

3 Settlement

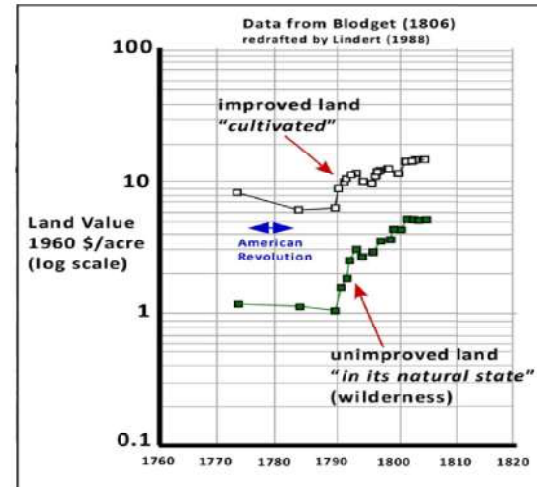
The surge in settlement 1760 - 1812

Immediately following the Seven Years' War in 1763, the northern settlement frontier of New England and New York was rapidly pushed north. For over 70 years the fear of raids and depredations along the vulnerable frontier by French militias and their allied First Nations, kept the British colonists from settling the upper reaches of the Connecticut River valley, the Champlain corridor, and even the northwesterly portions of the Merrimack River.

In the period from about 1712 to 1760, the population of New England grew, due to immigration and natural increase, from 132,000 to 450,000, and in New York from 28,000 to 117,100. The population in New France grew from only 18,400 to 70,000. In the long-settled parts of the British colonies arable, fertile land was becoming scarce and expensive, so when a permanent peace seemed secure, the urge to take up virgin lands was irresistible. Land speculation also gave the almost exclusively agrarian population a means to acquire wealth. From farmers to merchants to Royal Governors, most everyone in the colonies seemed to have their fingers in land deals on some scale. The American Revolution reduced this land fever, but once peace was again restored, speculation drove land prices skyward (see accompanying graph), so settlers were forced to go ever farther into the wilderness to secure land on reasonable terms.

Immediately after the Revolutionary War, the British resisted any settlement of what would become the Eastern Townships. They even tried to evict Loyalists who had established homesteads near Missisquoi Bay. However, the incessant demands from Loyalists and a growing appetite by the Home Government to transform some of its vast wilderness land holdings into income, led in 1791 to the **Clergy Endowments (Canada) Act** (aka Constitutional Act). The Act was so named because part of its purpose was to provide land to the Anglican Church, income from whose sale or lease would help support the official church of the realm. This fundamental policy shift was to become a land speculator's dream.

Finally on February 9th of 1792 Lieutenant-Governor Alured Clarke published Terms of Settlement for the "wastelands of the crown" in what was now Lower Canada, directly affecting the Eastern Townships region. These terms represented the rules and procedures for petitioning for and acquiring land. The land rush was on, and the Township of Stanstead (part of which would become Ogden) being adjacent to the border, was one of the new townships to feel this impact first. Initially, the only requirement of any petitioner (settler) was to "make it appear that he or she is in a condition to cultivate and improve the same..."



Graph that shows dramatic increase in land prices, even in the wilderness, in New England following the American Revolution. Land fever was at a fever pitch and speculators drove the price of wild lands ever closer to cultivated lots!

It was this mentality that fuelled keen interest in the land available in the Eastern Townships after 1792.

The recently re-configured government in Quebec City scrambled to keep up with the new regulations. The external boundaries of over 90 new townships, each approximately 10 miles by 10 miles in area, were surveyed and named, and a new Land Committee of the Executive Council was established. Initially, individuals were to apply for land grants, but this proved unmanageable, due to the overwhelming demand. Instead, the government opted to employ a settlement system similar to one long established in New England (the so-called "Town proprietor" system), one that would seem quite familiar to the prospective Yankee immigrants. In Lower Canada, it was called the *Leader and Associate* system, and by 1794 it was tweaked to work as follows.

