

Tides of History: Tracing Family History in Atlantic Canada

Class 4: Immigration and Naturalization

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When it comes to researching the immigration of your ancestors who immigrated to the Atlantic Canadian provinces of New Brunswick, Newfoundland and Labrador, Nova Scotia, and Prince Edward Island, it is important to remember that prior to 1947 Canadians were British subjects. Because of this, if you are researching emigrants from England, Ireland, Northern Ireland, Scotland or Wales, your ancestors will not have any naturalization records. Depending on when they arrived in Canada, they may be found on passenger lists.

If your ancestors were coming from the United States into Canada, they could have done so freely until 1908 when Canada elected to being recorded in these border crossings.

Early Arrivals

The earliest of arrivals to what would become Nova Scotia (and offset from that New Brunswick and Prince Edward Island) were actually emigrants from France. Prior to 1755, Nova Scotia was the French colony of Acadia. The area was ceded to the British by the Treaty of Utrecht in 1713, and England and France would dispute the legal rights of this area until 1755 when Britain seized the area and began the deportation of the Acadian population. At this time Britain would also begin to advertise available lands to encourage British citizens (especially those in the northern American colonies) to migrate to the new area, thus ensuring British dominance.

- New Brunswick
 - First anglophone settlements: Maudsville, Sackville, Saint John
 - Settlers primarily from Massachusetts and Rhode Island
 - Loyalists from New York Harbor transported after American Revolutionary War
 - Established as a province in 1784
- Nova Scotia
 - New England planters settle in what becomes New Brunswick
 - Loyalists and Hessians migrate after American Revolution
 - 1749-1848: large groups from the British Isles and the Rhine (these were referred to as "Foreign Protestants")
- Prince Edward Island
 - Originally settled as Île St-Jean in the 1720s by the French

- Much land was granted to British military officers who were in North America in 1767
- Some Loyalists, but the greatest influx came from the British Isles
- In the late 1700s to early 1800s, large groups of Scottish immigrants
- By 1850, Irish immigrants were also a sizable group of residents
- Newfoundland and Labrador
 - Saw early English settlers from: Devon, Dorset, Hampshire, Somerset, and the Channel Islands
 - Early Irish settlers from: Counties Kilkenny, Tipperary, Waterford, and Wexford
 - French settlement at Plaisance (Placentia)
 - Early Moravian missions in Labrador in 1771
 - Hudson Bay Company in Labrador circa 1834
 - Boundary dispute between Quebec and Newfoundland over Labrador not settled until 1927

Passenger Lists

Passenger lists for most of the Atlantic Canadian provinces do not exist for the 1700s. In some cases, the ships did not land at ports (such as in Prince Edward Island where they simply beached and the passengers waded to shore at low tide); records weren't kept; and in those instances where records were kept, they were statistical. Much identification of immigrants and their origins come from other records. For some of the provinces there are surviving, limited passenger lists.

- New Brunswick
 - Custom house returns for 1833, 1834, 1837, and 1838
 - Alms house records of Saint John include place of origin (passenger list substitute)
 - Lists in the 1900s exist
- Nova Scotia
 - Public Archives of Nova Scotia has:
 - Ships from Great Britain, 1749-1864: about 30 ship manifests
 - List from France, 1636: 1 manifest
 - Miscellaneous Records on Emigration from England and Scotland to Canada (Public Archives Canada)
 - Treasury registers, weekly emigration returns 1773-1775
- Prince Edward Island
 - Arrivals
 - 9 passenger lists for 1775-1848
 - 1 list of arrivals for 1855
 - Most of these ships embarked from Scotland

- Miscellaneous Records on Emigration from England and Scotland to Canada (Public Archives Canada)
 - 1808 list of crew and passengers on the *Clarendon*

Immigration Acts

The various, independent provinces that made up Canada in 1867 consisted of the Province of Canada, the Province of Nova Scotia, and the Province of New Brunswick. These were united into a single federation known as the Dominion of Canada, 1 July 1867, with the Province of Canada being split into the provinces of Ontario and Quebec.

Less than two years after confederation, the Dominion of Canada passed their first immigration act, 22 June 1869. From that point additional acts would follow well into the 20th century.

