

Nova Scotia Historical Review

Volume 11, Number 1, 1991



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Cover Illustration:

Panoramic view of Great Village, Colchester Co., 1949. Nova Scotia Information Service photo.

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The Art of Remembering: The Influence of Great Village, Nova Scotia, on the Life and Works of Elizabeth Bishop

Sandra Barry

*"life and the memory of it so compressed
they've turned into each other."*

Elizabeth Bishop

Pilgrimages occur in a variety of ways and for a variety of reasons. The physical journey is often combined with an emotional or spiritual trek into the past or into ourselves. In 1955 Elizabeth Bishop travelled to Diamantina, a remote gold-mining village in central Brazil. The purpose of this trip was to see for herself the place where Helena Morley, a young girl whose diary Bishop was translating, had lived during the mid-1890s. Bishop's fascination with the diary and her commitment to its translation were not based on academic considerations. She simply wrote,

The more I read the book the better I liked it. The scenes and events it described were odd, remote, and long ago, and yet fresh, sad, funny, and eternally true. The longer I stayed on in Brazil the more Brazilian the book seemed, yet much of it could have happened in any small provincial town or village, and at almost any period of history--at least before the arrival of the automobile and the moving-picture theater.¹

Bishop's journey to Diamantina was in many ways a journey into her own past. Although worlds apart, the small village of her youth, Great Village, Colchester County, N.S., and the Brazilian village of Helena Morley's youth shared much the same personal landscape. Helena Morley recorded the events, the people, the hopes and the pain of her childhood in a journal; Elizabeth Bishop recorded these same elements in her poetry and prose.

In 1977 Bishop reflected on her visit to Helena Morley's home, revealing her complex feelings about the nature of home and 'going back':

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This essay is dedicated to the memory of Gertrude Bulmer Bishop.

1 Robert Giroux, ed., *Elizabeth Bishop: The Collected Prose* (New York, 1984), p. 82.

I have not been back to Diamantina, nor have I ever really wanted to go back. . . . I liked the little town very much, perhaps because it seemed so close to the Diamantina of Helena's childhood, the writing coming off the pages of her diary, and turning to life again, as it had happened. I am superstitious about going "back" to places anyway: they have changed; you have changed; even the weather may have changed.²

In spite of her reluctance to return to the places of her past, Elizabeth Bishop's writing was deeply concerned with memory and remembering. Bishop became a traveller almost at birth, but she never went anywhere as a mere 'tourist'. She was an explorer, a cartographer, an amazingly acute and sensitive observer. She brought this perceptiveness to her exploration of her childhood; the result was poems and prose pieces (pilgrimages) of brilliant poignancy, relevance, and revelation.

The following essay is intended to correct the imbalances and inaccuracies that exist in the writing that has been done about Elizabeth Bishop. No full-length biography has yet appeared,³ but a vast array of articles, essays and reviews have been written, mostly in the 1970s and 1980s, dealing primarily with specific literary questions or with individual poems in the Bishop *oeuvre*. Several books of literary criticism have recently been published giving comprehensive, much-needed attention to her work and provocative analysis of her development as a poet. Most notable are those by David Kalstone, *Becoming a Poet: Elizabeth Bishop with Marianne Moore and Robert Lowell* (1989); Robert Dale Parker, *The Unbeliever: The Poetry of Elizabeth Bishop* (1988); and Thomas J. Travisano, *Elizabeth Bishop: Her Artistic Development* (1988).⁴

These treatments of Bishop and her work are unquestionably necessary and valuable. My concern is not so much with what they contain but with what has been, if not left out, rather underrated: namely, the influence

2 *Ibid.*, p. 109.

3 An oral biography was commenced, but not completed, by the late Dr. Peter Brazeau, Associate Professor of English at Saint Joseph College, West Hartford, CT, author of a similar work on Wallace Stevens. For an extensive annotated bibliography of Bishop's work, see Candace W. MacMahon's *Elizabeth Bishop: A Bibliography 1927-1979* (Charlottesville, VA, 1980).

4 Anne Stevenson's book, *Elizabeth Bishop* (New York, 1966), while it remains important as a first attempt at biographical and literary analysis, has long been superseded by many articles and more recent books.

of Great Village and maternal relatives on her life, her development as an artist, and her work. In addition, while her poetry has in the past received the bulk of attention, her prose (except for the brilliant "In the Village") has been too long neglected--a circumstance generally perpetuated by current scholarship.

A recent Stanford University Ph.D. dissertation by Brett Candlish Millier, "Elizabeth Bishop: Life and the Memory of It" (1986), is a direct reading of Bishop's poetry as autobiography. Millier's thesis posits that "Bishop was an autobiographical poet . . . not so different from her so-called 'confessional contemporaries.'"⁵ Using a variety of sources such as correspondence, journals, and unpublished poetry and prose, Millier explores Bishop's commitment to truth-telling about her life. Such an approach is necessary and long overdue. However, Millier focuses almost exclusively on Bishop's poetry, using her prose as supporting evidence rather than as a major contribution to her autobiography. Except for "In the Village," which Millier treats in some detail, Bishop's prose pieces remain of secondary value. This approach undermines their literary merit and serves to deflect from their fundamental importance as memoir.

Many of her memories of Great Village and her maternal relatives are contained in the prose pieces brought together by Robert Giroux in *The Collected Prose* (1984). Combined with a small but phenomenal collection of unpublished reminiscences of Great Village contained in Bishop's papers held at Vassar College, it is apparent that Elizabeth Bishop was deeply and abidingly affected by her childhood, much of which was spent in Great Village. Furthermore, new evidence from the always informative community

5 *Dissertation Abstracts International*, 1986, Dec.: 47(6), 2160A. Millier rightly states that "no good poem can depend for its effect on biographical information which the poet has carefully concealed from the reader; but in the evolution of criticism on Bishop's work, it is time now to place this poet in her world." "Elizabeth Bishop: Life and The Memory of It," pp. viii-ix. Millier visited Great Village in 1983 (Note 13, p. 65), but seemed to acquire little appreciation for that place and its impact on Bishop. Her brief description of the village dismisses it with condescension and she perpetuates errors made by previous writers, for example, describing the Great Village school as "one room" (p. 8). While the Bulmers receive a sympathetic if brief treatment, Millier makes further mistakes, such as stating William Bulmer died in 1927 (p. 15). Such errors may seem trivial, but they undermine Millier's work. Bishop's commitment to detail and truth-telling seems not to be as rigorously followed by her critics. More damaging, however, is Millier's apparent ignorance of the unpublished reminiscence of Great Village: she does not use or mention this vital source in her analysis of "In the Village."

notes of Great Village in the *Truro Daily News* reveals interesting details about Bishop's time in the village, and raises questions about generalizations made concerning her life between 1911 and 1923.

This essay is not an attempt at literary criticism, a task inappropriate for this journal and best left to professional critics. Nor does it profess to be a comprehensive study of Elizabeth Bishop's life. The intention herein is to add some new information about Bishop and her work to the growing amount of scholarship being done; to focus attention on the impact of Great Village and her maternal relatives on her poetic imagination; and to place Elizabeth Bishop before Nova Scotians—a readership that seems to have by and large missed the relevance of her work.

Finally, this essay is partly a result of my own discovery of the life and work of Elizabeth Bishop, made in 1988. I have made my own pilgrimage to Great Village. Although much has changed there, I am certain that if she could return to that place and see in the distance the Minas Basin “with the tide halfway in or out, the wet red mud glazed with sky blue until it meets the creeping lavender-red water”;⁶ hear the now diminished river flow beside her old home and southward through the village; and walk through the eerily silent graveyard where most of her direct maternal relatives are buried, Elizabeth Bishop would assuredly feel painfully at home.

In 1955 V.L.O. Chittick perspicaciously nominated Elizabeth Bishop “to be Nova Scotia’s unofficial laureate.” He based his claim on Bishop’s family connections with Nova Scotia and “the chief metropolis of Nova Scotia,” Boston; on the appearance of *North & South* (1946), Bishop’s first book of poetry; and on two “retrospective narratives” published in *The New Yorker*: “Gwendolyn” (1953) and “In the Village” (1953).⁷ Chittick’s observations and analysis of Bishop’s poetry and prose reveal his sketchy and eulogistic understanding of her life and work which, granted, was only just beginning to unfold itself. He sentimentalized Bishop’s links to Nova Scotia, seeing in her prose a nostalgia that was but a superficial part of her experience.

6 Giroux, *The Collected Prose*, p. 264.

7 V.L.O. Chittick, “Nomination for Laureateship,” *The Dalhousie Review*, 35, 2 (Summer 1955), pp. 146 & 153. “Gwendolyn” appeared in the 29 issue of *The New Yorker* (27 June 1953), pp. 26-31, and “In the Village” first appeared in the 29 issue of the same (19 Dec. 1953), pp. 26-34. MacMahon, *A Bibliography*, p. 155.

However, Chittick's foresight was remarkable and his claim quite within the bounds of acceptability. Unfortunately, his recommendation went unheeded and except in narrow academic and literary circles, Bishop has remained a hidden treasure to Nova Scotians.

In a review article published in *The Antigonish Review* in 1985, Peter Sanger, much to his credit, advanced Elizabeth Bishop as a writer possessing unquestionable relevance for Canadians. While not claiming her as a 'Canadian' writer, Sanger asserted that her work "is as much a part of the literary experience of Maritime life as *The Channel Shore* and *The Mountain and The Valley*."⁸ His brief analysis of *The Complete Poems 1927-1979* (1979) and *The Collected Prose* (1984) began to redress the American bias naturally found in analyses done almost exclusively by American scholars and critics.⁹

Furthermore, in the article's concluding section, Sanger examined biographical details about Bishop. Unfortunately, he gathered many of these details "from easily available published sources" which perpetuate inaccuracies about her early childhood. However, he also recounted a meeting in 1984 with Mrs. Cassilda Forbes, a childhood friend of Bishop. The importance of the information he obtained is that it revealed, perhaps for the first time in some instances, the fact that Bishop's prose pieces about Great Village are filled with actual people, and that the extraordinary details she included are remarkably accurate. It seems not to have occurred to American writers that Mr. Angus Johnson, Miss Eleanor Spencer, Miss Georgie Morash, "old Mrs. Peppard and young Mrs. Gillespie and old Mrs. Captain Green and little Mrs. Kent"¹⁰ all existed. Or if it did occur to them, they held it of little consequence.

American scholars have commented on the amazing particularity of Bishop's style, but attributed this element primarily to artistic technique.

8 Peter Sanger, "Elizabeth Bishop and Nova Scotia," *The Antigonish Review*, 60 (Winter 1985), p. 16.

9 While there has been some criticism done by Brazilian, British, New Zealand, and Australian scholars, Bishop has been dealt with primarily by Americans. While the latter have acknowledged the presence of Nova Scotian influences on Bishop, I feel they have not given these elements due credit. Instead of finding chapters about Nova Scotia and Great Village in recent books, one finds two-page mentions tucked away in the indices at the back.

10 Giroux, *The Collected Prose*, p. 159.

The simple fact is that the prose pieces are explorations of memory. They are remembering, combined with the delicate yet potent touch of imagining. What Mrs. Forbes affirmed is that in Bishop's prose we witness one poet's attempt at autobiography (certainly not a conventional, but definitely an authentic, examination of a personal history).

What both Chittick and Sanger attempted to do was to give Elizabeth Bishop back to Nova Scotians, who should have known more about her than they did--and even than at present they do. This essay attempts to expand on their precedent, because unawareness about Bishop continues to rob Nova Scotians of the experience of a fine 'native' voice.

Elizabeth Bishop was born in Worcester, Massachusetts, on 8 February 1911 to Gertrude (Bulmer) and William Bishop. Gertrude was a native Nova Scotian; William was a New Englander whose father had left Prince Edward Island in his early youth and had settled in the Boston area, where he made his fortune in the construction industry. Bishop's father died eight months after her birth, a shock from which her mother never recovered. Gertrude suffered a series of 'nervous breakdowns' for which she was treated and hospitalized at various times in Boston and, eventually, in the Nova Scotia Hospital, Dartmouth, Nova Scotia, in 1916, where she remained until her death in 1934. Bishop did not see her mother after 1916.

Bishop's father figured only slightly in her work: "(Twenty years later I learned the Pilgrim Fathers had no log cabins when they landed.) But I felt closely related to them all: '*Land where my father died / Land of the pilgrims' pride*--for a long time I took the first line personally."¹¹ Her mother, conversely, was a central figure apparent in or haunting a great deal of her poetry and prose. Either as presence or absence, Gertrude Bulmer Bishop was a disturbing yet undeniable element of Bishop's identity:

She asked me about my parents. I said my father was dead; I didn't even remember seeing him. What about my mother? I thought for a moment and then I said in a *sentimental* voice: "She went away and left me. . . . She died, too." Emma was impressed and sympathetic, and I loathed myself. It was the first time I had lied deliberately and consciously, and the first time I was aware of falsity and the great power of sentimentality--although I didn't know

11 *Ibid.*, p. 24.

the word. My mother was not dead. She was in a sanatorium, in another prolonged "nervous breakdown." I didn't know then, and still don't, whether it was from shame I lied, or from a hideous craving for sympathy, playing up my sad romantic plight. But the feeling of self-distaste, whatever it came from, was only too real. I jumped up, to get away from my monstrous self that I could not keep from lying.¹²

As a result of her father's death and mother's instability, Bishop "lived alternately with Nova Scotian and New England sets of grandparents; later with an aunt."¹³ She wrote about her experiences with these people in both poetry and prose, marvellously detailed reminiscences that reveal the complex anxieties and joys of an abandoned child trying to deal with a too-confusing world. Her Great Village experiences and maternal relatives predominate in these memory pieces.

Conflicting evidence exists as to when Elizabeth Bishop first arrived in Nova Scotia. Anne Stevenson claimed that "At the age of eight months Elizabeth Bishop lost, in effect, both parents. She was taken at once to live with her mother's family in Great Village, Nova Scotia, and it was there that she spent her early childhood."¹⁴ Stevenson also wrote,

After her husband's death in 1911, Gertrude Bulmer Bishop, under the care of her devoted sister, Grace, was taken to McLean's Sanitarium on the outskirts of Boston for treatment. Her condition did not improve there, however, and she returned in 1916 to her home and family in Nova Scotia in the hope that in familiar surroundings, she might recover. But the visit ended in tragedy. Her final breakdown occurred that summer. . . [and she] had to go. . . to a mental hospital in Dartmouth, Nova Scotia.¹⁵

Since Stevenson's book, scholars and critics have tended to echo her comments, usually ignoring a curious and telling reminiscence of Bishop's

12 *Ibid.*, pp. 31-32.

13 "Autobiographical Sketch," Elizabeth Bishop Collection, Vassar College Library, Box 28, Folder 418 [first page].

14 Anne Stevenson, *Elizabeth Bishop* (New York, 1966), p. 26. Bishop herself refers to being an "only child, orphaned by five." "Autobiographical Sketch," [first page].

15 Stevenson, *Elizabeth Bishop*, p. 28.

recounted by Robert Giroux in *The Collected Prose*. In 1914, at the age of three, Bishop remembered being in a swan boat in the Boston Public Gardens with her mother. Bishop wrote: "one of the live swans paddling around us bit my mother's finger when she offered it a peanut. I remember the hole in the black glove and a drop of blood."¹⁶ Even more surprisingly, critics have also ignored comments made by Bishop in an interview with Ashley Brown in 1966, during which she clearly stated, "I didn't spend all of my childhood in Nova Scotia. I lived there from 1914 to 1917 during the First World War. After that I spent long summers there until I was thirteen. Since then I've made only occasional visits."¹⁷

Bishop's phenomenal memory was slightly askew, but evidence found in the *Truro Daily News* basically corroborates her statements, and proves that the generalization that Bishop was in Great Village--separated from her mother--from the end of 1911 until Gertrude's final breakdown in 1916, is wrong. In April 1915 Gertrude and Elizabeth came to Great Village, meaning they must have been in Boston together prior to their arrival. They spent the entire summer in the village. In addition, new evidence from the same source gives a clearer picture of Bishop's return to Boston with her paternal grandparents in 1917 and subsequent visits to Great Village. The chronology at the end of this article seemed the most effective way to illustrate the activities of Elizabeth Bishop and her maternal relatives during the period from 1915 to 1923.¹⁸

16 Giroux, *The Collected Prose*, p. ix. The original source for this reminiscence comes from a review Bishop did of Wallace Fowlie's autobiographical *Pantomime, A Journal of Rehearsals in Poetry*, 79 (Jan. 1952), p. 213. Millier, "Elizabeth Bishop: Life and The Memory of It," pp. 4 and 64.

17 Interview, Elizabeth Bishop with Ashley Brown, *Shenandoah*, 17, 2 (Winter 1966), 6. Still further evidence comes from Millier, who quotes from an unfinished and unpublished Bishop poem, "A Drunkard." This poem has origins in a memory Bishop had of "being with her mother at Marblehead, Massachusetts in the summer of 1914, the year of the great Salem fire." "Elizabeth Bishop: Life and The Memory of It," p. 5.

18 Unfortunately, the community notes for Great Village are sparse or non-existent for the period 1911 to 1914. The curious disappearance of Bishop in 1915 (did she stay in Great Village? did she go with her Bulmer grandparents to Boston in September? or with Gertrude in November?) begs many questions. However, it is reasonable to assume that 1915 marks the beginning of her extended residence in Great Village. More research is needed using the hitherto ignored *Truro Daily News*. Bishop continued to visit Nova Scotia and Great Village well into the 1940s. The community notes would undoubtedly reveal the frequency and length of these visits.

The Bulmer daughters participated in the general migratory patterns, based on the "Nova Scotia-to-New England axis," that dominated early twentieth-century demographics in the province. Boston, and New England in general, drew many Nova Scotians to its precincts. It was "the place where nearly every provincial boy--and girl, too--when in need of work went to look for a job, and always found one."¹⁹ Elizabeth Bishop was caught up in this 'to-and-fro' movement, both before and after the decisive 1916-17 year of her life. It is inaccurate to suggest that Bishop's early years were stationary or settled ones. She had continuous contact with her maternal relatives, and had more frequent contact with her mother than has been acknowledged; but Great Village was not the permanent home generally ascribed to her.²⁰

For someone arguing that Great Village had a formative artistic influence on Elizabeth Bishop, the above evidence might seem to undermine the hypothesis. After all, it proves she was not resident there for the amount of time hitherto claimed by scholars. Certainly, the transience of this early period revealed itself in Bishop's adulthood. Her passionate yet ambiguous attitude toward travel, and her attempts to understand solitude are two important themes explored in her poetry and prose. In spite of this transience, or perhaps because of it, Great Village became a vital leitmotif of her work. It formed not simply a distant backdrop for her grander adventures, but flowed through the very centre of her journey:

The hay was being cut in Mr. Hill's fields across from our house and it was so still that you could hear the thick cutting sounds of the blades meeting the hay. . . . They were off at the further end of the field, where the tan[?] gigantic elm trees grew, but every little sound was so very distinct. Behind that group of sounds, as behind every sound here in the village, you could hear the river. . . . Anyone from the village who crosses the bridge always stops and leans on the railing and stares down at the water. Every trip to the store on the other side, or the churches from one side to the other, or friendly calls, practically all proceedings of the village are interrupted in this

19 Chittick, "Nomination," p. 153.

20 David Kalstone claims she was "effectively in the care of her mother's parents and her aunts" during this period. *Becoming a Poet: Elizabeth Bishop with Marianne Moore and Robert Lowell* (New York, 1989), p. 25.

way. It is as if the little river with its clear deep water, its trash and water-logs, flowed . . . between every transaction carried on in the village.²¹

Within Great Village were the sights and sounds that formed the foundation of her search for home and self.

In 1916 an unnamed "visitor" wrote, "Did you ever visit the pretty little quiet town of Great Village? One is struck with the beauty of the place immediately on entering, where you get a good view of the Village from the hill."²² Lauding the residents for their bustling activity--"I couldn't help but notice the epidemic of improvements to dwellings and barns. . . all this looks like prosperity"--this visitor presented a picture of a thriving community busy with the tasks of everyday life. The primary industry being agriculture, Great Village farmers were occupied with planting and harvesting their "bumper" crops, tending their livestock and farms, and supplying the local creamery. Dominating the landscape as one entered the village proper was the impressive St. James' Church (formerly Presbyterian, now United), "a Gothic structure made of white clapboards, with non-flying buttresses, and a tall wooden steeple";²³ a building that figured prominently in Bishop's memories of Great Village. The hotel (Elmonte House), commercial establishments, blacksmiths, dressmaker and milliner did a thriving business. Great Village had a flourishing local economy in 1916.