- Groups of prospective settlers (Associates), generally numbering between 40 to 60 heads of families, would choose one or two men to act as their Leader in applying for and securing a land grant (typically a single township or part thereof). More commonly, the Leader was somewhat self-appointed and tried to round up the requisite number of settlers. The Leader tended to be a man of some influence, and at least some affluence.
- The Leader was required to pay for the internal division of the requested Township into 200 acre lots, build access roads as well as saw and grist mills, and to ensure the settlement of the Township.
- To compensate the Leader for the costs associated with his obligations, each Associate would assign 4/5 of his allotment (often four or five 200 acre lots), back to the Leader, and would keep the best 200-acre lot as a farm for himself.
- The Associates were obliged to take an oath of allegiance to the Crown and had to clear and cultivate two acres of land in the first three years, and five acres the next four years, for every 100 acres the Associates were granted.

- The Leader stood to amass a very sizeable land holding indeed but getting the Associates to comply and hand over most of their granted land proved very problematic. The Leader often had a long wait as the first settlers improved their lots, which in turn would drive up the value of the Leader's adjacent undeveloped lots, which he could then dispose of at a considerable profit.

There remains a persistent notion that the Townships were initially populated by late Loyalists, Americans slow to realize the evils of republicanism, or slow to comprehend their latent loyalty to the British crown. This notion is completely false. Of course, Loyalists did come to Quebec in the period 1777-1785, and some of these did become Leaders of the settlement of the Townships, but the age of the average male settler and head of household coming into the area of Stanstead, Hatley, Compton and Barnston townships from 1792 to 1812 was only 26. Of the segment of older settlers (less than 15 percent) who might have fought in the war, there were many more former rebels than Loyalists.

So why would New Englanders cross to the north of the 45th parallel to settle in Canada? The answer lies largely in simple economics.

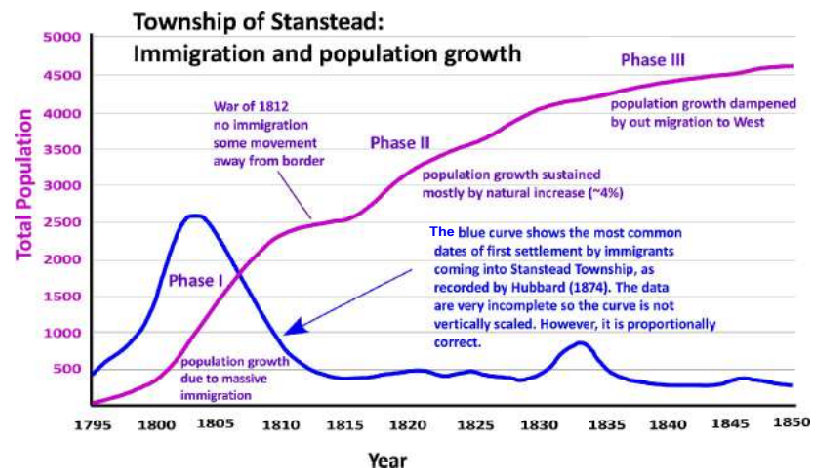
1. In Canada the settler would receive his lands for free. In New England, a typical unimproved lot of 45 to 120 acres in 1794 would have to be bought for \$1.20/acre.
2. The standard/average northern New England farm size (including woodlots and undeveloped land) in 1800, often less than 100 acres, was adequate for subsistence farming and bringing a small surplus to market, however, 200 acres in Canada offered a significantly greater potential to improve then sell or even sub-lease a portion of the land. At a minimum, a larger number of sons might share an inheritance. The real commodity of interest in those days was the land itself, not agricultural produce. Land values in Vermont in the period 1791 to 1806 increased 170%, and similar increases were expected for the new Townships. A common strategy was for a settler to clear and improve his lot, enjoy the bounty of crops coming from un-exhausted virgin soils for several years, then sell his "improved" land at a premium.
3. As it was the Province giving legal title to an Associate's land, the Leader did not wield the same power as a Town proprietor. This arrangement may have been seen as more egalitarian and less prone to swindling. In essence, the Crown acted as guarantor.

