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# A Misguided Attempt to Populate Upper Canada with Loyalists After the American Revolution

Marvin L. Simner

Following the American Revolution, and to achieve a more appropriate governing climate, the British Parliament issued the Constitutional Act of 1791 which created, out of a single province, “two separate Canadas, each having a representative government with an elected assembly of its own.” The French-speaking sector became known as Lower Canada while the English-speaking sector was called Upper Canada. [1] What became immediately apparent with this division of the province was the highly disproportionate population in the two distinct sectors, and the potential danger this posed for the security of the province as a whole. In Lower Canada, today known as Quebec, the population had reached nearly 150,000 whereas in Upper Canada (Ontario) the population was only around 10,000. [2]

In anticipation of a possible American invasion of the sparsely populated region of Upper Canada it was clear that this situation needed to be rectified as quickly as possible. To address this matter, John Graves Simcoe, “a veteran leader of provincial troops during the 1775-83 war, was appointed Lieutenant-Governor of Upper Canada [and] was given command of a new corps of infantry to assist in its protection and undertake public works.” [3] On February 7, 1792, Simcoe

caused a proclamation to be published in English and French announcing that free grants of land would be made to all persons desirous of settling in the Upper Province, one-seventh of the land being reserved for the support of a Protestant clergy, and one-seventh for the use of the Crown. The settlers would be merely required to subscribe to a declaration that they would defend the authority of the king in Parliament. [4]

The proclamation, which found “its way into the States in sufficient numbers,” [5] had two major goals. First, it was Simcoe’s belief that with his offer of free land he would be able to lure a number of loyalists from the states to Upper Canada and thereby increase the British population in order to prevent any thoughts of a future invasion from the United States. Second, it was also his view that the offer would entice tradesmen, craftsmen, and farmers currently living in the states, to relocate and subsequently turn Upper Canada into a financially viable and “great agricultural province.” [6] While Simcoe was determined to keep hostile Americans away from Upper Canada, “he felt very differently about that vast population in the States which was, he felt certain, still actively or at least passively loyal to King and Empire.” [7] How did Simcoe arrive at this view?

## Background

Prior to as well as during the Revolutionary War, Americans were often divided over the issue of whether to maintain or to sever their allegiance to the British Crown. As late as July 1, 1776, only 9 of the 13 colonies were prepared to endorse the call for separation as stated in the Declaration of Independence [8] and during the war itself the Crown was able to assemble, on American soil, 57

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A slightly modified version of this material will appear in the *Journal of the American Revolution*

loyalists units that numbered nearly 24,000 men.[9] Thus it is not surprising that with this division of allegiance in mind, Simcoe who was an ardent monarchist and deeply opposed to a republican form of government, might very well have felt that he would be able to draw from the states and establish “in Upper Canada a truly British province inhabited principally by British subjects, born and educated in countries where English laws were established...[as well as] the base for winning back some or all of the lost colonies to British allegiance.” [10]

Also worth noting is Simcoe’s personal background. Though born, raised, and schooled in England, Simcoe, the son of a distinguished British naval officer, sailed to America in 1775 as an officer in the 35<sup>th</sup> British Regiment of Foot and landed in Boston shortly after the end of the battle of Bunker Hill. On December 27 he purchased a captaincy in the 40<sup>th</sup> Regiment of Foot, a British Grenadier Company located in Massachusetts, was severely wounded in the battle at Brandywine Creek in September 1777, and later that year was promoted to Lieutenant Colonel in charge of the Queen’s Rangers, one of the 57 loyalists units mentioned above. [11] The Rangers, at their peak unit strength consisted of 937 loyalists divided into “dragoons, huzzars, riflemen, infantrymen and even a kilted Highland company...They attacked outposts, skirmished along lines of battle, and patrolled the outskirts of the main army posts.” [12] Between 1777 and the end of the war, the Queen’s Rangers under his command, were extremely loyal to the Crown and “possibly the most effective Provincial units raised, and certainly the most famous.” [13] Thus, given Simcoe’s experiences with his loyalists troops, it is not surprising that he would have been convinced of their dedication to the Crown, and if provided an opportunity, many would willingly migrate to Upper Canada to live under the rule of the British monarchy.

Equally important was his awareness after the revolution of the financial difficulties that the states were experiencing through the use by Congress of heavy taxation which often led to property foreclosures. A case in point was Shays Rebellion in September 1786 when 1,100 debt-ridden farmers marched to the Court of Common Pleas in Hampshire County, Massachusetts to prevent the seizure of their property owing to their inability to meet the required payments.[14] Between 1782 and 1792 western Pennsylvania witnessed similar difficulties.