World War I raged overseas, taking young men from their homes, returning them wounded or not returning them at all, and filling newspapers with accounts of memorial services and fund-raising events. In spite of the distant carnage, which touched Great Village substantially in the loss of various native sons, the community was far removed from the ravages of war and the residents threw themselves into the war effort with an almost delighted fervour. The Red Cross Knitting Society knitted madly and the Church ladies baked feverishly, realizing "substantial sums" for the cause. Amid

21 "Reminiscences of Great Village," Elizabeth Bishop Collection, Vassar College Library, Box 27, Folder 382, n.d. [fifteenth page].

22 *Truro Daily News* [hereafter TDN], 26 Jan. 1916, p. 2, col. 1.

23 Giroux, *The Collected Prose*, p. 222.

this effort leisure was not neglected, as picnics were "much in vogue" and "motoring" was a new and enjoyable pastime. "Entertainments"--programmes of music and recitation--were frequent, revealing a penchant for the dramatic among Great Villagers. Horse-racing and baseball were the favourite and most enthusiastically pursued sports.

In 1960 the Women's Institute of Great Village compiled the *Great Village History*, commemorating the fortieth anniversary of the Institute's existence. What becomes apparent from reading this book is that, while changes had taken place, Great Village in the early twentieth century remained essentially as it had been in the late nineteenth century. It was into this environment that Elizabeth Bishop came in the 1910s. Horse-drawn wagons still rumbled along dirt roads, and oil lamps still lit the interiors of homes (and consequently Bishop's memories and imagination). Life moved at a different pace than it did in a metropolis such as Boston, and a homely religious zeal still imbued the social and personal conscience.

Critics have labelled the Great Village of 1916 "idyllic and backward,"²⁴ and "years behind the times."²⁵ With a smug condescension they described the "Bulmer family [who] used oil lamps and made yeast in the barn from hop vines"²⁶ as uncultivated, contrasting them rather unfavourably with the naturally more cosmopolitan Bishop paternal grandparents. This treatment contrasts with Bishop's own comments about Great Village and her maternal relatives. In the 1966 interview with Ashley Brown, Bishop stated,

My [Bulmer] relatives were not literary in any way. But in my aunt's house we had quite a few books, and I drew heavily on them. In some ways the little village in Canada where I lived was more cultured than the suburbs of Boston where I lived later. As for the books in our house, we had Emerson, Carlyle, the old poets. I learned to read very early.²⁷

24 Stevenson, *Elizabeth Bishop*, p. 27.

25 Kalstone, *Becoming a Poet*, p. 26.

26 *Ibid.*

27 Interview with Ashley Brown, p. 6.

Critics have acknowledged the presence of Great Village in Bishop's life and work--unavoidably, since so much of her *oeuvre* is concerned with her experience there. However, I contend that it was in Great Village where her poetic imagination was planted with its first seeds, and where her natural tendencies for observation were nurtured and shaped--perhaps even determined. A detailed comparative analysis of Bishop's Great Village prose pieces (published and unpublished) is needed to prove this hypothesis; but, assuredly, as much as George Herbert and the metaphysical poets, Gerard Manley Hopkins, Marianne Moore, and Robert Lowell influenced Bishop during her late adolescence and adulthood, Great Village affected her during the impressionable years of childhood--an indelible influence.

Elizabeth Bishop wrote two poems about her Bulmer grandparents which she included in her third book of poetry, *Questions of Travel* (1965). In "Manners," grandfather teaches his traditional rural homilies ("Be sure to remember to always / speak to everyone you meet.") to "a Child of 1918." A gentle rapport exists between these two people as they make their way through, undoubtedly, Great Village, on a wagon. The child learns the basic values of politeness, courtesy and respect by watching, listening and imitating:

We met a stranger on foot.
My grandfather's whip tapped his hat.
"Good day, sir. Good day. A fine day."
And I said it and bowed where I sat.²⁸

Bishop took these early first lessons with her on all her travels.

In the technically superb "Sestina," the child is alone with grandmother in the kitchen, surrounded by apparently ordinary objects that might have been found in any country home of the early part of this century: an almanac, a Little Marvel Stove, and a tea kettle. But the presence of the house, enclosing them strangely, transforms the ordinary into something extraordinary:

But secretly, while the grandmother
busies herself about the stove,

28 [Elizabeth Bishop], *Elizabeth Bishop, The Complete Poems 1927-1979* (New York, 1979), p. 121.

the little moons fall down like tears
from between the pages of the almanac
into the flower bed the child
has carefully placed in the front of the house.²⁹

The relationship between grandmother and child is complex. The tears are mutual manifestations revealing an underlying pain that inextricably links adult and child.

Time to plant tears, says the almanac.
The grandmother sings to the marvellous stove
and the child draws another inscrutable house.³⁰

Elizabeth Bishop's Bulmer grandparents figure prominently in all the Great Village prose pieces. While never the main 'characters,' their presence is undeniably vital in the flow of memories she recounted. They acted as an anchor for the child struggling in a turbulent sea of pain and happiness. They were complementary opposites (grandfather a stoical, humorous, savant; grandmother an anxious, devoted prophetess), who oriented the young Elizabeth in a world of lost and found truths. They were her 'familiar,' not always understood but always accepted.

In her published reminiscences, held at Vassar College Library, this characterization is explored further. Her deep affection for her grandparents emerges in some wonderful passages about these individuals, so central in her life and imagination:

We seldom talked much in the evenings. Now and then my grandfather would read out loud, either from Burns or the Bible. He had a way of reading Burns--he neither wrestled with the Scotch dialect nor ignored it--he conceded wherever necessary. There was just enough to give it a Scotch flavor--like the Canadian regiment in our village which wore, above the regular soft khaki uniform, a sort of tam o'shanter with a bit of Scotch plaid grosgrain ribbon on it, and a feather. It pleased my grandfather to be able to give us that particular feeling of foreignness--a drop of red wine into the clear yellow

²⁹ *Ibid.*, p. 124.

³⁰ *Ibid.*

of the lamp-lit evenings . . . His Bible reading, though, did just the opposite. We became quite stolidly a family when he read the Bible.³¹

* * *

"She wants a new dress, Grace," Granny said to my Aunt. She sighed. Aunt Grace said, "Well, for Heaven's sakes [*sic*] that's nothing to sigh about, mother. Why shouldn't she have a new dress? There's all that beautiful purple cloth she brought from New York[,] it will look stunning on her. I'll get Miss O'Neil to come around today."

Gammie had started to look abused and rocked back and forth. Some people have a way of walking off and looking hurt--Gram considered it beneath her dignity to get up and walk--she merely rocked. The motion of retreat was implied and yet she remained there to be dealt with, her[?] worries had been slighted.³²

Critics would do well also not to slight these 'non-literary' influences. The reading and rocking grandparents belonged to Elizabeth Bishop's earliest memories. Although she eschewed many of the traditional beliefs of that time--particularly fundamentalist and evangelical Christianity--she retained a basic respect for the lessons learned in her youth, which had been taught to her by these down-to-earth, but not unromantic people. Their values formed part of her sensitive, compassionate approach to life, and her egalitarian attitude toward the people and places she encountered and wrote about during her career.

In *The Collected Prose*, Robert Giroux assembled Elizabeth Bishop's finished prose works. He divided the collection into two sections: "Memory: Persons & Places" and "Stories." Ostensibly, "Memory" appears to be those pieces considered non-fictional or autobiographical, and "Stories" those pieces considered fictional. However, no definition or criteria are given for either section. There are distinct problems with, if not the categories themselves, then with Giroux's choice of what to include in them. The "Memory" pieces conform to the presupposition that they are literal descriptions or accounts. I would divide them, however, into two sub-categories: those that deal with

31 "Reminiscences of Great Village," [second page].

32 *Ibid.*, [eleventh page].

'observed' people and places ("Gregorio Valdes," "Mercedes Hospital," "To the Botequim & Back," and "The Diary of 'Helena Morley: The Book & Its Author'"); and those that deal with personal history ("Primer Class," "The Country Mouse," and "The U.S.A. School of Writing"). Bishop's memoir of Marianne Moore seems to fit into both these sub-sections. In "Stories," however, there is a frustrating mix of true fictional stories--"fanciful" as Giroux describes them--("The Sea & Its Shore," "In Prison," "The Farmer's Children," and "The Housekeeper"), and pieces which conform directly to the "Memory" category ("Gwendolyn," "Memories of Uncle Neddy," and "In the Village"). "The Baptism" seems to fit into both main sections, again displaying the inadequacy of categories in general. In my view, Giroux would have served Bishop better by putting these pieces simply in chronological order--a revealing arrangement in itself. At question here is something more important than mere semantics. The essential nature of Elizabeth Bishop's work has been distorted. The entire collection could be labelled "Memory," for that matter.

The following brief sketches are intended to introduce readers to the five prose pieces that deal directly with Great Village; to revise previous interpretations with the help of some new evidence and material from her unpublished reminiscences; and to stress and explain their importance as autobiography.

"Primer Class"

Elizabeth Bishop had very little formal education until her mid-teens. Frequent respiratory illness prevented her from attending school, instruction coming instead from relatives and her own insatiable natural curiosity. As a result, her encounters with conventional schooling were remarkable events. After her return to Boston in 1917, Bishop attended school briefly--an episode that found its way into "The Country Mouse." The young Bishop experienced some culture shock in this first brush with American pedagogy:

The War was on. In school at recess we were marched into the central hall, class by class, to the music of an upright piano, a clumping march that has haunted me all my life and I have never yet placed. There we pledged allegiance to the flag and sang war songs: "Joan of Arc, they are ca-alllll-ing you." I hated the songs, and most of all I hated saluting the flag. I would have refused if I had dared. In my Canadian schooling the year before, we

had started every day with "God Save the King" and "The Maple Leaf Forever." Now I felt like a traitor. I wanted us to win the War, of course, but I didn't want to be an American.³³

Serious illness soon removed Bishop from school and from her Bishop grandparents' home; continuous formal education began only in 1927, when she entered Walnut Hill School in Natick, Massachusetts.³⁴

Her 'Canadian schooling' had not been extensive, but the experience left a more positive mark on Bishop and formed the basis of one of her most delightful prose reminiscences, "Primer Class." Bishop attended the Great Village School during the fall/winter terms of 1916-17, although for some of that time she was ill.³⁵ "Primer Class" is a wonderful evocation of the fascinations and trepidations of a child experiencing her first formal schooling. The Great Village School, still standing and in use, was an impressive structure to her young mind: "The school was high, bare and white-clapboarded, dark-red-roofed, and the four-sided cupola had white louvers."³⁶ Opened in 1904 and costing \$4,000, it was a fine representative of the trend toward consolidation taking place in the province.³⁷

Whether for better or worse, we usually all remember that first person who stood at the front of the classroom, introduced us to 'Education,' and embodied non-parental authority. The inimitable Georgina (Georgie) B. Morash, Bishop's teacher during this time, was a native Great Villager. Technically, Miss Morash was not Bishop's first teacher. In August 1916, Georgie Morash's mother died and she was absent from school for the month of September. An unknown Miss Logan substituted, but apparently made little or no impression on the shy but precocious Bishop.³⁸ Georgie, on the other hand, loomed large in Bishop's "Primer Class" memories:

33 Giroux, *The Collected Prose*, p. 26.

34 Stevenson, *Elizabeth Bishop*, p. 17.

35 TDN, 14 Feb. 1917, p. 7, col. 3. Unfortunately, the school registers for the Primary Department of the Great Village School are lost for this period.

36 Giroux, *The Collected Prose*, p. 7.

37 [Great Village Women's Institute], *Great Village History* (1960), p. 32.

38 TDN, 24 Aug. 1916, p. 2, col. 1; 4 Oct. 1916, p. 2, col. 4.

To me she seemed very tall and stout, straight up and down, with a white starched shirtwaist, a dark straight skirt, and a tight, wide belt that she often pushed down, in front, with both hands. Everything, back and front, looked smooth and hard; maybe it was corsets. But close to, what I mostly remember about Miss Morash, and mostly looked at, were her very white shoes, Oxford shoes, surprisingly white, white like flour, and large, with neatly tied white laces.³⁹

Miss Morash ruled like a homely Valkyrie over her little charges, dispensing knowledge "in a loud clear voice"⁴⁰ and demanding strict attention with her pointer--not an easy task for the day-dreaming Bishop. Miss Morash endeared herself to the orphaned child by exhibiting a magnanimous (to Bishop) benevolence when she was made late for school by her Aunt Mary. The distraught child was comforted and strengthened by Georgie's kind words: "I had to face my snickering classmates, and I found I could."⁴¹

Perhaps one of the most important and lasting experiences from this time was her introduction to geography:

Only the third and fourth grades studied geography. On their side of the room, over the blackboard, were two rolled-up maps, one of Canada and one of the whole world. When they had a geography lesson, Miss Morash pulled down one or both of these maps, like window shades. They were on cloth, very limp, with a shiny surface, and in pale colors--tan, pink, yellow, and green--surrounded by the blue that was the ocean. . . . On the world map, all of Canada was pink; on the Canadian, the provinces were different colors. I was so taken with the pull-down maps that I wanted to snap them up, and pull them down again, and touch all the countries and provinces with my own hands.⁴²

Bishop's poem "The Map" undoubtedly has links with these observations and feelings. And, more generally, her sense of place and its importance has origins in these early second-hand lessons.

39 Giroux, *The Collected Prose*, p. 7.

40 *Ibid.*, p. 8.

41 *Ibid.*, pp. 11-12.

42 *Ibid.*, p. 10.

The sights, sounds, and events of "Primer Class" are not only Bishop's memories, but also the memories of many Maritimers of her generation. Although perhaps not her most powerful prose piece, "Primer Class" speaks directly to our experience and evokes a rich heritage. It is an endearing amalgam of personal and pedagogical history.

"Memories of Uncle Neddy"

That gray-green bloom, or that shadow of fine soot, is just enough to serve as a hint of morbidity, attractive morbidity--although perhaps mortality is a better word. The gray-green suggests life, the sooty shadow--although living, too--death and dying. And now that Uncle Neddy has turned up again, the latter, the black, has suddenly become associated with him. Because, after all these years, I realize only now that he represented "the devil" for me, not a violent, active Devil, but a gentle black one, a devil of weakness, acquiescence, tentatively black, like the sooty mildew.⁴³

"Memories of Uncle Neddy" is a direct reminiscence of Elizabeth Bishop's maternal uncle, Arthur B. Boomer [Bulmer], a life-time resident of Great Village. It was written long after Arthur's death in 1952 and only published in 1977⁴⁴ because Arthur's wife, Mabel, was alive for much of the intervening time. "Memories of Uncle Neddy" is one of her least-commented-upon prose pieces. Bishop herself felt that a piece about Arthur "would be utterly without significance"⁴⁵--showing how even the perceptive Bishop could err in judgement.

Bishop's remembering was precipitated by the receipt of two portraits from home (sent, according to David Kalstone, by Aunt Grace and not "Aunt Hat," Arthur's wife)--one of her mother and one of Arthur when both were children. In a loving and remarkably frank tone Bishop describes, first from stories she has heard and then from direct memory, the early achievements and the gradual, rather pathetic decline of "Uncle Neddy."

43 Giroux, *The Collected Prose*, p. 228.

44 "Memories of Uncle Neddy" was published in the *Southern Review*, 13 (Fall 1977), 786-803. See MacMahon, *A Bibliography*, p. 161. The proper surname spelling is Bulmer; the common phonetic spelling and pronunciation is "Boomer." I have opted to use the former, although the latter appears most frequently, but not exclusively, in the TDN.

45 Kalstone, *Becoming a Poet*, p. 197.

The portrait Bishop word-paints is of a paradoxical figure (a "coincident conundrum"): ⁴⁶ a young man with the potential to go far--"Little Edward had also been a great text-memorizer and hymn-singer; " "Uncle Neddy had a very nice baritone voice; " "Later on, he had performed prodigies of stoicism in respect to the Nova Scotia winter cold."⁴⁷--but at the same time with a propensity to squander his talents--"very early (I heard much later) [he] began to fall in love and to--alas for Neddy--'chase women'; " "He must have begun drinking about this time."⁴⁸

Arthur Boomer was well liked in the community. When he was ill for an extended period in 1916 the *Truro Daily News* stated, "We are sorry to report that Mr. Arthur B. Boomer is not convalescing as rapidly as his many friends would wish; we miss the genial Arthur from our midst."⁴⁹ Bishop remembered that he "loved children and was very good with them," for in many ways he remained irresponsibly adolescent.⁵⁰ Apprenticed to a tinsmith, Arthur ran a prosperous business for awhile in a building that had once housed his father's (William Bulmer's) tannery.⁵¹ But its decline symbolized the general failure of his life--at least by Bishop's standards. Arthur Boomer had vision. He was one of the first people in the village to own a car and have a telephone installed in his home, and he was an inspired, almost preter-natural fisherman. However, Arthur seemed to have no ambition, taking the Temperance Pledge and then falling off the wagon, or beginning renovations on his house and not finishing them.⁵²

Bishop catalogued Arthur's virtues and faults with a deep affection and willing indulgence. But, ultimately, Arthur Boomer was a dark figure in

46 [Bishop], *The Complete Poems 1927-1979*, p. 73; from "Faustina, or Rock Roses," line 62.

47 Giroux, *The Collected Prose*, pp. 231-232.

48 *Ibid.*, p. 234.

49 TDN, 12 Oct. 1916, p. 7, col. 3.

50 Giroux, *The Collected Prose*, p. 237.

51 *Great Village History*, pp. 65-66.

52 TDN for 26 Jan. 1916, p. 2, col. 1: "Mr. Boomer has laid a concrete foundation for an extension to his house which should give them good room when completed."

Bishop's past. He represented the problems of remaining for too long in one place, and she saw in him her own propensity for a quiet, relentless self-destruction which could manifest itself suddenly in grotesque ways:

And then Santa Claus came in, an ordinary brown potato sack over his shoulder, with the other presents sagging in it. He was terrifying. He couldn't have been dressed in black, but that was my impression, and I did start to cry. He had artificial snow sprinkled on his shoulders, and a pointed red cap, but the beard! It wasn't white and woolly at all, it was made of rope, a mass of frayed-out rope. This dreadful figure cavorted around the room, making jokes in a loud, deep, false voice. The face that showed above the rope beard looked, to me, like a Negro's. I shrieked. Then this Santa from the depths of a coal mine put down his sack that could have been filled with coal, and hugged and kissed me. Through my sobs, I recognized, by touch and smell and his suddenly everyday voice, that it was only Uncle Neddy.⁵³

In spite of her doubts, Elizabeth Bishop fashioned in this brief biography of an ordinary man a work of deep significance. Bishop saw herself reflected in Arthur Boomer in ways she saw herself in no one else. She spent her life freeing herself from the haunting "devil of weakness, [and] acquiescence," and developing a phenomenally rigorous discipline in crafting her own "tinware, beautiful and shiny" so that it could never be considered "badly made."⁵⁴ The portrait Bishop stared at in the humid Brazilian living-room tangibly revived the past. ("Although there are more, these are all the memories I want to keep on remembering--I couldn't forget them if I tried, probably. . . .")⁵⁵

"The Baptism"

Bishop's first published prose work has been labelled with adjectives as diverse as "sentimental" and "surreal." Of all the Great Village prose pieces,

53 Giroux, *The Collected Prose*, p. 244.

54 *Ibid.*, p. 245.

55 *Ibid.*, p. 249.

"The Baptism" is most like a conventional story.⁵⁶ Although the setting is Great Village--the physical description is exact and the entire supporting cast are actual people--the main characters, the sisters Emma, Flora and Lucy, are fictional.⁵⁷ Briefly, the story concerns the intense religious crisis and conversion of Lucy, the youngest sister, which leads ultimately to her death after total immersion in the icy March waters of the village river. The three parentless women, of indeterminate age, struggle to survive through a long cold winter, during which Lucy becomes increasingly distraught and convinced of her damnation. Although helped out by neighbours, they remain essentially isolated, anchored "around their own table" like "sea plants."⁵⁸ Gradually, even their sisterly bonds begin to strain under the weight of Lucy's mania.

It is only within the past twenty years that historians have begun to redress the male bias in the study of history. The experiences and contributions of women in all aspects of life have been included and examined in scholarly research, as they had not been previously. Nowhere is this more necessary and evident than in the study of religious experience. Nancy F. Cott's *The Bonds of Womanhood* (1977) and Barbara Leslie Epstein's *The Politics of Domesticity* (1981) are but two examples of this enlightened direction. Primary, and until recently, largely untapped sources that many historians have turned to in their study of female experience are diaries, journals and letters.