The relative attractiveness of land acquisition in the Townships compared to northern Vermont is nicely portrayed by the following crude population statistics. Prior to the outbreak of war (1812-1814), the population of all the towns (equivalent to townships) in Vermont adjacent to the border from Missisquoi Bay to the Town of Holland was 4,650, whereas on the Canadian side from St. Armand to Barnston, for a similar spatial area, that figure is 7,500.

The land and topography on either side of the border is very similar, so the population differences in the early settlement period probably reflect the shrewd Yankee assessment of better land deals north of the 45° Line of Latitude.

How rapid was the influx of New Englanders to Ogden? For the smaller territory of what is now Ogden, it is not possible to tell. However, for the Township of Stanstead, we have some numbers and they indicate a very strong wave of immigration in the period 1800 to about 1810, after which it moderated, and then for three years ceased altogether during the War of 1812. As early as 1798, many squatters had started their pitches. Jesse Pennoyer, a deputy-surveyor and newly-minted Commissioner of Oaths reported *"The Country is settling and filling up but I am sorry to say that in general, it is with Vagabonds. I am informed from good Authority that there has (been) about twenty families moved into Fitch's Township [Stanstead] the latter part of the Winter, without saying even by your leave."* By the end of 1799, Isaac Ogden had reports from three credible persons living in the Township, that *"a large number of people are settled on the Township"* amongst whom were 51 (would-be) Associates, or persons to whom the Associates had leased or sold lots; furthermore that *"they have cleared and cultivated a large quantity of land"*. This would suggest that well above 200 people were living in the Township, even before the patent had been given!

During the period of heavy immigration, most of the settlers came from New Hampshire, Connecticut, Massachusetts and Vermont roughly in that order. Population growth in the Township after this period was almost entirely by natural increase minus some out-migration.



Eleazer Fitch, Isaac Ogden, and the Stanstead Township Grant: a strained attorney-client relationship

Geographic namesakes

There is Fitch Bay and the Municipality of Ogden, but few realize that their respective namesakes had a five-year-long and not always amicable relationship as the two men both separately and collectively attempted to secure a land grant of 40,000+ acres on the east side of Lake Memphremagog. This article describes the lead-up to the formal granting of the Patent (legal title) for the Township of Stanstead in 1800 and provides the story of these two United Empire Loyalists (UELs), who were pivotal in the early history of the area.

Colonel Eleazer Fitch (1726 – 1796)

Eleazer Fitch was born August 29th in 1726 in Lebanon, Connecticut to relatively affluent parents. As a young man, he attended Yale where he studied law. He was described as broad and handsome and at 6' 4" and 300 lbs he was most certainly an imposing figure for those days. At age 19 he married Amy Brown and eventually, their family grew to 12 children. He fought in the Seven Years War where he served as a major of the 4th Connecticut Regiment and was involved in the capture of Fort Carillon (Ticonderoga). He was a successful businessman, and had mercantile interests in association with the Governor of Connecticut. He was also heavily involved with land speculation in Pennsylvania.

He was the representative of Windham County in the Connecticut General Assembly and was later elected the county's High Sheriff. Because of his Tory sympathies, he was stripped of that post in 1776, and in 1778 brought to trial for his vocal opposition to the revolution. Although he was acquitted, his family's livelihood and physical safety were in significant jeopardy, so Fitch and his wife and their son George (the 11th of 12 children and youngest son) sailed from New York as UELs in September of 1783 to Nova Scotia. Shortly thereafter they moved to Quebec where he was made Collector of Customs at St. Jean.



St. John's (St. Jean) on the Richelieu River circa 1776, where Fitch was posted.

Judge Isaac Gouverneur Ogden (1740 – 1824)

Isaac Ogden also had an affluent upbringing. Born on January 12th, 1740 near Newark, he was the eldest of six surviving children of David Ogden, a justice of the Supreme Court in the colony of New Jersey. Isaac studied law at King's College and was considered a distinguished jurist. The Ogden family had divided loyalties during the revolution but Isaac, along with his father and two of his brothers, after briefly flirting with the rebel cause, became staunch supporters of the Crown. In 1777 he moved his family to the British stronghold of New York and in 1783 was evacuated by the fleet to England.