In the county of Berks, some 3,400 writs of foreclosure were issued. That number was enough to foreclose two-thirds of the taxable population of the county. Matters were even worse in the western counties. During that same decade in Westmorland County, over 6,000 writs of foreclosure were issued against goods and land for a population of some 2,800 taxpayers. In the decade of the 1780s more than half the citizens of that county whose property was foreclosed evidently lost their farms. By the decade’s end they disappeared from the Pennsylvania census rolls for the states’ western regions. [15]

The disastrous nature of this financial plight was perhaps best summarized in the following words by Navins:

Between 1785 and 1786 the country felt itself full in the trough of an economic depression that had swept over it like a wave since 1781...near the close of 1784 daily accounts were being received of the powerful migrations from Virginia to the southward and southwestward, caused by land hunger and the hatred of heavy taxes...depression and pessimism were converted in many communities into desperation; and like an irresistible swell the demand arose everywhere for help.[16]

In view of both Simcoe's personal experiences and these events, it would seem reasonable for Simcoe to have assumed that his offer of free land to the north in Upper Canada, along with the prospect of starting life anew without any financial encumbrances, was precisely the help that the Americans were seeking. As a still further enticement, in 1794 property owners in Upper Canada were required to pay only 1/5 the tax rate required of New York State landholders for every hundred pounds in assessed property value. [17]

### **Simcoe's Approach to Settling Upper Canada**

Upon his arrival in Upper Canada Simcoe's initial hope was to reinstate the Rangers, which was disbanded in 1783.[18] As commander of this unit he would, once again, not only be in charge of their operation but also would be able to provide the beginnings of a military defense system needed to protect the province. Although the majority of his original unit had previously departed for the Maritime provinces, Simcoe was able to establish what is known as the New Queen's Rangers, an outfit raised in England that consisted of nearly 430 officers and men divided into two companies with the principal officers having served in Simcoe's original regiment during the war years.[19] Until the need arose for active military engagement in Upper Canada, the New Queen's Rangers were employed largely in land clearance, road building, and military drill.

Always mindful of a probable attack from the United States, the land he chose to settle was situated in the southwestern part of Upper Canada. The region to be used for actual settlement, however, was a very large but relatively narrow strip of land that bordered on Lakes Erie and Ontario. The land was purchased by Simcoe on December 7, 1792, for "eleven hundred and eighty pounds, seven shillings and fourpence of lawful money of Great Britain" through, what is known as a land surrender treaty negotiated between the Crown and representatives from the Indian Nations who were the original inhabitants. [20]

To accomplish the goal of settlement this land was first subdivided into a series of townships, each approximately nine miles long by twelve miles deep. The townships in turn were then subdivided into 14 rows of 24 lots each, with every row separated from the next by a roadway. While 17 of the 24 lots in each row were set aside for actual settlement, the remainder were reserved for use by the clergy and the crown, respectively, which meant that approximately 230 lots were available for settlement in each of the townships.[21] Next, to allocate lots, those who wished to apply (the petitioners) needed to provide some form of documentation either in terms of prior experiences or family connections to convince the authorities of their loyalty to the crown. For instance, if they had served as a member of any of the 57 loyalists units mentioned above, a letter from the petitioner's commanding officer would have been acceptable. As an example of family connections, on August 3, 1795, James and David Secord petitioned for an allotment of 1500 acres as heirs of their father who "Joined Col. Butler's Rangers (a loyalist unit) and served during the War." [22] Regardless of the documentation, however, all those who applied for grants were required to swear an oath of allegiance to the Crown.

### **Simcoe's Initiative**

As stated above Simcoe's first goal was to provide an adequate system of defense to deter any future attack from the states. Because the distance between the eastern and western edges of the land he had acquired measured around 200 miles, a military force greater than the number of Rangers he had been able to assemble was needed. In terms of his second goal, he also had hoped to greatly enlarge

the overall population of Upper Canada. The major dilemma Simcoe faced, however, was whether there were sufficient loyalists, either actual or hidden, still in the states in 1792 to meet these goals. While it has been estimated that near the end of the war there were approximately 45,000 loyalists in the states, in 1783 around 35,000 had sailed to the maritime provinces, [23] and of the remaining loyalists, a large majority had settled in what became Lower Canada along the St. Lawrence River as well as around the Bay of Quinte at the northeastern corner of Lake Ontario and along the Niagara Peninsula. [24] In fact so many had moved to the St. Lawrence region that 13 townships were required to satisfy their needs for accommodations. [25] Hence, the challenge for Simcoe was to find enough remaining loyalists to meet his objectives.