Strikingly, Elizabeth Bishop chose to advance the action in "The Baptism" by using the same sort of material (albeit as a literary technique), anticipating by several decades the value of this type of document to historians. Lucy begins to keep a diary ("a record of spiritual progress"). It is our only means of glimpsing the mind of this young woman, troubled as she was by her

56 "The Baptism" was published in *Life and Letters To-day*, 16 (Spring 1937), 71-78. See MacMahon, *A Bibliography*, p. 143. I designate this her first published prose piece, although she did have other short prose works printed in the Vassar College journals.

57 No evidence has been found that these individuals existed. The *TDN* for 1915-1922 contained no accounts even remotely similar to the circumstances of the story. According to Mrs. Cassilda Forbes, Peter Sanger's source, "Spectators always stood on the bridge to watch baptisms taking place in the river below. . . [but] no case like Flora's [sic] [occurred] in Great Village." *The Antigonish Review*, 60 (Winter 1985), p. 23.

58 Giroux, *The Collected Prose*, p. 159.

constrained, desolate life. Her entries are remarkably resonant with actual entries made by women in the eighteenth and nineteenth centuries. An unknown woman wrote in 1763, "It pleased God . . . to open my View to that Foundation of Sin that was in my Heart, and give me to see that I had sinned in my first Father Adam, and . . . that my Nature was full of Sin . . . which would be eternal Damnation."⁵⁹ In 1803 another wrote,

On Monday evening I felt an unusual calm in my mind for which I could not account. Opening a Bible I thought there was something in it sweet and engaging that I never saw before. . . . Christ appeared to me to be chief among ten thousands, and altogether lovely, I rejoiced that there was so glorious a being at the head of the universe, I was sure that He would do perfectly right.⁶⁰

In "The Baptism," Lucy is made to write in her diary,

When the lamp was out I prayed for a long time, and a little while after I got into bed I felt that face moving toward me again. I can't make it out, but it is very large and close to mine. It seemed to be moving its lips. Is it reproachful? . . . Last night at four o'clock a terrible wind began to blow. I thought all the trees were breaking. . . . The house shook, and I thought about the House founded on the Rock. I was terribly frightened. . . . Then there was a lull. . . . Then suddenly a low voice began to talk right over the head of the bed. I couldn't make out the words, they weren't exactly words I knew, but I seemed to understand them. What a load dropped from my mind! Then I was so happy. . . .⁶¹

Elizabeth Bishop's grandmother was a member for nearly fifty years of the Women's Missionary Society of the Baptist Church in Great Village.⁶² Bishop may very well have accompanied her grandmother when she attended the meetings of this organization; they may even have occurred in the Bulmer

59 Barbara Leslie Epstein, *The Politics of Domesticity: Women, Evangelism and Temperance in Nineteenth-Century America* (Middletown, CT, 1981), p. 39.

60 *Ibid.*, p. 58.

61 Giroux, *The Collected Prose*, p. 165.

62 TDN, 22 Apr. 1931, p. 6, col. 1.

home. "The Baptism" seems a strange subject for "The Unbeliever" that Bishop became in her adult life. However, the source for the story could easily have come from the conversations she heard as the Baptist ladies sat in their kitchens and parlours drinking tea, praising God and planning evangelical strategy. Undoubtedly, Bishop was a witness to the total immersions that actually took place in the river--after all, physical proximity (the Bulmer house is adjacent to it) would facilitate observation if interest did not. Themes of Bishop's own life appear in "The Baptism": abandonment, the hunger for travel, and personal guilt for the fate of loved ones. The sisters are a triptych of fate--the Moirai weaving, measuring and cutting the thread of life that for the young Elizabeth was increasingly measured by deaths.

Far from being a minor story, "The Baptism" is an intriguing psychological study of Lucy's emotional and spiritual condition. It is the least autobiographical of the Great Village prose pieces, but it explores a process experienced historically by many women in the Maritimes and New England in the eighteenth and nineteenth centuries. Women, however, did not necessarily die as a result of their religious experiences. Lucy's death is perhaps symbolic of Bishop's own belief in the futility--and even danger--of enthusiastic or muscular Christianity to explain or resolve the tragedies of life. Bishop thus wove her own emotional pattern and the patterns of many spiritual sisters into the fabric of "The Baptism." But, ultimately, an echo from "In the Village" and "Gwendolyn" haunts "The Baptism," revealing its personal nature and inextricably linking the three stories: "One afternoon they thought she had a high fever. Late in the day, God came again, into the kitchen. Lucy went toward the stove, screaming."⁶³

"Gwendolyn"

Gwendolyn Patriquin ("Appletree") died on 1 September 1922. The death of this "friend" had a profound impact on the eleven-year-old Elizabeth Bishop. Woven in a web of details about life in Great Village, Bishop recounted her equivocal feelings toward this delicate, diabetic, doll-like

63 Giroux, *The Collected Prose*, p. 169. Robert Lowell first suggested that the three stories should be put together. Kalstone, *Becoming a Poet*, p. 158.

child smothered in affection by her parents: "to me she stood for everything that the slightly repellent but fascinating words 'little girl' should mean."⁶⁴

"Gwendolyn" is an absorbing study of childhood envy, affection and guilt; a revelation of the complex emotions experienced by children toward each other. The orphaned Elizabeth, who suffered from frequent respiratory illness, contrasted herself to the excessively doted-upon Gwendolyn: "Then her parents almost ate her up, alternately, as if she really were made of sugar, as I half suspected." Reflecting on her own situation, she remarked: "Although I received many demonstrations of affection from my grandparents, they were nothing like this."⁶⁵ When Gwendolyn died, Elizabeth was not allowed to attend the funeral, but her curiosity prompted her to spy on the Church through the parlour window. She experienced a sort of vision, imagining she saw Gwendolyn's coffin abandoned outside the Church, which precipitated perhaps her first strong reaction to the mystery of death: "Then I ran howling to the back door, out among the startled white hens, with my grandmother, still weeping, after me."⁶⁶ Conflicting emotions (her alternating repulsion and fascination with Gwendolyn) and the memory of her own past (her mother's disappearance), coalesced into a palpable encounter with loss and death.

"Gwendolyn" is unquestionably autobiographical. Except for a few alterations (for example, the use of Appletree as Gwendolyn's surname; the reversal of ages between the two girls--Bishop was actually three years older than Gwendolyn; and a slight inaccuracy in the date of the story--Bishop places Gwendolyn's death in 1920), the general facts of the piece are accurate. Not only that, but Bishop faithfully recounts through her child's eyes the reaction of the community to Gwendolyn's death. On 6 September 1922, the *Truro Daily News* carried a lengthy obituary for Gwendolyn (**see illustration facing**), which speaks for itself. The tone is not untypical of the time, but embellishes even the normal conventions. Bishop would doubtless have been entirely aware of this reaction and of the obituary itself.

64 *Ibid.*, p. 216.

65 *Ibid.*, p. 217.

66 *Ibid.*, p. 224.

DEATH OF LITTLE GWENDOLYN PATRIQUIN.

On Friday, Sept. 1st., at 1.20 p. m. the Angel of Death visited the home of Mr. and Mrs. John D. Patriquin, Great Village, N. S., and carried away their darling daughter, Gwendolyn, aged eight years, 11 months. Although she had been in poor health during the past few weeks her death came as a great shock both to the family and to the community. Dr. T. R. Johnson had been tending her for some little time. About twelve o'clock Thursday night the doctor was summoned and Miss A. F. Spencer, a trained nurse, was brought to the house. The doctor stayed until morning and all within human power was done to save the child's life. Her father and mother and two brothers, Harry and Donald, and an aunt, Miss Lila Patriquin were present when she breathed her last, and the peaceful expression on her face told plainly that her Father in Heaven had called home another of his children.

The many beautiful flowers sent by playmates and friends and the kindness of the people rendered in the hour of sorrow only show that she was beloved by all and that the whole family is held in high esteem.

The funeral services were conducted in St. James church on Sunday afternoon by Rev. D. H. MacKinnon, assisted by Rev. Mr. Meister. Mr. MacKinnon spoke comforting words to the bereaved ones. "Suffer Little Children to Come Unto Me" and "When He Cometh" were sang by the congregation and choir, while Miss A. F. Spencer rendered beautifully and touchingly "Sometime We'll understand."

The pall bearers were her two brothers, Arthur and Harry; and two friends, Wendal Peppard of Great Village and Charles Fillmore of Collingwood Corner, N. S.

Beside a loving father and mother there are left to mourn the loss of a dear daughter and sister one sister, Mrs. F. Y. Archibald of Brooks, Alta.; and six brothers Roy, Fred and Cyrus in Alberta; and Arthur, Harry and Donald at home; also a host of relatives and friends. A son of Mr. and Mrs. Patriquin Cpl. Clyde A. Patriquin, M. M., D. C. M., made the supreme sacrifice on June 12th, 1918 in the World War.

The many friends of the sorrowing family extend their deep and sincere sympathy to those whose hearts yearn for the dear one taken from them so suddenly.

COM.

For Bishop, already coping with a deep sense of loss, this death made a lasting impression. "Gwendolyn" cannot be separated from "In the Village." Both pieces cut straight to the heart of her childhood memories. In the poem "First Death in Nova Scotia," all the vital elements of these two stories come together as Bishop is witness to another death, that of a cousin (Uncle Arthur's infant son Elwood--called "Arthur" in the poem). Bishop's mother, who "In the cold, cold parlor / . . . laid out Arthur," lifts up the then four-year-old Elizabeth to say goodbye to the dead child: "Arthur was very small. / He was all white, like a doll / that hadn't been painted yet."⁶⁷ Mother, doll, dead child, and bewildered Elizabeth wander through all the memories--touchstones of pain. The pain of remembering is the catharsis for the pain of the "awful thing [that] happened."⁶⁸

"In the Village"

The hardest thing about it now. . . is to realize that it has happened. Sad things, sadder things, awful things, seen always a minute afterwards, so unnecessary, so unreasonable. What I had done before, & have done since, and what has happened to us all--it is understandable--if you thing about it long enough it makes sense and you feel, like a light moving behind a window pane at night, a certain reason, to it--an illumination--like an inscrutable aloof force, lit up by a smile. But this--what happened to her--throws the picture off--the music all out of key. . . . Gran, at the end of her life, thought suddenly it had all been wrong--and Aunt Grace could look ahead thinking whatever came could be all wrong. . . . Grandpa thought God might step in between--⁶⁹

The most traumatic and decisive event in Elizabeth Bishop's childhood must surely have been the final return to Great Village, the collapse and institutionalization of her mother in 1916. Bishop was a five-year-old witness to this breakdown, which must have been severe in order for the caring

67 [Bishop], *The Complete Poems 1927-1979*, pp. 125-126.

68 Giroux, *The Collected Prose*, p. 226.

69 "Reminiscences of Great Village," [ninth page].

and devoted Bulmer family to acquiesce to her mother's lifelong confinement within a mental hospital. Unquestionably, Gertrude Bishop's illness and hospitalization haunted the family long after she died in 1934.

For Elizabeth Bishop, this final episode and her mother's subsequent absence created a painful wound which, added to her already unsettled world, sank deep into her memory and emerged years later, transformed by her poetic imagination into one of the most brilliant prose poems ever written. "In the Village" is a transcendent meditation upon the sorrow and happiness that are inextricably linked in life. Epitomized by two sounds--"A scream, the echo of a scream" and "the pure note: pure and angelic" of the blacksmith's hammer--these intense emotions flow through a wonderfully rich chronicle of life in Great Village, as seen through the eyes of the child Elizabeth. The world around her becomes her salvation from the "immense, sibilant, glistening loneliness" within.⁷⁰

Of all Bishop's prose pieces, "In the Village" is the best known and most analysed.⁷¹ It is considered unanimously by critics to be a masterpiece. Bishop herself knew what she had created and stated clearly that the piece was "completely autobiographical." Only after she had settled in Brazil and had reached a point of "contentedness and stability" previously unknown to her, was Bishop able to face her childhood and write about it.⁷² However, the process could not, even then, have been easy. The memories were filled with conflicting emotions, haunting images and a disturbing sense of personal guilt.

The passage which introduces this section comes from unpublished Great Village reminiscences in the Elizabeth Bishop Collection held at Vassar College Library. Many of these reminiscences form what in effect could be considered first drafts of parts of "In the Village." To date, critical studies of the piece have been done without reference to these preliminary sketches. Certainly, the latter are not necessary for a full and rich understanding

70 Giroux, *The Collected Prose*, pp. 251, 253, and 265.

71 For an excellent critical treatment, see David Kalstone, *Becoming a Poet*, pp. 157-158 and 160-165.

72 Victoria Harrison, "Recording A Life: Elizabeth Bishop's Letters to Ilse and Kit Barker," *Contemporary Literature*, 29, 4 (Winter 1988), p. 505. All but one of Bishop's Great Village prose pieces date from the post-1951 period, after her settling in Brazil.

of the finished work. However, the reminiscences throw an interesting light--a shadowy oil-lamp illumination--on the process by which Bishop reached her ultimate voice. These reminiscences are undated, but probably immediately precede "In the Village," which Bishop "wrote . . . in a single stretch, straight off the typewriter--the first time she'd ever done such a thing." David Kalstone finishes the story:

She had made notes for various bits of the story but no more, and then was given too much cortisone for her asthma--occasionally, still, it was very bad--and couldn't sleep. "I sat up all night in the tropical heat," she told Elizabeth Spires years later. "The story came from a combination of cortisone, I think, and the gin and tonic I drank in the middle of the night. I wrote it in two nights."⁷³

Even a cursory reading of the reminiscences (the "notes") reveals that Bishop blunted the raw edge of her emotions before she reached the fine, refracted touch of "In the Village." Although not able to be undertaken here, a full comparative analysis would expand our understanding of Bishop's personal pain and poetic process, which so superbly coalesce in "In the Village." One example of comparative textual analysis will suffice to exhibit the hermeneutical potential of such an approach. At one point in the reminiscences Bishop wrote,

That afternoon I tapped on my mother's door and went in. Easter [her mother] was standing in the middle of the room with Miss O'Neil kneeling at her left and Aunt Grace at her right. The tiny fan of shiny needles in Miss O'Neil's starved looking mouth might well have been a sacred host. She stared up at Easter with fear and wonder, and I thought to myself 'Oh, she knows' Miss O'Neil picked up a large pair of shears & took hold of the extra cloth, to cut it away. At once Easter fell to her knees and snatched the cloth away from her. 'Oh Oh!' she cried, 'You hurt me. You mustn't cut it It's mine . . . so take the scissors away. Grace! make her stop. It will bleed. I shall bleed' . . . She jumped up & ran to the other end of the room trailing the cloth in a wonderful swirl behind her. She stood there and screamed.⁷⁴

73 Kalstone, *Becoming a Poet*, p. 157.

74 "Reminiscences of Great Village," [eleventh and twelfth pages].

This same episode in "In the Village" is transformed from the startling colours of the realist's to the subtle, but perhaps more potent hues, of the impressionist's brush. And the focus has shifted from the central figure--mother--to the world surrounding her--a deflection for safety's sake:

Unaccustomed to having her back, the child stood now in the doorway, watching. The dressmaker was crawling around and around on her knees eating pins as Nebuchadnezzar had crawled eating grass. The wallpaper glinted and the elm trees outside hung heavy and green, and the straw matting smelled like the ghost of hay.

Clang.

Clang.

Oh, beautiful sounds, from the blacksmith's shop at the end of the garden! Its gray roof, with patches of moss, could be seen above the lilac bushes. Nate was there--Nate, wearing a long black leather apron over his trousers and bare chest, sweating hard, a black leather cap on top of dry, thick, black-and-gray curls, a black sooty face; iron filings, whiskers, and gold teeth, all together, and a smell of red-hot metal and horses' hoofs.

Clang.

The pure note: pure and angelic.

The dress was all wrong. She screamed.

The child vanishes.⁷⁵

Perhaps Bishop's "highly developed sense of privacy"⁷⁶ and her artistic integrity combined to suppress the more explicit, less well-crafted version of the "dressmaker" episode. Even though abandoned, this rendition must not be forgotten. Whatever value is placed on the unpublished reminiscences as literary productions, they serve to reveal the complex forces that shaped Elizabeth Bishop. They are contributions to her autobiography and expressions of her desire, above all else, to tell the truth.

"And it's still loved, / or its memory is (it must have changed a lot)."⁷⁷

75 Giroux, *The Collected Prose*, pp. 252-253.

76 *Ibid.*, p. xix.

77 This line and the opening epigraph come from "Poem." [Bishop], *The Complete Poems 1927-1979*, p. 177.

In May 1979, just months before her death, Elizabeth Bishop returned to Nova Scotia to receive an honorary Doctor of Laws from Dalhousie University. The citation understatedly declared: "She has travelled much and lived for many years in Brazil, but the mark of the Nova Scotia years is discernible in the setting, the imagery and the temper of some of her most memorable work."⁷⁸ Without professing to be exhaustive, this essay has attempted to reinforce and expand the citation's declaration. An inherent Nova Scotian bias informs this brief study of Bishop's life and work--a necessary corrective, as so much Bishop scholarship has been infused with a blatant American bias.

In the absence of a conventional biography or autobiography, we must turn to other sources in order to understand Elizabeth Bishop's life. Her most valuable legacy (besides a voluminous correspondence--letter writing being perhaps "her most prolific genre"⁷⁹) was her poetry and prose. Even a cursory examination of her life's work demonstrates the relevance and importance of her Nova Scotian experience. Great Village and her maternal relatives are central and essential elements in her personal history and poetic imagination. Not only did she write directly about them, but they also influenced her choice of subjects and how she treated them. For example, her fascination with Helena Morley's diary came from an immediate identification with it: she "recognized her own rural childhood."⁸⁰ Her compassionate treatment of the folk artist Gregorio Valdes and of the saintly Miss Mamie in "Mercedes Hospital" emerged from the homely lessons taught by devout grandparents. Great Village was as much 'home' for Elizabeth Bishop as was Key West, Florida, or Ouro Preto, Brazil. To pass lightly over its influence, and her continued affinity with the province long after she left it, is to risk misunderstanding a fundamental aspect of her life and work. Also jeopardized is the loss of a genuinely 'native' voice that explored, through personal experience, the rich tapestry of life in early twentieth-century Nova Scotia.

78 Spring Convocation, 1979, programme: Dalhousie University Archives.

79 Harrison, "Recording a Life," p. 499.

80 *Ibid.*, p. 512. See also Kalstone, *Becoming a Poet*, pp. 155-156.

When a certain feeling has been built up over a long period of time it creates a space for such feeling--a large space which must be filled and as the original excitement or emotion goes away another must come or . . . be made to come, to fill it.⁸¹

Elizabeth Bishop filled the spaces in her life with brilliantly crafted reminiscences. The original feelings of pain and happiness, distilled through time, emerged as poignant recollection. Bishop explored and wrote about not only physical landscape, but also emotional and spiritual landscapes. Ultimately, the value of her work lies not in its connections with this or that place or person, but in its revelation of inner truths. In the final analysis, the *process* of remembering is more essential and cathartic than the actual memories themselves.

[Sandpiper]

The world is a mist. And then the world is
minute and vast and clear. The tide
is higher or lower. He couldn't tell you which.
His beak is focussed; he is preoccupied,
looking for something, something, something.
Poor bird, he is obsessed!⁸²

Bulmer-Bishop Chronology, 1915-1923

1915:

April / Gertrude and Elizabeth:

"Mrs. Bishop of Revere, Mass., accompanied by her little daughter arrived home last week to spend the summer with her parents, Mr. and Mrs. Wm. Boomer." *Truro Daily News*, [TDN], 5 May 1915, p. 8, col. 4.

July:

"Among the visitors seen in our village . . . Mrs. Bishop and daughter of Boston." *TDN*, 21 July 1915, p. 3, col. 6.

81 "Reminiscences of Great Village," [eighteenth page].

82 [Bishop], *The Complete Poems 1927-1979*, p. 131.

September / grandparents:

"Mr. and Mrs. William Boomer have gone to Boston to visit their daughters, Miss Grace, and Mrs. Geo. [Maud] Shepherdson." *TDN*, 29 Sept. 1915, p. 7, col. 3.

November / Gertrude:

"Mrs. Gertrude Bishop left for St. John on Monday where she will spend a day of two." *TDN*, 18 Nov. 1915, p. 7, col. 4.

1916:

Gertrude:

Although no mention is made of her return to Great Village in the *Truro Daily News*, Stevenson and other Bishop scholars place her return and final departure in the summer of 1916. "In the Village," also sets these events in summer. However, in an early draft of "In the Village" Bishop wrote: "It was May she went away in." "Reminiscences of Great Village," Elizabeth Bishop Collection, Vassar College Library, Box 27, Folder 382.

Elizabeth:

Although not continuously, she attended "Primer" at Great Village School from Sept. 1916 to May 1917. Unfortunately, the School Registers for the Primary Department for this period are missing. See "Primer Class," *Collected Prose*, p. 6.