Sketch portrait of Isaac Ogden, artist & date unknown
Image courtesy of BAnQ

In 1788 he was appointed a justice of the Admiralty Court at Quebec and in about 1793 he was appointed Puisne (or junior) Judge of the Montreal District (Court of King's Bench), where his family then moved. We are told that he was a man of cheerful disposition, "*sterling integrity and great moral worth*". Further, "*his manner on the bench was impressive for its energy and acuteness, and his legal opinions were delivered with perspicuity and decision*". While attending to his judicial duties he was taken with a "painful and incurable disease brought on by the sedentary nature of his profession". His biographers Van Alstyne and Ogden stated in 1907 that "when not in bed he never failed to appear in his seat on the bench, but the heroic struggle had to be given up". By 1818 his health had deteriorated significantly and he left for England to undergo "*two painful and dangerous operations*".

In 1774, following the death of his first wife, Isaac had married Sarah Hanson, and she bore him six sons and two daughters. Two of his sons, in particular, made their mark in Canadian history. Charles Richard Ogden was Attorney-General for Lower Canada and prosecuted the Patriote insurgents following the '37-38 rebellion. Peter Skene Ogden was a notorious fur trader and explorer who worked in Saskatchewan and the Oregon Territory for the Northwest Company and eventually for the Hudson's Bay Company.

Pleasant Lands

Surviving records from the Land Committee of the Province of Quebec, indicate some significant interest in the lands surrounding Lake Memphremagog, starting in the early 1770's. This interest came solely from transplanted and even non-resident Americans, and not from the French-Canadian populace. It may have been relatively common knowledge in the northern British colonies that the lands east of the big lake, had good agricultural potential, for a manuscript map

drawn in 1756 by Samuel Langdon of New Hampshire is annotated in the region east of Memphremagog, as “A High Pleasant Plain”. A printed version of the same map was widely distributed in 1761, using similar complimentary words.



Small portion of map of New Hampshire by Joseph Blanchard and Samuel Langdon printed in 1761

For example, a huge tract of land on the east shore of Lake Memphremagog, amounting to 92,000 acres, was petitioned for in November of

1772 by the American John Jennison, but his petition was denied. Many more petitions were to follow, particularly after the Revolutionary War.

Most Loyalists had lost everything in the rebellion and many, particularly those who once had both influence and affluence, understandably attempted to regain their status and financial well-being once in Canada. A perceived means to this end was land speculation, and Colonel Eleazer Fitch as early as February of 1784, and as one of 162 petitioners, approached the government in Quebec for a massive tract of land (approx. 1,258,000 acres). The requested land extended from the headwaters of the Connecticut River in the east, west to Missisquoi Bay, including all of the Lake Memphremagog region. Fitch was involved in further petitions in 1787 and 1788, where he asked for a more modest, but still substantial, grant just for himself on the east side of Lake Memphremagog. All these petitions were held in abeyance as the government in England had yet to decide how to dispose of its frontier “wastelands” in Quebec.

A great start quickly stagnates

By the early spring of 1792, barely a month after the publication by Lieut.-Governor Alured Clarke of the *Terms of Settlement*, Fitch had employed Isaac Ogden as his attorney to re-petition the government of Lower Canada. Ogden's efforts (and influence) paid off as the Land Committee on March 26th recommended that Eleazer Fitch (as Leader) and his Associates receive a Township of 10 x 10 miles (64,000 acres), contingent upon meeting certain obligations. Ogden and Fitch successfully launched a plea to the government to receive compensation for costs of being leaders, conditions not available in Clarke's *Terms of Settlement*. A survey of the external outline of the Township was promptly completed (by August 30th, 1792) by deputy-surveyor Joseph Kilborn, a fellow émigré from a Connecticut Loyalist family. Ogden, early on, wanted in on the deal, and by September of 1792, the two men had agreed to a partnership where the

considerable expenses would be shared. Isaac Ogden was to handle affairs in Quebec City, whilst Eleazer was to manage the associates and the surveying. However, the process thereafter proceeded at a snail's pace, and eventually ground to a complete halt.

