepean, 11 April 1808, C.O. 217, vol. 126, ff. 16-17, B-1073; Ibid., 1 June 1808, ff. 18-20.

34. Windham to Nepean, 8 April 1808, ibid., vol. 127, ff. 5-6.

Nepean changed his policies immediately. He washed his hands of Campbell as an "instigator of mischief", then reappointed Ritchie to the mines.³⁵ J.B. Clarke's death prevented his again becoming Nepean's private secretary. These changes satisfied colonial officials, and Nepean was allowed to remain in Sydney until 1812.

No sooner had Nepean passed from Campbell's influence than he fell under that of Richard Gibbons whom he admired for "his cleverness and abilities".³⁶ He dismissed Campbell as Attorney-General in order to replace him with Gibbons.³⁷ Gibbons, remaining true to his principles however, continued to preach "false and dangerous sentiments among the common people...."³⁸ At the meeting of the Grand Jury in December, 1810, he convinced the jurors to petition Nepean for a legislative assembly.³⁹ Though Nepean felt that it was his duty to dismiss Gibbons from his position as Councillor and Attorney-General for such beliefs "not altogether orthodox either in church and state",⁴⁰ he was

35. Nicholas Nepean to Castlereagh, 13 June 1808, ibid., vol. 126, f. 25.

36. Nepean to Liverpool, 14 December 1810, ibid., vol. 128, f. 35, B-1074.

37. Nepean to Castlereagh, 22 July 1808, ibid., vol. 126, ff. 34-36, B-1073. Campbell seems to have lost all desire for reform at this point, broke with Gibbons and moved shortly afterwards to Canada.

38. Nepean to Liverpool, 14 December 1810, op. cit.

39. Council, 29 May 1811, vol. 15, f. 103, B-1825, C.O. 220.

40. Nepean to Liverpool, 14 December 1810, op. cit.

so under Gibbons' power that he brought the matter before the Council the following June, though the Board did not believe "that the Country is in such a state, as to authorise...the propriety of calling a House of Assembly".⁴¹

Gibbons persisted. By the following spring he convinced Nepean of the necessity of a house of assembly. Nepean returned him to Council, along with Ranna Cossit, Junior, a Gibbons supporter. In June, Nepean suspended the rum tax, and suggested to Council the expediency of the immediate convening of a house of assembly. Gibbons moved that a proclamation be issued asking for the colonists' opinions of such a move.⁴² His power was shown when all councillors reversed their earlier decision and accepted his plans.

Just after Gibbons had scored this victory, the War of 1812 erupted, and since the colony needed "a competent revenue", Council agreed that a legislature be called immediately, without a public referendum.⁴³ Nepean thus drafted a plea for a house

41. Council, 3 June 1811, C.O. 220, vol. 15, f. 104, B-1825.

42. Council, 24 June 1812, C.O. 217, vol. 130, ff. 30-34, B-1074. C.O. 220, vol. 15, f. 136, B-1825.

43. All of Council agreed except the two non-Cape Bretoners, Mr. Leonard and the Reverend William Twining, who thought the colony unable to support a legislature. Council, 27 July, 1812, C.O. 217, vol. 130, ff. 35-36, B-1074; C.O. 220, vol. 15, f. 145, B-1825.

of assembly to Earl Bathurst, the new Colonial Secretary:

The Colony...having for these few years past much increased in its population and the several commercial establishments...it has become necessary for the increasing that population and Commerce but also from a necessity that roads of communication should be opened from the Capital to the different parts of the Island now especially at this period to enable us to communicate the approach of an enemy...and the uncertainty of the extent of English Laws which at present rests solely in the Breach of the Judge to determine how far they are applicable to this Colony or not and that determination liable to change with every subsequent Judge, also many local Laws not provided for by the Laws of England are required that the Governor and Council are debarred from making by the 15th Article of the Royal Instructions [this covered taxation; see Appendix III]...prompts me most Strongly to recommend to your Lordship the necessity which exists allowing a representative Body on this Island....⁴⁴

All opposition to a legislature Nepean merely branded as arising "from motives of a Private nature".⁴⁵ Chief opposition originated from Dodd, whose power would be diminished by representative government. Nepean blamed Dodd for his own earlier distrust of Gibbons, and dismissed him from Council. Officially he accused Dodd of trying to issue permanent land grants, and of trying to raise "a faction" against Gibbons and himself.⁴⁶

44. Nepean to Bathurst, 22 October 1812, C.O. 217, vol. 130, ff. 31-32, B-1074.

45. Ibid., f. 32.

46. Nepean to Bathurst, 5 December 1812, ibid., ff. 37-41; Memorial of A.C. Dodd to Liverpool, 24 April 1812, ibid., ff. 48-50.

Two other councillors, Richard Stout and Philip Dumaresq resigned from Council in 1812 without giving reasons.⁴⁷

With the Empire in the midst of a mortal struggle with France and the United States, Bathurst was more interested in defence than the constitutional demands of an insignificant colony. Hence Gibbons' plans were shattered, and Nepean was surprised when he was informed that Brigadier-General Henry Hugh Swayne would soon arrive as new administrator.⁴⁸

Swayne's abrupt replacement of Nepean reflected the determination of colonial officials to appoint men of military competence to administrative positions in the colonies during this period of international hostilities.⁴⁹ Swayne was a straightforward, practical character who gave orders rarely, but expected them to be obeyed implicitly; such a man was unlikely to become

47. Dumaresq, a Jersey Huguenot, arrived in Sydney in 1801, and was appointed Customs Collector that year, and Councillor in 1802. Dumaresq to the Lords of Customs, 29 July 1817, Customs and Plantations Papers, vol. 6219, f. 132, A-451; Petition of Philip Dumaresq, Council 17 October 1802, C.O. 217, vol. 121, f. 11.

48. Nepean to Bathurst, 23 September 1814, ibid., vol. 132, ff. 53-54, B-2367.

49. Swayne's appointment to Cape Breton followed events in Nova Scotia where in 1808 Sir George Prevost abruptly replaced Sir John Wentworth, and New Brunswick where Edward Winslow was just as suddenly removed for Major-General Hunter. MacNutt, The Atlantic Provinces, p. 131. For Swayne's military record, see below.

involved in constitutional discussions or party intrigue, but rather in the development of the coal mines, or more important, defence. He had even written a book on military tactics.⁵⁰ Swayne began his career as a second lieutenant in Ireland in 1782, and rose to Major General in 1813, after his arrival in Cape Breton.⁵¹ He reached Sydney on New Year's Day, 1813, happy neither with the weather nor the "unpleasant state" of the colony.⁵² Dodd and the magistrates who had disagreed with Gibbons and Nepean were suspended; the treasury was empty because of the discontinuance of the rum tax; the coal fund was bankrupt.⁵³

50. A Sketch of the Etat Major; or General staff of an army in the field, as applicable to the British service; illustrated by the practice in other countries, London; Edmund Lloyd, 1810.

51. Hugh Swayne (d. 1836) was appointed 2nd Lieutenant in the Royal Irish Artillery 13 April 1782, Captain 7 August 1793, Lieutenant Colonel 1 September 1800, Colonel 25 July 1810, Major General 4 June 1813, and Lieutenant-General 27 May 1825. He was named Commander-in-Chief of the Nova Scotia command 12 August 1812, but accepted the position of administrator of Cape Breton 5 October 1812, probably hoping that William Macarmick who was gravely ill, would die, and that he would be appointed Lieutenant-Governor. He left Sydney in February, 1816, and died in England in 1836. Royal Military Calendar (1820), vol. III, pp. 265-266; R.P.L. Le Jeune, Dictionnaire Général du Canada, Université d'Ottawa, 1931, p. 679; Swayne to Bathurst, 1 October 1812, C.O. 217, vol. 130, ff. 70-72, B-1074.

52. Swayne to Bathurst, 7 January 1813, C.B. A34, pp. 12-13.

53. Ibid.

On their part, the reformers were not happy to see Swayne arrive. They began to circulate rumors that since his name was not mentioned in his commission, Swayne was not legally in civil control, and that Richard Stout, as senior councillor should replace him.⁵⁴ Swayne's pleas for a new commission went unheeded. In fact, Bathurst never wrote him during his three year tenure.

When Swayne tried to understand the sad state of the colony, Dodd assured him that "two or three restless spirits" had caused the trouble. They had opposed the import on spirits on the grounds of "illegality and injustice...to cover their true design - An House of Assembly". Dodd added:

In obtaining this Object it was expected that the whole power and control of the Assembly would fall into the hands of one or two Demagogues who would keep the Island in a perpetual state of ferment and raise their own consequence by approving and Controverting the Measures of Government.⁵⁵

Swayne agreed that Gibbons seemed "violent and vindictive", and concluded that "the mischievous measures recommended to General Nepean were chiefly urged from motives against the Chief Justice...."⁵⁶ Dodd was on top gain; the usual purge ensued. To control "the turbulent characters here", Swayne dissolved Council, then reappointed only Dodd, Stout and Crawley.⁵⁷

54. Swayne to Bathurst, 10 January 1813, ibid., pp. 22-23.

55. Draft of a letter, A.C. Dodd to Swayne, 8 April 1813, Dodd Papers, doc. 84, P.A.N.S.

56. Swayne to Bathurst, 15 April 1813, C.B. A34, p. 26.

57. Ibid.

Next he investigated the re-imposition of the rum duty. He discovered that the "leading inhabitants" were in favour of the impost as "highly beneficial to this Colony".⁵⁸ Gibbons, still Attorney-General, refused to sanction the duty. Though Swayne professed to believe that Gibbons' moves had no effects on the people, he dismissed him from office.⁵⁹ The rum tax was restored.⁶⁰ Gibbons swiftly made "seditious observations" not only on the legality of the duty, but on the whole political organization of Cape Breton.⁶¹ Swayne struck hard. He imported a new Attorney-General from Halifax, Richard John Uniacke, Junior, to commence prosecution procedures against Gibbons, whose actions he could understand only as those of "an agent of the Enemy...."⁶²

58. Council, 2 August 1813, C.O. 220, vol. 15, f. 213, B-1825.

59. Swayne to Bathurst, 2 October 1813, C.B. A34, pp. 53-54.

60. Ibid., p. 58.

61. Ibid.

62. Swayne to Henry Goulburn, 2 March 1814, C.O. 217, vol. 132, B-2367. Richard John Uniacke, Junior, was a son of the Attorney-General of Nova Scotia, who in 1805 had been a strong advocate of the re-unification of the Maritime Colonies. MacNutt, The Atlantic Provinces, p. 146. Swayne was acquainted with the Uniacke family, and worked with Sherbrooke for Richard John's appointment. Sherbrooke to Bathurst, 16 December 1813, N.S. A150, p. 12. R.J. Uniacke to Swayne, 30 March 1814, Swayne Papers, p. 314. After re-annexation, the younger Uniacke and Lawrence Kavanagh of St. Peters became Cape Breton's first Members in the Nova Scotia House of Assembly.

Gibbons left for England to plead his case directly to the officials there, Uniacke becoming acting Attorney-General. In the meantime Dodd was suddenly called to England to answer charges of swindle.⁶³ The absence of the two chief antagonists allowed Swayne to spend the last year of his regime in political tranquility devoting his time to defense and the mines.

Though Sydney's political and economic life were in an unsettled state, the rest of the colony was self sufficient and seemed unaffected both by the inflation of the period and political factionation. Hundreds of Scottish families were moving into the Mabou, Judique and Port Hood areas, while increasing numbers were filtering to the shores of Lake Bras d'Or.⁶⁴ In the summer of 1813 Swayne undertook a census of the colony. The results revealed a striking growth in population since 1802. The population now stood at 5,975 (2,513 in 1802); there were now 110

63. Lord Exmouth alleged that Dodd had swindled him of £600 in 1784-1785, and that Dodd then left for Cape Breton. Exmouth to Bathurst, 22 September 1814, C.O. 217, vol. 132, ff. 51-52, B-2367. For other references to Dodd's uncertain past, see p. and L. Johnstone, Memories, p. 1.

64. By 1805, Judique had grown large enough to have its first schoolmaster, Angus McMaster, who came from Prince Edward Island after leaving Scotland in 1802.

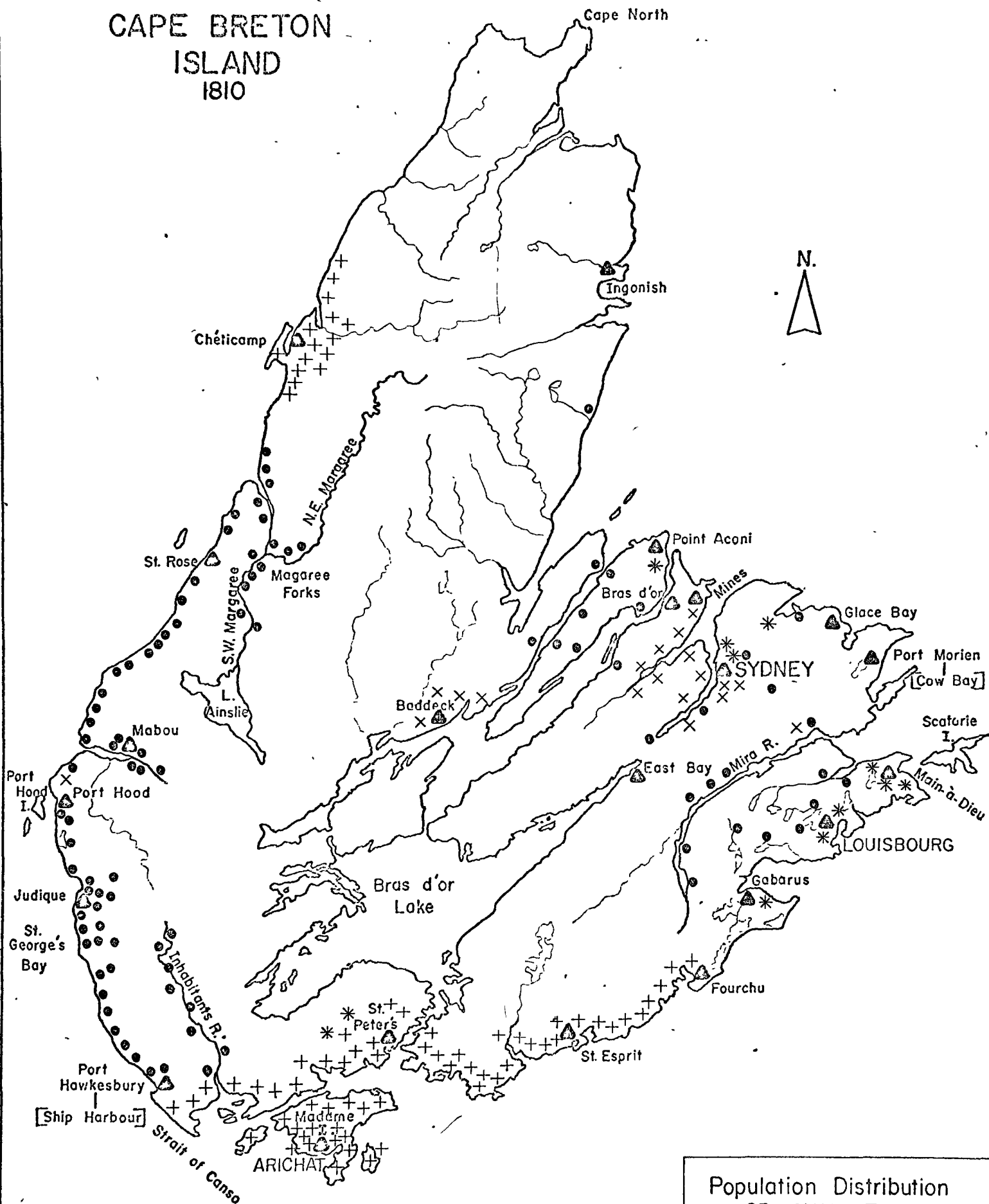
miners (38), and cattle numbered 5,550 (2,931), sheep 6,702 (2,677) and horses 413 (58).⁶⁵ The population of the Western District was 3,320. Big Arichat with 455 was the island's largest centre. Chief settlements, besides this one in the south-western section of the District, were Little Arichat (326), Escousse (248), L'Ardoise (189), Petit De Grat (170), and St. Peters (77). Most were Cape Breton natives of French origin. Of adult males, only twenty-two came directly from France, probably via St. Pierre and Miquelon, two from Prince Edward Island, and thirty-six from Nova Scotia. There were only five loyalists in the sector, sixteen Irish, mainly at St. Peters, and twenty-four Scots who lived apart from the French on the shores of Bras d'Or.⁶⁶ Since most here lived by fishing, only a small amount of land had been cleared: 2,214 out of 19,922 acres under possession. People lived on small lots of four, five or seven acres. The largest grants of 200 or more acres, were owned by non-French farmers.⁶⁷

65. "A Return showing the Number of Men capable of bearing Arms, The Total Population and Quantity of Stock in the Island of Cape Breton, June 1st 1813". C.B. A34, p. 63.