1917:

February / Elizabeth:

"Little Miss Elizabeth Bishop who has been ill for some weeks, is rapidly convalescing." *TDN*, 14 Feb. 1917, p. 7, col. 3.

August / Maud and Grace:

"Mr. and Mrs. George Shepherdson, of Revere, Mass., and Miss Grace Boomer, of New York, arrived last Tuesday evening to spend a few weeks with Mr. and Mrs. William Boomer." *TDN*, 16 Aug. 1917, p. 3, col. 4.

September / Grace:

Returned to New York. *TDN*, 5 Sept. 1917, p. 7, col. 4.

September / Bishop Grandparents:

"Mr. and Mrs. Bishop of Boston are visiting with Mr. and Mrs. William

Boomer for a few days." They stayed at the village hotel, "Elmonte House." *TDN*, 12 Sept. 1917, p. 7, col. 3.⁸³

October:

"Mr. and Mrs. Bishop and Mrs. George Shepherdson . . . have returned to their homes in the States; they were accompanied by little Miss Elizabeth Bishop who will spend the winter with her relatives." *TDN*, 11 Oct. 1917, p. 8, col. 3.

1918:

Elizabeth:

From Oct. 1917 to May 1918 she lived with her Bishop grandparents in Worcester, Mass. Kalstone, *Becoming a Poet*, p. 27. "In the Waiting Room," describing a trip to the dentist with her paternal aunt, is set in Feb. 1918.

March / Grace:

Visited her parents. *TDN*, 28 Mar. 1918, p. 7, co. 3. There is no mention of her return to New York.

May / Mary:

"The Misses Mary Boomer, G.B. Morash, and Messrs Wendell Anderson, Harold Firman and Leslie Geddes drove to Isaac's Lake, Westchester, on Friday of last week, bringing back with them eight dozen of the speckled beauties." *TDN*, 30 May 1918, p. 2, col. 1.

June:

Listed as a member of the YMCA War Work Club of Great Village. *TDN*, 5 June 1918, p. 3, col. 1.

July:

Graduated, a "successful 'B' student," from Truro Normal School. *TDN*, 31 July 1918, p. 8, col. 4.

December / Grace:

"Misses Grace Boomer and Una Layton, trained nurses, arrived home from Boston last week. Miss Layton answered the call to go to Boston in October during the terrible epidemic of Influenza in Massachusetts." *TDN*, 11 Dec. 1918, p. 3, col. 4.

83 David Kalstone writes, "She was treated very well by her grandmother and her aunts, and by the Bishop grandparents, who visited Nova Scotia several times, once in the relatively unfamiliar motorcar, complete with chauffeur." *Becoming a Poet*, pp. 25-26. No evidence was found in the *TDN* between 1915 and 1917 for these visits.

1919:*January / Grace:*

"Miss Grace Boomer has returned to her home after a short stay in Glenholm, where she has been nursing." *TDN*, 30 Jan. 1919, p. 7, col. 3.

February:

Returned to Boston. *TDN*, 12 Feb. 1919, p. 2, col. 1

March:

Miss Grace Boomer of the M[assachusetts] G[eneral] Hospital was burned by the explosion of a gas stove in the Hospital; altho [sic] quite badly burned she is able to be on duty again." *TDN*, 13 Mar. 1919, p. 7, col. 6.

August / Grace and Elizabeth:

"Miss Grace Boomer and friend Miss Richards and little Elizabeth Bishop all of Boston arrived home the latter part of last week. . . . These young ladies were passengers on the ill fated Steamer *North Star*, which was wrecked on the voyage from Boston to Yarmouth." *TDN*, 13 Aug. 1919, p. 7, col. 4.⁸⁴

August / Maud:

Home for a visit. *TDN*, 28 Aug. 1919, p. 6, col. 3. Her husband arrived in early Sept. *TDN*, 16 Sept. 1919, p. 2, col. 3.

October / Mary:

"Miss Mary Boomer left for Boston to train for a nurse." *TDN*, 2 Oct. 1919, p. 3, col. 5.

October / Maud:

Returned to Revere, Mass. on 5th of Oct. Although no mention is made of Elizabeth's return, it is likely she accompanied either Maud or Grace. *TDN*, 9 Oct. 1919, p. 2, col. 2.

December / grandparents:

"left for Boston, Friday a.m. to visit their daughters Mrs. Geo. Shepherdson of Revere and Misses Grace and Mary." At this point Elizabeth is with Maud. *TDN*, 18 Dec. 1919, p. 7, col. 1-2.

84 The *North Star*, launched by the Yarmouth Steamship Company in 1913, "came to grief on a ledge of Green Rock, off Yarmouth, in the fog [8 Aug. 1919]. Passengers and cargo were taken off but the ship was lost." See: *Novascotian* (Halifax), 4 July 1913, p. 16; Arthur L. Johnson, "A History of the Boston-Yarmouth Steamship Services," *PANS MG* 100, Vol. 222, #8; and *Yarmouth Herald*, 12 Aug. 1919, p. 2, col. 3.

1920:

February / grandparents:

"Sorry to hear Mr. and Mrs. Wm. Boomer of this place who are visiting friends in Boston and Revere are sick with Influenza." *TDN*, 18 Feb. 1920, p. 3, col. 3.

April:

Returned to Great Village. *TDN*, 29 Apr. 1920, p. 3, col. 4.

July / Mary:

Spent her vacation with her parents. *TDN*, 22 July 1920, p. 9, col. 3 (second section).

August:

Returned to Boston "to resume duties at the M.G. Hospital . . ." *TDN*, 17 Aug. 1920, p. 4, col. 3.

December / Grace:

"Miss Grace Boomer, of the Massachusetts General Hospital, Boston, is home on a vacation. She is now nursing in Glenholm." *TDN*, 18 Dec. 1920, p. 12, col. 6 (second section).

1921:

February / Grace:

"Miss Grace Boomer, who has been visiting friends in Truro, returned home Saturday accompanied by her cousin, Mrs. Williams, of Massachusetts." *TDN*, 2 Feb. 1921, p. 8, col. 4.

February:

She attended the Annual Masonic Ball in Great Village and "looked lovely in a gown of shimerly [*sic*] green." *TDN*, 11 Feb. 1921, p. 3, col. 4.

March:

Visited Parrsboro. *TDN*, 29 Mar. 1921, p. 3, col. 3.

April:

Returned home from Parrsboro. *TDN*, 23 Apr. 1921, p. 11, col. 5 (second edition).

September / Mary:

Spent her vacation with her parents. *TDN*, 20 Sept. 1921, p. 8, col. 4.

October / Mary and Grace:

Returned to Boston. *TDN*, 18 Oct. 1921, p. 8, col. 1.

1922:

February / Mary:

Visited her parents. *TDN*, 8 Feb. 1922, p. 2, col. 4.

May:

Returned to Boston. *TDN*, 6 May 1922, p. 3, col. 3.

July / Elizabeth and Grace:

"Miss Grace Boomer and her niece, Elizabeth Bishop of Boston, are visiting Miss Boomer's parents. . . ." *TDN*, 18 July 1922, p. 1, col. 2.

August / Grace:

Returned to Boston. *TDN*, 18 Aug. 1922, p. 2, col. 3.

September / Gwendolyn Patriquin:

d. 1 Sept. *TDN*, 6 Sept. 1922, p. 3, col. 2.

September / Elizabeth and Maud:

Returned to Boston. Undoubtedly, Maud made an unexpected trip to Great Village to remove Elizabeth after Gwendolyn's death. *TDN*, 13 Sept. 1922, p. 3, col. 4.

September / grandfather:

"Mr. William Boomer had the misfortune to fall from his wagon and is suffering from quite severe injuries." *TDN*, 27 Sept. 1922, p. 3, col. 1.

October / Grace:

Called home to take care of her father. "We are glad to say Mr. Boomer is improving." *TDN*, 4 Oct. 1922, p. 3, col. 4.

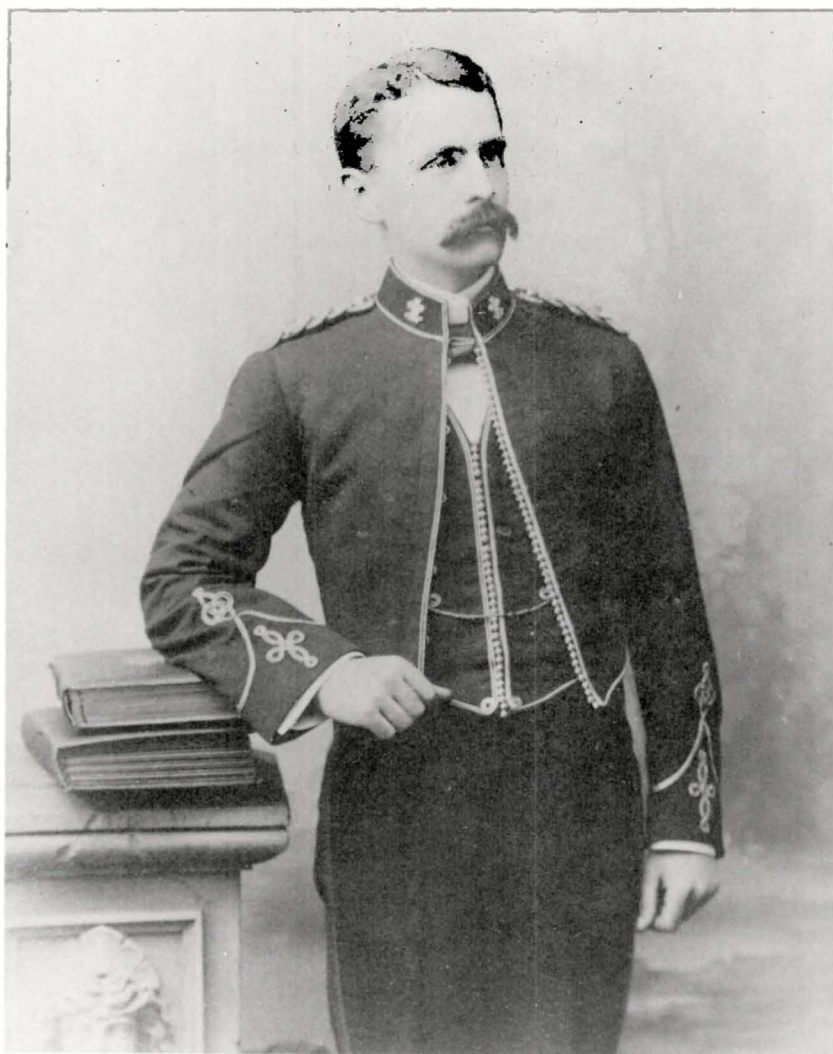
October / Grace and the Boomers:

"Miss Grace Boomer. . . left Saturday morning for Boston, accompanied by her parents. . . who intend spending the winter there." *TDN*, 1 Nov. 1922, p. 6, col. 4.

1923:

June / the Boomers, Mary and Elizabeth:

"Mr. and Mrs. William Boomer who have been spending the winter with their daughter at Revere, Mass., have returned to their home here. The were accompanied by their daughter Mary who graduated from the Massachusetts General Hospital a short time ago, and their granddaughter [sic] Elizabeth Bishop." *TDN*, 14 June 1923, p. 3, col. 1. (Issues of the *TDN* from July to Dec. 1923 are missing in the PANS holdings.)



Lieutenant Clonard Keating
Courtesy Canadian War Museum, AN 19740376-012.

A Nova Scotian in West Africa: Lieutenant Clonard Keating, 1871-1898

Bernard Pothier

Among the manuscripts in the archives of the Canadian War Museum is a small collection of correspondence, official British Army reports, and newspaper clippings pertaining to the brief career of a Nova Scotia-born imperial officer named Henry Edward Clonard Keating.¹ These papers chronicle mainly the last few weeks of Keating's life, and the circumstances surrounding his death at the hands of native warriors on the upper Niger River in October 1898. Although but a small incident of empire long since forgotten, in its day this action, and the young Nova Scotian who perished in it, fired the imagination of patriotic Canadians, particularly in Halifax where Keating was raised, and in Toronto where his family lived in the 1890s. These events occurred in the wake of Queen Victoria's Diamond Jubilee, when imperialist feeling, no less in Britain than in the colonies, ran very high.

Clonard Keating, or "Tony" as he was known, was born in Truro on 13 December 1871,² the son of Edward Henry Keating, civil engineer, and Mary Little Blanchard. In 1872 the Keatings moved from Truro to Halifax, where Edward had been hired as the city's first engineer. The family resided at 28 South Park Street.³ Tony attended Morris Street School, which he appears to have entered as a lad of seven in the autumn of 1879. He was an excellent student; in his final year at Morris Street, 1884-85, he had the highest aggregate among six boys of a class of forty-six who won testimonials on written examinations.⁴ He was admitted presently to the "regular" course of the Halifax

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1 Canadian War Museum Archives, Edward H. Keating Papers, 58A 1 36.6 [hereafter, Keating papers]. In addition to the papers, the collection (Acq. # 19740376) includes an assortment of regimental badges and buttons, two swords, three photographs, and Clonard Keating's commission as 2nd Lieutenant. This material was donated to the CWM in 1974 by Mrs. C.L.W. Worsley (*née* Keating) of Victoria, the daughter of H.E.C. Keating's younger brother, Sedley C. Keating.

2 *Ibid.*, fol. 21. A plaque erected in Keating's memory in Saint Luke's, Halifax (see *infra*) gave the date as 18 December 1871.

3 Public Archives of Nova Scotia [hereafter PANS], "Biography" card file, s.v. "Keating, Henry Edward."

4 PANS, RG 14, Series R1, Halifax City Public School Registers, *passim*.

High School in May 1885. When the High School became the Academy on 1 November 1885, Keating shifted from the regular to the classical course.⁵

Tony Keating left the Halifax Academy in September 1887, not quite sixteen, and travelled abroad for the first time to enter Dulwich College, London. There were strong British connections on his mother's side, and it was a Mrs. Blanchard from Hampshire who acted as Tony's guardian in Britain. While at Dulwich, he played rugby and ran the mile.⁶ He left Dulwich in April 1890 to travel on the Continent, and pursued further studies in Freiburg-im-Breisgau.⁷ Finally, in September 1891, aged twenty, Tony Keating entered Royal Military College, Sandhurst. We learn from the records of the College that he was unusually short of stature, at just 5 feet 3 and $\frac{3}{10}$ inches.⁸

When he graduated from Sandhurst in September 1892, Tony Keating took a period of leave with his family, now residing in Toronto.⁹ He was still there in December, when he received his commission as Second Lieutenant, and an appointment to the 2nd Battalion, Prince of Wales's Leinster Regiment (Royal Canadians). As their name suggests, the Leinsters had a Canadian origin. The 100th, or Prince of Wales's Royal Canadian Regiment of Foot, was raised in 1858 chiefly in Canada West (Ontario) for service in the British interest abroad. In 1881, when the British regiments were given territorial designations, the 100th received an Irish domicile, becoming the Prince of Wales's Leinster Regiment, retaining "Royal Canadians" in parentheses to commemorate its origin. The Leinsters continued also to carry the maple leaf on their colours, badges and appointments, and published a regular newsletter in Ireland called *The Maple Leaf*.¹⁰

5 *Ibid.*, vol. 215, no. 1, Halifax Academy Registers, 1885.

6 Information communicated to the author by Mrs. R.M. Slythe, Head of the Wodehouse Library, Dulwich College.

7 Keating papers, fol. 21.

8 Royal Military Academy (Sandhurst) Collection, communicated to the author by Mrs. M. de Lee.

9 In 1891 Edward Keating had taken a situation as city engineer in Duluth, Minn. Within a year, however, the family moved to Toronto where Keating became the manager of Toronto's street railway system.

10 C.H. Stewart, *The Concise Lineages of the Canadian Army, 1855-Date*, 2nd ed. (Toronto, 1982), p. 184.

Tony Keating was not long in the 2nd Battalion, however, before he exchanged into the Regiment's 1st Battalion. He was posted with them to Deesa, India, where he arrived in October 1893.¹¹ Prior even to his arrival, Tony had contemplated seeking an appointment to one of the subcontinent's Gurkha regiments. In September, Edward Keating had written outlining his son's ambition to Prime Minister Sir John S.D. Thompson, with whom, as a fellow Haligonian, he was of course well acquainted.¹² The senior Keating requested that Thompson write to Lord Lansdowne, Viceroy of India and previously Governor-General of Canada, in the hope of enlisting the latter's sympathy and good will. The following year, 1894, Tony's father called upon the Prime Minister once again to exert himself on his son's behalf, this time in the direction of the current Governor-General, the Earl of Aberdeen.¹³ Nothing seems to have come of this request, for Tony departed India with his unit in December 1894, the month of the Prime Minister's sudden death.

The 1st Leinsters arrived back at their regimental depot at Birr, Leinster province (Ireland), in January 1895.¹⁴ Nothing in the correspondence illuminates the next three years of Tony Keating's career, until the spring of 1898. We learn that he requested a secondment to a newly formed corps called the West African Frontier Force. This was granted through the good offices of a fellow Leinster, Col. James Willcocks, D.S.O. who was second-in-command. The W.A.F.F. was created as a result of French encroachments in the mid-1890s on the left, or east bank of the upper Niger River. Although an Anglo-French treaty of 1890 had excluded them from this region, from about 1894 the French, in their determination to have a foothold on the navigational portion of the Niger, had actually built and occupied a series of small posts there.

11 Keating papers, fols. 3-6v, Clonard Keating to E.H. Keating, Deesa (India), 25 October [1893].

12 National Archives of Canada, Thompson Papers, MG 26, D, 23071, E.H. Keating to J.S.D. Thompson, Toronto, 7 September 1893.

13 *Ibid.*, Letterbook 46, p. 376, Thompson to E.H. Keating, Port Carling (Ontario), 25 August 1894.

14 F.E. Whitton, *The History of the Prince of Wales's Leinster Regiment (Royal Canadians)* (Aldershot, [1924]), vol. 1, p. 120.

The creation and dispatching of the West African Frontier Force was an expression of Britain's intention to defend her existing position on the upper Niger.¹⁵ Although fighting came close to erupting between France and Great Britain when the Force first went out to Nigeria in the spring of 1898, a new treaty, the Niger Convention, was signed between the disputing parties in June. In the weeks that followed, troops of the Frontier Force were sent to the disputed territory to take over the posts being evacuated by the French. The W.A.F.F. was under the control entirely of the Colonial Office, with its European officers and non-commissioned officers seconded by the War Office, and the men locally recruited native West Africans, mostly Hausa and Yoruba tribesmen.¹⁶

Lieut. Clonard Keating took leave from his regiment to join the new W.A.F.F. late in April 1898, at the very moment the 1st Leinsters were preparing to embark for Halifax to relieve the 2nd Battalion. In posting both battalions successively to Canada in the 1890s, the War Office sought to "repatriate" in a sense the successor units of the original Royal Canadians in the hope of assisting recruiting.¹⁷

Halifax would undoubtedly have been a more desirable posting from the point of view of Keating's family than the upper Niger. Whatever their reaction to his earlier posting to India, they were adamantly opposed to Tony's going out to West Africa. They were anxious in particular about their son's physical security and general health in a tropical, fever-ridden climate. As it turned out they had good reason to be concerned, for by October, seven months after the creation of the W.A.F.F., the attrition rate was said to be already 63 per cent of the Europeans, officers and N.C.O.s, dead or invalided home because of the climate and disease.¹⁸

15 See J.D. Hargreaves, "The European Partition of West Africa," in J.F.A. Ajayi and M. Crowder, eds., *History of West Africa* (London, 1974), vol. 2, p. 419.

16 M. Perham, *Lugard: The Years of Adventure, 1858-1898* (London, 1974), vol. 2, p. 419.

17 Whitton, *op. cit.*, p. 123.

18 Keating papers, fol. 22, Lieut. R.F. Legg to [...?] Gallehawk, Jebba, 18 October 1898.

The interpretation of treaties arrived at between British interests and the native population had become by the 1890s a permanent source of tension in Nigeria. Although native rulers continued to govern their subjects, they were expected to do so as clients of Britain's commercial and imperial interests, or at least with an eye to these interests. This attitude was embodied in a policy known as Indirect Rule. There had been numerous flare-ups involving the natives from the start of the British presence in West Africa, however, and by the time Keating arrived with the W.A.F.F., in the spring of 1898, unrest had been increasing for some time.

Lieut. Keating arrived at Lokoja, 325 miles up the Niger, on 2 May 1898.¹⁹ The early letters he wrote to his family appear to be lost, and we are thus deprived of his first impressions of West Africa. We have the first news of him in a letter from Jebba, 200 miles further up the Niger, more than three months after his arrival in Africa:

(1)²⁰

Jebba, August 7th /98

My dear Father

Only just time for a line to let you know I am as fit as possible. I left Lokoja on 22nd July and although this place is only 200 miles farther up the Niger we only got here yesterday as the water in the River is very low and we grounded many times but without any damage being done. . . . I came up in charge of 76 native soldiers & leave this afternoon. . . . I go on as far as Leaba by canoe & then march the rest of the distance as rapids prevent canoes going any farther.

