

A Cape Breton MacNeil Family's connection to The Siege of Louisbourg, 1758

by

Bernardine (MacNeil) Campbell

A brief glimpse into the life of Roderick ("Rory") MacNeil, a soldier with the British Troops who was wounded at the Siege of Louisbourg in the summer of 1758, is revealed within a collection of land papers held at the Nova Scotia Archives (NSARM) in Halifax. The papers concern his widow, Mary and her struggle to retain the land at Benacadie in Cape Breton where she and her late husband had settled about 1806. There is little mention about the man himself but the history surrounding the fall of Louisbourg serves as a time line and helps add "flesh" to the bare bones information. The parties telling their story (in the documents) had to swear under oath that what was written was the truth and nothing but the truth. Settlers (and others) petitioning for land often embellished their stories in order to present their case more favorably to the Crown; some of the information in this collection proved no different.

The regiment Rory was with is unknown; he could have been attached to any regiment that was present at Louisbourg but the odds point to "Fraser's Highlanders," assuming of course that he was a "Barra" man. Lieutenant Roderick MacNeil (the son of the "*Macneil of Bara*") along with ¹*several clansmen* went to North America with the 78th Regiment of Foot (Fraser's Highlanders). Rory, the former soldier who settled at Benacadie, could very well have been one of the *several clansmen* that accompanied Lieutenant MacNeil and followed him into battle.

The 278th Regiment of Foot was assigned to the *Louisbourg Campaign*; the siege began June 8th 1758 and ended on July 26th. The casualty roll states: four officers killed and three wounded; twelve privates killed and thirty-five wounded. Rory of Benacadie was possibly one of the thirty-five wounded mentioned on the roll.

Rory's son stated in 1822 that his father "... *who, after serving many years in His Majesty's Troops in the course of which time he was present at several engagements, and among others at the capture of Louisbourg, was disabled and dismissed the service upon a pension.*" His statement may have been embellished to some degree; but if indeed accurate, then Rory would have sailed for North America with some other regiment prior to the 78th's departure from ²Cork Ireland, July 1st 1757 destination, Halifax in Nova Scotia.

From surviving muster rolls and returns listing some of the men who served, there is only one *Roderick McNeil* listed, he was included on the ²Disbandment Muster Roll of the 78th Regiment of Foot (Fraser's Highlanders). In the beginning, it appeared this might have been the man who came to Benacadie in Cape Breton based on his widow's statement in 1816 that he had been wounded at the Siege of Louisbourg. However, her son stated in 1822 that he had been disabled, pensioned and dismissed from Service; a slight deviation from his mother's declaration which tends to cloud the date he returned to Scotland but based on their statements, the two men could not be one and the same.

Rory, deemed unfit for further duty as a soldier, was at some point probably transported back to Britain for medical care; the extent of his injuries and length of recovery period are unknown. However, the son's description seems clear enough, his father was disabled and unfit for duty as a soldier. He was given an "*out-pension*" (for which I seriously doubt the Crown awarded him out of the goodness of its heart!) and

from this, I was left with the impression that he may have bore a disability of some nature for the rest of his life.

Mary, as was her husband, was a native of Scotland and sometime after his return they likely married there. Barra isn't mentioned anywhere in the land papers but where ever they were living; life would not have been easy during this period of time in the Highlands and Islands of Scotland. Tenants were unhappy with living conditions which lead to serious thoughts of immigrating to North America. Eventually, many of them did emigrate paving the way for other members of their families and neighbours (to follow) once they had established themselves in their adopted country.

One thing is certain; Rory was not young when he immigrated to Cape Breton and neither was his wife Mary. The recruitment for the British Army was for men between the ages of eighteen and forty years (*the average age among the recruits appears to be about 18 years*) which means that Rory was probably born about 1740 or perhaps a few years earlier. He would have been a young lad at the time of the defeat of the Jacobite clans at *Culloden* in 1746 but old enough to witness and remember the atrocities which followed. He was still alive up to and close to the year 1814 according to the petition of the son Donald. Mary claimed she was seventy years old in 1816 and Donald claimed she was about eighty years old in 1822 (rarely were ages stated correct), she was likely born about the years 1740-1750 and died after January 5th 1824.