66. Census, Swayne Papers, M.G. 24 A5, pp. 555-573.

67. Ibid.

CAPE BRETON ISLAND 1810



Population Distribution
 x 25 LOYALISTS
 + 25 ACADIANS
 o 25 HIGHLANDERS
 * OTHERS

One inch equals about 13.0 Miles

The remainder of the Western District: the Gut of Canso, Judique, Port Hood sectors offer a striking contrast to the French area. Here, the Gaelic-speaking Scots cultivated two hundred to four hundred acre farms. In the three divisions, 5,796 acres were already cleared and the population stood at 1,482, quickly approaching the 1,832 of the south-western sector. Already Judique counted 382 people, Mabou 232, the Gut area (Port Hawkesbury, Port Hastings) 291, River Inhabitants 270, Little Judique 185, and Port Hood 84. Most were Scots; only fourteen adult males were natives of Cape Breton in the region, and only nine were loyalists.⁶⁸

Though statistics for the rest of the island are missing, the 2,600 people remaining can be placed easily. The Broad Cove-Margaree census profile would resemble that of the other Scottish areas, except for the French at Cheticamp, and would contain at least 1,000 people. The Sydney-Louisbourg-Baddeck zones included the English and the loyalists, who unlike the rest of the Islanders, were mainly Protestant or Anglican, though Scots settling around Mira and Sydney were adding to the Catholic population of the region.

A growing population meant an increase in land clearing. By mid 1814, 74,990 acres of land were held under 349 leases;

68. Most of the loyalists were members of the David Smith family of Port Hood.

50,972 acres of this were occupied of which Swayne estimated 4,437 acres were in a state of cultivation. Clearly, almost half of the families, approximately 315, had never bothered to obtain land leases, because they could not afford them, or because they were never pressed to obtain them. These people occupied 62,169 acres, of which 2,912 acres had been cleared.⁶⁹ Since no complaints of starving people are heard before 1816, it is certain that the more than 7,000 acres of cleared land, the boyant fishery, and the wild animal population was enough to feed the people outside of Sydney.

Indeed, a study of the shipping returns for Arichat, incomplete and inaccurate as they may be, indicates that the whole south west district of the colony was enjoying a measure of prosperity. The fishery continued to progress; in the period around 1795, approximately 15,000 quintals of dry cod fish left Cape Breton annually. The volume increased quickly when in 1806, the home government promised bounties on New Brunswick and Nova Scotia fish shipped to the West Indies. In that year 20,000 quintals of dry cod left Cape Breton, largely for Halifax from whence they were shipped to the West Indies.⁷⁰ In the following season the American Embargo Act, which brought a temporary halt to New England's trade with Britain and the West Indies, stimu-

69. Swayne to Bathurst, 26 July 1814, C.O. 217, vol. 132, ff. 16-17, B-2367.

70. C.O. 221, no. 34, f. 79.

Comparative Shipping Returns, Outbound from Arichat, 1809-1814

YEAR	PRODUCT								
	Dry Cod (quintals)	Pickled Fish (barrels)	Fish Oil (gallons)	Cattle (head)	Sheep (head)	Skins (pelts)	Potatoes (bushels)	Oats (bushels)	Other
1809	9,761	2,778	7,738	72	40	844 (mainly seal)	650		2,374 barrels of other fish, mainly mackerel.
1810	10,341	15,573	7,568	26	18	213 (mainly seal)	3,550	300	Geese, 12
1811	9,161 1/2	4,506	18,091	175	110	9 seal Two "bundles" not named.	810	638	
1812*	4,342	772	63			1 bundle not named	300	70	
1813 (missing)									
1814	24,340	2,910	302	252	95	60 seal 1 "package" beaver, 1 box, not named.	1,550	824	Horses, 8

* half year only.

lated Cape Breton's trade with Halifax even more. In 1807 there-fore 10,939 quintals of dry cod were shipped, largely to Halifax or Jersey.⁷¹ Though this represented a drop from 1806, the diversity of sea products was growing, with 652 barrels of pickled fish, 8,550 gallons of fish oil, and 100 seal skins leaving; 686 seal skins and even 7,000 feet of lumber were bound for Jersey.

These trends continued after the lifting of the Embargo Act. In 1809, 8,529 quintals of dry cod were shipped, along with 2,744 barrels of pickled fish, 7,220 gallons of fish oil, and small shipments of oysters and seal skins. Most goods went to Halifax. More interesting perhaps are the first significant shipments of cattle which had begun on a small scale during the Mathews administration in 1796-97. In 1809, 80 cattle were shipped, mainly to Newfoundland, along with food products locally grown, such as 350 bushels of potatoes. These new shipments likely reflect not so much the growth of agriculture among the Acadians on the south shore, as the first agricultural surpluses

71. The breakdown of shipping destinations for 1807 was as follows: 19 to Halifax, 2 to Jersey, 1 to Boston, 1 to Gibraltar, and 1 to the Magdelene Islands. All were shallops or schooners, except those bound for Jersey which were brigantines. (C.O. 221, no. 35, p. 10).

produced by the newly-arriving Scots around the River Inhabitants and Gut of Canso area.⁷²

The pattern was now established. In 1810, over 10,000 quintals or 1,000,000 pounds of dry cod, 15,000 barrels of pickled fish, and 7,500 barrels of fish oil left Arichat. Again horned cattle, sheep, and even geese were exported to Newfoundland. Of the 44 ships carrying the cargo, 23 went to Halifax, 2 to Jersey and the remainder to other Maritime ports.⁷³ These shipments continued, but by 1814 the cod fishery was growing again with 46 ships carrying 12,160 quintals of dry cod to Spain alone, and another 12,000 to other ports, mainly to Halifax (22) or the other Atlantic colonies (19). Shipments of cattle and sheep continued their steady increase, as did oats. The total value of exports was £37,821.15.8 and almost all ships except

72. The following is a selected breakdown of shipments from Arichat 5 July 1809-5 January 1810. (C.O. 221, no. 35, f. 41). Note the diveristy of products.

<u>Sea Products</u>	<u>Land Products</u>
Dry Cod: 8,529 quintals	Horned Cattle: 80 (52 to Nfld.)
Pickled Fish: 2, 744 barrels	Sheep: 40 (Nfld.)
Fish Oil: 7,220 gallons	Potatoes: 750 barrels (400 to Nfld.)
Seal Skins: 786 (367 to Halifax)	Wheat: 14 barrels (Halifax)
Oysters: 70 bushels	Pine Boards: 300 (Jersey)
	Ship Timber: 19 pieces (Jersey)
	Pine Logs: 8 (Jersey)

73. 5 July 1810-5 January 1811, C.O. 221, no. 35, f. 58.

those going to Spain (4) and Jersey (1) were locally built and owned. An insight into incomes is obtained in an 1814 price list which values cod at 20 shillings per quintal, fish oil at 60 shillings per barrel, pickled fish at 25 shillings per barrel, potatoes at 2 shillings per bushel, and oats at 2 shillings 6 pence per bushel.⁷⁴

Sydney also participated in the growing trade, although coal outstripped all other exports. For example, in 1810, besides 8,609 chaldrons of coal, she sent out 2,600 bushels of potatoes, 78 head of sheep and 93 head of cattle, mainly to Newfoundland.⁷⁵ She sent out small amounts of dry cod, fish oil and timber, as well as considerable numbers of staves which were probably produced at the saw mill at Saw Mill Lake near Sydney, or imported from Quebec and sent to Britain.⁷⁶

The growth and prosperity of the Western District led to its erection as a separate judicial region in 1808 with its capital at Arichat.⁷⁷ Growth called for public improvement, and there was plenty of revenue on hand. For example, 1,222 gallons of liquor entered Sydney 25 December to 24 June 1808, netting the province £56.19.0, while at Arichat 2,180 gallons

74. C.O. 221, No. 35, f. 161.

75. Ibid., ff. 46-48, 55, 56.

76. In 1810, 16,000 staves were shipped; in 1812, 10,000 staves. (Ibid., ff. 46-48, 80.)

77. Council, 21 July 1802, C.O. 220, vol. 15, f. 27, B-1825.

brought in £109.⁷⁸ In the next half year, £216 was added to the treasury. By 1810, £530.5.31/2, and in 1812, £2,142.4.0 was on hand.⁷⁹ With this money, bridges were built in the Sydney area at the mines, Wentworth Creek, Muggah's Creek and at Sydney Forks on the East Bay Road. Swayne granted £512 for bridges at Grand Mira and at Arichat.⁸⁰ The New Brunswick Fencibles who were stationed in Cape Breton after 1808 were put to work repairing Murray's Sydney-Mira-Louisbourg road; then the present Baddeck to Margaree road was begun; followed by one between Sydney and Lingan.⁸¹ All of these roads were kept in repair, while in 1815 a new road was opened between Stewart's Mill and Bras d'Or.⁸² As a result of this construction only £23.6.11 was left in the tax fund in June, 1815.

In Sydney, James Hill, the permanent schoolmaster, had his salary increased from £40 to £50 per year.⁸³ A new dog

78. Provincial Revenue of the Island of Cape Breton, 25 December 1807-24 June 1808, C.O. 217, vol. 127, f. 19, B-1073.

79. Revenue of Cape Breton to 24 June 1810, *ibid.*, vol. 128, f. 22. Revenue, Province of Cape Breton, 25 June 1811-24 June 1812, *ibid.*, vol. 130, f. 28, B-1074.

80. Council, 3 April 1815, C.O. 220, vol. 15, f. 228, B-1825.

81. Revenue of Cape Breton, 21 September-24 December 1808, C.O. 217, vol. 127, f. 33, B-1073.

82. Council, 3 April 1815, *op. cit.*

83. Council, 23 April 1810, C.O. 220, vol. 15, B-1825.

pound was erected and ferry service was inaugurated between Sydney and the mines.⁸⁴

Though the island was beginning to develop, old problems continued to sap its growth. First, defence was neglected. Defence was unimportant during Despard's term for when he left, there were only two officers and forty men stationed at Sydney.⁸⁵ By 1811, as relations with the United States deteriorated, the garrison was increased to 168.⁸⁶ Still, on the eve of the War of 1812, General George Prevost reported:

The Islands of Cape Breton and Prince Edward....are Garrisoned by small Detachments of Troops stationed at the principal Town in each, but the Works of defence are so insignificant, as to be unworthy of Observation; nor does their Militia amount to any considerable number deserving to be noticed.⁸⁷

The outbreak of the War of 1812 forced Council to agree with Nepean that the ill-trained 150 man militia company should be reorganized.⁸⁸ Swayne was far more serious about defence matters;

84. Revenue of the Province of Cape Breton, 25 December 1810-24 June 1811, C.O. 217, vol. 129, f. 59, B-1074. Revenue, 1813, ibid., vol. 130, f. 28, C.B. A34, p. 8.

85. Despard to Edward Cooke, 8 February 1807, C.O. 217, vol. 127, ff. 102-103, B-1073.

86. Return of the Number of Men...in this Command...by G. Nicoles, 14 August 1811, R.G.8, C1706, p. 137.

87. Prevost to the Earl of Liverpool (Colonial Secretary), 18 May 1812, War Office 1/96, no. 44, P.R.O.

88. Council, 9 July 1812, C.O. 220, vol. 15, f. 143, B-1825.

The Cape Breton Militia, 1813*

Division	Location	Numbers	Name of Captain	Comments
1st	L'Ardoise-St. Peters (adjacent Bras d'Or Shore)	89	Anthony Mombourquette	Acadian name
2nd	River Bourgeois-St. Peters	62	Lawrence Kavanagh	Chief merchant in St. Peters.
3rd	Big Arichat	83	Clement Hubert	Huguenot from Jersey, customs collector.
4th	Little Arichat	63	Victor Terrio	Terriault.
5th	Petit De Grat	46	John Le Rossignal	Huguenot, rare name, Jersey.
6th	Big Arichat	65	John Jean	Hubert's son-in-law, later customs collector.
7th	D'Escousse	67	Simon Babin	Acadian.
8th	River Inhabitants-Gut of Canso	96	John Higgins	
9th	Judique-Gut of Canso	141	Hugh Skinner	Lowland Scots name.
10th	Little Judique-Port Hood-Mabou	127	Hugh Watt	Lowland Scots name.
11th	Information Missing-	81	Information Missing-	
12th		42		
13th		63		
14th		67		
15th		65		

* Hugh Swayne Papers, M.G. 24, A5, Vol. 2, pp. 554-573, 576.

The Cape Breton Militia, 1813*

Division	Location	Numbers	Name of Captain	Comments
16th		61		
17th		67		
18th	Information Missing-	90		
19th		133		Information Missing-
20th		119		
Miners		65		
Total		1692		

* Hugh Swayne Papers, M.G. 24, A5, Vol. 2, pp. 554-573, 576.

he estimated that 1,468 men were capable of serving in the militia, and divided the Island into twenty military districts, each containing a militia under a captain and two lieutenants.⁸⁹ Careful record was kept of their previous military experience, which was generally meager, and Swayne was not simple enough to believe that these farmers, fishermen, and coasters could be effective in a sudden emergency. Since forces were too scattered, Swayne hoped for military support from Halifax.⁹⁰ No help came from that quarter, however; for though the ill-clothed, neglected 104th Regiment (The New Brunswick Fencibles) had been withdrawn, and Halifax sent another company to relieve them, Swayne would not tolerate their "inefficient state". He could not get them

89. A Return Showing the Number of Men capable of bearing Arms..., op. cit. As the accompanying table shows, the settlers were lead by people of the same ethnic stock. In the case of the Gaelic speaking settlers people of lowland Scots background who could perhaps understand some Gaelic and gain the Highlander's confidence were appointed. Among the French, Jerseymen were preferred, probably because the Acadians were still not trusted. The local influence of Lawrence Kavanagh, Clement Hubert and John Jean are reflected in the appointments.