. . . the country is quite quiet in this part of it. I believe matters are still very serious at Sierra Leone but we are more than a thousand miles from there.

. . . Mother's and Siss's letters of June 13th just received but have no time to answer them.

19 With his Leinster colleague Capt. Crutchley (see M. Perham and M. Bull, eds., *The Diaries of Lord Lugard* (London, 1963), vol. 4, p. 406.

20 Keating papers, fols. 7-8v.

Thank Aggie²¹ ever so much for the photos. They are most excellent. With a great deal of love to Mother, yourself and all.

Every your affec. son

Tony.

In a second letter to his father, Keating was in a position to be more explicit about his duties and local circumstances as he made his way up the Niger:

(2)²²

Fort Goldie, Aug 18th /98

My dear Father

I have got as far as this on my journey and my orders now are to go on to a place called Lafagou²³ which I fear you won't see marked on any map. This place, Fort Goldie, is about 25 miles from Jebba and I may be here sometime before I can get any farther. I have to wait for enough canoes to take up the provisions and kit I have with me as far as Leaba which is 30 miles above here and there are no canoes to be obtained at present. Travelling in this country is certainly a difficult and troublesome matter. I should like to march the whole way from here to Lafagou[,] but here again I am stopped on account of very few carriers being available here. Goodness knows when I shall reach Lafagou which is 170 miles higher up the River from here.

I have with me here 2 white non commissioned officers and 47 native soldiers who are coming on with me[,] and at Leaba I shall find one white n.c.o. and 20 men who are to join me. I must march from Leaba[,] as canoes cannot go any farther up the Niger on account of rapids. When I do get to Lafagou, which at the rate I am going on now will be never, I should think I shall be in command there with 1 white non-commissioned officer and 20 men. I am

21 Agnes Nora Johnston Keating, Clonard's youngest sister. In 1906 she married Garnet Wolsley Denison, R.E., of Toronto, the youngest son of George T. Denison and as such a member of the most prominent Canadian military family of the day. Coincidentally, the younger Denison was also seconded to the W.A.F.F., but he and Keating do not appear ever to have met.

22 Keating papers, fols. 9-13v.

23 Lafagu, at the time a large walled village, some 770 miles up the Niger.

also to command the district reaching from Lafagou down to Rafia²⁴, a distance of about 50 miles[,] and in this district there are to be two other stations besides Lafagou each consisting of 1 white non-commissioned officer and 20 men.

.....
Tell mother I shall answer her last letter as soon as I can. . . . I am perfectly fit and well and hope all of you are. There can be no doubt I think about the country being healthier the higher you get up the Niger, but as I have said before I have not found the country at all unhealthy. The Niger is about half a mile broad here and the scenery very pretty but not a bit tropical as a rule, indeed in most places the banks might almost be taken for those on the Thames.

With much love to Mother [etc.]

Your affectionate son

Tony.

An entire month elapsed before Tony found the opportunity to write to his mother. He and his charges finally arrived at Lafagu on 12 September 1898, seven-and-a-half weeks after leaving Lokoja on 22 July. This was his last letter home. It is a highly detailed account of conditions affecting imperial officers serving in West Africa at this time:

(3)²⁵

1st W.A.F. FORCES [sic]

Lafagou, via Forcados & Lokoja

Sept. 17th /98

My dearest Mother

It will be so long since you last heard from me before you get this that I sincerely hope you won't think anything terrible has happened to me. I never felt fitter in my life than I do now. I last wrote on August 19th from Fort Goldie on my way here and I have really not had a minute to spare in writing to anyone at home since.

Well, I left Fort Goldie on August 23rd and have marched all the way from there to this place and I have no doubt I am the first white man who has

24 *Sic pro* Rofia.

25 Keating papers, fols. 11-13v.

ever done the whole distance by march although several have done the different parts of it. The day I left Fort Goldie I found a horse in a house on the other side of the Niger and took it to carry me. You have to do that sort of thing in this country but of course I paid the owner and a man who came to look after it as well. There is no money current above Lokoja at all and very little can be used there[,] so cloth is always carried about[,] and whatever amount is used for one's personal use is debited to your account at head quarters.

I left Fort Goldie in charge of 50 men, 23 women & 16 carriers. We all had to cross the Niger as the path is along the opposite bank to Fort Goldie. I was the only white man with the party. The carriers in this country are wonderful people, will walk all day with a load of 60 pounds on their heads and give no trouble so long as you mix soldiers up amongst them but at night they give a lot of trouble as they have a nasty habit of running away, which I certainly don't wonder at, and you really *have* to place strong guard over them with strict orders to shoot any man who attempts that game.

We started our march about 11.30 a.m. Marched 10 miles and arrived at 3.00 p.m. outside a small village consisting of 3 huts where we camped for the night. The head man sent me a present of 4 fowls. It is customary always to give a return present of equivalent value and I am glad to say that so far I have always been able to do this. The marches out here are always done in a single file along a narrow path which at this time of year, the rainy season, is often so completely hidden by long grass as to be difficult to find. The next day I started off before 7 a.m. and did a good march of 22 miles arriving at Leaba at 3 p.m. where we had all again to cross the Niger. Rather an amusing incident happened about 3 hours from Leaba, met five people carrying large bags of couries which are shells used for coinage in this country. About 100 couries are worth 1^d (one penny). As soon as they saw the soldiers they all threw down their loads & bolted & we could do nothing to stop them. About an hour later we met them and an old woman who was giving them a sound rating for running away.

I was obliged to wait a week at Leaba before I could get away but I had by no means an idle time of it there. Picked up there 20 more soldiers and had to get food for all of them and new carriers and this proved by no means an easy matter. The head of all the towns out there is called a king and very often thinks himself a bit of a swell and he is the man that has to be sent for to get the food for you and also the carriers. I also got many official letters here which had to be answered without delay. . . .

Sept. 18th: Have had no chance to send a letter down river yet but hope to in a day or two. I fear the first part of my letter is written in a very scraggy hand but I was writing in rather a cramped position, will try to improve it from now on.

I had to get 500 yams (food for the men)²⁶ and 60 carriers out of the king before I could leave Leaba. He had promised to send me a proportion of the yams on the 2nd day after we had arrived and as not one had turned up that evening I sent a corp[ora]l & a couple of men across the river to fetch him and I've never heard such a row as the people over there kicked up. I think they must have thought I was going to hang the king at least. However he was brought all right and I kept him in charge of the guard until he had produced 150 yams, eventually let him go about 10 p.m. On the day before we left Leaba I had got 575 yams out of him, fined him 75, but by that evening only 45 carriers had come in so I had to send for king again and kept him the whole of that night in charge of guard while his head man hunted up the rest of the carriers. It does seem hard but you are absolutely compelled to be pretty severe with the people out here, otherwise you would never get anything done as you would understand if you knew the people.

Picked up two white n.c.o.s at Leaba and we all left there on the morning of Sept. 4th for Boussa 3 white men, 52 soldiers, 15 women, 60 carriers & a guide. We could get no horses at Leaba so had to walk to Boussa and there was so much water on the road that I destroyed one pair of practically new boots. I have had to write home for two new pairs & hope they will reach me before I am out of boots altogether. I have two pretty good pairs left.

First day marched to Farkis 13½ miles, had to cross several bad streams one of which was up to my neck & also had to cross R[iver] Olu 100 yards by 20 feet in four small canoes which took some time. One gets so wet marching through this country, at least at this time of the year, that I wonder almost that I was not down with fever pretty often, but I was really perfectly fit and well throughout the long march. I always had a good hot bath and a change of clothes whenever possible as soon as I could after I got in every evening.

26 The yam is a starchy, tuberous root which in tropical and sub-tropical regions takes the place of our potato.

Left Farkis 6.45 a.m. next morning & marched to Grafili 16 miles, road very wet nearly all the way, arrived Grafili about 3 p.m. Grafili has about 1500 inhabitants. The king very decent here, sent me plenty of wood & water for cooking, some corn & yams & other food for the men.

Left Grafili at 6.30 a.m. next morning & arrived Boussa 4 p.m. Marched 13 miles. Had to cross 3 streams in canoes. These beastly streams that one had to cross in canoes have been the greatest nuisance the whole way here as we were often pretty delayed in waiting for the canoes to come and then usually only got 3 or 4 very small ones.

... Boussa is a pretty big place and the camp looks neat but we had a big storm the first night I was there and the rain absolutely poured through the roof of house I was in and soaked everything except my bed on top of which fortunately I had two waterproof sheets. I have a very good tent & this & my waterproof sheets have kept me dry at night all the way.

Fort Goldie is about 550 miles up the Niger & Boussa about 620 miles. I remained at Boussa 1 day and two nights, left again about 10 a.m. on morning of Sept. 5th. I am glad to say each of us white men were given or rather lent horses at Boussa.

The strength of my little force from Boussa was 2 white N.C.O.s ... one a very good man & the other useless, 44 soldiers (had to leave some soldiers behind to bring up one or two heavy things in canoes), 61 carriers, 1 guide and nine women.

Marched to Warra a wretched little village in middle of a large and deep swamp. Marched only 6½ miles but had to stop here for night for we finished up by reaching Warra only by crossing branch of Niger in canoes. King presented me with 5 fowls, some fish, food for men, & guinea corn for the horses.

Left Warra next day at 6.45 a.m., & marched 1 mile over very swampy ground when we came to river again and here we had to go in canoes about 3 miles along bank of Niger to a small village called Banga as the swampy ground was too deep to march through.

Eventually left Banga about 1 p.m. & marched 4 miles through very swampy ground, over waist in many places, then path got better, but we finished up the last two miles of a 16 mile march that day through swampy ground again and arrived at sunset at a deserted village called Lafaru consisting of about 50 small but good grass huts & here we stayed for night. We afterwards found out the inhabitants had run away the day before as they heard soldiers were

coming. I had had about enough of it this day and the men were pretty well done up as we were so late in leaving Banga that I was unable to give them any rest. The carriers though seemed quite fit. It rained hard the last hour of our march.

Left Lafaru next morning at 6.30 a.m. and arrived at branch of Niger opposite Illecon about noon. Here we were very greatly delayed as I had to leave one white n.c.o. & 20 men. . . . Illecon is an uninteresting looking place on an island about a mile long. . . .

. . . that evening we . . . marched $2\frac{1}{2}$ miles farther, 16 miles in all [that day] where we arrived about 5.30 p.m. Otonu is a town on Niger of about 2000 people & king sent me a sheep, 5 very large bowls of beans, 1 ditto rice, about 25 lbs. guinea corn and supplied 9 canoes to take us across tributary of Niger next morning.

The crossing next morning took some time & we were unable to start our march before 9 a.m. Had to cross 3 very bad streams & several bad ones all on foot or rather I was on my horse. Rained hard nearly all the morning. The scenery up till today, or rather what we could see of it, had been very flat & uninteresting but this day it was more hilly.

Marched 16 miles about half of which was over very rocky country chiefly quartz and I walked a good part of the way looking for gold but needless to say did not find much. Wish I could find some. Arrived off Rofia island at sunset and as I had to leave my other white n.c.o. here & 20 men & also find new carriers, had to cross river & could only get 2 small canoes to take us over so it was after 8 p.m. before we arrived at market place in Rofia where we camped for night.

We were unable to leave Rofia next day as the carriers could not be got together in the time. Next day had my tent blown down by a tornado & after that moved into one of the native huts. Even the next day after that I was greatly delayed in leaving the place as carriers could not be obtained and I was eventually compelled to send out soldiers and bring in men from the fields by force to act as carriers.

Left market place at length about 11 a.m. on Sept. 10th and marched 2 miles to river which we crossed by degrees in 10 canoes. Marched $12\frac{1}{2}$ miles farther . . . to Kalkahni over swampy ground, arriving there just before sunset. King sent me 3 goats, 1 fowl, some guinea corn[,] flour & wood & water.

Left about 6.45 a.m. next morning [11 September] & after marching $\frac{1}{2}$ mile came to a deep broad river which took a long time to cross as we only could get 3 small canoes. Marched again at about 11.30 a.m. Passed through Jebbeh & Kamarra both fairly large towns with mud wall and ditch around them. After a march of about 15 miles over swampy ground arrived at a deep, fast stream 25 yards wide by 10 feet deep just after sunset and although I had sent on for canoes none had turned up so we were obliged to bivouac in the thick bush. We had had big storms each of the four preceding nights but fortunately this night was fine and all we had to contend with was a pretty heavy dew. The bush was too thick to think of putting up a tent. Nothing could prevent the carriers from slipping away & the result was I lost 28 out of a total of 34. However canoes turned up early next morning [12 September] and I went on in front 2 miles to a town of about 2000 people called Kungi where the king proved to be a very good chap, got together 28 carriers in a couple of hours and sent plenty of food for the men.

We left Kungi about 10.30 a.m. & this was our last day's march. Arrived at Lafagou, which is to be my station for the present, about 4.30 p.m. & found the king's head man and about 40 others waiting for us on the way and they escorted us into the place. The king here is a bit of a swell, he is a Fullah; the Fullahs have been the ruling people up here for centuries, they are lighter coloured than the rest of the people and the king here is certainly a higher class man than any others I have met. I paid him a state visit the evening I arrived.

This place is about 770 miles up the Niger. Lafagou is situated about a mile south on right bank of Niger and I am going to have my camp on some rising ground about midway between the river & town. I have not been through the town yet but it is a large walled place & so far as I can see I shall like it very much. The people seem to want to do all they can for us. I am to be in command of 1 European medical n.c.o., 1 European n.c.o. and 20 men here and I am also commanding Rofia & Illecon a district extending over 60 miles. I have to visit Rofia and Illecon every six weeks and I get no extra pay for all this, but after all the pay I do get is so good, £450 a year about including allowances, that I must expect plenty of work & there is no doubt about it this life suits me.

... the "active service" sounds formidable but we are having no fighting & won't have, anyhow not about here.

... Jess's letter ... reached me on the 15th, three days after my arrival here.

...although I am really enjoying myself out here I am beginning to look forward to the time when I shall go home & see you all again.

...Have you heard anything from Halifax as to how the Regiment is getting on[?]

• Ever so much love to you all...

Your loving son

Tony

[P.S.] It is absurd to say this country or at least this part of it is unhealthy.

Lieut. Keating, as he assured his mother, was pleased with the style he found at Lafagu. Although he arrived "as fit as a fiddle," he soon after had "one go of fever," which he put down to the effects of his gruelling march. Nevertheless, it was not long before he was looking forward, as befitted the imperial officer of his day, to serious hunting, which he understood to be good in the district.²⁷

As a Nova Scotian born and bred, some of Keating's reactions to conditions in West Africa and to the West Africans are interesting, and typical of his professional environment and of his time. He obviously saw himself as engaged with his fellow officers in the earnest business of contributing his bit to the advancement of British imperial interests, and the taming of African savagery. To his friend Capt. Crutchley he expressed the hope that they would all--the two of them, and Lieut. Legg--have the opportunity to undertake an expedition of arms together.²⁸ He hoped it would be to the Sokoto region, more remote even than Lafagu, where the natives had lately become restless and threatening. In the event, this longing for soldierly adventure was only another week in coming. However, the form it took was considerably more prosaic than a grand imperial march into the Sokoto. What was required to be practised on this, and most other colonial occasions, was not so much a demonstration of military might, as the delicate and tense art of diplomacy.

The occasion was Keating's first tour of inspection of his down-river posts early in October. When the time came for the return to Lafagu, he sent Cpl. Frederick Gale, also a Leinster, to the island village of Hela, near Rofia,

27 Keating papers, fol. 19, Keating to Capt. C.L. Crutchley, Lafagu, 2 October 1898.

28 *Ibid.*

for additional canoes. Gale's request was met with hostility, to which Keating responded by returning with Gale to the island with fourteen men. The villagers persisted in their refusal. Keating then "collared" the "king" and "took him off," expropriated the canoes he needed, and abducted the men required to work them. Hitherto, when he had a requirement for equipment and supplies and carriers, Keating, as indeed we learn from his letters, had also at his disposal the means to force his will on the natives. At Hela on 9 October 1898, however, things went differently.

As Lieut. Keating and his men attempted to make off with the men and the canoes they had seized, they were attacked in strength by the villagers. Their ammunition, which had imprudently been limited to fifteen rounds per man, soon gave out and, suddenly, the imperial troops no longer controlled the situation. They found themselves engaged now in a brutal and confused *mêlée*, overwhelmed in numbers, without ammunition and, incredibly, completely at the mercy of the bow and arrow and the spear.

Keating had no alternative but to retreat to the river bank in the hope of getting off the island. As he ordered his men into the canoes, the villagers "made a rush in overwhelming numbers."²⁹ A hand-to-hand fight ensued in which Keating's party sustained heavy casualties on shore before a remnant was finally able to embark. Then the men who had been forced to man the confiscated canoes overturned them deliberately, tumbling all into the water. By this time the villagers had begun to put out in pursuit in canoes of their own, throwing spears and shooting arrows at the fleeing patrol. Ultimately the latter suffered 100 per cent casualties in the action. Lieut. Keating, Cpl. Gale and twelve men of the W.A.F.F. were killed or drowned while trying to escape the island. Of the party, only two native soldiers, both severely wounded, survived the day.

Clonard Keating sustained a total of five wounds, two to each thigh, and, the fatal one, to the face.³⁰ Weeks later, a Reuters dispatch specified that this last was in fact a gaping spear wound through his forehead.³¹ His body

29 Keating papers, fol. 39, Col. J. Willcocks, "West African Frontier Force Orders," Jebba, 28 October 1898.

30 *Ibid.*, fol. 41, Willcocks to Secretary of State for the Colonies, Jebba, 2 November 1898.

31 "Disaster on the Niger," carried in *The Times* (London), weekly edition, 9 December 1898.

was recovered, apparently by his "faithful African boy,"³² and buried with due solemnity within the new fort which the British established as a result of the Hela incident, a half-mile away at Yelwa, Cpl. Gale's body was never found.

Lieut. Clonard Keating's tragic demise inspired much sorrowful emotion at home, and sentiments of admiration in his professional circle. To Legg, Keating was "my best friend in the Regiment."³³ Crutchley described his "courage & resolution in trying to capture the king of a large village in the teeth of the whole population."³⁴ Willcocks was reported being "very much cut up as he felt he had applied for Keating to come out."³⁵

Back in Canada the incident received extensive newspaper coverage, which fueled a large outpouring of patriotic and imperial sentiment. This was true especially in Toronto, where Keating's family lived, and where Edward Keating eagerly fed the latest intelligence he received from Nigeria, several Leinster officers, and the War Office to the city's numerous and competitive newspapers. In Halifax, the city of his childhood, the memory of Tony Keating's heroism was promoted through the efforts of his own Regiment, lately arrived. Also at the Leinsters' depot at Birr, Ireland, reports of the incident were featured in the regimental newsletter, *The Maple Leaf*.³⁶ In Halifax, on Arbor Day, 8 May 1899, the teachers and pupils of Morris Street School planted a tree in Tony's memory in the southwest corner of the Public Gardens. General Lord William Seymour, commanding the British troops, gave an appropriate address in which he alluded to Lieut. Keating as having been engaged in the task of "opening up the waste places to the sunshine of civilization."³⁷ An easel was set up in front of the tree bearing pictures

32 Keating papers, fol. 49v. Willcocks to Capt. Jones, Jebba, 10 January 1899.

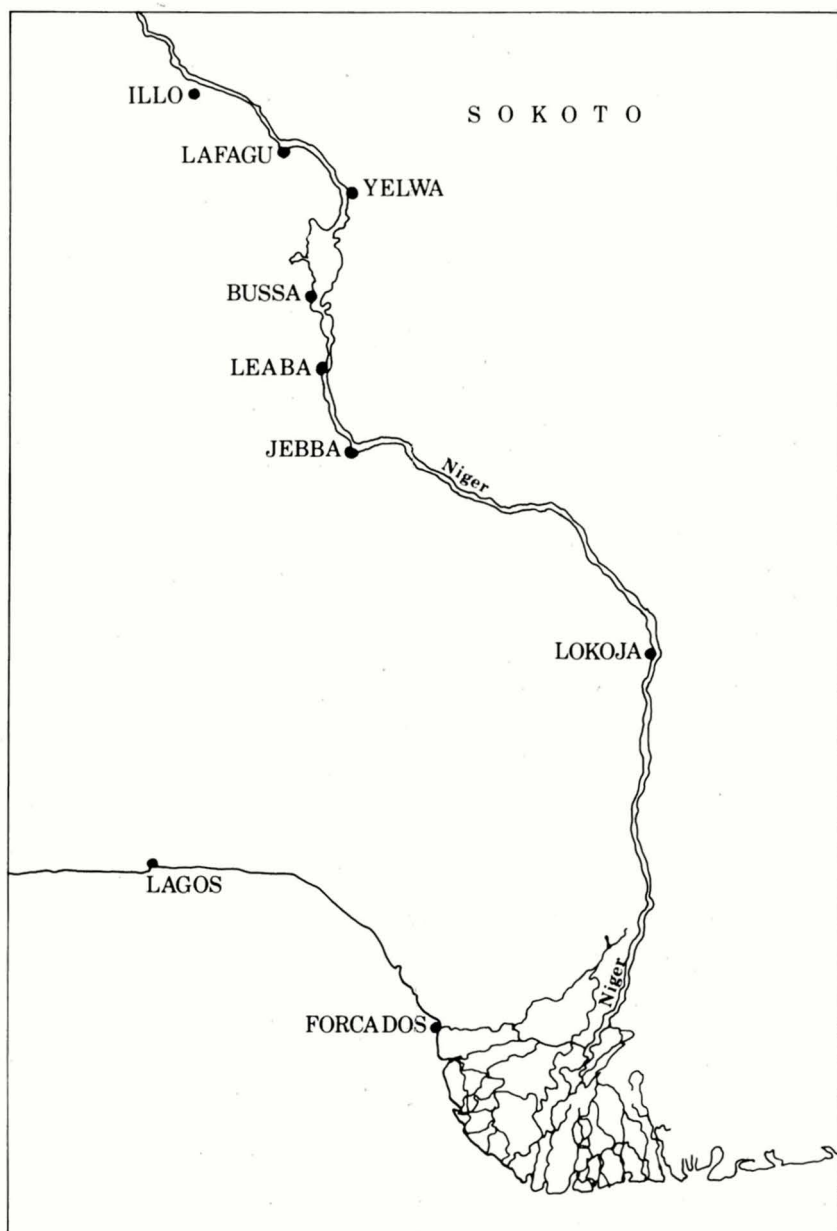
33 *Ibid.*, fol. 22, Legg to Gallehawk, Jebba, 18 October 1898.