"*Seven children*" were born to them in Scotland and from the little information found so far, it would appear they all emigrated, eventually settling in Cape Breton. According to Mary's petition of 1816, by that time all had "*families of their own.*" I get the impression all of her children were residing nearby or in the general area. The names of only three of the seven children are mentioned in the papers; *Donald, James and Catherine*. The son Donald stated, Rory had left Scotland and "*proceeded to this Island with his family*" which his mother had previously stated was about 1806. It's doubtful the whole family emigrated at the same time, likely some of the older children immigrated to Nova Scotia and eventually moved into Cape Breton prior to their parent's arrival at Benacadie.

Upon his arrival in Cape Breton, Rory took possession of a two hundred acre tract of land (which contained a marsh) at the head of Benacadie River but he died before he could afford to complete the title. According to one document, he petitioned to the Crown and "*took out a Warrant of Survey for the same, but at the time being in no money, could not take the Crown Lease,*" unfortunately this item is not with the papers and NSARM has no record of it. Mary (and Rory?) cleared about three acres of the lot and enclosed the marsh area. After her husband's death, she continued to cut the grass that grew on the marsh which supported two cows for which she depended chiefly for her income. The three acres cleared, although not cultivated, provided pasture for a few sheep she kept there. In later years her son was cutting the grass (for her?) but there is no mention of which son this was; I suspect it was probably Donald. (There was a ³Donald MacNeil settled at Benacadie who was known as Big Donald of the Marsh (*Domhnull Mor nam Mhaghhaigh*). This man's father was named Rory "Big" who had (supposedly) been a foster-brother to one of the Chiefs of Barra. I can not state positively that Rory "Big" was Mary's husband but the similarities between the two families strongly suggest he was!)

June 7th 1816, a David Brown petitioned the Crown for a lot at Benacadie, one in which he stated he was settled upon; the said lot contained a marsh. When Mary became acquainted of this she petitioned the Crown stating that her "*son-in-law,*" David Brown was trying to "*dispossess her of the marsh*" while he was settled on a different lot. A direct contradiction to Brown's sworn statement! The upshot of this was, on January 18th 1817, Mary was granted a Warrant of Survey by the Crown and no more was heard about what may or may not have transpired between the MacNeils and the Browns at Benacadie (suffice to say, more than the sky was probably blue there for awhile!). The papers indicate the daughter (Catherine) was

the widow of William Kavanagh; after William's death she married David Brown (sometime between 1811 and 1816).

Meanwhile, Mary was too poor to pay the fees to obtain title and there the matter rested for a few years. Apparently she had made arrangements to sell her interest in the lot for a sum that would maintain her for the remainder of her life, unfortunately that deal was never realized. Then, September 29th 1821, a John MacDonald petitioned for the lot stating, the widow had sold it to a third party for £23. MacDonald stated he believed this transaction to be illegal and asked that a Ticket of Location be granted to himself. November 18th 1821, unbeknownst to Mary or her family, the Crown granted a Warrant to MacDonald. When Mary's son began preparing part of the land for planting the next season, MacDonald approached and forbid him to continue, informing the son the land had been "*granted to him*" by the Crown.

February 20th 1822 at Sydney, Donald MacNeil (Mary's son) filed a caveat against MacDonald's claim, effectively halting any further proceedings until his mother's claim had been considered. Upon due consideration, the Crown approved the lot be given to the Widow MacNeil and MacDonald's Warrant was cancelled.

November 30th 1822, a Warrant was issued by Sir James Kempt to Thomas Crawley, Esq. Surveyor General of Lands in the Island of Cape Breton, ordering himself or a deputy to admeasure and lay out Lot No.7 for Mary MacNeil (Widow). Deputy Surveyor Cossit was appointed, his report states this was completed July 24th 1823. The lot consisted of two hundred and thirteen acres more or less with about half fit for cultivation (the marsh area was said to be about twenty-four acres).

Mary's Grant was finally approved December 27th 1823 and executed January 5th 1824. It is registered in Cape Breton Grant Book Letter K Page 116.

¹ *The Clan MacNeil*, by Ian R. Macneil of Barra, 1985 Edition

² *Sons of the Mountains*, (Volumes I and II), by Lt. Colonel Ian Macpherson McCulloch – The Highland Regiments in the French & Indian War, 1756-1767, 2006 Edition

³ *History of Christmas Island Parish*, by Archibald J. MacKenzie, 1926 Edition