- Immigration Act, 1869 – focused on the safety of immigrants
- Chinese Immigration Act, 1885 – required a \$50 head tax on every Chinese person entering Canada
- Immigration Act, 1906 – expanded the categories of prohibited immigrants and formalized a deportation process
- Immigration Act, 1910 – identified a “Canadian citizen” as:
 - A person born in Canada who had not become an alien
 - A British subject possessing Canadian domicile
 - A person naturalized under the laws of Canada
 - Expanded prohibited immigrants to include:
 - Mentally defective
 - Diseased persons
 - Physically defective
 - Criminals
 - “Prostitutes or pimps”
 - “Procurers”
 - Beggars and vagrants
 - Charity immigrants
 - Persons not complying with regulations
- Imperial Conference, 1911 – drafted common nationality code defining British nationals for use across the empire
- Department of Immigration and Colonization, established 1917, to ensure Canada’s Colonial Project:
 - Monitor regulation of immigrants
 - Ensure racial composition and employment privileged British Canadians

- Restricted undesirable, “of an inferior race” or an “enemy”
- Immigration Act, 1919 – in response to an economy in recession, increased unemployment, and the Russian Bolshevik Revolution and the Winnipeg General Strike:
 - Designed to protect Canada from “dangerous ideologies and subversive activities”
 - Restricted categories of political dissidents were expanded to include those who:
 - Disbelieved in or opposed organized government
 - Advocated for the assassination of public officials
 - Advocated for or taught unlawful destruction of property
 - Were guilty of espionage and/or treason

Subsequent acts of immigration in the 20th century included the 1923 Chinese Immigration Act which was in essence an exclusion act, restricting all Chinese immigration with minimal exceptions from 1923 to 1946. The Immigration Act of 1952 was the first new immigration act (as it applied to all immigrants) since that of 1910. It basically took the existing framework and codified the legislation so that the government could add regulations as it saw fit. It also reinforced the powers of the federal cabinet and gave the minister of citizenship and immigration broad discretionary powers over the admission or deportation of immigrants.

Naturalization Acts

Prior to 1947, it is important to remember that naturalization acts identified Canadian nationals as British subjects. With the passage of the British North America Act on 29 March 1867, which went into effect on 1 July 1867 (Confederation of Canada), what became the four provinces of Nova Scotia, New Brunswick, Ontario, and Quebec were united. The Act also established a Canadian federal government and Parliament, which were set in Ottawa, along with provincial government legislatures, while Canada still remained under the sovereignty of the British Monarch. It also gave the new Canadian Parliament authority over naturalization of aliens. In this act it required a three-year residency before an immigrant could apply for naturalization. It also established the citizenship of immigrant women based on that of their husband. If he was a natural born Canadian, then she became a Canadian as well. If her husband was a naturalized Canadian, then she likewise was a Canadian.

The Indian Act of 1869 established the status of First Nations women based on the status of their husbands. As such, if a First Nations woman married a man who was not a Status Indian, then she lost her Indian status. Until 1951, a Status Indian was described by law as “a male person who had native blood with tribal affiliation.” His children and legal wife derived their Indian status through him.

The Naturalization and Aliens Act of 1881 standardized laws in regard to aliens holding property throughout the Dominion. More importantly in regard to your female ancestors it established how their citizenship was determined upon marriage. Regardless of a woman’s citizenship (Canadian-born or alien-

born), at the time of her marriage she derived her nationality from her husband. As such, if a Canadian-born female married an alien husband, she no longer was considered a Canadian national.

The naturalization act of 1914 increased the residency requirement from three to five years. It also required that the immigrant have an adequate knowledge of French or English. The act also required that the immigrant display a good moral character.