34 *Ibid.*, fol. 24v, Crutchley to E.H. Keating, Lokoja, 31 October 1898.

35 *Ibid.*, Legg to Gallehawk.

36 All of these accounts are collected, scrapbook fashion, in the Keating papers, fols. 56-62v.

37 "Planted a Tree for Halifax Hero," in *The Herald* (Halifax), 9 May 1899.



Map of the Niger country
Courtesy Rosemary Salter, Canadian War Museum.

of both Queen Victoria and the hero of the day, the whole draped in the Leinsters' colours.³⁸

In 1900 a memorial plaque was unveiled to honour Keating in Saint Luke's (Anglican) Cathedral, Halifax, subsequently lost to fire.³⁹ A second plaque was put up in the parish church at Birr to honour Keating, Gale and another Leinster killed in East Africa the same year.⁴⁰ At Aldershot, England, Keating's name was included on a tablet to the memory of all the men of the W.A.F.F. who died or were killed in Nigeria.⁴¹ Meanwhile at Yelwa Keating's comrades took steps to put up a more durable memorial and a brass cover over the grave itself, and in due course a tablet ordered from England by Edward Keating was erected as well.⁴²

The incident at Hela, on the remote Niger frontier, amounted to what Lawrence James describes as "a brutal challenge to imperial prestige and authority."⁴³ Thus, like similar challenges which were occurring in British Africa with growing frequency from the 1890s into the twentieth century, this one was not dismissed. Almost immediately a strong punitive force was put into the field and dispatched to the island village. On 16 October 1898, exactly one week after the rout of Keating's patrol, Hela was invested. The natives resisted as best they could, but lost fifty men. The village, and others in the vicinity and their adjacent fields, were put to the torch, and an additional fifty natives were killed in these subsequent operations. In reporting privately to Edward Keating, Col. Willcocks best expressed the sentiment which prevailed in patriotic circles on both sides of the Atlantic: "They will remember the white man long who faced them with his few and poor Keating's

38 *Acadian Recorder* (Halifax), 8 May 1899. In 1925 Tony's uncle, Mr. C.A. Keating of Dallas, Texas, installed a new marker at the tree.

39 Facsimiles are in the Keating papers, fols. 63 and 78.

40 "In Memoriam: Honor Paid the Memory of British Officers" in *The Globe* (Toronto), 24 June 1900.

41 Keating papers, fol. 49, Willcocks to Capt. Jones, Jebba, 10 January 1899.

42 J. Willcocks, *From Kabul to Kumassi: Twenty-Four Years of Soldiering and Sport* (London, 1904), p. 217.

43 *The Savage Wars: British Campaigns in Africa, 1870-1920* (London, 1985), p. 128.

death will be indeed one they will not forget."⁴⁴ Writing later from London, Willcocks reiterated that "the death of your poor boy had been terribly avenged before I left--100 souls have gone to another world, the price of a white man slain."⁴⁵

44 Keating papers, fol. 47v, Willcocks to E.H. Keating, Jebba, 10 January 1899.

45 *Ibid.*, fol. 52, same to same, London, 31 May 1899.

The Legal Profession in Late Victorian Nova Scotia

Bernard F. Miller

Law is an integral part of society, a reflection of its history, aspirations and values. Lawyers, as practitioners, judges and legislators are the architects of the law. As such, it is possible to examine the legal profession with a view to drawing conclusions about the era and society in which the profession operated. What did the practice of law entail? How was the profession organized? Who were the practitioners and how were they trained? What interests did they represent? How did they influence public policy? These are all questions which may be asked when examining the profession in any era.

This article will examine the life and times of two members of the legal community in Nova Scotia during the second half of the nineteenth century: Samuel Leonard Shannon, an erudite corporate lawyer, and William Miller, a lawyer in politics. The period under consideration is that surrounding the confederation of British North America; indeed, confederation links Shannon and Miller in that, at the crucial time, each was in favour of uniting British North America; and each was directly involved in the great political questions of the day.

The first section of the article will briefly introduce aspects of economics, politics and society in Nova Scotia in the period. The second will consider the role of the legal profession within that society, with emphasis on the manner of training for the profession. This will be followed by an examination of the careers of Shannon and Miller, and will conclude by considering each man in the context of his time.

Nova Scotians often lament the lost "Golden Age." The myth has it that the province was once rich; towns were self-sufficient; industries thrived; great wooden vessels plied the coasts and harbours of the province, bringing great riches in international trade. The mid-nineteenth century, in fact, has come to be seen by later generations as the high point of Maritime prosperity.

The most conspicuous element of the Nova Scotian economy in the nineteenth century was the all-pervading presence of the sea. Shipbuilding, fisheries and trade were all staples of the provincial economy. Historian John G. Reid emphasizes the importance of trade:

The powerful position enjoyed by merchants at this time was an indication of the importance to the region of export trades. . . . The related building and export of wooden ships was also important, though perhaps exaggerated in the nostalgic mythology of later eras. Fish exports were important especially to Nova Scotia. . . . International trade was expanding rapidly in the mid-century years, and a trading economy such as that of the Maritimes necessarily felt the resulting benefits.¹

The population of Nova Scotia was growing steadily; by 1861 it numbered just over 338,000.² The ethnic make-up of the province was disparate. Micmac, Acadian, English, German, New England, Loyalist, Scottish and Irish settlement made nineteenth-century Nova Scotia not a homogeneous community, but rather a collection of diverse communities with a sense of local patriotism. Each community was willing to contribute to political endeavours, but remained clannish in religion and culture. In terms of social class, Nova Scotian society possessed entrenched inequalities, many still living on subsistence farming or fishing while others had access to large accumulations of capital, and were able to exert a disproportionate degree of social and economic control.³

Politically, confederation was *the* issue of the 1860s; even other political questions such as railways and trade were tied up with union. Nova Scotia's entry into confederation in 1867 is ironic, since a large part of the population was either apathetic or actively opposed to it. It has been estimated that, at most, one-third of the population supported it.⁴ As an avowed supporter of confederation the Conservative premier, Charles Tupper, facing a lack of popular support, dared not risk a vote in the legislature until political circumstances had ensured that confederation would carry; even then he admitted that the vote in the legislature was not representative of public opinion. He confessed to John A. Macdonald in June 1866, "We must obtain action during the present session of the Imperial Parliament or all be lost.

1 John G. Reid, *Six Crucial Decades* (Halifax, 1987), pp. 96-97.

2 *Ibid.*, 94.

3 See, for example, *ibid.*, 96-97.

4 P. B. Waite, *Years of Struggle 1867-1896* (Toronto, 1985), p. 22.

Our House expires by law in May next, when a general election must be held . . . the result would be most disastrous to confederationn."⁵

The story of Nova Scotia's entry into confederation is intriguing--but it is well-trodden ground, beyond the scope of this paper.⁶ Suffice it to say that confederation brought about a major turning-point in Nova Scotia, permanently changing the political and economic status of the province. Additionally, the forces at work at this time also altered the economic and social development of the province; inevitably, these changes were reflected in changes to the practice of law.

Around 1840, in a personal letter to the Honourable S.B. Robie,⁷ formerly Master of the Rolls in Chancery, who at the time was president of the Legislative Council, Thomas McCulloch, the educator and founder of Pictou Academy, wrote,⁷ "But yours as well as other professions is not without a great many silly fellows. . . . If the dandies, dinnersmen and dunces were subtracted from the profound lawyers there would be fearful havoc."⁸

By the turn of the twentieth century, although the profession had substantially changed, popular opinion of it had not. In a 1901 biography of Robie, it was stated that an account of his life would be beneficial, as it would "hold up to public view the gentlemanly bearing and high character of those men who usually held office and adorned the legal profession in former days, in *sad* contrast to the present state of things."⁹

It seems that the myth of the lost "Golden Age" touched the legal profession in Nova Scotia as well. The remarks in the Robie biography are particularly surprising since there is little doubt that, in terms of professionalism and training, the legal profession had made great strides in the latter half of the nineteenth century.

5 B.D. Tennyson, "Another Look at Confederation" in *Nova Scotia Historical Quarterly*, Vol. 2, No. 2 (1972), pp. 137-152.

6 See, for example, P.B. Waite, *The Life and Times of Confederation* (Toronto, 1962).

7 See "Hon. Judge Robie", in *Acadiensis*, I (1901), 74 ff.

8 PANS, MG 1, Vol. 793: Robie Papers, McCulloch to Robie (undated but probably around 1840, as Robie was on the Legislative Council at the time).

9 *Supra*, note 7 at 74.

In the same letter to Robie, Thomas McCulloch was also critical of the manner of training for the profession. He noted,

I can easily see that by means of our grammar schools a generation of lawyers are about to sprout up who will disgrace the profession. A few months latin now prepares a boy to sweep an office and at the end of his apprenticeship he becomes qualified to turn out two more as good as himself.¹⁰

However, by the late 1860s the method of training young lawyers was in a transitory state--apprenticeship was being slowly displaced by the advent of the professional law school--and in turn the profession flourished. In 1867 there were 180 lawyers eligible to practise law in Nova Scotia; by 1899, that number had more than doubled to 404.¹¹ In roughly the same period, the population of the province grew only from 387,800 in 1871 to 459,574 by 1901.¹²

As early as 1811 the legislature of Nova Scotia had passed an Act "for the better regulation of Attorneys, Solicitors and Proctors practising in the courts of Law and Equity in this Province."¹³ The Act was the first to lay down what requirements had to be met before practising law--in all likelihood it simply standardized existing practice. The requirements of the Act were substantially repeated, with the inclusion of barristers, in 1836.¹⁴ The Act restricted the practice of law to those who had been "duly admitted," and set out the requirements for such admission. Candidates who possessed a degree from a college or university within the British dominions were required to serve four years as a clerk to a barrister or attorney of the Supreme Court. For those without degrees, the prescribed period was five years. Upon completion of the term in conformity with the rules, and after successful completion of a required examination as to "fitness, capacity and

10 *Supra*, note 8.

11 *Belcher's Farmer's Almanac* (Halifax), 1867 and 1899.

12 *Canada, Fourth Census of Canada*, Vol. 1, (Ottawa, 1902).

13 S.N.S. 1811, c. 3.

14 S.N.S. 1836, c. 89.

qualifications" to practise, the person would be admitted and enrolled as an attorney of the Supreme Court. Admission as a barrister originally required a further year of practice; however, this requirement ceased before 1860.

It has been observed that the Nova Scotian admission system "was a mere simplification of the English system."¹⁵ This observation is true to the extent that each system required extended periods of service as a clerk to a practitioner. The difference between the two systems, however, should likewise be pointed out. Perhaps the most noteworthy difference was that in Nova Scotia the profession was fused—a practitioner was at once a barrister and a solicitor. In England a divided profession prevailed. An observer in 1916 stated,

From the point of view of Canada as a self governing body politic, the professional society represents rather the unitary profession appropriate to a new community, organized on the traditional lines of the English Bar, but by statute instead of by prescriptive right.

In essence, the English example had been adopted to suit the conditions of the colony. In a meagrely populated and largely agrarian society, a divided profession would have seemed redundant and unnecessary; a fused profession was clearly more appropriate.¹⁶

Those seeking to be called to the bar in England would be enrolled in one of the Inns of Court. According to Halsbury,

The Inns of Court are the societies of Lincoln's Inn, the Inner Temple, the Middle Temple and Gray's Inn. These societies have existed from very ancient times; they seem originally to have been associations of the apprentices (*apprentici ad legum*). . . . In these Inns the apprentices lived a semi-collegiate life, and were subject to a common system of education, discipline and government.¹⁷

15 Reed, *Training for the Public Profession of the Law* (New York, 1921).

16 Barry Cahill, "The Origin and Evolution of the Attorney and Solicitor in the Legal Profession of Nova Scotia," in *Dalhousie Law Journal*, 1991 [forthcoming].

17 3 Hals. (4th) 586.

The image of a young apprentice living and studying at "the Temple," attending the lectures of great jurists, and observing significant court cases stands in sharp contrast to McCulloch's description of a boy with a few months' Latin sweeping an office in Pictou County. Each description is probably exaggerated. A brief glimpse of the Nova Scotian system of admission in the period may be appropriate. Prior to commencing articles, the prospective clerk would enter into an agreement with a practitioner. A written "Articles of Agreement" would be drawn up, which laid out the duties of both the clerk and the principal.

The clerk would covenant that he would "faithfully and diligently" serve his principal and would not "cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, monies, stamps, chattels or other belongings of the lawyer, his partners or clients." Furthermore, he would promise to keep the secrets of the lawyer and would "readily and cheerfully obey all lawful and reasonable commands." (Articled clerks today are expected to meet the same standards.)

In return, the practitioner would "to the utmost of his skill and knowledge, teach and instruct" his clerk in the practice of the profession. Additionally, he would "use his best means and endeavours to cause [his clerk] to be admitted and sworn an Attorney of Her Majesty's Supreme Court."¹⁸ Benjamin Russell, one of the founders of Dalhousie Law School, described the system in practice:

The young candidate and aspirant for professional honours and political distinction articulated himself to a practising barrister. If his barrister happened to be a very busy one the chances were that he would have very little time indeed to give his student, and if *per contra* it was a man who was blessed with ample leisure, well then, the chances were that his leisure was due to the fact that he was not fit for anything better than to sit and twiddle his thumbs, so that in either case . . . the student had a rather poor chance.¹⁹

18 For examples of articles of apprenticeship, see PANS, MG 1, Vol. 2465, No. 13-18.

19 Quoted in John Willis, *A History of Dalhousie Law School* (Toronto, 1979), p. 22.

Another step in the process, according to the terms of the Act, was the administration of examinations to gauge a candidate's "fitness, capacity and qualifications" to practise law. Originally the judges of the Supreme Court, but after 1872 the Council of the Barristers Society, administered the exams. A prospective law clerk could be expected to be asked such things as, "What English Baron was the King-Maker in the War of the Roses?" or "Where are the Fiji Islands and to whom do they belong?" or possibly to translate Latin prose.²⁰ The final two-hour exam was more legal in orientation; in fact, it was intended to cover "the whole range of English jurisprudence." In practice it fell somewhat short of the mark, as Russell dryly observed: "You can imagine how searching an inquiry might have been made in the course of two hours." For him, preparation amounted to going through a wash tub full of past exams, "because they followed one another in the ordinary accepted groove from year to year."²¹

The theory behind the examination process is perhaps reflective of what it was felt the embodiment of a member of the profession should be. He was to be learned but pragmatic, self-reliant and individualistic, yet conscious of his professional role. The training and testing of prospective lawyers was intended to emphasize these qualities.

What emerges from this brief consideration of legal training in late Victorian Nova Scotia is an appreciation of the fact that throughout the period, the legal élite fought two battles: to keep the law in the hands of the profession, and to keep the profession in the hands of the élite. Ensuring that practice was restricted to those duly admitted accomplished the first, and by insisting on extended apprenticeship and examinations, the second battle too was won.

Speaking to the graduates of Dalhousie Law School around the turn of the century, future Chief Justice Robert E. Harris contrasted the advantages and disadvantages of the apprenticeship system and the professional law school. He candidly stated, "If I might venture upon a criticism. . . I would say that young men are sometimes admitted to the Bar with too little practical

20 For an example of a Law examination, see PANS, MG 20, Vol. 1015, No. 34.

21 Willis, p. 23.

experience."²² What lay behind this emphasis on practical experience? As suggested earlier a lawyer was to be learned, but more importantly he had to be pragmatic. Lawyers understood that law and the legal system could not be abstracted from the rest of society. To the nineteenth-century mind law could only be learned by experience, not simply extracted from texts.

Lawyers in Nova Scotia were, it appears, not exclusively professionally minded. They had a common conception of social order and stability that went beyond a mere reflection of their professional status. A system that emphasized a long period of apprenticeship under the tutelage of a practising lawyer, limited admission to the bar to those with the financial resources and social standing that the practising bar saw as appropriate. As Alexis de Tocqueville observed, lawyers, as "masters of a science which is necessary but which is not generally known," obtained power. The admission system helped preserve that power within a particular social sphere.

The profession, of course, was not a monolith, and in many cases practice did not equate with theory. The conception that both the bar and bench were conservative bodies serving the interest of wealth and property--like Nova Scotia's lost Golden Age--may be an overstated generalization. When we consider the practice of law between 1850 and 1900 through the careers of Shannon and Miller, it is evident that their actions are so diverse as to defy simple ideological analysis. But they may be considered as part of a larger social evolution.

On 1 June 1816 in Halifax, Colonel James Noble Shannon and his wife Nancy had their new-born son christened Samuel Leonard. Nancy Allison Shannon was of Loyalist stock, the daughter of a Kings County farmer. In 1811 she married the American-born Shannon, who had become a successful dry-goods merchant; he was the Shannon of the profitable trading company, Starr & Shannon, in Halifax.

Samuel Leonard Shannon grew up in a large, comfortable house on Brunswick Street in Halifax and attended the Halifax Grammar School. He was, by all accounts, an inquisitive and serious student who "preferred

22 PANS, MG 1, Vol. 399, No. 51: Robert Harris Papers, "Speech to Convocation 1901." See generally Philip Girard, "The Roots of a Professional Renaissance: Lawyers in Nova Scotia, 1850-1910," in *Manitoba Law Journal*, 1991 [forthcoming].

reading books on European and ancient history more than sports."²³ After his mother's death in 1830 he entered King's College in Windsor, where he received his Bachelor of Arts degree. It was observed of Shannon that he "was a man endowed by nature with an intellect of more than ordinary acuteness."²⁴ So enamoured was he with collegiate life that he considered becoming a professor until his father persuaded him to study law.

After graduation, then, Shannon turned his intellect to law. After studying liberal arts, the work of a Halifax articled clerk must have been, at times, mundane. Shannon articulated in the office of Henry Pryor, a well-to-do lawyer, the son of a Loyalist merchant who had come to Nova Scotia from New York. Pryor, like many wealthy men in Halifax, was very active in public affairs and carried on a diversified legal business.²⁵ His office was thus not a bad place for Shannon to learn the law. Shannon was thorough and painstaking in everything he undertook, qualities that would serve him well as a clerk and when he received his call to the bar in 1839.