90. Swayne to Earl Bathurst (Colonial Secretary), 30 November 1813, C.B. A34, pp. 57-61.

replaced until 1814 when a Company of the 7th Regiment of the 60th Regiment was sent, though they were on call for removal without warning.⁹¹

In the meantime the colony had to defend itself. Some of the rum revenue was used to re-build the redoubt and barracks near the mines and South Bar.⁹² Halifax failed to send artillery or stores, so Swayne had to rely upon weapons already in the colony.⁹³

The greatest threat was a sea attack. During the summer of 1812 American privateers upset fishing and navigation off Arichat.⁹⁴ Though small boats close to shore avoided the enemy, more protection was needed off the coast. Only two ships cruised the Cape Breton coasts, the Tartarus off the Gut of Canso, and the frigate Nymph (44).⁹⁵ So poor was coastal

91. J.C. Sherbrooke to Noah Freer, 27 October 1814, R.G.8, C392, pp. 97-99, C-3281.

92. Swayne to Bathurst, 30 November 1813, C.B. A34, p. 60.

93. Swayne to Bathurst, 15 April 1813, ibid., pp. 29-31.

94. Clement Hubert (Customs Collector, Arichat), to Peter Hall Clarke Private Secretary of Hugh Swayne), 28 February 1813, Swayne Papers, pp. 180-183.

95. J.C. Sherbrooke to Sir George Prevost, 15 June 1813, R.G.8 C679, pp. 100-102; Orders of Vice Admiral Herbert Sawyer to Captain John Pasco, 1 August 1812, ibid., C722, p. 42.

intelligence that American privateers boldly established signals between Spanish Bay and Cape North, threatening Maritime-Canadian trade.⁹⁶ Swayne stopped the shipment of food-stuffs, except cattle, fish and sheep in case the colony should be cut off from outside supplies.⁹⁷ A proclamation required that all suspicious strangers be reported as possible spies, and another warned all persons to obtain legal land titles before 1 August 1813.⁹⁸ Fortunately for the colony, British sea power gained greater superiority as the War continued, precluding any invasion.

His difficulty in organizing the colony for attack, and the arrival of newcomers, caused Swayne to try to regularize land grants. He was troubled that over half or approximately 315 families in Cape Breton had never bothered to get legal land titles.⁹⁹ Though he did not drive people away by demanding land leases, such titles did not permit the passage of land

96. Swayne to Bathurst, 15 April 1813, C.B. A34, pp. 32-33.

97. Council, 10 April 1813, C.O. 220, vol. 15, ff. 208-209, B-1825.

98. Ibid., f. 209.

99. Swayne to Bathurst, 26 July 1814, C.O. 217, vol. 132, ff. 16-17, B-2367.

from father to son, and "lessees have become careless in their Cultivation and are not inclined to labour but for mere subsistence".¹⁰⁰ He was particularly annoyed because he knew that land was being granted in the Canadas and Nova Scotia,¹⁰¹ and he organized a petition signed by settlers throughout the island **praying** for permanent land grants. Earl Bathurst replied that "under certain Restrictions I should feel no difficulty in recommending land grants to...The Prince Regent...."¹⁰² Though Bathurst did not specify the "Restrictions", Swayne decided to wait for a time when the Colonial Office should lift all provisions. Though the lack of free land grants had been a drawback to settlement before 1802, the Scottish settlers, far from complaining, seemed happy with the relative security of leases when compared with the uncertain land tenure in Scotland, and continued to flock to the colony.

The period between 1807 and 1815 offered new opportunities and challenges to Cape Breton. At the same time the old problems such as inflation, official neglect, weak defence and a position

100. Swayne to Bathurst, 1 March 1814, ibid., ff. 9-10.

101. The restraining order ended in 1807 in Nova Scotia. MacNutt, op. cit., p. 149.

102. Bathurst to Swayne, June 1814, Swayne Papers, op. cit., pp. 63-64.

inferior to other colonies still slowed her development. The new challenge lay in the opening of the Pictou mines; if Halifax could manage them, she might be able to convince Whitehall that she could manage those in Cape Breton as well. The economic and political implications for the colony were dangerous. Meanwhile, though she had received no direct favours from the mother country or Halifax, Cape Breton had managed to benefit indirectly from the Embargo Act and the War of 1812. On the other hand, the War had allowed Britain to continue ignoring the festering political ills of the colony. When the military emergency ended, Lord Bathurst would have to decide if Cape Breton should be given an assembly, or be allowed to continue as a constitutional curiosity, in a state of political unrest. The dramatic growth of the colony's population was making these questions crucial.

Chapter 7

A County of Nova Scotia (1816-1820)

The annexation of Cape Breton to Nova Scotia came as a complete surprise to the colony. After all, the population had been growing quickly, Sydney was assuming some characteristics of a colonial capital, the island once again had a lieutenant-governor, transportation and mail service were improving, and gypsum was quickly becoming a promising export. At the same time the move for a legislature gained greater support. Yet, the colony's future was out of its hands; the Colonial Office decided not to grant Cape Breton an assembly, but to annex it to Nova Scotia. Captain Jonas Fitzherbert, the seventh administrator (1816), allowed Richard Gibbons to initiate the court case which finally forced Earl Bathurst to decide the colony's fate. General George Robert Ainslie (1816-1820), who was incapable of managing the Sydneyites, enthusiastically urged annexation, and left his enemy, Captain David Stewart (1820), to preside over the colony's dissolution. Amidst shocked protests from Sydney, Sir James Kempt, the Lieutenant-Governor of Nova Scotia, arrived in the island to take possession of his province's new county.

Even after the War of 1812, times continued to improve in Cape Breton. Inflation complaints ceased while living standards rose as money from the sale of crops, coal and then gypsum circulated with that spent on land surveys, shipbuilding or by the troops. Cash spent on public improvements helped raise the standard of living as well; roads were laid at Baddeck and D'Escousse;¹ bridges were constructed at Baddeck and Muggah's Creek; new ferries ran at Sydney River and Ball's Creek.² In 1816 regular communication was established with the mainland when an Indian was hired to carry mail overland to Antigonish.³

During his pastoral visit to Cape Breton in June 1815, Joseph Octave Plessis, Bishop of Québec compared the state of Arichat with that of 1812:

there is a notable difference and considerable betterment. The houses are more attractively constructed and the people dress better. They eat better food...not that their fields produce more grain, for they do not cultivate them, but because they have money enough to buy foreign flour.

There is also much activity in the harbour. Many more ships carry coal from Sydney, and others plaster from Antigonish. Some even go to the Strait of Belle Isle to gather from its rocks eggs of sea-gulls....⁴

1. Council, 6 February 1816, C.O. 220, vol. 15, f. 238, B-1825; Council 7 May 1816, ibid., f. 241.

2. Ibid.

3. Ainslie to Bathurst, 25 November 1816, C.O. 217, vol. 134, f. 27, B-2367.

4. A.A. Johnston, A History of the Catholic Church in Eastern

The end of American privateering allowed longer trade trips; in 1818 the first timber ship sailed from Bras d'Or to Liverpool,⁵ and Bishop Plessis remarked in 1815 that Lawrence Kavanagh "is now sending to the Gulf of Mexico a cargo of 1200 small barrels of salt mackerel, on each of which he makes a net profit of 15 shillings".⁶

Plessis' description of Sydney is not as favourable as that of Arichat:

The city is very well located on moderately high land. According to local opinion, it is an important place; but, when you remember that it has been established for about 30 years and it is the seat of a provincial government, it is sad to see it with a population less than that of LaPrairie or Boucherville.

...Sydney has a garrison of about 200 men. They lodge in two-storey wooden barracks, which is the finest edifice in a city where there is nothing fine. A good fort with 20 pieces of artillery guards the place.⁷

Though Plessis saw "nothing fine" in Sydney, he had never seen it before 1815. Sydney's population now stood at three hundred, a significant increase over the ninety-five in 1795,⁸

5. Ainslie to Bathurst, 29 September 1818, C.O. 217, vol. 136, f. 113, B-2368.

6. Johnston, op. cit., p. 309, Shipping returns for the colony are not available after 1814.

7. Johnston, p. 6.

8. Reverend Hibbert Binney to S.P.G., 4 September 1817, S.P.G. Papers, vol. 31, pp. 299-301, A-158.

and some of the local elite, the Leonards, the Clarks, the Crowdys, the Uniackes, had found enough money to move to Hardwood Hill with its fine prospect of Sydney Harbour and healthy atmosphere, removed from the swampy land lying behind Great George Street.⁹ The lieutenant-governor had satisfactory quarters for the first time when J.B. Clark's house on the Esplanade was purchased for that purpose in 1815. The house had seven rooms where the Council met, and various officials held offices. For the first time public records were lodged in the governor's quarters so they could not disappear as so often before.¹⁰

The growing population of the island seemed to assure a quickening pace of development. Scottish immigration increased after the War of 1812 and the final defeat of Napoleon; in July 1817 alone two shiploads of Scots arrived from Barra with almost four hundred people. Ainslie gave them 5,000 acres of land near Grand Narrows and £43.14.6, £31 of which was for the hire of schooners to transport them from Sydney, and the rest was for food. These people were termed "the best fishermen in Scotland", and offered bright prospects for the island's economy.¹¹ By 1817,

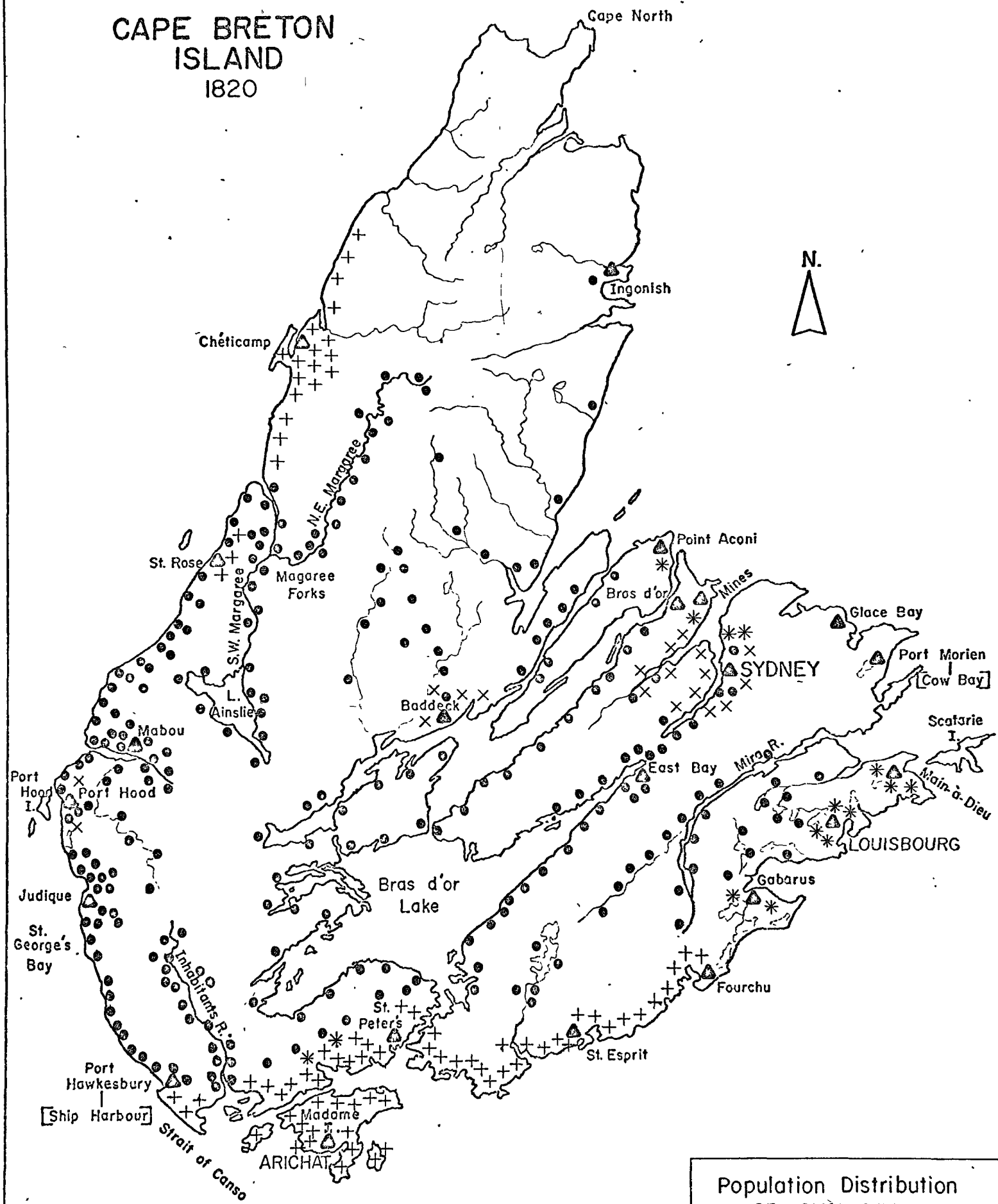
9. Land Petitions, 1816, Council, C.O. 220, vol. 15, ff. 238-245, 248, B-2368.

10. Council, 2 August 1815, C.O. 220, vol. 15, f. 213, B-1825.

11. D.C. Harvey "Scottish Immigration to Cape Breton", op. cit., 316.

CAPE BRETON ISLAND 1820

Cape North



Population Distribution

- × 25 LOYALISTS
- + 25 ACADIANS
- 25 HIGHLANDERS
- * OTHERS

One inch equals about 13.0 Miles

there were at least 7,000 people in Cape Breton; two years later the population was closer to 9,000.¹² This later increased to 18,700 in 1827, and to 35,420 in 1838.¹³ In fact, the island's population was increasing so quickly that religious and political territorial divisions had become antiquated. The Reverend Hibbert Binney who arrived in Sydney in 1816 had a new Anglican chapel built at Lime Kiln Point at Point Edward in 1818, and though he diligently visited the heavily Protestant Gabarus-Louisbourg areas¹⁴ he could hardly tour the whole colony. The Roman Catholics were far ahead; priests were established at Cheticamp in 1816, one was sent to assist Father Le Jamtel at Arichat in 1817, and another was assigned to Judique in 1818.¹⁵ Though these men served large areas of the island, their presence

12. Reverend H. Binney to S.P.G., 4 September 1817, op. cit., Petition of the Inhabitants of the North Eastern District of Cape Breton, 17 August 1819, C.O. 219, f. 73, B-2368.

13. Harvey, op. cit., 313.

14. Binney to S.P.G., 1819, S.P.G. Papers, vol. 32, pp. 240-243 A-159.

15. The priests were Father Gaulin, whose prime responsibility was supposed to be Antigonish, Father William Dollard and Father Alexander MacDonnell. Johnston, op. cit., pp. 382-391, 429-430.

indicated a growing interest of the Roman Catholic Church in the rapidly developing colony. Politically, Cape Breton needed division into three counties, the English-loyalist Sydney-Louisbourg area, the French-Acadian region, and the Scottish area. Despard's Eastern and Western Districts were outdated.¹⁶

The colonial officials, however, still ignored the colony. Ainslie, faced with the inadequacy of land leases, tried to prod them into allowing land grants in Cape Breton.¹⁷ When he received no answer he wrote in 1818 that he had begun giving land grants on his own, advised by A.C. Dodd, who returned from England in 1817, that Henry Goulburn, the colonial undersecretary, had told him that they were to be allowed.¹⁸ By chance Goulburn read the letter, and was surprised to find that Ainslie had not been officially informed of these plans two years previously.¹⁹

Another instance of neglect concerned smuggling. Being an island with only two ports with regularly stationed customs collectors, Cape Breton offered bright prospects to smugglers.

16. Ainslie to Bathurst, 12 December 1816, C.O. 217, vol. 134, ff. 66-67, B-2367.

17. Ainslie to Bathurst, 25 November 1816, ibid., ff. 25-27; 12 December 1816, ibid., ff. 66-67; 22 September 1817, ibid., ff. 118-119.