“Like every part of Simcoe’s closely integrated policy, the success of this scheme depended upon rapid accomplishment.” [26] To achieve this objective Simcoe had not planned to settle Upper Canada through the gradual trickle of single petitions from lone individuals. Instead, his approach was to use what he had referred to as the “New England system of township planning” which involved the solicitation of group petitions for entire townships from associations or syndicates of individuals who were eager to settle in Upper Canada. He expected these petitions would come “chiefly from authorized representatives of settlers already acquainted with one another, of the same religious persuasion, and more or less on a footing of equality.” [27] Indeed, spokesmen for these associations had “assured the government that back in their communities in the United States there lived a number of people who were loyal or potentially loyal to British interests and who wanted to live together in Upper Canada.” [28] Accordingly, it was Simcoe’s view that with this township approach he would be able to increase the overall population of Upper Canada at a peaceful and fairly rapid rate. Simcoe then called upon the Americans, regardless of their initial political persuasions, to submit group township petitions for the land.

### **Simcoe’s Dilemma**

With the hope of further speeding up the process, the Americans were told that their group petitions would be granted even if only one member of the group was a known loyalist. While some twenty-five township petitions were received and granted in 1793, as the result of this extremely meager acceptance criterion, almost from the start, serious questions were raised about the misguided nature of Simcoe’s scheme and the potentially harmful effect that his scheme might have for the survival of province as a whole. The major issue centered on the trustworthiness, not only of the remaining petitioners but of the settlers themselves, in their loyalty to the Crown.

A prime example of this issue came from an association of five individuals in Great Barrington, Massachusetts. [29] Their request for a township was reviewed by government appointed members of a regulated Land Board. Because one of the names on the petition was a widely respected loyalist, which met the criteria the Board was required to follow, their petition was granted. Shortly after the decision was made, however, this single loyalist died. [30] His death meant that another member of the association needed to be sent in his place to begin the actual process of settling the land. The member chosen was Thomas Ingersoll who clearly was not a loyalist but an ardent patriot, and to whom a land grant would not have been forthcoming had he applied on his own merit for such a grant.

We find his name repeatedly in the rolls of volunteer and of detached militia which performed service in 1778 and 1779. He was a Lieutenant in the Great Barrington militia in 1776, a Captain in 1779, and later a Major. In 1778 he was elected to the town’s annually chosen five-man

*Committee of Correspondence, Inspection, and Safety*, a Patriot committee organized to keep the peace and quiet the inhabitants [aroused] by marginalizing Tories. [31]

After disposing of his assets in Great Barrington, Ingersoll left for Upper Canada in 1795. Although he initially settled in Queenston where he opened a tavern, “which he kept for five years to bring in much-needed cash,” he subsequently moved to an area, known today as Oxford Country, Ontario, where he resided while he oversaw the process of settling this group-owned township. [32] Throughout his years in Upper Canada he frequently traveled between his Oxford Country residence, his Queenston residence, and the states to entice Americans to settle on this property. According to Ingersoll’s son “The condition of the grant was that my father with his associates was to furnish forty settlers who were each to have a farm of 100 to 200 acres of land...The balance of the 66,000 acres [of the township] was to be held by my father for the benefit of himself and his associates.” [33] Once all 40 settlers arrived, the five members of the association would then share the remaining acres which they could do with as they pleased.

Although it is unknown what Ingersoll intended to do with his share of the land, one report suggests that he may have been “arranging to sell some thousands of acres at 50d per acre to friends in New York.” [34] This suggestion is not entirely surprising or without merit because

petitions for townships did not come from *bona fide* leaders of associations but from [land] speculators who did not understand that they had been assigned a trust and not a grant. Most of them expected to be allowed 1,200 acres for every settler they brought in and to receive from each of them a quit claim for 1,000 acres to recompense them for the expense incurred in promoting settlement. [35 ]

Owing to many situations of this nature along with instances of petty corruption, poor record keeping, and incompetent screening, Simcoe subsequently abolished the Land Boards as the main regulating body for screening and placed in their stead a body of magistrates charged with performing the screening process. [36] According to Craig, however, now “there was even less careful screening of applicants than before.” [37] To illustrate, a petition was received from Benedict Arnold, who “with his family was granted 13,400 acres.” While this decision may have resulted from the fact that Britain had awarded Arnold the rank of Brigadier General for his actions on behalf of the British, it is difficult to believe that Arnold’s allegiance to the Crown would not have been considered highly suspect. In addition, because he was widely viewed as a traitor in both America and Britain, when Simcoe learned of this action, “he believed it would be certainly most disagreeable to the settlers of Upper Canada that Gen’l Arnold should live among them.” [38]