By late 1794 the two were no further ahead in obtaining their land and evidently, their partnership had soured. Communications between the two stopped and by 1796 Eleazer Fitch was petitioning the Crown by himself. When Fitch senior died in Chambly on June 23rd of 1796, his son George, then 28, asked the Associates to recognize him as the only leader for the Stanstead Grant. The Associates did this and George promptly filed a petition to the Land Committee to have himself recognized as the sole Leader of the Stanstead Patent. Judge Ogden got wind of this and quickly fired off a counter-petition (July 29th, 1796).

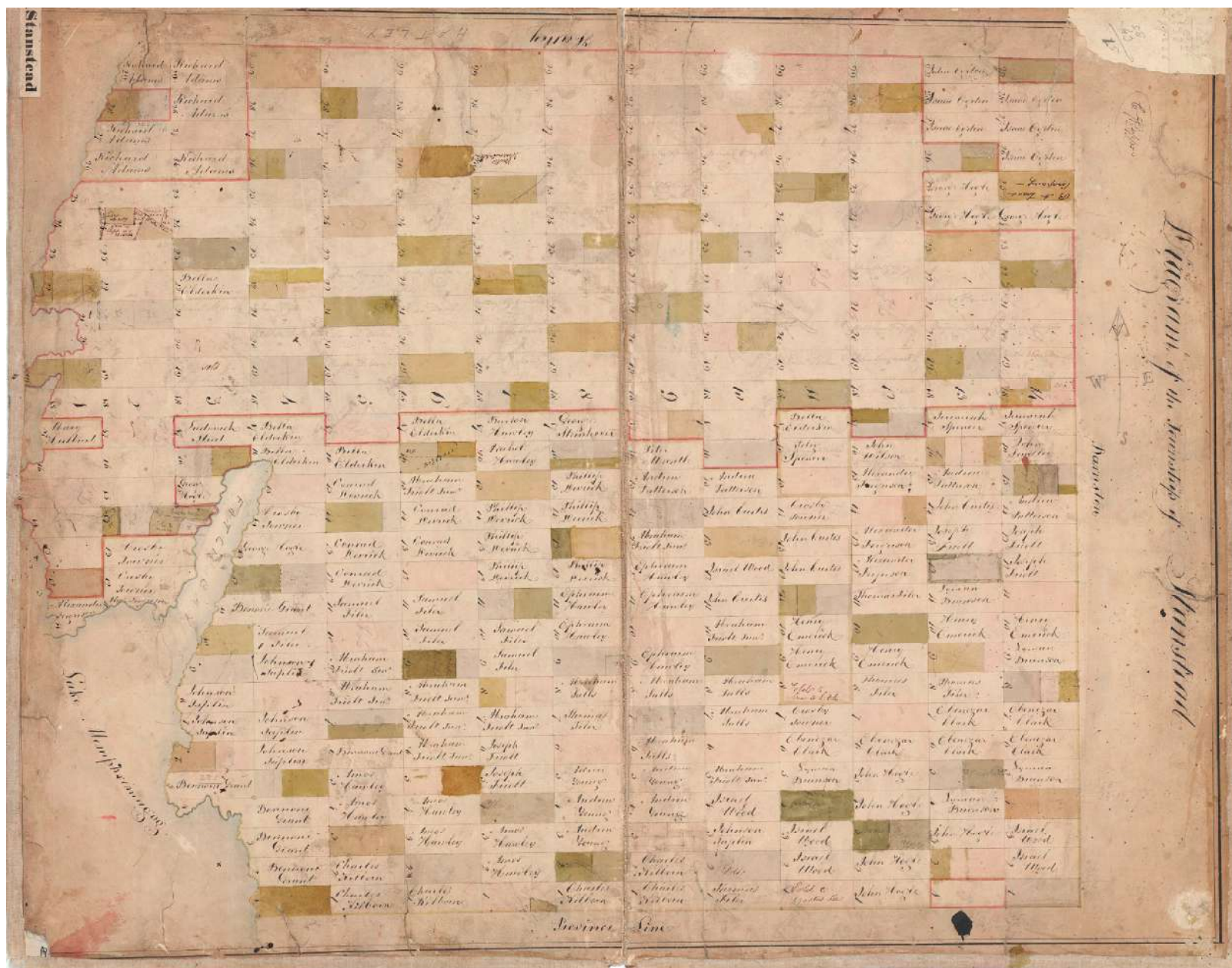
As would later be revealed, the Executive Council did everything in its power NOT to award township patents to American loyalists. The confusion and competing claims by Ogden and Fitch only exacerbated an unpromising situation. Recognizing that all might be lost, George and Isaac arrived at some sort of reconciliation, but when George died at Missisquoi Bay on July 12th, 1798 at the young age of 30, Isaac was the last man standing. Still, it took more than two full years before the Stanstead Township was granted to Ogden and his now 24 associates, and even then the patent was for only the southern half of the township (~ 27,500 acres which excluded the clergy and crown reserves).