18. Ainslie to Bathurst, 23 March 1818, ibid., vol. 136, ff. 41-43, B-2368.

19. Ibid., f. 43.

The open-handed trade which had developed during the War of 1812 invited smuggling. While direct records of smuggling do not exist, the high incidence of oak staves shipped from Cape Breton where oak trees do not grow, with no records of such staves being imported, shows that the local officials were ready to wink at smuggling provided it increased the colony's trade.²⁰ However American smuggling of Cape Breton's naturally-produced goods was intolerable. This was particularly true in the case of gypsum or plaster of paris, which was in demand in the eastern United States where it was used as a fertilizer. It abounds in the western part of Cape Breton along the shores of Bras d'Or and near Port Hawkesbury, and was being shipped as early as 1807 from Arichat.²¹ In 1810, 125 tons left for Halifax for trans-shipment,²² and by 1817 Ainslie valued the gypsum trade at £65,000 to £75,000. The gypsum was taken to Moose Island in the Bay of Fundy where dollars or goods could be obtained, "the Subjects of the United States running all the risks of Carrying it within the Territory of that power".²³ This trade seemed

20. C.O. 221, No. 35, ff. 55, 56, 73, 74, 80, 86. In 1812 alone 10,000 oak staves, and 40 tons of oak timber left Arichat. The smuggling of staves was a common Maritime practice (Esterbrook and Aitken, Canadian Economic History, p. 144).

21. C.O. 221, no. 35, f. 9.

22. Ibid., f. 58.

23. Ainslie to Bathurst, 5 July 1817, ibid., vol. 135, ff. 80-82, B-2367.

like a godsend, since the rum duty had been suspended in 1816, and traders were applying for licences to remove gypsum from Crown Land. Ainslie allowed the digging of gypsum at one shilling per ton, and credited it to "His Majesty's Gypsum fund".²⁴ An acting customs collector had to be established at Port Hawkesbury in 1817 when fifty-four ships from Quebec, New York and Halifax took 3,696 tons of the product.²⁵

Ainslie was determined that New England smugglers would not carry the gypsum home, evading customs duties. He complained that smugglers were landing around the Gut of Canso where they were exchanging manufactured goods for gypsum.²⁶ The Colonial Office, however, which was still trying to decide its trade policy with the United States after the War of 1812, merely warned Ainslie not to upset American shipping in the Gut of Canso.²⁷ Ainslie nonetheless attacked smugglers, and in 1817

24. Ibid., The Acadian Recorder, 8 September 1817, "Extract of a letter from a Gentleman at Sydney, to a friend at St. Andrews, 17 July 1817".

25. Customs and Plantations Papers, vol. 6219, ff. 152-155. The growth of the western sections of the colony is indicated by the diversity of products being shipped from there along with the gypsum: seventy-one barrels of mackerel, 110 tons of coal, 289 pounds of butter, thirty-eight head of cattle, and eighty bushels of oats.

26. Ainslie to Bathurst, 8 October 1818, C.O. 217, vol. 136, ff. 110-111, B-2368; John Jean (Customs Collector, Arichat), to Commissioners of His Majesty's Customs, 24 December 1818, Customs and Plantations Papers, vol. 6219, f. 282, A-451.

27. Dalhousie to Ainslie, 11 May 1817, Dalhousie Papers, G.D. 45, Section 3/1, pp. 40-41, National Registry of Archives, Edinburgh, Scotland.

caught a New England ship on its second smuggling expedition. The captain who was taken to trial and convicted, left in anger.²⁸ The Crown Law Officers meanwhile assured the Colonial Office that Ainslie had the right to stop this smuggling even though the Convention of 1818 allowed American shipping in the Gut of Canso.²⁹ As a result of this decision, smuggling dropped and Cape Bretoners began to participate fully in yet another export.

The only weak spot in the economy appeared to be the coal trade which was endangered by the Pictou coal mines which Nova Scotia had been permitted to open in 1813. There was a real danger that Pictou coal would undersell Cape Breton's, or that Nova Scotians might prefer their coal to that of another colony.³⁰ The Pictou coal fields however, produced no more than 3,000 chaldrons of coal annually between 1818 and 1820, with one of the lessees becoming bankrupt.³¹ As it turned out Halifax could

28. Ainslie to Bathurst, 25 October 1817, C.O. 217, vol. 135, ff. 137-138, B-2367.

29. C. Robertson to Bathurst, 10 May 1818, *ibid.*, vol. 137, ff. 31-32, B-2368.

30. Philip Dumaresq and Ranna Cossit, Jr., to the Commissioners of His Majesty's Customs, 25 July 1817, Customs and Plantations Papers, vol. 6219, ff. 83-85, A-451.

31. Brown, Coal Fields, p. 148.

absorb whatever coal Cape Breton could ship, though she produced a total of only 8,619 chaldrons in 1816, which declined to 4,796 in 1817. Once again a new level was needed, but the mines operators, Leaver and Ritchie refused to spend the money. The further back from the shore coal was dug, the greater distance over which it had to be hauled, to the point where a long haul became unprofitable, since man hours in hauling increased, demanding more miners. A steam engine or efficient tracks to the water, which were eventually laid in 1826, were needed to avoid the constant digging of new levels. Ainslie in 1818 was forced to grant 135 individual coal digging permits in places other than Spanish Bay, just as Mathews had done previously, in order to keep coal shipments at a suitable level.³² These permits, Brown estimated, brought the total for 1819 to 8,692 chaldrons.³³ The large number of permits increased coal smuggling which Ainslie claimed was the cause of smaller coal exports to Halifax.³⁴ He failed to reason that the inefficiency of coal production might encourage the smuggling of coal to Halifax.³⁵ To prevent illicit coal trade, he adopted Macarmick's method of signing every legal

32. Revenue of Cape Breton, 1 January-31 December 1818, C.O. 217, vol. 137, ff. 8-9, B-2368.

33. Brown, op. cit., p. 55.

34. Ainslie to Bathurst, 3 February 1819, C.O. 217, vol. 137, ff. 3-5, B-2368.

35. Ainslie to Bathurst, ibid.

coal shipper's permit which was to be presented at Halifax before coal could be accepted there.³⁶ He also placed a corporal and three men at each of three points outside of Spanish Bay where smuggling had been extensive. Smugglers who were caught had their coal burnt on the spot.³⁷ The results were effective, for in 1820, a record, 9,980 chaldrons of coal officially left the Sydney mines.³⁸

Though Cape Breton continued to advance materially between 1816 and 1820, the departure of Hugh Swayne ignited a series of political events which destroyed the colony. When Swayne heard of his impending removal he quickly departed in 1816, leaving the local commander of 60th Regiment, Colonel Jonas Fitzherbert, in charge. The latter was in command from 5 February to 3 November 1816, during which time the new lieutenant-governor, Brigadier-General George Robert Ainslie sought his own leisurely passage

36. Ainslie to Bathurst, 12 February 1820, ibid., vol. 138, ff. 3-5, B-2368.

37. Brown, op. cit., p. 55.

38. Council, 4 November 1816, C.O. 220, vol. 15, f. 247, B-1825.

to Cape Breton, arriving eleven months after his appointment. Fitzherbert had no political training; indeed his military career had only begun to advance in 1807.³⁹

Fitzherbert's inexperience and his "lame-duck" position, kept him from becoming involved in local politics. Accordingly, he took no steps to halt the actions of Richard Gibbons who returned from England in the spring of 1816. Though he had received no satisfaction in his quest for an assembly at Whitehall he was more adamant than ever. A petition was circulated complaining of grievances and demanding an assembly "as the only Constitutional means of their redress".⁴⁰ Fitzherbert lightly dismissed the petition, reporting that none of the "respectable Inhabitants" had signed it, but "a number of Emigrants of bad character, from the United States of America".⁴¹ If Fitzherbert was correct this was the first time that loyalists as a group had backed an assembly; heretofore the main support had come

39. Jonas Fitzherbert had served as an ensign, lieutenant, and Captain in the 6th Foot. He had been "for several years" on half-pay in the 92nd Foot, but received the brevet of major and lieutenant colonel in 1808, and colonel in 1814. He had served previously in Bermuda. The Royal Military Calendar (1816), vol. III, p. 219.

40. Fitzherbert to Bathurst, 18 May 1816, C.O. 217, vol. 134, ff. 9-10, B-2367.

41. Ibid., f. 9.

from English immigrants and former Nova Scotians. The inexperienced colonel failed to recognize a dangerous coalition of interests.

Since Fitzherbert took no steps against him, Gibbons went further. Ranna Cossit, Junior, who occupied the crucial position of assistant rum duty collector was still his faithful supporter. Suddenly, with a wide spectrum of Sydney support, Cossit refused to collect the rum duty.⁴² Fitzherbert, finally deciding to halt Gibbons' activities, agreed with Council that Cossit should be dismissed.⁴³ Cossit appeared to back down, for he again began to collect the rum duty which entailed gathering back taxes for the two months when he had not fulfilled his office. Messrs. Ritchie and Leaver however refused to be responsible for the duties on the rum they had imported for the miners during that period.⁴⁴

42. R.J. Uniacke, Junior, reported a "strong disposition was evinced on the part of many to resist its [the tax's] collection". R.J. Uniacke, Report of the Trial of Ritchie and Leaver, ibid., f. 30.

43. Council, 8 August 1816, C.O. 220, vol. 15, f. 243, B-1825.

44. The amount owed by Ritchie and Leaver was £22.19.0 out of Sydney's rum revenue of £113.13.0, representing 2273 gallons imported in 1816. Account of Spiritous Liquors Imported and Entered with Ranna Cossit, Collector of His Majesty's Provincial Revenue in the Eastern District of Cape Breton, April 1818, C.O. 217, vol. 136, f. 291, B-2368; Uniacke's Report (November 1816), ibid., vol. 134, ff. 30-31, B-2367.

Rather than pay, the merchants decided to take the case to court. Judge A.C. Dodd had meanwhile returned from England 20 August 1816, apparently saved from fraud charges.⁴⁵ The entrepreneurs employed Richard Gibbons whose case was a brilliant attack on the legality of the colony's constitution. When the matter came before Dodd and the Grand Jury 15 November 1816, Gibbons argued for the island's right to an assembly based on the fact that the King had relinquished his privilege to tax or withhold an assembly in 1763. According to this reasoning, when Cape Breton was conquered in 1758, the island fell under direct royal power for the King to do with as he pleased, which included the imposition of taxes. However, when the Royal Proclamation of 1763 annexed Cape Breton to the government of Nova Scotia, the colony had been conferred a constitution, along with the right to legislative representation. This constitution replaced the royal prerogative in Cape Breton, meaning that the island could not return to direct royal control. Furthermore, Gibbons contended that the King, by allowing John Parr, the Lieutenant-Governor of Nova Scotia in 1784 "from time to time as need shall require to summon...General Assemblies" for Cape Breton and Prince Edward Island, had strengthened the colony's

45. Lord Exmouth was in the Mediterranean, and was hence unavailable to press charges against Dodd. Council, 2 September 1816, C.O. 220, vol. 15, f. 245, B-1825.

right to representative government.⁴⁶ In other words, once conferred, representative government could not be removed by the Crown. The validity of this argument had been proved in 1765 in the case of Campbell versus Hall, when the King tried to remove the legislature from the Island of Granada. Lord Justice Marshall had declared that this was unconstitutional since the King, by granting Granada a constitution could no longer exercise his prerogative powers over that island.

From this precedent, Gibbons deduced that the King-in-Council, and hence the lieutenant-governor-in-council, had no right to tax Cape Breton; only a colonial legislature or the House of Commons could do this.⁴⁷ Gibbons reasoned that "the authority was given to The Commander in Chief in Cape Breton to call an House of Assembly...", so therefore he should do so immediately for the King was constitutionally bound to approve.⁴⁸

The Attorney General and Crown Prosecutor, R.J. Uniacke, could hardly counter this sophisticated argument. He weakly pointed out that the copy of the Proclamation of 1763 had to be shown under seal to be admitted as evidence, and that "The Instructions to the Lieutenant Governor of Nova Scotia which are positive state in the 15th Secⁿ, that such is the situation, &

46. For the full text of the governor's instructions, see Appendix 1.

47. R.J. Uniacke, Report, op. cit.

48. Ibid., f. 31.

circumstances of Cape Breton, that at present, it will not admit of an House of Assembly being called'. It is therefore manifest, that no such Instructions, as the Defendants [sic] wish to make out, were ever given".⁴⁹ Uniacke's argument missed the point: it did not matter if the King decided the island was not ready for an assembly, for he had no right to refuse legislative representation to Cape Breton, and section fifteen of the governor's instructions was unconstitutional.

Even Dodd, who disliked Gibbons, later referring to him as the "Robespierre of Cape Breton",⁵⁰ had to agree with his argument, and charged the jury to find that "the Prerogative over this Island was given up" in 1763.⁵¹ The jury found the tax illegal.

Ainslie arrived in the midst of the case. He was the only governor to come to the colony with previous colonial administrative experience, but this served him in little stead because of his temper which occasionally overflowed with vituperation when the colonials did not behave according to his strict rules of conduct. The new lieutenant-governor was only thirty-nine when he arrived, but his career had begun at fifteen as an ensign in the army. At sixteen he had fought in Flanders; at twenty-two

49. Ibid., f. 32.

50. A.C. Dodd to Bathurst, 25 May 1818, C.O. 217, vol. 136, f. 66, B-2368.

51. Account of R.J. Uniacke, ibid., f. 33.

he was raised to the level of major. In 1812 he was placed in the temporary administration of Granada and St. Eustatius in the Leeward Islands. His success there led to his being appointed Governor of Dominica,⁵² where he argued with and dismissed his entire Council.⁵³ Then, in 1814, a slave uprising occurred for which the Colonial Office blamed Ainslie who was dismissed, though Henry Goulburn knew this would "drive him mad".⁵⁴

As a result Ainslie had to accept a demotion to the position of Lieutenant-Governor of Cape Breton in December, 1815. The lieutenant-governorship was open, Macarmick having died in 1815, which meant that Ainslie would be paid the full £500 salary.⁵⁵ Ainslie who still took a negative attitude, wrote "that the result had disappointed my hopes".⁵⁶ He thus took a year to reach Sydney, during which time the virtually leaderless colony drifted into its most serious constitutional crisis.

52. Enc. in George Harrison (Treasury) to Henry Goulburn, 8 November 1820, ibid., vol. 139, ff. 307-309, B-2369.

53. Manning, British Colonial Government, p. 120.

54. Manning, ibid., p. 481.

55. Harrison to Goulburn, 8 November 1820, C.O. 217, vol. 129, ff. 307-309, B-2369.

56. Ainslie to Goulburn, 10 January 1816, ibid., vol. 134, B-2367.

Ainslie's disappointment with his new posting and his previous colonial experience influenced his attitude toward the Cape Breton establishment. When he examined previous Council minutes he concluded that the dismissal of officials by a governor usually meant their re-instatement. This paralleled his experience in Dominica, and he vowed to strengthen the lieutenant-governor's authority in this outpost. He was shocked when he read of Nepean's openness with his executive.⁵⁷ Council would have to be cut down to size; he issued fourteen rules, for example Council meetings were to be held regularly each Wednesday, and no one would be allowed to leave after the meeting without his permission.⁵⁸ Decorum was to be obeyed; Dodd was to be called not the Honorable Mr. Dodd, but the Honorable A.C. Dodd. Henceforth, land petitions had to be numbered from the beginning of the lieutenant-governor's administration.⁵⁹ He was also convinced that past conflicts had been caused by office holders who did not realize the limitations of their office, causing private quarrels which led to political clashes. Richard Stout and

57. Ainslie to Bathurst, 24 July 1816, ibid., vol. 135, ff. 98-99.

58. Council, 5 June 1817, C.O. 220, vol. 15, ff. 255-256, B-1825.

59. Council, 8 June 1817, ibid., f. 259.

T.H. Crawley he found guilty of these offences and dismissed them from Council.⁶⁰

Ainslie managed to fall out with every public figure in the colony. He even tried to have Reverend Hibbert Binney, the dedicated minister who had succeeded Twining, removed.⁶¹ He dismissed Ranna Cossit, Junior, as Comptroller of Customs for using "sympathetic ink" with attempt to defraud. Cossit refused to allow Ainslie to inspect his books, so the latter called Thomas Jeffery, the Halifax Customs Commissioner, to investigate. All groups simply closed ranks to defend Cossit against Ainslie and the Haligonian, forcing Jeffery to conclude that Cossit was innocent, dismissing Ainslie's charges on the grounds that "in small Colonial Governments like that of the Island of Cape Breton, eternal Warfare exists between the Executive, the Officers of Government and the people...."⁶² Ainslie even fell out with

60. Stout was also guilty of skipping Council meetings. Ainslie to Bathurst, 9 July 1817, C.O. 217, vol. 135, ff. 90-92, B-2367. Crawley was also dismissed, because, as Colonial Surveyor, he refused to keep regular office hours. Ainslie to Bathurst, 31 January 1818, ibid., vol. 136, ff. 17-18, B-2368.