A thriving practice did not immediately follow. Shannon's partner in Pryor's office had been William Howe, a brother of Joseph. Writing to him in 1839, Shannon joked about the dearth of business he was receiving. "Though completely *overpowered* as you well know with the immense mass of business resting on my shoulders, yet I will make an effort to write you a few lines." A later passage shows his irony. He explains that he has been sitting in his office, "awaiting the arrival of clients who are destined never to come...":

Not a solitary guinea has crossed my fingers... and even a chance six and eightpence with which I expected to fill up the 'aching' void in my purse, has been snatched from my hands by a villainous debtor who refused to shell out.²⁶

23 Della M. M. Stanley, "The First 'Downtowner': Judge Samuel Shannon", *Hearsay*, Vol. 11, No. 1 (1986), p. 21.

24 J.N. Shannon (his son), in G.E. Hodgdon, *Shannon Genealogy* (Rochester, N.Y., 1905), p. 294.

25 P.B. Waite, *The Man From Halifax* (Toronto, 1985), p. 17.

26 PANS, MG 1, Vol. 799: Shannon Papers, S.L. Shannon to William Howe, 16 July 1839.

Although his practice did not immediately flourish, Shannon occupied himself by taking an active interest in politics. Perhaps through Pryor, he became endowed with a sense of public responsibility. In 1839 he joked with Howe about his penchant for writing editorial letters to *The Haligonian*. Two decades later his interest in public affairs led him to seek election to the legislature, which he did successfully as a Conservative in a Halifax riding along with Pryor and John Tobin. He was returned in 1863 and became a member of the cabinet without portfolio, a position he held until confederation.

Among the many issues which occupied the legislature during this period was the complicated matter of bankruptcy. When Shannon first sat in 1859, although there had been ill-fated attempts to address problems of insolvency in the province, Nova Scotia was without adequate legislation to deal with current commercial needs.²⁷ Shannon took up the issue in 1861, while the Liberals were in power. His sponsorship of a bankruptcy bill may have surprised some, as he was a staunch Methodist and Methodists did not hold bankruptcy laws in high regard. As early as 1851, *The Wesleyan* had editorialized on "The Religion of Paying Debts":

Men may sophisticate as they please; they can never make it right, and all the bankrupt laws in the universe cannot make it right for them not to pay their debts. There is a sin in this neglect as clear and as deserving Church discipline, as in stealing or false swearing. He who violates his promise to pay . . . ought to be made to feel that in the sight of all honest men he is a swindler.²⁸

Nevertheless, despite his strong religious convictions Shannon chose to support a bankruptcy bill. Upon scrutiny, his support can be explained. His father was a prominent merchant in Halifax. As Alexander Keith, mayor of the city, attested, "his character and standing as a merchant . . . [were]

27 Philip Girard, "Married Women's Property, Chancery Abolition, and Insolvency Law: Law Reform in Nova Scotia, 1820-1867," in Philip Girard and Jim Phillips, eds., *Essays in the History of Canadian Law*, Vol. III (Toronto, 1990), pp. 80-127.

28 Quoted in Girard, *ibid.*

of the highest respectability.”²⁹ Throughout his adult life, Shannon had taken an active interest in his father’s business and had become familiar with the Halifax merchant community. He became aware of the cycles of business, and how factors beyond morality might lead one down the path to insolvency. In 1848, while on a visit to England, he wrote to his father noting that Nova Scotia was in the midst of an economic downturn, and he did not wish to be seen “as an idler abroad when there [was] work to be done at home.” He added,

The commercial difficulties here I knew would affect the colonies and I was prepared to find men of precarious standing go down when the pressure increased, but I little expected to hear of the failure of Strachan, whose bills I should have thought good to a large amount.³⁰

From his office at 42 Bedford Row, Shannon carried on a commercial practice that, no doubt, raised issues of insolvency daily. On numerous occasions he was employed to enforce debts. One of his clients, a Henry Hosking of South Brent, England, was frequently writing, requesting that Shannon “take legal steps to procure money owing.”³¹ His other clients included men such as Peter Redpath of Redpath Sugar; a number of British and American corporations such as the owners of the ship *Chesapeake* of Civil War fame;³² and the Crown, for local civil matters after 1867. Many of the debtors he was retained to proceed against were Halifax merchants for whom Shannon would have had a natural sympathy. Thus his sponsorship of the 1861 bill was logical on a personal level, and astute on a political level. As Philip Girard points out,

the experience of at least the previous quarter century had finally convinced many people that the economy did move cyclically, removing much of the moral blame from those who foundered during periods of economic

29 PANS MG 1, Vol. 799: Shannon papers.

30 PANS, MG 1, Vol. 799: Shannon Papers, S.L. Shannon to J. N. Shannon (his father), July 1848.

31 PANS, MG 1, Vol. 799: Shannon Papers, Henry Hosking to S. L. Shannon, 24 March 1855.

32 *The Queen v. Chesapeake*, (1864) 8 N.S.R. 797.

downturn... At a broader level, one could also see this change of heart [assembly support of Shannon's bill] as an example of the percolation of the values of liberal progressivism throughout the provincial body politic.³³

A revised version of Shannon's bill received the support of the Assembly, only to fail in the Council on 7 April 1862. Just over five years later, when Shannon left politics, Nova Scotia was still without a bankruptcy code. Shannon could take small consolation from the fact that his bill was closer politically to becoming law than all others in the period before Confederation.

Shannon practised law in Nova Scotia during a period in which training for the profession was at the threshold of an important transformation. Prior to the opening of Dalhousie Law School, the only training within the province was apprenticeship. After 1883 prospective lawyers had the option of pursuing their legal education in the university setting. As John Reid has pointed out,

The foundation of the Dalhousie Law School in 1883 was an experiment. In the eighties the conception of a university school of law was an innovation in British institutions. It is true that the study of law, as an element in a liberal education, was no novelty, but the idea that universities should undertake the project of training men for the public profession of the law was even further from acceptance in England than in Canada.³⁴

Shannon was a lawyer disposed to favour the advent of a university school of law. In his youth he had aspired to be a professor, and throughout his career he maintained a number of connections with the university community in the province. He numbered among his clients his alma mater, King's College in Windsor. On one occasion, when a collection of books bequeathed to the school was held up pending the administration of an estate, Shannon wrote to a professor at the school explaining the delay; his correspondent was Italian, so Shannon communicated almost entirely in that language. He concluded, "This is your first lesson in Nova Scotia law, I hope it will be your last." In 1875, in recognition of his long association with the school, King's awarded him an honorary D.C.L.

33 Girard, *supra*, note 27.

34 Willis, p. 261.

Additionally, Shannon was a member of the Board of Governors of Dalhousie University, and had been since its formation by the provincial government in 1863. He was, therefore, strategically located to become involved in the nascent Dalhousie Law School. Shannon and seven others, including R.C. Weldon, John S.D. Thompson and Benjamin Russell, divided up the curriculum--Shannon teaching at various times Real Property, Criminal Law and Roman Law.

By most accounts he was a popular and effective lecturer. On the fiftieth anniversary of the school, Prime Minister R.B. Bennett, a member of the original class, recalled "the face of dear old Judge Shannon and his lectures on Real Property." He told his fellow graduates, "Without our training at Dalhousie it would have been difficult for us to have achieved any success in the practice of our profession."³⁵

Shannon's participation in the venture at the age of sixty-eight, and for no monetary remuneration, is one indication of his dedication to the profession. A further illustration of this commitment was his involvement in the Nova Scotia Barristers' Society. Shannon was a long-serving member of that group and its treasurer up to the year before his death in 1895. The Society had been formed in 1825 to accumulate a library for the use of judges and lawyers, and was formally incorporated in 1858.³⁶ In 1872 the Society took over from the Supreme Court judges the responsibility for supervising the training and admission process. Thus, Shannon's involvement in both the law school and the Barristers' Society complemented each other. The arm's-length approach the Society adopted with respect to the law school gave Dalhousie the peculiar stamp which distinguished it from other legal training institutions in the country. As Vincent MacDonald observed,

it is notable that in all matters pertaining to curriculum and admission to practice, the School has been subject to the control of the Nova Scotia Barristers' Society. Had that society been possessed of a narrow vocational

35 *Ibid.*, 114.

36 *Ibid.*

approach to a legal education, it could have aborted or warped the growth of the school.³⁷

This situation stands in sharp contrast to that which existed in Ontario. There training and admission were controlled exclusively by the benchers of the Law Society of Upper Canada. As G. Blaine Baker points out, "[T]he Society's statutory monopoly over legal education determined the shape that training for the practice of law would take in Ontario until 1957," and as such, "legal education in Upper Canada was highly distinctive."³⁸

Shannon died of old age in January 1895, in his eightieth year. The *Halifax Herald* ran a tribute which sketched his legal career from admission to elevation to the bench as a judge of probate in 1881. The obituary, like most reminiscences of Shannon, paid particular attention to his service in bringing about confederation. Shannon was known as a strong advocate of federal union, and in 1870 his service to the cause was recognized when he received the title "Honourable" by special grant of Queen Victoria.³⁹

His support for the principle predated by almost two decades the vociferous political wrangling that characterized the confederation debates in Nova Scotia. As early as 1848, he acknowledged that confederation was the inevitable outgrowth of global circumstances--particularly arising from attitudes firmly held in Britain. In an 1848 letter to his father, written in London, Shannon observed:

Everything here looks dark enough for the colonies. . . there is a growing feeling on the part of the British of the *uselessness of the colonies to the mother country*, a feeling which prevails extensively among the free traders whose policy is to look to foreign nations for increase of trade, regardless of the dependencies of the Empire.⁴⁰

37 Quoted in Willis, p. 7.

38 G. Blaine Baker, "Legal Education in Upper Canada," in D. H. Flaherty, ed., *Essays in the History of Canadian Law*, Vol. I (Toronto, 1981), pp. 50-51.

39 *Halifax Herald*, 8 January 1895.

40 PANS, MG 1, Vol. 799: Shannon Papers, S.L. Shannon to J. N. Shannon (his father), July 1848 (emphasis is Shannon's).

He had reached the conclusion that "the system of free trade is a great delusion inimical to the best interests of Old England"; nevertheless, he was realistic enough to see what its logical progression was. He wrote, "As regards the Colonies, the statesmen here seem to desire to prepare us for our independence however unpalatable it may be to the man of British feeling." He prophetically concluded, "We may have a confederation of North American Colonies as a commencement to end with independence."⁴¹

Accounts of the political jockeying leading up to confederation in Nova Scotia are well known.⁴² For the purposes of this article, the story will pick up at the beginning of the 1866 session of the legislature. Shannon had followed the route of many of his contemporaries and was now a lawmaker. As a member of Tupper's cabinet he was, no doubt, aware that the confederation question was reaching a crisis point. The government would be forced to call an election if the issue was not settled by May 1867. To Shannon and others, it seemed very likely that the supporters of union would be soundly defeated if an election were to take place.

William Annand, editor of the *Morning Chronicle*, Joseph Howe and William J. Stairs, a prominent Halifax merchant, emerged as the most strident anti-confederates. They led a group largely from the merchant aristocracy of Halifax (the "Anti-Confederation League"), who were far-sighted enough to perceive that confederation would challenge their monopoly over the local markets and threaten the trade advantages of the low tariff structure then obtaining in the province. Because of differing priorities, the Canadian tariff was higher than that of Nova Scotia, and it included items important for the carrying trade of Nova Scotia.⁴³

The confederates tried to move the discussion beyond the question of tariff structures by emphasizing the advantages for the economic development of the province that union would bring. They asserted that "Any harm to the mercantile economy of Nova Scotia by Confederation would be far

41 *Ibid.*

42 *Supra*, note 6

43 Kenneth Pryke, *Nova Scotia and Confederation* (Toronto, 1979), p. 14.

outweighed by the positive development of manufacturing within Confederation."⁴⁴ Nevertheless, the tide of public opinion in the province appeared to be rising against them.

At the close of the 1865 session, confederation had seemed a dead issue; however, by 1866 a number of conditions conspired to revive it. First, as Shannon had predicted, the union of British America had come to be an explicit policy of the government in London. The Secretary of State for the Colonies, Edward Cardwell, had vowed to use "every means . . . short of coercion to induce the Maritime legislatures to accept Confederation."⁴⁵ In Nova Scotia, the lieutenant-governor was put in place to "use all the influence of the Imperial office of Governor to bring Nova Scotia into Confederation."⁴⁶

Secondly, at the end of the Civil War, the United States resented British and colonial attitudes to the victorious North; among the colonial hopes bound to suffer was that of a further renewal of the Reciprocity Treaty. The abrogation of the treaty, notice of which was given by the United States on 17 March 1865, was to become effective in March 1866. The end of reciprocity left the Maritimes in need of a new economic plan; transborder trade and fisheries had been important elements in Nova Scotia's economy, and with the cancellation of reciprocity, the future of those commercial activities seemed jeopardized.

Coupled with latent hostility from the United States was the threat of Fenian raids. The Fenian Order was an Irish patriotic society devoted to the winning of Irish independence. Canadians feared that veteran Irish soldiers might be recruited into the Fenian ranks and stage an attack on Canada.⁴⁷ Frequently at this time, local militia leaders including Shannon, who had been active in the militia from his early years,⁴⁸ dutifully assembled

44 *Ibid.*

45 P. B. Waite, *supra*, note 6 at 220.

46 W. L. Morton, *The Critical Years* (Toronto, 1968), p. 187.

47 *Ibid.*, 187.

48 Hodgdon, *supra*, note 24 at 295.

their men on the Halifax Common. These actions gave the threat a ring of authenticity--enough to throw fear into the hearts of many Nova Scotians. The *Morning Chronicle*, on 19 March 1866, remarked of the threatened Fenian attacks, "nothing else was talked of during the day, and at every corner of the streets, in principal thoroughfares, and places of public resort, anxious groups might be seen awaiting contradiction."⁴⁹

Into this state of affairs, and out of the back-benches of the Assembly, came the figure of William Miller, a thirty-two-year-old lawyer who sat as an independent Liberal representing Richmond County. He was the man who turned out to be the key to the success of confederation in Nova Scotia.

Miller had been born in Antigonish on 12 February 1834. He was descended on the paternal side from an Irish family that emigrated from Belfast in 1720 and settled in Maine. Alexander Miller, his great-grandfather, settled in Colchester County in 1760. His grandfather, Captain James Miller, a farmer, miller and land surveyor, migrated to Antigonish in 1780. Miller's father, Charles, carried on the family farm in Antigonish County; this was where Miller spent his youth. The family had converted to Roman Catholicism a few decades before his birth, so he received his early education at the Catholic St. Andrew's Grammar School. Miller completed his education at the Antigonish Academy and taught school for two or three years before entering upon the study of law, presumably in Halifax, as his admission certificate dated 31 May 1860 lists him as being "of Halifax."⁵⁰ Shortly after admission Miller relocated to Arichat, although he kept a residence on Morris Street in Halifax as well.

Miller would have had difficulty fitting into Halifax society; being a Catholic and the son of a farmer, he was not in a preferred position. In addition, he had a bristly and aggressive personality which concealed a burning desire to achieve status in Nova Scotian, and later Canadian society.

49 Quoted in P.B. Waite, *supra*, note 6 at 227.

50 Curiously, Miller's admission certificate refers to a Bachelor of Arts degree, which by all accounts Miller did not possess; the practical differences, of course, being that a holder of a university degree would only article for four years and would be entitled to simultaneous admission as barrister and attorney. St. Francis Xavier College at Antigonish did not obtain degree-granting status until 1866. See PANS, MG 100, Vol. 189, No. 30-32: Miller Papers.

In his early years he was boisterous and argumentative, and was said to be "endowed with a comfortable conceit of [himself]."⁵¹ He had a reputation for being aloof; he was not a strong party man and early in his political career, he boasted that "he recognized no leader, and had never attended a caucus in his life."⁵²

William Miller was one of many lawyers of his era who used their legal training as a stepping-stone to involvement in politics. As de Tocqueville explained, lawyers in a democracy fall heir to the political power exercised elsewhere by "the wealthy, the noble and the Prince."⁵³ In 1863, three years after he was admitted to the bar, Miller was elected to represent Richmond County in the Assembly. He was one of fourteen barristers who were part of the fifty-eight-member body that convened in 1863.⁵⁴ This preponderance of legal representatives did not go without some public resentment, particularly when it resulted in lawyers becoming beneficiaries of government and patronage appointments. In August 1863 the *Halifax Morning Chronicle* ran a series of editorials critical of the domination by the legal profession of public offices. In an editorial entitled "Lawyers in Government," after listing a number of lawyers on the Executive Council and in high-paying government jobs, the editor commented, "This makes the fraternity well provided for. . . . There are more fishermen yet, more farmers yet in Nova Scotia than there are lawyers although the latter are now. . . monopolizing nearly all the places of honour and profit."⁵⁵

Miller's closest political ally was another Catholic Cape Breton lawyer, Samuel MacDonnell. They had been classmates at St. Andrew's Grammar

51 National Archives of Canada, MG 27 E 10(c): Miller Papers, *A Phrenological Study of William Miller esq.* by Professor O. S. Fowler, 1860.

52 George Patterson, "An Unexplained Incident of Confederation," in *Dalhousie Review*, Vol. 7, (1927-8), p. 444.

53 W.H. Hobson, *The American Legal Profession and the Organization of Society 1890-1930*, Ph.D. Thesis, Stanford University, 1977.

54 The legal profession between 1758 and 1983 consistently accounted for about 20 per cent of the sitting members of the Legislature.

55 *Morning Chronicle* (Halifax), August 1863.

School in Antigonish. MacDonnell chose to article with W.A. Henry in Antigonish and was called to the bar in 1861. He was very much like Miller, and was charged with "showing a marked appreciation of himself that militated against his popularity."⁵⁶ MacDonnell represented the Cape Breton riding of Inverness in the Assembly.

The two young lawyers soon became involved in the key political issue of the day--confederation. Both were in favour of the principle, but had rejected the Quebec scheme of union. At the height of the debates in 1866, Miller, incited by personal jibes against him published in the *Halifax Sun*, pummelled the editor when he encountered him outside the legislature. The assistant editor of the *Chronicle* intervened and was also attacked by MacDonnell, who later recounted the incident as follows: "Well it is not much reason to give an impudent editor a drubbing for his blunders--but it is the only way to fix these fellers."⁵⁷ That skirmish was only minor compared to the Assembly battles, in which both members were to figure prominently.

When the Assembly opened on 22 February 1866 it encountered a false sense of calm. Confederation was scarcely mentioned. A week later the *Morning Chronicle* noted, "The House of Assembly is as tranquil as a summer sea . . ."⁵⁸ The calm, however, concealed frantic activity that was going on beneath the surface. The governors of the British North American colonies were taking an active part in the political affairs of their domains. Although union was confirmed in Canada, Governor-General Viscount Monck was waiting, somewhat impatiently, for events in New Brunswick and Nova Scotia to play themselves out.

A key turning-point came on 3 April when William Miller, who was against the Quebec scheme of union, rose in the Assembly; without any previous notice of motion, but bringing himself within the rules of the House by making an inquiry of the government, he made a long speech in which he stated:

56 PANS, MG 100, Vol. 182, No. 20-21: MacDonnell Papers.

57 PANS, MacDonnell Papers: S. MacDonnell to S. MacDonald, 17 April 1866.

58 *Morning Chronicle*, 27 February 1866.

If the Government will publicly abandon the Quebec Scheme, and introduce a resolution in favour of a federal union of British America--leaving the details of the measure to the arbitrament of the Imperial Government, properly advised by delegates from all the provinces I promise them my cordial support.⁵⁹

It was a major breakthrough for the confederates. On Tuesday, 10 April, Charles Tupper rose in his place and moved the following:

WHEREAS in the opinion of this House it is desirable that a Confederation of British North American Provinces should take place.

Resolved, therefore, that his Excellency the Lieutenant Governor be authorized to appoint delegates to arrange with the Imperial Government a scheme of union which will effectively insure just provisions for the rights and interests of this province.⁶⁰

The debate that followed was rancorous. Miller's trusted ally, Samuel MacDonnell, who had supported Miller throughout, took time during the final day of debate over the resolution--17 April--to write, while still in the Assembly, to a friend in his constituency:

it is now 20 minutes to 11 p.m. Plenty of gas as light and as debate on the great question of Confederation--you are aware that Miller and myself awoke this colossal question from its slumbers and thereby sent a thrill of excitement thro' the province.

I have voted on this with the purest sincerity if ever I was sincere.

I did not know who was to join Miller and myself, I did not care--I was perhaps ruining my political position in the country--I did not care. I felt convinced that it was for the good of the province to have union. Therefore I consider the course I took my duty. . . .

We are just about ending the debate on this great subject and the vote will be taken before I finish this letter.

We never have had such fighting in the House as we had for the last week--the excitement will subside with the disposal of the question of union.⁶¹

59 Nova Scotia Legislative Assembly, *Debates and Proceedings*, (1866) pp. 185-86 (3 April 1866).

60 *Ibid.*, 189.

61 *Supra*, note 57.

He concluded with the following postscript: "Resolution carried 39 to 19 and some of our members absent." For all intents and purposes, confederation had triumphed in Nova Scotia.