Did Fitch or Ogden ever see the “promised land”?

Ironically it is unlikely that either Isaac or Eleazer ever saw even a square inch of Stanstead. Certainly, Isaac never did, as his age and his rumoured gout, not to mention his very sedentary urban life, would have made such a wilderness trek both impractical and undesirable.

Eleazer may have ventured into the wilderness although there is no documentation to suggest it, and he too suffered from gout. Yet in a letter to Ogden on July 4th, 1794 he does state “for the few years I have left to live I would go and live att(sic) Magog the rest of my days.” When Eleazer died, his wife was left quite destitute and had to plead with the government for a pension. Sometime after her son George died, Amie (Amy) Fitch moved to be with relatives in Castleton, Vermont where she died on August 25th, 1799.

Eleazer's son George was on the ground and was intimately involved with carrying out the internal survey. In his twenties and with no formal training in surveying, it is likely he served as an assistant or helped with the logistical aspects of the survey being carried out by Joseph Kilborn.



Map showing the internal survey of the Township of Stanstead indicating initial ownership by the 24 "associates" of Isaac Ogden. Pink (crown) and grey (clergy) are reserved lots. Green to brown colouration indicates renters, possibly squatters, already occupying portions of the reserve lots. Map probably pre-dates 1805. Courtesy of BANQ.

Ogden's first settler

Thomas Filer

Histories of Stanstead usually mention Captain Johnson Taplin as the first settler in the area to set up a permanent residence in 1796, and his chosen location was where the Stanstead Catholic church stands now. But there is good evidence that at least one other settler had already started clearing land and building a cabin and in the part of the Township of Stanstead that would eventually separate and become Ogden. Thomas Filer was very probably Ogden's first settler. Why did he choose to settle where he did? Here is what we know that led up to that decision.

Thomas Charles Filer was born in East Hampton, NY in 1769. His father, Samuel, a loyalist during the American Revolution, was conscripted into the 4th Regiment of the New York division of the Continental (American) army and was sent north to invade Canada. However, his allegiance was with King George III and, after seeing some action in upstate New York, where his brother was killed, he joined the King's Rangers of the British forces, as did many of his fellow soldiers.

The Filer family moves to Lower Canada

No doubt this made the Filers unwelcome in New York. Samuel moved his family to Caldwell Manor on the eastern side of Missisquoi Bay on Lake Champlain, joining with many other loyalist families who chose to come to Canada. Thomas was 9 when they made the move. Samuel was officially disbanded from the King's Rangers in 1783.

Joseph Kilborn was another American loyalist living at Caldwell Manor, a surveyor from Connecticut (and a member of the Select Surveyors' Masonic Lodge at Missisquoi Bay). Kilborn was engaged by the Surveyor-General of Canada, Samuel Holland, to survey the townships of Stanstead, Hatley, Compton, Barnston, Ascot and Eaton, among others. We know from a petition that Thomas Filer submitted in 1818 that he was one of the men hired by Kilborn to help with the internal survey of Stanstead, laying out the individual lots. Filer would have been 24 at the time.