61. Dr. Charles Inglis to S.P.G., 5 January 1818, S.P.G. Papers, vol. 32, p. 29, A-159.

62. Thomas N. Jeffery to the Commissioner of His Majesty's Customs, 16 June 1818, Customs and Plantations Papers, vol. 6219, ff. 192-195.

the able Captain David Stewart in charge of the 74th Regiment stationed in Sydney, and demanded that he and his whole detachment be removed.⁶³ Thus by upsetting the easy-going traditions of the settlement, and failing to make friends with any groups, Ainslie met a wall of resistance, and lamented:

...I cannot avoid remarking that the people in general here are so linked together by other ties as well as Roguery that it is very difficult to bring guilt to proof, especially if the accused is a guilty defaulter; an almost universal combination is then made to screen him....⁶⁴

The enmity of the governor towards the colonials prevented Ainslie from having any sympathy for their aspirations. After the rum tax was found illegal, and Gibbons circulated his petition demanding an assembly, Ainslie wrote:

Having Seen an application from a Certain Number of Settlers and other inhabitants of my Government, praying that authority may be given to call a House of Assembly, I have taken Some pains to ascertain who were the people that Subscribed the petition, I find, that there are only two or three names above the class of poor labourers and fishermen, that a great proportion did not know what a "House of Assembly " meant, that a third of the whole, made their mark, and another third made some person sign for them, being probably incapable of writing- and that the proposal originated in the work of two or three factious individuals to Create discord.⁶⁵

63. Dalhousie to Ainslie, 17 September 1819, G.D. 45, Section 3/1, pp. 160-163. S.R.O. Ainslie was continually shocked by the Sydney elite's performance; for example, in 1819 Mr. Pooley, Sydney's former schoolmaster, shot Richard Gibbons in a duel, as the result of a duel fought the previous day when Pooley stood as principle with Gibbons' nephew, though Gibbons had been second for the other party. Ainslie to Bathurst, 10 July 1819, C.O. 217, vol. 137, ff. 117-118, B-2368.

64. Ainslie to the Commissioners of His Majesty's Customs, 8 April 1818, Customs and Plantations Papers, vol. 6219, f. 174, A-451.

65. Ainslie to Bathurst, 25 November 1816, *ibid.*, vol. 134, f.50, B-2367.

He also suggested that many wanted to become members of an assembly simply for the possible indemnity of two or three dollars per day.⁶⁶ When Henry Goulburn received this deprecatory view of the people who were demanding an assembly, he and Lord Bathurst firmly decided "as to the inexpediency in the present state of the Colony of calling a house of assembly."⁶⁷

This answer was no longer sufficient however, because of two events which showed that the official income of the colony would have to be broadened. First, in 1816, frosts struck Cape Breton in June so that by August it was certain that the colony would have a food shortage during the coming winter. This was the famous "summerless year" which struck all of eastern North America;⁶⁸ in other colonies temporary supplies could be purchased easily; but in Cape Breton an insufficient provincial income could hardly cover such an expense. A crisis therefore loomed; at the east arm of Bras d'Or Lake, hungry mice ate crops forcing seventeen families to ask for supplies as early as August. Council readily agreed to lend them a sum of money equal to nine barrels of flour.⁶⁹ Frosts meanwhile wiped out the oat and potato

66. Ibid., f. 51.

67. Ibid., Goulburn commonly drafted replies or notes on letters received.

68. Other colonies were affected by this weather. For 1816 crop failures in Lower Canada, see Fernand Ouelette, Histoire Economique Et Sociale du Quebec 1760-1850, Montreal: Fides, 1966, p. 251. The 1816 weather in northern New England is described in George T. Kimble, Our American Weather, Bloomington, Indiana: Indiana University Press, 1961, pp. 193-194. Snow fell on 5 June in Massachusetts, and there were severe frosts every night from the Canadian border (and beyond) down to Virginia, (p. 193). June and July temperatures were 3 to 5 degrees below normal, and until October subnormal temperatures prevailed in eastern Northern America. (Ibid.).

69. Council, 15 August 1816, C.O. 220, vol. 15, f. 244, B-1825.

crops, and even the fishery failed, causing Ainslie to fear that the children of new immigrants would starve. Food had to be imported from Halifax, exhausting the contingent allowance of £200 as well as the rum tax fund of £1100.⁷⁰

As the colony braced for the winter Dodd's decision on the illegality of taxation choked off all funds. Ainslie realized the settlers needed help and wrote Goulburn that because of Dodd's decision:

no impost can be laid; no statute labour of vital importance here, enforced militia called out, no prisoner fed in jail...it has struck at the root of the prosperity of the Island and with the exception of 6 or 7 dealers in Rum has met with excoriation of the whole population....⁷¹

He begged Bathurst to give immediate attention to Cape Breton.⁷² Meanwhile, the island endured a miserable winter. Father Manseau of Tracadie, Nova Scotia, visiting the Cheticamp-Margaree areas, wrote in the spring of 1817:

Last year's harvest having failed everywhere, there is famine everywhere this spring...The fishing folk of Chetican are stricken with malignant fever...The Scots of Cape Breton have not escaped and I still attend them.⁷³

Still Gibbons stood by his principles. When Ainslie tried to collect gypsum duties for the emergency, and arrested smugglers, Gibbons protested that the tax and convictions were illegal since all local ordinances were unconsti-

70. Ainslie to Bathurst, 11 December 1816, C.O. 217, vol. 134, ff. 60-61, B-2367.

71. Ainslie to Bathurst, 25 November 1816, ibid., ff. 27-28.

72. Ibid.

73. A.A. Johnston, A History of the Catholic Church, p. 283.

tutional.⁷⁴ Ainslie still made the arrests, at the same time allowing the importation of American flour, bread, grain and livestock.⁷⁵ This crisis pointed out the incapability of the local government to deal with such a crisis as long as it could not legally collect money from taxation.

The year 1817 was normal and the colony quickly recovered, but the provincial income received another blow when Ainslie decided that his salary was far too low. Without permission, he deducted £2,500 from the coal fund; in 1818 he took £1,666.13.4, before he was stopped.⁷⁶ Hence, though £1,678.6.0 was collected on coal duties in 1819, the coal fund was for the first time with a deficit of £467.14.6.⁷⁷

These financial crises forced Bathurst to consider the constitutional position of the colony. He referred Dodd's decision to the Law Officers of the Crown who puzzled over the case until April, 1818. They reported that though they found Gibbons' methods highly irregular,

We think it right however to submit to Your Lordship our doubts as to the legality of the imposition of the duty for which the action is brought - If the extract from the King's commission and instructions to the Governor be correct...the Governor and Council of the Island are not authorized to impose any duties or taxes inasmuch as such power is expressly excepted.⁷⁸

74. Ainslie to Bathurst, 25 October 1817, C.O. 217, vol. 135, ff. 137-138, B-2367.

75. Council, 12 June 1817, C.O. 220, vol. 15, f. 256, B-1825.

76. Revenue of Cape Breton, 1 January-31 December 1817, *ibid.*, vol. 136, ff. 12-14, B-2368; 1 January-31 December 1818, *ibid.*, vol. 137, ff: 8-9.

77. Revenue of the Coal Mines for 1819, Ainslie to Bathurst, *ibid.*, f. 100.

78. S. Sheppard and R. Gifford to Bathurst, 11 April 1818, C.O. 217, vol. 136, ff. 69-70, B-2368.

The colony thus had no legal way of collecting tax revenue; it was completely bankrupt, its constitution was illegal, and political chaos threatened. To make matters worse Gibbons petitioned Parliament, complaining that,

from the period when his majesty was pleased to require a provincial general assembly to be convened, for the purpose of making local laws, statutes, and ordinances in that island, no legislative power could be exercised by the governor and colonial Council, unless assembled, and the taxation of real and personal property...is in direct contravention of his majesty's instructions to the governor of that colony....⁷⁹

Action had to be taken before debate was possible. Goulburn came to what he considered was the only possible solution, jotting on the Law Officers' report, "Let an instruction be prepared to the Lt. Govr. of Nova Scotia directing him to summon to the Assembly of Nova Scotia two members from the Province of Cape Breton as was done in year 176[3] taking the old instructions as the model".⁸⁰ Cape Breton would get the representation Gibbons had proved was her legal right, but only as a county of Nova Scotia.

Ainslie was secretly informed of the annexation plans early in 1819, but rather than plead for the independence of the colony, vilified it, claiming that "No person that has not had the misfortune of passing sometime in

79. Hansard, vol. 38, 1818, 17 April 1818, column 165, B.S. 12-74.

80. S. Sheppard, op. cit., f. 70.

Cape Breton can form an adequate idea of the place...."⁸¹ Indeed, he encouraged annexation since "this is the universal opinion of the Colony, a few Jobbers in Sydney only excepted whose petty importance will be lessened...", and because it would put an end to "The silly project of a House of Assembly".⁸² He was at last gaining his vengeance on the Sydney establishment:

I of all others perhaps, have reason to rejoice in this beneficial measure in removing me from a people I quit with every feeling of disgust produced by...vexation from the deceitful & unprincipled character & conduct in which the worst of what is called "Yankee" quality & the refuse of the 3 Kingdoms seem to predominate.⁸³

Ainslie left in the spring of 1820, unwilling to await the colony's annexation, probably because of the deep hatred for him which must have existed in Sydney. He claimed however that his liver bothered him, and the snow had aggravated an eye ailment he had contracted in Dominica.⁸⁴

The "few Jobbers in Sydney" had no thought of annexation before August 1819. After Dodd's decision in November 1816, the idea of obtaining a house of assembly

81. Ainslie to Earl Compton, 17 May 1819, C.O. 217, vol. 137, f. 15, B-2368. It is ironic that the governor who so hated the colony has a lake and a street in Sydney bearing his name, while others who never complained but benefitted the island, like Despard, are forgotten.

82. Ainslie to Goulburn (private), 15 February 1820, *ibid.*, vol. 138, f. 30, B-2368.

83. *Ibid.*, f. 31.

84. Ainslie to Bathurst, 7 July 1818, *ibid.*, ff. 80-81, B-2368. In August 1820, Ainslie applied for an annual pension of £500 to be taken, he hoped, from the Cape Breton mines. He was refused. Ainslie to Goulburn, 11 October 1820, *ibid.*, ff. 37-38.

gained ground as the only solution to the revenue dilemma. Reverend Hibbert Binney, T.H. Crawley, the Surveyor General, and finally A.C. Dodd himself supported Gibbons' plan.⁸⁵ When the annexation decision reached Sydney, a petition was hastily drawn up and signed by ninety-four adult male residents, begging for an assembly which they claimed could be supported by the 9,000 people of Cape Breton. As proof, they pointed out that they had willingly supported the rum duty which had been collected for thirteen years. They added that "In Nova Scotia our voice would not be heard; . . . Cape Breton's interests which can never have anything in common with those of Nova Scotia, will be neglected. . . ." They predicted that as a result of annexation Cape Breton would be "a burdensome dependent on her elder sister".⁸⁶

The remainder of the island took no action, since many were probably uninformed while the rest had only a slight community of interest besides trade, with the Sydneyites, and would hardly be affected by annexation. The very lack of an assembly had encouraged this situation. Sydney however, began to feel the effects by the fall of 1819; property values began to drop in anticipation of the lowering of the town's status. Nova Scotia's imperialistic attitudes toward the island before 1784 caused lack of confidence in Cape Breton's future position in that province; some speculated that Cape Breton's revenue would be applied toward the liquidation of Nova Scotia's debt.⁸⁷

85. Ainslie to Goulburn, 12 February 1820, ibid., f. 31.

86. Petition of the Inhabitants of the North Eastern District of Cape Breton, 7 August 1819, ibid., f. 13.

87. Copy of a Petition to General Ainslie, 10 November 1819, Dodd Papers, no. 111, P.A.N.S.

Captain David Stewart who happened to be in charge of a contingent of the 74th Regiment garrisoned in Sydney succeeded Ainslie and was left with the task of preparing a smooth change from colony to county. His greatest challenge was the mines where Leaver and Ritchie's lease was due to expire 31 December 1820, forcing the government to purchase the stock and coal on hand, amounting to £2,300.⁸⁸ Since government could not afford such an amount, Stewart had to persuade John Bown, a local merchant to take the lease for one year at four shillings four pence duty per chaldron.⁸⁹ He managed to convince Sir James Kempt, Lieutenant-Governor of Nova Scotia of the soundness of this plan.

Meanwhile on 15 August, Kempt received orders for immediate annexation, but did not issue the proclamation until 2 October. In the interim he and the Colonial Office discussed Cape Breton's future position in Nova Scotia. Perhaps influenced by the bitter opposition in Sydney, Goulburn suggested only partial annexation, whereby a special superintendent of civil affairs stationed in Sydney would be in charge of the island's interests. Kempt sharply rejected such a plan; he would not allow his power to be curtailed. As far as he was concerned Cape Breton had to come under Halifax's control as a county of Nova Scotia no different from distant Annapolis.⁹⁰ In addition, he felt that judges and subordinate officials should be removed since any other plan would "keep up the animosities that have so long existed in the Island instead of allaying them...."⁹¹

88. David Stewart to Sir James Kempt, 19 August 1820, C.O. 217, vol. 138, f. 61, B-2368.

89. Sir James Kempt to Stewart, 28 August 1820, *ibid.*, ff. 63-64.

90. Kempt to Bathurst, 10 October 1820, *ibid.*, vol. 139, f. 76, B-2369.

91. *Ibid.*

When the bureaucrats agreed with Kempt's arguments, only the formalities of annexation remained. Kempt issued the annexation proclamation, then left for Cape Breton for a sixteen day tour which included Sydney, Louisbourg and Arichat. Annexation was officially proclaimed in Sydney 16 October 1820. The island was to have two representatives in Halifax, but no members of Cape Breton's Council was deemed worthy of an appointment to the Executive of Nova Scotia.⁹² Only T.H. Crawley, Surveyor General and Superintendent of Mines, was allowed to retain his former position.⁹³

Kempt was probably telling the truth when he claimed the people of the Sydney region were "exceedingly averse" to annexation, while the rest, "are represented to me as being contented, thriving, and happy...."⁹⁴ The Scots, of course, could hardly be expected to understand the significance of what was happening since they had few official contacts, except for land granting, with Sydney, while Isle Madame, though isolated from the capital, was enjoying increasing trade with Halifax.⁹⁵ To ease the pain of annexation, Nova Scotia granted £1,000 for Cape Breton roads and bridges in 1821.⁹⁶

To Sydneyites the British government had arbitrarily annexed their growing colony to one for which they felt slight affection or interest. Gibbons' and the Sydney elite's plans for an assembly to compliment the growing population

92. Kempt to Bathurst, 20 October 1820, ibid., ff. 83-84.

93. Ibid.

94. Kempt to Dalhousie, 1 November 1820, Dalhousie Papers, 1 November 1820, C.D. 45/43. S.R.O.

95. See Appendix IV, and Chapter VI.

96. Kempt to Bathurst, 26 March 1821, C.O. 221, vol. 140, ff. 36-37, B-2369.

and increasing prosperity of the colony had unexpectedly led to the destruction of Cape Breton's separate status.