## **Resolution**

On May 25, 1796, and as a result of the increasing gravity of the above situation, Simcoe issued a proclamation cancelling a dozen township grants because the grantees had been selling lots, charging rents, and conducting

many other sinister and illegal transactions in violation of the government’s prerogative. The proclamation went on to order that all other grantees of townships must show cause why their grants should not be cancelled before June 1797, and that all settlers who had been assigned

lots must take out their patents [i.e., show evidence of having initiated the settling of their lots] within six months, or such lots may be considered as vacant and given to other applicants. [39]

Several months later Simcoe left Upper Canada on what was said to have been only a temporary absence, but instead became permanent due to his subsequent assignment as Commander-in-Chief of the British forces in San Domingo. He never returned to Canada and died in England on October 26, 1806. [40]

Simcoe's replacement was Peter Russel, under whose supervision Simcoe's land settlement scheme, though not totally abandoned, was gradually disassembled.[41] Owing to the difficulties that arose as the result of Simcoe's need for rapid population growth, in 1797 Russell rescinded all of Simcoe's township grants, limited the number of petitioners to four and their compensation to 1,200 acres each, regardless of the number of settlers they recruited. In addition, all those Americans who previously had settled on this land, despite their oaths of allegiance to the Crown, which were often suspect, now needed to become official residents of Upper Canada (which required seven years of residency) to obtain an ownership title for lots they had already occupied.[42] This last point is particularly interesting in view of the Ingersoll example because this seven-year time frame matches the dates (1802-1806) when legal lot ownership was finally awarded to those who Ingersoll had settled on his township between 1795 and 1799, including Ingersoll himself. [43]

### **Aftermath**

Long after Simcoe's departure the misguided nature of his scheme continued to produce a smoldering and often agonizing debate over the trustworthiness of his settlers. The question was how many of those who had arrived during his tenure, and remained throughout the early 1800s, were truly loyal to the crown?

In the mid-1820s a letter printed in the *Colonial Advocate* commented on the impact of perhaps the most important political issue of the decade in Upper Canada: the "public mind...seems occupied with nothing else at present; - The Alien Bill is the general topic of conversation." The controversy generated by the Alien Question, focused upon the [loyalty] status of the largest group of inhabitants in the province, the settlers who had come from the United States after 1792. [44]

By 1812 there were about 100,000 inhabitants in Upper Canada, 80 per cent of whom had migrated from the United States. [45] In view of these figures, the issue of non-allegiance to the monarchy had become an alarming possibility, and unless this matter was put to rest, the fear was that, in Upper Canada, the British form of government that had long prevailed could easily fall, either through a referendum, a rebellion, or a total revolution.

The matter was finally resolved in 1825 when the British House of Commons created the Canada Land Company. The company's mandate was to settle the region of Upper Canada only with citizens from England, Scotland, Wales, and Ireland. In compliance, the Company launched an extensive advertising campaign throughout the British Isles and, over the next 20 years, was highly successful in achieving the desired population change. Whereas in 1829 only 13,307 people had set sail from England for British North America, by 1832 the number had reached 66,339 and by the 1840s, 366,360 emigrants had arrived at the port cities of Quebec and Montreal destined for Upper Canada.[46]

Had it not been for this change in population it is quite possible that the 1837 rebellion in Upper Canada launched by William Lyon Mackenzie might very well have been successful. Mackenzie, an avid pro-American reformer, had long called for the replacement of the 1791 Constitutional Act with the 1787 Constitution of the United States.[47] The failure of his rebellion is known to have stemmed directly from Mackenzie's lack of followers [48] which, very likely, resulted from the steady increase in size of a pro-British population by the late 1830s.

#### End Notes

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- [4] Ernest Cruikshank, "The Administration of Lieut.-Governor Simcoe, Viewed in his Official Correspondence," *Transactions of the Canadian Institute*, Vol. II (March 28,1891), 286.
- [5] Gerald M. Craig, *Upper Canada: The Formative Years 1784-1841*, (Toronto, ON: McClelland and Stewart, Limited, 1963), 25.
- [6] J. Ross Robertson, *The Diary of Mrs. John Graves Simcoe*, (Toronto, ON: Prospero, 2001), 26.
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- [24] Taylor, *The Civil War of American Citizens*, 23.; David T. Moorman, *The First Business of Government: The Land Granting Administration of Upper Canada*. (Ottawa, ON: Doctoral Dissertation, 1997, see Chapter 1
- [25] Fryer, 1980, p. 316
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- [27] Ibid, 30.
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- [31] Ibid, 20-21.
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- [34] Ibid, 34.
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- [41] Gates, *Land Policies of Upper Canada*, Chapter 3.

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