The internal survey of the Township of Stanstead

The starting point for the survey, a fixed reference location that had been previously established when that part of the international border was surveyed in 1772, was where the border met the eastern shore of Lake Memphremagog. When Kilborn arrived to do the external or outline survey in 1792, he used this presumably decaying marker to commence his own survey. There is no evidence to suggest Filer was part of the 1792 survey team. Kilborn mentions in the external survey field notes,

"At 40 links Planted a Cedar Post Mark'd on the North side STANSTEAD and on the East side 1792 with a pile of stones round the Post. The bank is high and Rocky the land rising gradually from the lake. Birch and Maple Timber." Today, to get to that point we would just have to (illegally!) park on Arnold Road and take a short walk through the woods to the lakeshore, south of Blueberry Point. In the 1790s, getting there was not so easy!

The arduous work begins!

Travelling from Missisquoi Bay with a small crew of men that included Thomas Filer, and all the necessary supplies, survey equipment, etc., was nothing like going on a camping trip! Provisions for several months in the woods included "two barrels of pork, four quintals of biscuit and four bushels of pease". A quintal could have been either 100 lbs or 100 kg at that time, but either way that's a lot of weight to haul through 70 kilometres of wilderness. Just getting to Lake Memphremagog took two weeks of travel through the woods, stopping at the few settlements that existed along the way. Eventually making their way to Nicholas Austin's place (where the Municipality of Austin is today) they hired one of his boats to ferry the crew down to the border and were in position to begin the internal survey on the fourth of October, 1794.

They began by measuring in an easterly direction along the borderline, the width of one lot (73 chains and 18 links, or 4829.18 feet) and planted a post there. From that point they worked their way north, measuring out lots of 28 chains and 70 links in that direction, planting posts or marking trees at each lot line. This would give an average lot size of around 210 acres. Minus a 5 percent road allowance (yes, even in those days) gave the settler 200 acres to call his own. Continuing in this way until 29 lots had been marked brought them to the northern boundary of Stanstead, where they set up a post identifying the range (north-south column of lots), measured another lot width to the east, planted a post, then worked their way back down towards the border, identifying each lot as they progressed. Continuing up and down the township in this zig-zag fashion from west to east, all of the ranges and lots comprising Stanstead Township were identified.



Essential survey equipment of the era. At left are surveyor's magnetic compasses (or interferometers). At right a Gunter's Chain, used to measure distance. A full chain was 66 feet long, and was divided into 100 links. One statute mile was equal to 80 chain lengths. The chain had to be pulled taught, so the chainmen had to have strong arms.

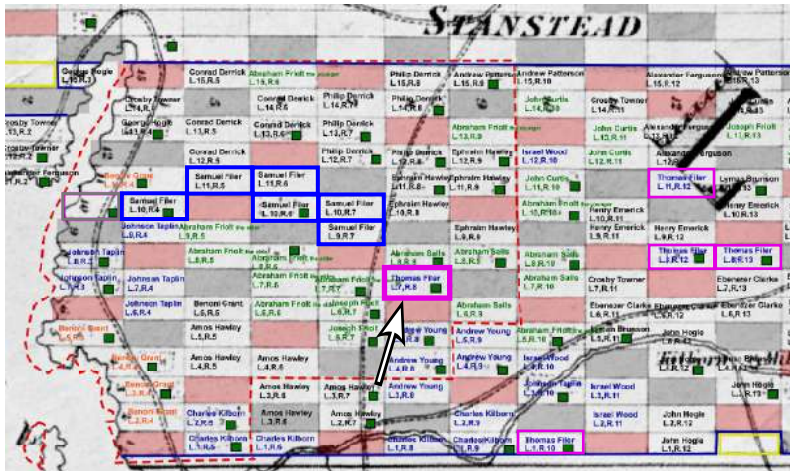
Good help is hard to find!