CONCLUSION

The annexation of Cape Breton to Nova Scotia was, like its separation, a matter of political expediency. When the colony was established, the Pitt administration was seeking havens for loyalists, and was convinced by DesBarres that the colony could be maintained at slight government expense. Accordingly the government failed to infuse capital into the development of the coal mines. Since the colony had no assembly she could not raise money by local taxation. Thus, without sufficient capital, and no political influence at Whitehall, Cape Breton lagged behind the other Maritime Colonies. Despite the almost total lack of help from the politicians however, the little province began to grow slowly at first and then more quickly after the beginning of the nineteenth century. The ill-planned constitution of the colony, however, led to a crisis which had the potential of involving the Colonial Office in legal and political entanglements. Henry Goulburn with his "neat unimaginative efficiency"¹ therefore gave in to Halifax's requests and annexed the island to Nova Scotia as the easiest way of ridding the Empire of a troublesome province with an impossible constitution.

Why was Cape Breton such a troublesome colony? The obvious answer is that Sydney was in continual, seemingly pointless turmoil which would have been

1. M. Young, The Colonial Office in the Early Nineteenth Century, Toronto; Longmans, 1961, p. 82.

excusable had she possessed economic or strategic value to the mother land as New Brunswick or Nova Scotia. Cape Breton had neither: her strategic importance ended when Louisbourg fell; her coal was useless to the British who produced their own coal more cheaply. Mercantilistic theory precluded both the development of local coal-based industry, and shipment of the product to the growing American market. Coal was valuable only as a fuel supply to other colonies, making Cape Breton of only secondary importance to Britain.

There were many signs of the colony's unimportance. Most of the governors she received were second rate, unimaginative men, some of whom had serious personality defects. In 1823 Bishop A.B. MacEachen of Charlottetown noted Cape Breton's

reannexation with Nova Scotia has made a fool of the Colony. The only thing in favour of this plan is the excellent disposition of Sir James Kempt. Had they such a man for Govr. and a legislative body of their own they might make a conspicuous figure as a colony.²

Other signs, like London's failure to inform Parr of the impending separation of Cape Breton from Nova Scotia, to send supplies to DesBarres, the lack of advanced warning to Despard of the first immigration from Scotland, the absence of defence works before 1812, forgetting to inform Ogilvie of permission to grant land, and the overall ignorance of Whitehall of just what was happening in the province, all point to the colony's political insignificance. The Colonial Office simply wanted Cape Breton to keep quiet. Yet because of the political and economic organization of the colony, this was impossible.

2. Bishop A.B. MacEachen to Rev. Aeneas MacDonald, 14 November 1823, M.G. 24, f. 7.

Without an assembly, the political life of the colony was bound to appear chaotic. Ainslie ~~was~~ at least partially correct when he laid blame for the political confusion on private quarrels which resulted in public fighting. These developments are possible in any settlement. Yet in other North American colonies these differences of opinion often led to parties which sometimes gained control of their local assemblies. In Cape Breton, disagreements led only to factions which could never count on public support, but which were confined to Council, where disagreement only stymied colonial progress. The usual procedure was the ~~expulsion~~ of dissidents from Council. With an assembly these factions might have developed into parties leading to a more orderly political picture. Perfect examples are Gibbons' and Mathews' societies which were established to discuss, debate and protect the interests of their own ~~groups~~. The lack of an assembly and Macarmick's enmity led to the societies' destruction followed by a more bitter legacy of factionalism under Mathews and Murray. In Prince Edward Island, on the other hand, a Society was formed by a loyalist, William Haszard, and supported by forty citizens of Charlottetown, fostered open discussion and criticism of officials. Soon, ironically under DesBarres, the Society formed a party, was elected in 1812, and though it eventually disappeared, "its methodical form of party organization prepared the way for the development of democratic government in Prince Edward Island".³ In Cape Breton, with no legitimate outlet, factions fostered arguments, duels, and physical clashes breeding not political progress, but instead giving the colony an unsavory

3, MacNutt, The Atlantic Provinces, p. 174.

4
reputation. The sluggish economy of the colony before 1802 simply fostered these clashes, causing rival groups to seek power more keenly. Hence the political and economic disabilities with which the colony was saddled fomented apparently fruitless bickering; the Duke of Portland mistakenly blamed the early lack of progress on these quarrels rather than on their causes.

During Despard's tenure, political and economic changes occurred. Richard Gibbons, Junior, added principles to local politics, causing the political life of Sydney to centre around those favouring and those opposing a House of Assembly. The economic development of the colony also eased the search for office and calmed factionalism. With no outlet however, Gibbons' movement threatened to stagnate into the old quarrels. Yet his vigorous actions kept the movement alive, so that when A.C. Dodd decided the rum tax was illegal, both sides combined to call for an assembly. Gibbons' demands for an assembly, however, received no more sympathy from the Colonial Office than the earlier quarrels, but instead led directly to annexation.

The lack of an assembly emphasized other difficulties in the colony. The Colonial Office pragmatically refused an assembly to the colony in 1784, peopled as it was with Acadians and a few loyalists. Immigration failed to change the picture; the French of Isle Madame had never lived under representative government while the Scots, though highly adaptable, had virtually no contact with Sydney, a language barrier to overcome, and at least until 1830, were too busy settling their new farms to become involved in politics. The French and

4. Ibid., p. 181. MacNutt's interpretation of Cape Breton Colony's history depends on Richard Brown's history of the island written in 1869, the last attempt at a history of the colony.

Scots of the Western District were simply too politically immature to understand the necessity for an assembly. Hence they were politically, linguistically and thus ideologically out of contact with Sydney. The particularism of the maritime environment emphasized the remoteness of the capital from the Western District, while roads and other means of communication were slow to develop without funds, sufficient money for these was possible only with an assembly. The only way out of this circle was the eventual granting of an assembly. If the status quo had been maintained for ten years while the areas outside of Sydney matured politically, and then an assembly granted, the island could have supported an assembly, and it is possible that Cape Breton would now be a separate province. But the Colonial Office could hardly be asked to risk parliamentary investigation of such a policy until 1830. It had never shown consideration for Cape Breton's position before 1820; it was simply too much to expect that it would do so afterwards. The Colonial Office ignored the growing prosperity of the island and was only aware that the people of Cape Breton were mainly Scots who had arrived penniless⁵ and that the coal mines were not producing sufficient revenue to support a colony. The simplest answer to the Cape Breton problem seemed to be annexation; the local aspirations of an unimportant elite had to take second place to the political exigencies of a growing Empire. Indeed, 1820 is a key year in the history of the Empire; for the first time in thirty years a close look was being taken at the colonies, and if in 1783 Britain was ready to form smaller colonies, in 1820 she was more

5. D.C. Harvey, "Scottish Immigration", 314.

interested in efficiency.⁶ It was natural therefore for her to hand over the immature colonies of Cape Breton and Prince Edward Island to Nova Scotia.

The latter had certainly intimated her interest in regaining both islands and her actions toward Cape Breton after 1783 had been of a negative nature. Parr never bothered with the colony except to encourage DesBarres' removal. Wentworth in 1794 tried to convince colonial officials that "it would surely be wise, to let the island revert to its former connexion [sic] with N. Scotia".⁷ Among the reasons given was that both Cape Breton and Prince Edward Island had prospered "better when under the immediate administration of Nova Scotia".⁸ Halifaxians had always seen the reannexation of Cape Breton to Nova Scotia as a matter of course,⁹ and there can be no doubt that the Duke of Portland was thinking of doing so in the mid 1790's.¹⁰ The influential R.J. Uniacke, Senior, speaker of the Nova Scotia House of Assembly, spent half of 1805 in England, and early in 1806 produced a memorandum advocating the reannexation of Cape Breton

6. MacNutt, P. 177; also Young, pp. 47-83. Cape Breton's annexation presaged the struggle of Prince Edward Island to maintain her separate colonial status, and the abortive attempt to unite Upper and Lower Canada in 1822. For other changes made by the Colonial Office after 1820, see Young, p. 83.

7. Wentworth to King, 11 February 1794, N.S. A120, p. 50. Wentworth to King, 23 January 1795, N.S. A121, p. 18-25.

8. Prince Edward to Portland, 21 December 1794, N.S. A120, pp. 377-378.

9. J. Brenton to King, 6 February 1798, N.S. A127, pp. 5-7.

10. See Chapter 3, p. 64.

and Prince Edward Island to Nova Scotia.¹¹ In 1817, Lord Dalhousie, lieutenant-governor of Nova Scotia, sent a plea from leading Halifax merchants, again headed by Uniacke,¹² begging for reannexation. In 1819, yet another petition,¹³ this time from the Legislative Council of Nova Scotia, complained that Nova Scotia which had suffered "a variety of dismemberments remained silent and without complaining", and again asked for the reannexation of the two islands.¹³ In 1819 when Dalhousie heard of the impending union, he did not conceal the larger province's delight at the event as "a measure very generally desired."¹⁴

Prince Edward Island meanwhile survived independently. She was protected by her powerful landlords, earlier separate status and development, and her greater distance from Halifax. More important, her assembly, though petty and factional, was more difficult to erase than the appointed governor and council of Cape Breton. Even the twenty-five years of constitutional problems developing around Cape Breton's annexation may have saved her sister colony.

Cape Breton however, was unprotected, allowing the Colonial Office to examine her situation more freely. On one side was the possibility of an assembly for the troublesome colony made up of poor, ignorant Scots, raucous miners,

11. MacNutt, p. 146; D.C. Harvey, C.H.R. "Uniacke's Memorandum to Windham, 1806", XVII (1), 1936, 41-58.

12. Dalhousie to Bathurst, 20 September 1817, N.S. A157, 110. B.C. Cuthbertson, The Old Attorney General, Richard John Uniacke, 1758-1830, M.A. Thesis, University of New Brunswick, 1970, p. 199.

13. Minutes of the Legislative Council of Nova Scotia, 6 April 1819, P.A.N.S.

14. Dalhousie to Bathurst, 23 November 1819, G.D. 45, Section 3/1, p. 117.

French Catholics and the uninfluential, but noisy Sydney elite; on the other was annexation to a prosperous Nova Scotia and automatic participation in its assembly. Annexation seemed the obvious choice. Only in Sydney had there been a move for an assembly; the rest of the colony was too politically immature meaning that protests against annexation would be feeble. It was the simplest step to ignore the illegal constitution of 1784, and revert to the last legal one, that of 1763, at the same time letting anxious Halifax deal with the island's problems in the future.

Unknown to the Colonial Office, even annexation was open to challenge. The problem centered around the King's having in effect granted Cape Breton an assembly in 1784, and the illegality of his removing it by reannexing the colony to Nova Scotia. If such a move was unconstitutional, the island should have had an assembly separate from Nova Scotia. Once the King had forbid Parr in Article 12 of his instructions to "assent to any law that shall extend to our Islands of Prince Edward or Cape Breton under color or pretence that our said Islands are included in our Commission to you are thereby part of our Government of Nova Scotia", he had cancelled Nova Scotia's right to ever make laws extending to Cape Breton. Annexation could not abrogate this provision and was therefore illegal. In 1823, the Sydneyites submitted the problem to J.C. Brougham, later a Lord Justice in Great Britain. He concluded:

The Crown having given a constitution to Cape Breton after its cession, including a Legislative Assembly, I am of opinion that it cannot now abrogate that Constitution by Proclamation annexing Cape Breton to Nova Scotia in face of an express provision in the former Proclamation excluding the

authority of the N.S. Govt.,-see Campbell
vs. Hall. Cowp [er] 204.¹⁵

The history of Cape Breton Colony highlights the approach of the Colonial Office to the problems of a small colony during the forty years after the American Revolution. One must conclude that many of Cape Breton's problems were brought about not only by its inhabitants' pettiness, but by Colonial Office policy, and that annexation was the result of political expediency which took precedence over constitutional claims.¹⁶ Finally, Cape Breton's annexation to Nova Scotia underlined the inability of a small, unprotected colony to achieve its aspirations when they clashed with those of both a larger one and the imperial power.

15. Copy of case stated of the annexation of Cape Breton to Nova Scotia, for the opinion of Mr. Brougham, with his opinion of the illegality of said annexation, 12 May 1823, Xavier College Archives.

16. Cape Breton's struggle for independence lasted for twenty-five years. No decision was ever written which openly refuted Brougham's opinion.

APPENDIX I

Administrators of Cape Breton, 1784-1820

Date of Appointment	Name	Rank	End of Term
3 September 1784	DesBarres, Joseph Frederick Walle	Lieutenant Governor	10 October 1787
26 February 1787	Macarmick, William	Lieutenant Governor	Left 27 May 1795 Died as Lieutenant Governor 1815
28 May 1795	Mathews, David	President of Council	28 June 1798
29 June 1798	Ogilvie, General James	Administrator	21 June 1799
22 June 1799	Murray, Brigadier General John	Administrator	14 September 1800 Left spring 1801
15 September 1800	Despard, Major General John	Administrator	6 July 1807
7 July 1807	Nepean, Brigadier General Nicholas	Administrator	31 December 1812

Date of Appointment	Name	Rank	End of Term
1 January 1813	Swayne, Brigadier General Hugh	Administrator	1 September 1815
5 February 1816	Fitzherbert, Colonel Jonas	Administrator	3 November 1816
23 January 1817	Ainslie, Major General George Robert	Lieutenant Governor	22 June 1820
22 June 1820	Stewart, Captain David	Administrator	9 October 1820

APPENDIX II

Colonial Officers, 1782-1827

For convenience, the author, like others, has used the term 'Colonial Office' when referring to that set of British officials who dealt directly with the colonies. In reality that organization did not fully develop until 1812. The following is a brief history of the evolution of the Colonial Office:

"In the reconstruction of government machinery following the loss of the United States, both the new office of Secretary of State and the Council of Trade and Plantations were at first abolished; Colonial affairs reverted to the Privy Council, and were dealt with temporarily in a branch of the Home Department called the Plantations Branch. The work of this branch was transferred in 1784 to a new 'Committee for Trade and Foreign Plantations'. During the next few years, however, this Committee became increasingly concerned with general trade questions and less concerned with colonial affairs; eventually, the latter became firmly recognized as the proper concern of a Secretary of State while the Committee itself developed into the Board of Trade. The turning point was the year 1801, when the creation of an office of 'Secretary of State for the War and Colonial Department' formally confirmed an arrangement which already existed in practice. With the end of the wars in Europe, this Secretary of State was increasingly occupied with the Colonial side of his work, and from 1812 onwards the 'Colonial Office' became a firmly established institution".¹

Secretaries of State, Home Department, 1782-1801.

1782	April 15	William Petty, Earl of Shelburne
1782	July 17	Thomas Townshend (Viscount Sydney, 1783)
1783	April 18	Frederick, Lord North
1783	December 23	Thomas, Lord Sydney

1. Sir Charles Jeffries, The Colonial Office, London: George Allen and Unwin, 1956, pp. 24-25.

1789 June 5 William Wyndham Grenville (Baron Grenville, 1790)
 1791 June 8 Henry Dundas (later Viscount Melville)
 1794 August 7 Henry Cavendish Bentick, Duke of Portland

Secretaries of State for War and the Colonies, 1794-1827.