The Canadian Citizenship Act that was passed in 1946 and went into effect in 1947 is sometimes simply referred to as the 1947 Act. It was the first naturalization act in Canada to create a category of Canadian citizenship. No longer were aliens becoming British subjects. Residents, regardless of country of origin, who were not born in Canada were required to become naturalized. This mostly affected those who were coming from the countries of the United Kingdom (England, Northern Ireland, Scotland, and Wales). While it still stipulated to the residency, language and good moral character, those immigrants who had resided in Canada for more than 20 years were not held to the language requirement. Meanwhile, those immigrants who had served in the First or Second World Wars could apply for citizenship within one year. In addition, this act also outlined reasons for which citizenship could be lost or revoked, which included: acquisition of citizenship from another country, serving in the armed forces of another country, minor child of a parent who ceases to be a Canadian citizen, residing outside Canada for six consecutive years (aside from serving in the Canadian military), convicted of treason, assisted the enemy in war, e.g.

Records

The surviving early passenger lists and oaths of allegiance may be found via Ancestry.com, FamilySearch.org, or perhaps still only at the local Provincial archives to which your ancestor settled. In addition to the more traditional passenger manifests of the 20th century, you may also find lists of passengers or information about the arrival of an ancestor in:

- Treasury records such as weekly emigration returns
- Loyalist claims
- Oaths of allegiance
- Naturalization records
- Newspapers
- Genealogical society periodicals
- Correspondence files
- Compiled books

The Halifax, Nova Scotia passenger lists that begin in 1881 resemble the passenger schedules found for those arriving at and/or leaving from various ports within Great Britain. These late 19th century manifests asked for:

- Name
- Age
- Occupation
- Origins (arranged by sex, marital status for English, Scotch, Irish, and Foreign)

Passenger lists of the 20th century begin to ask the more traditionally expected questions, in part to establish if the individual is acceptable.

When looking for passenger information or naturalization records, it is important to be creative. Information for emigrants from the United Kingdom may exist in the records housed in the various archives for Ireland, Northern Ireland, England, Scotland and Wales. Many of the earlier oaths of allegiance may not include the origins of an immigrant, however, they should always be examined.

In addition to online avenues, many of which are included in the bibliography, it is important to remember that these records may only be in physical form within provincial archives or held by Immigration, Refugees, and Citizenship Canada. Immigration, Refugees, and Citizenship Canada do not allow search requests by those who are not Canadian Citizens or permanent Canadian residents. The request must also be made through an Access to Information Act request. In addition, some of the records made for Canada by the Department of the Secretary of States between 1854 and 1917 were destroyed, though an index still exists with the name, residence, and court of certification.

Final Thoughts

The biggest hurdle when dealing with immigration and naturalization within the Atlantic Canadian provinces is often the fact that your ancestors were already British subjects and, as such, were not required to be recorded on a passenger list until the late 1800s or to file an oath of allegiance or naturalization papers unless they arrived in Canada well into the 20th century.

Suggested Bibliography

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Online Resources

- Ancestry www.ancestry.com
- Canadian Immigration Acts and Legislation <https://pier21.ca/research/immigration-history/canadian-immigration-acts-and-legislation>
- Cape Breton Genealogy and Historical Association <https://www.cbgen.org/>
- FamilySearch www.familysearch.org/
- FamilySearch Catalog www.familysearch.org/search/catalog/
- FamilySearch Wiki https://www.familysearch.org/en/wiki/Main_Page
- Genealogical Publishing Company, Subscription Database (Books) <https://genealogical.vitalsource.com/>
- Home Children Records <https://www.bac-lac.gc.ca/eng/discover/immigration/immigration-records/home-children-1869-1930/immigration-records/Pages/immigration-records.aspx#c>
- J J Cooke Ships Passenger Lists (New Brunswick) <https://www.olivetreegenealogy.com/ships/jjcooke.shtml>
- Newfoundland's Grand Banks, Genealogical and Historical Data for the Province of Newfoundland and Labrador <http://ngb.chebucto.org/>
- Nova Scotia Archives – Genealogy Guide <https://archives.novascotia.ca/genealogy-guide/>
- Prince Edward Island, Genealogy at the Public Archives <https://www.princeedwardisland.ca/en/information/education-and-early-years/genealogy-at-the-public-archives>

- Provincial Archives of New Brunswick <https://archives.gnb.ca/archives/>
- The Rooms (Newfoundland and Labrador) <https://www.therooms.ca/collections-research>
- Tracing Your Ancestors in Canada <https://www.collectionscanada.gc.ca/obj/022/f2/022-607.001-e.pdf>