When they came to what would eventually be Range 8 it happened that they were heading south, and the range line took them up and over Bunker Hill, then over Brown's Hill (Kilborn's notes mention "steep terrain" and "rapid descent") then through some swampland. The crew made progress as far as Lot 13 where they intended to camp for the night, but the two men who were to bring the provisions from the previous night's camping spot did not arrive. The crew made their way back through the swamp and over the hills, in the dark, only to find that the men had taken their own belongings and all the remaining provisions, and left! All that the crew had to eat was one partridge, shared among six men.

The next day they hiked west to where a cache of provisions had been stashed but found that "the two deserters had passed that way, and taken a considerable part of our Tea and Sugar together with a great quantity of Pork and Flour". Kilborn took a man with him and made his way west to Lake Memphremagog and across to Mr. Austin's place, where he "heard of the two deserters passing the night before, with large packs." He hired two men as replacements, waited two days for the previously arranged arrival of more provisions, but none came. Kilborn borrowed 57 pounds of flour, left two men to bring the supplies when they did arrive, and went back to continue with the survey.

Thomas finds his future home

At this point, they were somewhere in the vicinity of where Ticehurst Corners is today. Kilborn notes the river, sometimes with rapids and steep banks. Crossing



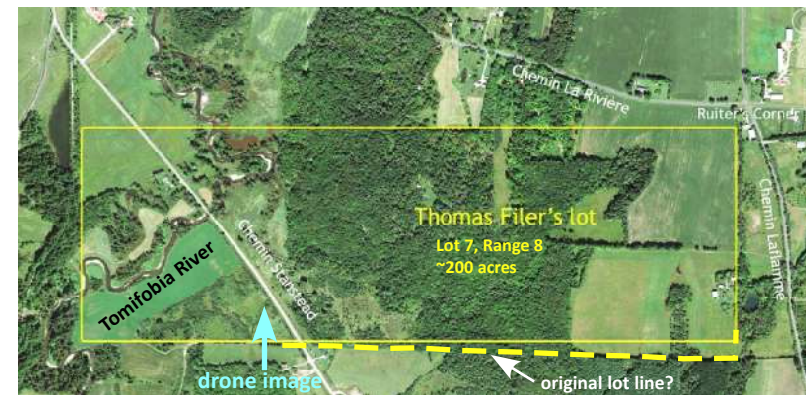
Thomas Filer chose to settle on Lot 7, Range 8 (arrow). In the Stanstead Patent he and his father Samuel (purple & blue outlines respectively) had been granted eleven lots.



Aerial drone view towards north across the land Filer settled. The Tomifobia River seen in middle left.

the Tomifobia in that area, while measuring and carrying gear and supplies must have been a challenge, but the crew was no doubt used to these ordeals! One can imagine the survey crew, after negotiating the wetlands and having had to cross the river multiple times where it meanders, arriving at a place where a flat plain of dry land opens up on one side, and the river is flowing nicely between its banks. It was early October, and perhaps one of the spectacularly beautiful fall days that we look forward to in Ogden. This was where they planted the posts identifying lot 7. Kilborn's remark in his survey notebook simply says "good land". Today, the Stanstead Road runs through that area, but in 1794 it must have seemed very attractive to 24-year-old Thomas Filer, for this is where he soon returned to settle the land (he claimed in 1794, but more likely in 1795).

Both Thomas and his father Samuel are included in the 1800 grant that officially creates Stanstead Township, although it seems unlikely that Samuel ever took up residence here. By 1799 Thomas was well enough established to marry Lydia Peasley, and they eventually had nine children; six daughters and three sons. Thomas' sister, Sarah, followed him to Stanstead some years later and married Captain John Ruiter. Sarah and John's markers are in the cemetery at Ruiter's Corner. In 1803 Filer is listed as a lieutenant in the Stanstead Militia, along with Ruiter and Taplin. Thomas and his family left the Township by 1825.



Landsat satellite image of Thomas Filer's lot. The lot embraces both flood plain and uplands, a diversity of terrain all with agricultural potential. The river guaranteed a source of water, and good browsing for livestock, perhaps even a mill site. The site of Filer's original homestead is not known.