1801 March 17 Robert, Baron Hobart
 1804 May 12 John Jeffrys Pratt, Earl of Camden
 1805 July 10 Robert Stewart, Viscount Castlereagh
 1806 February 14 William Windham
 1809 October 11 Robert B. Jenkinson, Earl of Liverpool
 1812 June 11-
 1827 April 30 Henry, Earl Bathurst

Permanent Under Secretaries, Home Department, 1782-1801.

1782 Evan Nepean
 1789 Scrope Bernard
 1792 John King

Under Secretaries, War and Colonies, 1801-1821.

1801 John Sullivan
 1804 Edward Cooke
 1806 Sir George Shee, and Sir James Cockburn
 1807 Edward Cooke, and Honourable Charles Stewart
 1809 Honourable Cecil Jenkinson, and Honourable Frederick Robinson
 1809 (October) Honourable Cecil Jenkinson, and Henry E. Bunbury
 1810 Robert Peel, and Henry E. Bunbury
 1812-
 1821 Henry Goulburn, and Henry E. Bunbury

APPENDIX III

Royal Instructions to John Parr, 11 September 1784.

John Parr Esq Governor of Nova Scotia

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth To our Trusty and Welbeloved John Parr Esquire Greeting Whereas Wee did by our Latters Patent under our Great Seal of Great Britain bearing date at Westminister the twenty ninth day of July in the twenty second year of our Reign constitute and appoint you the said John Parr Captain General and Governor in Chief in and over our Province of Nova Scotia in America bounded on the Westward by a Line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River Saint Croix by the said River to its Source and by a Line drawn due North from thence to the Southern Boundary of our Colony of Quebec to the Northward by the said Boundary as far as the Western Extremity of the Bay des Chaleurs to the Eastward by the said Bay and the Gulph of Saint Lawrence to the Cape or Promontory called Cape Breton in the Island of that name including the said Island and all other Islands within six Leagues of the Coast excepting our Island of Saint John which Wee have thought fit to erect into a separate Government and to the Southward by the Atlantic Ocean from the said Cape to Cape Sable aforesaid including the Island of that name and all other Islands within forty Leagues of the Coast

with all the Rights Members and Appurtenances whatsoever thereunto belonging for and during our Will and pleasure as in and by the said recited Letters Patent relation being thereunto had may fully and at large appear And Whereas Wee did by our Letters Patent under our Great Seal of Great Britain bearing date at Westminister the fourteenth day of July in the ninth year of our Reign constitute and appoint Walter Paterson Esquire to be our Captain General and Governor in Chief and over our Island of Saint John and Territories adjacent thereunto in America and which then were or theretofore had been dependant thereupon as in and by the said recited Letters Patent relation being thereunto had may more fully and at large appear And Whereas Wee have thought fit to erect part of our Province of Nova Scotia lying to the Northward of the Bay of Fundy into a Separate Province by the name of New Brunswick and by our Letters Patent under our Great Seal of Great Britain bearing date at Westminister the sixteenth day of August last past to constitute and appoint Thomas Carleton Esquire to be our Captain General and Governor in Chief in and over our said Province of New Brunswick as in and by the said recited Letters Patent relation being Thereunto had may more fully and at large appear And Whereas Wee have thought fit to re-annex the Island of Saint John and its Dependencies to our Government of Nova Scotia Now Know that wee have revoked and determined and by these presents Do revoke and determine the said recited Letters Patent to you the said John Parr and also the said recited Letters Patent to the said Walter Paterson and every clause article and thing therein respectively mentioned and contained And further Know You that Wee reposing especial Trust and Confidence in the Prudence Courage and Loyalty of You the said John Parr of our especial Grace certain

Knowledge and meer motion have thought fit to constitute and appoint you the said John Parr to be our Captain General and Governor in Chief of our Province of Nova Scotia bounded on the Westward by a Line drawn from the Cape Sable across the Entrance to the Centre of the Bay of Fundy to the northward by a Line along the centre of the said Bay to the Mouth of the Musquat River by the said River to its Source and from thence by a due East Line across the Isthmus into the Bay Verte to the Eastward by the said Bay and to the Gulph of Saint Lawrence to the Cape or Promontory called Cape Breton in the Island of that name including the said Island the Island of Saint John and all other Islands within six Leagues of the Coast to the Southward by the Atlantic Ocean from the said Cape to Cape Sable aforesaid including the Island of that name and all other Islands within forty Leagues of the Coast with all the Rights Members and Appurtenances whatsoever thereunto belonging And Wee do hereby require and command you to do and execute all things in due manner that shall belong unto your said Command and the Trust Wee have reposed in you according to the several powers and authorities granted or appointed you by the present Commission and Instructions herewith given you or by such further powers Instructions and Authorities as shall at any time hereafter be granted or appointed you under Our Signet Manual or by our Order in Privy Council and according to such reasonable Laws and Statutes as are now in fforce or shall hereafter be made or agreed upon by you with the advice and consent of Our respective Councils and Assemblies of our Province of Nova Scotia and our Islands of Saint John and Cape Breton under your Government in such manner and form as hereinafter is expressed And our Will and Pleasure is that you the said John Parr after the

Publication of these our Letters Patent to take the Oaths appointed to be taken by an Act passed in the first year of the Reign of King George the first Intituled (an Act for the further security of his Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors) as altered and explained by an Act for altering the Oath of Abjuration and the Assurance and for amending so much of an Act of the Seventh year of her late Majesty Queen Ann Intituled (An Act for the Improvement of the union of the two Kingdoms as after the time therein limited requires the delivery of certain Lists and copies therein mentioned to the persons Indicated of High Treason or Misprison of Treason) as also that you make and subscribe the Declaration mentioned in an Act of Parliament made in the twenty fifth year of the Reign of King Charles the second Intituled (An Act for preventing Dangers which may happen from popish Recusants) and likewise that you take the usual Oath for the due execution of the Office and Trust of our Captain General and Governor in Chief of Our said Province and Islands and for the due and impartial administration of Justice and further that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to trade and the Plantations be observed all which said Oaths and Declaration Our Council in our said Province or any five of the members thereof have hereby full power and Authority and are required to tender and administer unto you and in your Absence to our Lieutenant Governor if there be any upon the place all which being duly performed you shall administer unto each of the Members aforesaid the said Oaths mentioned in the said first

recited Act of Parliament altered as above as also cause them to make and subscribe the aforementioned Declaration and administer to them the Oath for the due execution of their places and Trusts and it is our Will and Pleasure that the persons appointed by us Our Lieutenants Governors in our Islands of Saint John and Cape Breton do likewise upon publication of their respective Commissions take the several Oaths herein before mentioned and make and subscribe the Declaration aforesaid before Our Council for our said Islands or any five of them and do in like manner administer the said Oaths to the Members of our said Council and cause them to make and subscribe the afore mentioned declaration And Wee do hereby give and grant unto you full power and authority to suspend any of the Members of Our said Council from sitting voting and assisting therein if you shall find just cause for so doing And if it shall at any time happen that by the Death Departure our of our said Province or Islands suspension of any of our said Councillors or otherwise there shall be a vacancy in any of our said Councils (any seven whereof Wee do hereby appoint to be a Quorum in our Province of Nova Scotia and five to be a Quorum in our Islands of Saint John and Cape Breton Our Will and Pleasure is that you signify the same to us by the first Opportunity that Wee may under our Signet and Sign Manual constitute and appoint others in their Stead But that our affairs at that Distance may not suffer for want of a due number of Councillors if ever shall happen that there be less than twelve of them residing in our Province of Nova Scotia and nine in our Islands of Saint John and Cape Breton Wee do hereby give and grant unto you the said John Parr full power and Authority to chuse as many persons out of the principal freeholders Inhabitants thereof as shall make up the

full number of Our said Council in our Province of Nova Scotia to be twelve and in our Islands of Saint John and Cape Breton to be nine and no more which persons so chosen and appointed by you shall be to all intents and purposes Councilllors in our said Province and Islands until either they shall be confirmed by us or by the nomination of others by us under our sign Manual and Signet or said respective Councils shall have twelve none or more persons in them And Wee do hereby Give and Grant unto you full power and authority with the advice and consent of our said respective Councils from time to time as need shall require to summon and call General Assemblies of the ffreeholders and planters within your Government in such manner and form as has been already appointed and used or according to such further powers Instructions and Authorities as shall at any time hereafter be granted or appointed you under our Signet and Sign Manual or by our order in our Privey Council and our Will and Pleasure is that the persons thereupon duly elected by the major part of the ffreeholders of the respective Counties and places and so returned shall before their Sitting take the Oaths mentioned in the first recited Act of Parliament altered as above as also make and subscribe the aforementioned Declaration which Oath and Declaration you shall commissionate fit persons under our Seals of Nova Scotia Saint John and Cape Breton respectively to tender and administer unto them and until the same shall be so taken and subscribed no person shall be capavle of sitting tho Elected and Wee do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of our province of Nova Scotia of our Island of Saint John and of our Island of Cape Breton respectively and that you the said John Parr with the Advice and Consent of our said Councils and Assemblies or the Major part of them respectively shall have full power

and Authority to make constitute and ordain Laws Statutes and Ordinances for the public peace Welfare and good Government of our said province and Islands and of the people and Inhabitants thereof and such others as shall resort thereunto and for the Benefit of us our Heirs and Successors which said Laws Statutes and Ordinances are not to be repugnant but as near as local circumstances will admit agreeable to the Laws and Statutes of this Our Kingdom of Great Britain provided that all such Laws Statutes and Ordinances of what nature or duration whatever be within three months or sooner after the making thereof transmitted to us under our Seal of Nova Scotia Saint John or Cape Breton for our Approbation or Disallowance of the same as also Duplicates thereof by the next Conveyance And in case any or all of the said Laws Statutes and ordinances not before confirmed by us shall at any time be disallowed and not approved and so signified by us our Heirs or Successors under our or their Sign Manual or Signet or by order of Our or their Privey Council unto you the said John Parr or to the Commander in Chief of our said Province and Islands for the time being then such and so many of the said Laws Statutes and Ordinances as shall be so disallowed and not approved shall from thenceforth cease determine and become utterly void and of none effect any thing to the contrary thereof notwithstanding And to the end that nothing may be passed or done by our Said Councils or Assemblies to the prejudice of us our Heirs and Successors Wee Will and Ordain that you the said John Parr shall have and enjoy a negative voice in making and passing of all Laws and Ordinances as aforesaid And you shall and may likewise from time to time as you shall judge it necessary adjourn prorogue and dissolve all General Assemblies as aforesaid It is nevertheless our Will and pleasure that due care be taken in all Laws Statutes and Ordinances passed

in our province of Nova Scotia that the same do not extend or be deemed or construed to extend to our Islands of Saint John and Cape Breton under colour or pretence that our said Islands are included in this our Commission to you and are part of our Government of Nova Scotia And our further Will and pleasure is that you shall and may keep and use the publick Seals of our Province of Nova Scotia and our Islands of Saint John and Cape Breton for sealing all things whatsoever that pass the Great Seals of our said province and Islands under your Government And Wee do by those presents given and grant unto you the said John Parr full power and Authority with the advice and consent of our said Councils respectively to erect constitute and establish such and so may Courts of Judicature and Public Justice within our said province and Islands as you and they shall think fit and necessary for the hearing and determining of all causes as well criminal as Civil according with all reasonable and necessary powers Authorities fees and privileges belonging thereunto as also to appoint and Commissionate fit persona in the several parts of your governmentto administer the Oaths mentioned in the first recited Act of Parliament altered as above as also to tender and administer the aforesaid Declaration unto such persons belonging to the said courts as shall be Obliged to take ~~make~~ and subscribe the same And Wee do hereby authorize and Impower you to constitute and appoint Judges and in cases requisite commissioners of Over and Terminer Justices of the peace and other necessary Officers and Ministers in Our said ~~p~~rovince and Islands for the better administration of Justice and putting the Laws unto execution and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due execution and performance of Offices and places and for the clearing of Truth in Judicial Cases and Wee do hereby give and grant unto you full power

and authority where you shall see cause or shall judge any Offender or Offenders in Criminal matters or for any fine or forfeitures due unto us fit objects of our mercy to pardon all such offenders and to remit all such offences fines and forfeitures Treason and Wilful Murder only excepted in which cases you shall likewise have power upon Extraordinary occasions to grant Reprieves to the Offenders until and to the intent our Royal pleasure may be known thereon And Whereas it belongeth to us in Right of our Royal prerogative to have the Custody of Idiots and their Estates and to take the profits thereof to our own use finding them necessaries and also to provide for the custody of Lunatics and their Estates without taking the profits thereof to our own use And whereas while such Lunatics and their Estates remain under our immediate care great trouble and charges may arise to such as shall have occasion to resort unto us for direction respectively such Idiots and Lunatics and their Estates and considering that Writs of Inquiry of Idiots and Lunatics are to Issue out of our Courts of Chancery as well in Our provinces in America within this our Kingdom respectively and the Inquisitions thereupon taken are returnable in those Courts Wee have thought fit to entrust you with the care and commitment of the custody of the said Idiots and Lunatics and their Estates And Wee do by these presents give and grant unto you full power and authority without expecting any further special Warrant from us from time to time to give order and Warrant for the preparing of grants of the Custodies of such Idiots and Lunatics and their Estates as shall be found by Inquisition thereof taken or to be taken and returnable into our Courts of Chancery and thereupon to make and pass grants and Commitments under our Great Seal of our Province of Nova Scotia or of the Island of Saint John and Cape Breton as the case may be of the custodies of all and every such Idiots and

Lunaticks and their Estates to such person or persons Suitors in that behalf as according to the Rules of Law and the use and practice in those and the like causes you shall judge meet for that Trust the said grants and commitments to be made in such manner and form or as nearly as may be as hath been heretofore used and accustomed in making the same under the Great Seal of Great Britain and to entain such apt and convenient covenants provisions and agreements on the part of the committees and Grantees to be performed and such security to be by them given as shall be requisite and needful Wee do by these presents authorize and Impower you to collate any person or persons to any Churches Chapels or other Ecclesiastical benefices within our said Province or Islands as often as any of them shall happen to be void And Wee do hereby give and grant unto you the said John Parr by yourself or by your Captains and Commanders by you to be authorized full power and Authority to Levy Arm Muster Command and Employ all persons whatsoever residing within our said Province and Islands and as occasion shall require to march from one place to another or to embark tham for the resisting and withstanding of all enemies Pirates and Rebels both at Land and Sea and to Transport such fforces to any of our Plantation in America if Necessity shall require for the defence of the same against the Invasion or Attempts of any of Our Enemies and such Enemies pirate and Rebels (if there shall be occasion) to pursue and prosecute in or out of the Limits of our said province Islands and plantations or any of them and (if it shall so please God) to vanquish apprehend and take them and being taken according to Law to put to death or Keep and perserve them alive at your discretion and to execute martial Law in time of Invasion or other times when by Lae it may be executed and to do and execute all and every other thing and thing which to our CAPTAIN General and Governor

in Chief doth or ought of Right to belong And Wee do hereby give and grant unto you full power and Authority by and with the advice and consent of our said Councils to erect raise and build in our said province and Islands such and so many fforts and platforms Castles Cities Boroughs Towns and ffortifications as you by the advice aforesaid shall judge necessary and the same or any of ~~them~~ to fortify and furnish with Ordinance Ammunition and all sorts of Arms fit and Necessary for the security and defence of our said province and Islands and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convinient And for as much as divers mutinies and disorders may happen by persons Shipped and Employed at Sea during the time of War may be better governed and ordered Wee do hereby give and grant unto you the said John Parr full power and Authority to constitute and appoint Captains Lieutenants Masters of Ships and other Commenders and Officers and to grant to such Captains Lieutenants Masters of Ships and other Commander and Officers Commissions to execute the Law Martial during the time of War according to the directions of an Act passed in twenty second year of the Reign of our late Royal Grandfather Intituled (An Act for amending explaining and reducing into one act of parliament the laws relating to the Government of his Majesty's Ships Vessels and fforces by Seal as the same is explained by an Act in the nineteenth year of our Reign Intituled (An Act to explain and amend an act passed in the twenty second year of the Reign of His late Majesty King George the second intituled (An Act for amending explaining and reducing into one Act of parliament the Laws relating to the Government of his Majesty's ships vessels and fforces by Sea) and to use such

proceedings authorities punishments and executions upon any offender of offenders who shall be mutinous seditious disorderly or any way unruly either at Sea or during the time of their abode or Residence in any of the ports Harbours of Bays of our said province or islands as the case shall be found to require according to martial Law and the directions during the time of War as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any be your authority to hold plea or have any jurisdiction or any offence Cause matter or thing done or committed upon the High Sea or within any of the Havens Rivers or Creeks of our said province and Islands under your Government by any Captain Commander Lieutenant Master Officer Seaman Soldier or Person whatsoever who shall be in our actual service and party in or on board any of our Ships of War or other vessels acting by immediate commission or Warrant from our Commissioners for executing the Office of our High Admiral or from our High Admiral of Great Britain for the time being under the Seal of our Admiralty but that such Captain Commander Lieutenant Master Officer Seaman Soldier or other person so offending shall be left to be proceeded against and tried as their offences shall are require wither by commission under our Great Seal of Great Britain as the Statute of the twenty eighth of Henry the eight directs orly commission from our said Commissioners for executing the Office of our High Admiral or from our high Admiral of Great Britain for the time being according to the before mentioned Act passed in the twenty second year of the Reign of Royal Grandfather as the same is altered by the act above mantioned passed in the nineteenth year of our Reign Provided nevertheless that all disorders and misdemeanours committed on shore by any Captain

Commander Lieutenant Master Officer Seaman Soldier or other person whatsoever belonging to any of our Ships of War or other vessels acting by immediate commission or Warrant from our Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being under the Seal of our Admiralty may be tried and punished according to the Laws of the place where such disorders Offences and misdemeanors shall be committed on shore notwithstanding such offender be in our actual service and borne in our pay on board any such Ships of War or other Vessels acting by immediate commission or Warrant from our said Commissioners for Executing the Office of High Admiral or Our High Admiral of Great Britain for the time being as aforesaid as he shall not receive any protection for the avoiding of Justice of such offences committed on shore from any pretence of his being employed in our service at Sea and Our further Will and pleasure is that all public money raised or which shall be raised by any Act hereafter to be made within our said province or islands be issued out by Warrant from you by and with the advice and consent of our respective Governments or for such other purpose as shall be particularly directed in any by such Act and no otherwise And Wee hereby likewise give and grant unto you full power and authority by and with the advice and consent of our said Councils to settle and agree with the Inhabitants of our said province and islands for such Land Tenements and Hereditaments as now or hereafter shall be in our power to dispose of and them to grant to any person or persons upon such Terms and under such quit Rents services and Acknowledgements as Wee by our Instructions given you herewith or which Wee may hereafter give you shall think fit to appoint order and direct which said grants are to pass and be Sealed with our

Seals of Nova Scotia Saint John or Cape Breton as the case may require and being entered upon Record by such officers as shall be appointed thereunto shall be good and effectual in Law against us our Heirs and Successors And Wee do hereby give you the said John Parr full power to order and appoint ffairs marts and Markets as also such and so many ports Harbours Bays Havens and other places for the convenience and security of Shipping and for the better Loading and unloading of Goods and Merchandize as by you with the Advice and consent of our respective councils shall be thought fit And Wee do hereby require and command all officers and ministers Civil and Military and all other Inhabitants of our said province and Islands to be obedient aiding and assisting unto you the said John Parr in the execution of the powers and authorities herein contained and in case of your Death or absence out of our said province to be obedient aiding and assisting unto such person as shall be appointed by us to be our Lieutenant Governor or Commander in Chief of our said Province to whom Wee do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure or until your arrival within the said province And in case of the Death or Absence of you and of our said Lieutenant Governor from our said province Our Will and pleasure is that our Eldest Lieutenant Governor resident in the Island of Saint John or the island of Cape Breton according to the propriety of their commissions of Lieutenant Governor do repair to our said province of Nova Scotia and execute this our commission with all the powers and Authorities herein mentioned as foresaid And in case of your Death or Absence of our said Lieutenant Governor of our Province of Nova Scotia and of the Lieutenant Governor of our

Islands of Saint John and Cape Breton Our Will and Pleasure in that the Eldest Councillor for our province of Nova Scotia whose name is first placed in our said Instructions to you and who shall be at the time of such Deaths and Absence residing therein shall take upon him the the administration of the Government and execute this our commission and our said Instructions and the several powers and wuthorities therein contained in the same manner and to all intents and purposes as other our Governors or Commanders in Chief should or ought to do in case of your absence until your Return or in all other cases until our further pleasure be known therein And it is Our Will and pleasure and Wee do hereby declare and ordain that all and singular the powers Authorities and Directions in and by this our commission given and granted to you the said John Parr so far as the same extend and have relation to our Islands of Saint John and Cape Breton and their respective Dependancies shall be executed and enjoyed by you or the commander in Chief of Our province of Nova Scotia at such times only as you or he shall be actually upon the spot in either of our said Islands but that at all other times all and singular the said powers Authorities and directions shall be executed and enjoyed by such persons whom Wee shall respectively appoint to be our Lieutenant Governors of our said Islands to whom Wee do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by them executed and enjoyed as aforesaid during our pleasure And our Will and Pleasure is that in case of the Death or Absence from Our said Islands of our said Lieutenant Governors the Eldest councillor who shall be then residing within our said respective Islands shall take upon him the Administration of Government and execute the several powers and Authorities

contained in this our commission and the Instructions herewith given so far as the same relates to such our Island in the same manner and to all intents and purposes as our Lieutenant Governor should or ought to do by virtue herof until his return or our further pleasure be known therein And Wee do hereby declare ordain and appoint that you the said John Parr shall and may hold execute and enjoy the Office and place of our Captain General and Governor in Chief in and over our province of Nova Scotia and our Islands of Saint John and Cape Breton with all their Rights Members and Appurtenances whatsoever together with all and singular the powers and authorities hereby granted unto you for and during our Will and pleasure In Witness etc Witness ourself at Westminster the Eleventh day of September in the twenty fourth year of our Reign

By Writt of Privy Seal

11 September 1784

APPENDIX IV

NUMBER OF SHIPS TRADING WITH CAPE BRETON FROM AVAILABLE SHIPPING RETURNS, 1785-1815
 SOURCES: C.O. 217, 221.

ENTERING				LEAVING			
PORT	PERIOD	NUMBER OF SHIPS		PORT	PERIOD	NUMBER OF SHIPS	
		TOTAL				TOTAL	
		FOR PERIOD	FOR YEAR			FOR PERIOD	FOR YEAR
ALL PORTS	1785		66	SYDNEY	1785		60
	1786				1786		
SYDNEY	24 Sept. - 25 Dec.	18		SYDNEY	24 Sept. - 25 Dec.	17	
MAIN-A-DIEU, LOUISBOURG	24 Sept. - 25 Dec.	7		MAIN-A-DIEU, LOUISBOURG	24 Sept. - 25 Dec.	7	
ARICHAT	24 Sept. - 25 Dec.	3		ARICHAT	24 Sept. - 25 Dec.	23	
	1787				1787		
SYDNEY	16 July - 3 October 11 Oct. - 21 Dec.	14 13	27	SYDNEY	21 July - 10 Oct. 11 Oct. - 5 Jan.	17	
ARICHAT	6 July - 4 October 12 Oct. - 26 Nov.	17 5	22	ARICHAT	1788 6 July - 4 Oct. 11 Oct. - 4 Dec.	15 23 13	32 36
	1788				1788		
SYDNEY	10 April - 16 June	10		SYDNEY	5 Jan. - 5 April 5 April - 5 July	1 17	18
ARICHAT	24 March - 25 June	21		ARICHAT	19 May - 23 June	11	

ENTERING

LEAVING

PORT	PERIOD	NUMBER OF SHIPS		PORT	PERIOD	NUMBER OF SHIPS	
		TOTAL				TOTAL	
	1795	FOR PERIOD	FOR YEAR		1795	FOR PERIOD	FOR YEAR
SYDNEY	5 Jan. - 5 July 5 July - 5 Jan. 1796	42 76	118	SYDNEY	5 Jan. - 5 July 5 July - 5 Jan. '96	44 87	131
ARICHAT	5 Jan. - 5 July 5 July - 6 Jan. 1796	20 19	39	ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. '96	13 34	47
	1796				1796		
SYDNEY	5 Jan. - 5 July 5 July - 5 Jan. 1797	44 110	154	SYDNEY	(5 Jan. - 6 July) (6 July - 5 Jan. '97)	72 118	190
ARICHAT	5 April - 5 July 6 July - 5 Jan. 1797	22 35	57	ARICHAT	5 April - 5 July 6 July - 7 Jan. '97	12 49	61
	1797				1797		
SYDNEY	5 Jan. - 6 July 5 July - 5 Jan. 1798	20 85	105	SYDNEY	5 Jan. - 6 July 5 July - 6 Jan. '98	32 107	139
ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. 1798	22 39	61	ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. '98	17 34	51
	1798				1798		
SYDNEY	5 Jan. - 6 July	50		SYDNEY	5 Jan. - 6 July	89	
ARICHAT	5 Jan. - 5 July	25		ARICHAT	5 Jan. - 5 July	20	
	1800				1800		
SYDNEY	5 July - 5 Jan. 1801	97		SYDNEY	5 July - 5 Jan. '01	126	
				ARICHAT	25 July - 26 Nov.	42	

ENTERING

LEAVING

PORT	PERIOD	NUMBER OF SHIPS		PORT	PERIOD	NUMBER OF SHIPS	
		TOTAL				TOTAL	
		FOR PERIOD	FOR YEAR			FOR PERIOD	FOR YEAR
	1801				1801		
SYDNEY	5 Jan. - 5 July	34		SYDNEY	5 Jan. - 5 July	53	
ARICHAT	5 Jan. - 5 July	18		ARICHAT	5 Jan. - 5 July	30	
	1802				1802		
ARICHAT	5 Jan. - 5 July	26		ARICHAT	5 Jan. - 5 July	27	
	1803				1803		
SYDNEY	5 July - 5 Jan. 1804	71		SYDNEY	5 July - 5 Jan. '04	93	
ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. 1804	19 60	79	ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. '04	38 51	89
	1804				1804		
SYDNEY	5 Jan. - 5 July 5 July - 10 October	48 85	133	SYDNEY	5 Jan. - 5 July 5 July - 10 Oct.	79 86	165
ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. 1805	29 63	92	ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. '05	35 54	89
	1805				1805		
SYDNEY	6 Jan. - 5 July 5 July - 5 Jan. 1806	43 95	138	SYDNEY	6 Jan. - 5 July 5 July - 5 Jan. '06	54 115	168
ARICHAT	6 Jan. - 5 July 5 July - 5 Jan. 1806	20 46	66	ARICHAT	6 Jan. - 5 July 5 July - 5 Jan. '06	26 39	65

ENTERING

LEAVING

PORT	PERIOD	NUMBER OF SHIPS		PORT	PERIOD	NUMBER OF SHIPS	
		TOTAL				TOTAL	
	1806	FOR PERIOD	FOR YEAR		1806	FOR PERIOD	FOR YEAR
SYDNEY	5 April - 5 July 5 July - 5 Jan. 1807	42 104	146	SYDNEY	5 April - 5 July 5 July - 5 Jan. 1807	50 126	176
ARICHAT	5 Jan. - 5 July	17		ARICHAT	5 Jan. - 5 July	30	
	1807				1807		
SYDNEY	5 July - 5 Jan. 1808	130		SYDNEY	5 July - 5 Jan. 1806	160	
ARICHAT	5 July - 5 Oct. 1808 10 Oct. - 5 Jan. 1808	38 49	87	ARICHAT	5 July - 5 Oct. 10 Oct. - 5 Jan. 1808	35 24	59
	1808				1808		
SYDNEY	5 Jan. - 5 July 5 July - 5 Jan. 1809	57 128	185	SYDNEY	5 Jan. - 5 July 5 July - 5 Jan. 1809	102 140	242
ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. 1809	30 88	118	ARICHAT	5 Jan. - 5 July	62	
	1809				1809		
SYDNEY	5 Jan. - 5 July 5 July - 5 Jan. 1810	28 150	178	SYDNEY	5 Jan. - 5 July 8 July - 5 Jan. 1810	39 170	209
ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. 1810	30 78	108	ARICHAT	5 Jan. - 5 July 8 July - 5 Jan. 1810	55 49	104
	1810				1810		
SYDNEY	5 Jan. - 5 July 5 July - 5 Jan. 1811	45 151	196	SYDNEY	5 Jan. - 5 July 5 July - 5 Jan. 1811	95 158	253
ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. 1811	21 74	95	ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. 1811	44 44	88

ENTERING

LEAVING

PORT	PERIOD	NUMBER OF SHIPS		PORT	PERIOD	NUMBER OF SHIPS	
		TOTAL				TOTAL	
	1811	FOR PERIOD	FOR YEAR		1811	FOR PERIOD	FOR YEAR
SYDNEY	5 Jan. - 5 July 5 July - 5 Jan. 1812	74 122	196	SYDNEY	5 Jan. - 5 July 5 July - 5 Jan. 12	122 130	252
ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. 1812	45 66	101	ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. 12	34 42	76
	1812				1812		
SYDNEY	5 Jan. - 5 July	49		SYDNEY	5 Jan. - 5 July	83	
ARICHAT	5 Jan. - 5 JULY	34		ARICHAT	5 Jan. - 5 July	27	
	1814				1814		
SYDNEY	5 Jan. - 5 July 5 July - 5 Jan. 1815	72 132	204	SYDNEY	5 Jan. - 5 July 5 July - 5 Jan. '15	97 127	
ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. 1815	42 54	96	ARICHAT	5 Jan. - 5 July 5 July - 5 Jan. 815	29 46	75

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Abstract

Orphan Outpost: Cape Breton Colony, 1785-1820

This thesis traces the development of Cape Breton Island from 1785 to 1820 during which time it was a separate British colony.

A preliminary study is made of Cape Breton during the French regime and the period immediately thereafter, during which time the island declined under British rule. The American Revolution resulted in Cape Breton's becoming a refuge for loyalists and hence a separate colony, though its meagre population with a strong French majority, prevented Whitehall from granting the colony a house of assembly.

The organization of Cape Breton into a separate colony did not mean that Britain took a sudden interest in the island. On the contrary, she was ignored. The result was that the development of the valuable coal mines, useless to the mother country, but of potential value to North America manufacturing, was not encouraged. Politically, a succession of lieutenant governors and administrators was unable to control the internal squabbling in the colony's executive council; British officials merely wanted the colony not to bother them.

At the turn of the nineteenth century, a combination of the great Scottish migration into Cape Breton, and the development of a movement for a house of assembly, resulted in economic and

political development which was generally encouraged by the American Embargo Act of 1807 and the War of 1812-1815. This growth continued even after the War, and by 1820 Cape Breton Colony gave indications of a bright future.

Yet, Britain, in an attempt to reorganize her North American possessions, and unconvinced that Cape Breton could support a house of assembly, under pressure from Halifax decided to annex the island to Nova Scotia.

Robert J. Morgan