At the time, Miller probably did not realize that his contribution to the constitutional development of Canada was to be the highlight of his career. He had great ambitions and was still at the young age of thirty-three when the Dominion was born; he was appointed, by Royal Proclamation, to be one of the senators from Nova Scotia. Although his career as a practising lawyer had to be suspended while he was in Ottawa, one suspects that this did not trouble Miller, as his main ambition in entering the legal profession had been to launch himself into political life. Even the cases he handled before entering public life had a definite political flavour to them.

There was, for example, the case of *In Re Thomas Spence* (1863) 5 N.S.R. 333 (S.C.), which involved the first use of the prerogative writ of *Quo Warranto* in Nova Scotia. The case arose out of these facts. On 30 September 1862, the following notice appeared in the *Morning Chronicle*:

ELECTORS OF HALIFAX!

Now is the time to select good men and true to represent you in the City Council. Choose your best men, those of property and influence.

The main characteristics of the structure of Halifax's civic government had been laid down in its Charter of 1841. It was to be governed by a mayor and eighteen aldermen elected for its six wards. Ward 5 was the largest, containing one-third of the city's population. It appears that in the election of 1862, the electors of Ward 5 did not select one of their "best men." One Thomas Spence was returned as alderman, and *ex officio* a magistrate for the city. Spence was quite familiar with the "police court" over which the Mayor and the aldermen presided; unfortunately, his familiarity was from the wrong side of the bench. Spence was a frequent patron of the court, which heard cases of a minor criminal nature, such as the following typical instance: in September 1862 the *Morning Chronicle* reported that one "Jeremiah Sullivan got so drunk he could not walk, and he was conveyed to the police station in a truck. He was fined \$1 and 25 cents cartage."⁶²

62 *Morning Chronicle*, 30 September 1862.

Between June 1856 and April 1862, Thomas Spence had been brought before the court no less than ten times; and on nine of these occasions he was sentenced for offences such as using abusive and obscene language; drunk and disorderly conduct in the streets; and assaulting police officers and others.⁶³

At the first meeting of Council after the election, a petition was presented on behalf of some of the Ward 5 electors. It objected to Mr. Spence's election, alleging polling improprieties and that Spence was "unfit" to be an alderman. Spence presented himself, but the Mayor refused to swear him in. City Council then agreed to meet a few days later to hear submissions on the issue.

City Council met on 6 October to consider the various objections to Mr. Spence's election. The *Morning Chronicle* noted, "The excitement was quite intense."⁶⁴ Two lawyers, Hiram Blanchard and E.H. Harrington, appeared on behalf of the petitioners. William Miller had been retained to represent Spence.

Harrington led off--entering into evidence the nine convictions and sentences passed on Spence, who had been once in Bridewell, the city prison, for seven days and twice in the city lock-up; the other offences carried fines. Harrington summarized the facts, and then Blanchard made an emotional appeal. He labelled Spence a drunkard, a brawler and a disturber of the peace. "It would be absurd to admit to Council such a man," Blanchard asserted. "It would be nothing more than a farce for such a man to sit in court and pronounce judgment upon a man arraigned for drunkenness or breach of the peace."⁶⁵

Miller rose and presented the case for Mr. Spence, delivering a rousing argument, almost populist in tone. He made no excuses for Spence's behaviour, but went on to point out that he *was* the choice of the electors. At one point he stated,

63 Noted in the case *In Re Thomas Spence*, (1863) 5 N.S.R. 333 (S.C.) at 339.

64 *Morning Chronicle*, 3 October 1862.

65 *Morning Chronicle*, 7 October 1862.

Much has been said about the purity of elections and the respectability of the civic body, but his election has not been attacked by evidence, and as to respectability, it was better that they should suffer temporarily in this regard than prevent the evil of a dangerous precedent. Of the two evils the latter would be greater."⁶⁶

His speech was met with loud cheers from the audience; it did not, however, sway the Council. A resolution was passed declaring that "Mister Spence is not a fit and proper person to hold a seat at the Council." The seat was declared vacant and a new election was called without any debate.

The twenty-nine-year-old Miller took the case to the Supreme Court of the province. Presiding was Chief Justice Young, assisted by Judge Bliss and Judge DesBarres. They were unanimous in their decision. Borrowing a portion of Miller's argument, Judge Bliss queried, "If with a full knowledge of [Spence's convictions], which appear so notorious, the electors still thought him a fit and proper man to represent them as alderman of their ward, who is to say he was not?"⁶⁷ Certainly not the Supreme Court; Chief Justice Young pointed out, "Where the legislature trusts the power of suffrage, they must take all the consequences that may follow it."⁶⁸

The court agreed that Thomas Spence "under the law and the circumstances of this case, is entitled to his seat at the Council Board as alderman for ward number five."⁶⁹ On 25 July 1863, four days later, Council admitted Mr. Spence. Democracy had won over 'respectability'.

The case is significant not only because of insights into the electoral process and its peculiar facts, but also because it involved an early use of the writ of *Quo Warranto*: "In Old English practice it was a writ, in the nature of a writ of right for the King against him who claimed or usurped any office."⁷⁰ In practice it called upon the alderman elected to represent Ward

66 *Ibid.*

67 *Supra*, note 63 at 344.

68 *Ibid.*, 340.

69 *Ibid.*, 347.

70 *Black's Law Dictionary*, 5th ed. (1979), s.v.

5 to show by what authority he claimed to be one of the aldermen of the city--the authority of the electors.

The *Spence* case may have helped launch Miller's political career. It coincided with his election to the legislature, and may have given him the notoriety he required to become politically influential. On 23 July 1863, shortly after judgment in the *Spence* case was pronounced, the *Morning Chronicle* reported,

Thursday afternoon Hon. T.D. D'arcy McGee was entertained by some friends in this city to a dinner at Butler's Hotel, Bedford. John Tobin, Esq. MPP presided, among the guests were Hon. Mr. Howe, Hon. Mr. Shannon, Hon. Financial Secretary, H. Pryor, Esq., William Miller, Esq., MPP and other leading men.⁷¹

Miller's inclusion in that distinguished group is notable, because he was a newcomer to the legislature and a relative novice in his profession.

After confederation and his appointment to the Canadian Senate, Miller's political career moved to a higher level. Although he usually sought to be in Arichat when the Supreme Court was on circuit, his involvement in the day-to-day practice of law subsided. This may have been one of the reasons why he refused a Liberal offer of appointment as a County Court judge for Cape Breton in June 1876.⁷²

A more persuasive reason is that Miller enjoyed his political position in the Senate; he had aspirations of joining the Cabinet and did not, at age forty-two, want to be put out to pasture as a judge in Cape Breton. He had become active as a Conservative party organizer in the province, particularly among the Catholics of northeastern Nova Scotia, and was looked up to as a senior party man. As a leading Conservative, Miller acquired considerable patronage power. On one occasion his activity on this front drew him back into the courts of Nova Scotia. The case of *The Queen v. Hearn et al.* resurrected Miller's legal career in the province.

Shortly after confederation, Miller used some of his new-found political clout to appoint his brother-in-law, James H. Hearn, as postmaster in Arichat.

71 *Morning Chronicle*. 23 July 1863.

72 PANS, Miller Papers (*supra*, note 50) Alexander MacKenzie to William Miller, 15 June 1876.

On 29 January 1869, a surety bond was signed in favour of Hearn by Miller's law partner, William Botsford Chandler. A condition of the bond was that the postmaster was to remit all revenues to the Postmaster-General. This, much to Miller's embarrassment, Hearn failed to do.

On 21 March 1871, a summons was issued, alleging Hearn's failure to comply with the bond, and a claim was made against Hearn and the surety, Chandler. The summons, although signed by Sir John A. Macdonald, then Attorney-General of Canada as well as Prime Minister, was to be pursued by the Attorney-General's agent in Nova Scotia--the Hon. Samuel Leonard Shannon, Q.C.⁷³

Miller was hurriedly retained on behalf of Hearn and Chandler; a defence was filed and the matter was to be set down for trial. Miller sought to avoid the necessity of a trial and on 9 September 1871 he wrote to Hiram Blanchard, his counterpart in the *Spence* case, stating:

I wish you would take an opportunity of letting Shannon know how I have been dragged into the Hearn affair, I desire him not to enter the suit, as I hope to be in Halifax soon and will arrange it.

It will be a pretty hard matter for me to find the money but I must get it to protect Chandler.⁷⁴

Miller was partially successful. The matter stood for two years before any further action was taken; then upon Shannon's insistence, Miller agreed to have the matter set down for trial, although he wrote to Shannon on 19 September 1873, stating that he had "no doubt that we'll have the affair arranged in some way before the time fixed for trial." He hastened to add, "The case is one of peculiar hardship for me for circumstances connected with it which I cannot trouble you."⁷⁵ Miller no doubt hoped that Shannon would remember whom it was who helped push confederation through in Nova Scotia, and that he would be inclined to indulge his former ally.

73 PANS, Shannon Papers (*supra*, note 26).

74 PANS, Shannon Papers, William Miller to Hiram Blanchard, 9 September 1871.

75 PANS, Shannon Papers, William Miller to S.L. Shannon, 19 September 1873.

Shannon's response was cautious. He wrote to the Deputy Minister of Justice, plainly laying out the facts. He then noted,

The defendants appeared and pleaded by the Hon. Wm. Miller, Senator, who is a brother-in-law of James H. Hearn. The principal defendant James H. Hearn is a bankrupt--Wm. B. Chandler is the only responsible surety so far as I can learn... nothing shows a legal or equitable defence.

He added diplomatically, "W. Miller appears to be personally interested in the case. . . . In this view of the case the matter might be subject for arbitration." He noted further that Samuel MacDonnell, elected as Conservative M.P. for Inverness in the federal election of 1872, had "also spoken for the defendants."⁷⁶ Clearly Miller was calling in a number of favours over this case. There was, after all, a lot at stake: Hearn being insolvent, Miller's law partner would be required to make good the \$1600.00 default of Miller's brother-in-law. An adverse public trial should be very embarrassing.

Miller appealed to the Liberal Minister of Justice, Edward Blake. He was successful in striking a deal. On 26 June 1875 the Deputy Minister sent Shannon the following instructions:

In this matter the Hon. Wm. Miller has been in correspondence with the Minister of Justice and enquiries instituted show that the whole amount of the indebtedness of Hearn cannot be recovered in the suit against the sureties.

The Minister of Justice has concluded that if the sureties pay the sum of \$440.30 with accrued interests and costs . . . the proceeding against the sureties may be dropped.⁷⁷

Even before Shannon had worked out the final terms, Miller was writing him, expressing his thanks: "I know you will be glad to have at last got a settlement of this matter, and I have now only to express to you my sincere thanks for the courtesy and leniency you have exhibited in connection with this case."⁷⁸ The matter was soon settled, but not without some final

76 PANS, Shannon Papers, S.L. Shannon to Deputy Minister of Justice, June 1875.

77 PANS, Shannon Papers, Deputy Minister of Justice to S.L. Shannon, 26 June 1875.

78 PANS, Shannon Papers, Miller to S.L. Shannon, 5 July 1875.

difficulties which needed clearing up. Miller had received a copy of the settlement and, as he wrote Shannon, "I find a very important mistake in it. Instead of the word discontinued it contains the word continued."⁷⁹ "Dear old Judge Shannon" was keeping Miller on his toes.

In the early period after confederation, most Nova Scotians assumed that there was no distinction between federal and provincial political parties.⁸⁰ Thus Miller, although resident in Ottawa for part of the year as Speaker of the Senate, maintained his contact with provincial politics. In 1877 he was consulted by James McDonald, a lawyer and M.P. for Pictou; the key to regaining power federally, McDonald thought, was to strengthen the Conservatives provincially. McDonald suggested to Miller that the Halifax lawyer, John S.D. Thompson, would be a good man for the Conservatives. He asked Miller whether there was a Catholic constituency in Eastern Nova Scotia where Thompson, a Catholic, might stand. Senator Miller immediately thought of the county of his birth, Antigonish, which had grown more slowly than the rest of Nova Scotia. Its population from 1851 to 1881 rose only from 13,500 to 18,000. It was predominantly rural and, most importantly from an electoral point of view, overwhelmingly Catholic--87 per cent in 1881.⁸¹

Miller made some enquiries and solicited the support of the Roman Catholic bishop, who lived in Arichat. After a hard-fought campaign, Thompson became the new provincial member for Antigonish and attorney-general in the new Conservative government. Throughout that campaign, Miller developed an acquaintanceship with Thompson that followed the latter's entry into federal politics: he became Minister of Justice in 1885 and Prime Minister in 1892, thus giving Miller an important connection with the federal cabinet.

Even before Thompson was elected to the House of Assembly, Miller used his influence with him to solicit a favour. Miller sought his assistance in guiding his nephew, David A. Hearn, through the bar admission process,

79 PANS, Shannon Papers, Miller to S.L. Shannon, 15 July 1875.

80 Waite, *supra*, note 25 at 70-74.

81 *Ibid.*

which had been taken over from the Supreme Court judges by the Barristers' Society, of which Thompson was on the Council. Miller stated that,

Hearn, who has been a student in my office for some time now goes to Halifax to take his admission.

Hearn is a very worthy and reliable young man. . . . I will be obliged by anything you can do to help him and in any way facilitate the object of his visit to your city.⁸²

On a second page marked "*private*" Miller added, "Hearn has been quite an active party man." David A. Hearn was examined by Samuel L. Shannon, and, with or without the assistance of Thompson, was admitted a barrister on 12 December 1878, along with the future Prime Minister of Canada, Robert L. Borden.⁸³

John S.D. Thompson became attorney-general of Nova Scotia on 22 October 1878. As such he was directly involved with the administration of criminal justice, since the attorney-general was the principal law officer of the Crown. It was his duty to oversee the drafting of statutes and the law contained therein, as well as to control the legal appropriateness of the government's actions. He was the official head of the bar, and also had the duty of acting as prosecutor in criminal cases.

The duty of prosecuting for the Crown in Supreme Court cases was clearly beyond the capacity of one man. Outside of Halifax there was a long-standing custom decreeing that, in the absence of the attorney-general, the presiding Supreme Court judge was to select the senior Q.C. present in court as the prosecutor. As P.B. Waite has observed, "Were the Nova Scotian Q.C.s chosen for their talents, the seniority rule would not have been so serious. But all too often 'the silk gown in this Province has been known to clothe the grossest ignorance of the law.'"⁸⁴

In November 1880 William Miller took advantage of his association with the attorney-general to voice his concerns regarding the administration of

82 NAC, Thompson Papers, William Miller to J.S.D. Thompson, 1 July 1878 (mfm. at PANS).

83 Compiled from PANS, RG 39 "M" Vol. 9, No. 7: D.A. Hearn admission file, and *Belcher's Farmer's Almanac* (1879).

84 P.B. Waite, *supra*, note 25 at 72.

criminal justice. Reform was necessary, because "The present system of conducting criminal business is a disgrace. . . . I have seen so many failures of justice and many triumphs of crime under the present system that I felt it a duty I owe to my position to advocate a change." He suggested that "If there was a prosecuting officer in every county whose duty and interest it would be to act in the same way in every criminal case the same good result would generally follow."⁸⁵ Despite Miller's pleas, no major changes to the system occurred before Thompson and his government lost power in 1882.

To Miller, the main problem was inconsistency in the application of the criminal law. He was too pragmatic a lawyer schooled in common-law ways of thinking to consider advocating such a grand departure from the common law as a criminal code; but once the subject was broached, Miller was an ardent supporter of the measure. The opportunity arose in 1891; Sir John S.D. Thompson was by then the federal Minister of Justice, and a key objective of his was to enact a criminal code for Canada.

The federal Criminal Code was to be a distillation of seven hundred years of common law. Its Canadian origins can be traced to Judge J.R. Gowan, an influential back-room Tory, who became the code's main advocate. The actual work of drafting the code was done by two Nova Scotians: George Wheelock Burbidge, a former Deputy Minister of Justice and at that time Judge of the Exchequer Court, and Robert Sedgewick, Thompson's Deputy Minister.

As Graham Parker has pointed out, the finished product was based primarily on Sir James Fitzjames Stephen's original British Criminal Code of 1879, together with appropriate alterations to suit Canadian conditions. "The 1892 Code was not a document of radical law reform," Parker suggests: "Given the resources of the Department of Justice, the code admittedly showed remarkable industry but it could hardly be called a fiat of imagination and intellectual ingenuity."⁸⁶

85 NAC, Thompson Papers: Miller to J.S.D. Thompson, November 1880 (mfm. at PANS).

86 Graham Parker, "The Origins of the Canadian Criminal Code," in D.H. Flaherty, ed., *Essays in the History of Canadian Law*, Vol. 1 (Toronto, 1981).

The draft Code was introduced in Parliament as Bill 32 on 12 May 1891. It was introduced then only to have it printed, circulated and discussed. Thompson waited until the 1892 session to reintroduce the bill, now as Bill 7, "An Act Respecting Criminal Law." Thompson made a speech during second reading, 2 April 1892, in which he described the bill as "a reduction of the existing law to an orderly written system freed from technicalities and obscurities."⁸⁷

On the same day, a special joint Senate-House of Commons Committee was formed to report on the bill. Senator Miller was unanimously chosen to be the Chairman of the thirty-one-member board which included, among others, Thompson and Richard C. Weldon, the member from Albert County, New Brunswick and Dean of Dalhousie Law School.

Of the work of the Special Joint Committee, Graham Parker states, "Even at that stage there was no concerted effort to discuss general principles."⁸⁸ However, this conclusion is based on an erroneous interpretation of the information available. What Parker based his conclusion on is not the proceedings of the Joint Committee, but rather the House of Commons meeting as a Committee of the Whole.⁸⁹ There is evidence to support the conclusion that the Joint Committee completed their task expeditiously. The Committee had been formed on 12 April and by 12 May they submitted sections 1 to 302 of the 532-section bill; by 2 June they submitted their final draft to the House.⁹⁰ On 28 June the Criminal Code cleared the House of Commons and went to the Senate.

In the Senate time was of the essence; a long delay could have scuttled the bill, since it had reached the Upper Chamber late in the session. Some

⁸⁷ Quoted *ibid.*, 271.

⁸⁸ *Ibid.*, 271-72.

⁸⁹ There appears to be an error in Parker's research. He refers to the proceedings of the Joint Committee, but his footnotes lead to the Proceedings of the House of Commons sitting as a Committee of the Whole. See especially notes 65, 66, 67, referring to *House of Commons Journal* (1892), pp. 2701, 2783, 2812. Thus, his conclusion that there was no discussion of general principles of codification at the Joint Committee is not supported by the evidence. The proceedings of the Joint Committee are unavailable, as they were destroyed in the fire on Parliament hill in 1916.

⁹⁰ *House of Commons Journal* (1892).

senators complained "that the Bill was being railroaded through the Senate."⁹¹ If this were so, it would be fair to say that Miller was the engineer. As Speaker of the Senate, Miller explained the reasons for the bill thus: "it is merely an attempt to get within a narrow compass form that will be intelligible to the public, the criminal law of the land."⁹²

He was supported in this view by Prime Minister Sir John Abbott, who explained that codification was rejected in England because "a large portion of the British Parliament is composed of lawyers; they desire to adhere to the old system and [there] it is next to impossible . . . to codify the law and make its operation more accessible to the public."⁹³

Senator R.W. Scott of Ottawa came out strongly against both the Code and the fact that the Senate proposed to take up such a vast piece of legislation so late in the session. Miller was able to temper Scott's opposition by pointing out that, despite being one of the Senate appointees to the Joint Committee, "From the first sitting of the Committee until the last [Senator Scott] never showed his face."⁹⁴

Senator Scott persisted; he argued that if a Criminal Code had been rejected in England it should likewise be rejected in Canada. He stated that the reason why he did not attend the Committee was because "I was averse to the introduction of the code. I did not think it was desirable to introduce it into Canada, because I look upon our criminal system as being about as perfect as we can make it."⁹⁵

Other Liberal Senators, although somewhat less opposed, sided with Senator Scott in order to delay the bill and allow careful clause-by-clause consideration of it. After Miller asserted that this was unnecessary, because the bill had received the careful attention of a committee of experts, Senator Dever of Saint John taunted Miller, saying, "I smiled at the simplicity of

91 Parker, *supra*, note 86 at 273.

92 *Senate Debates* (1892), p. 390.

93 *Ibid.*, 391.

94 *Ibid.*, 390.

95 *Ibid.*, 393.

the Hon. Gentleman [Miller] to think that he could use any argument by making it appear that he was an expert."⁹⁶

Miller was steadfast; no doubt he recalled what the "Godfather of the Code,"⁹⁷ Judge Gowan, had told him in June: "When it comes to the Senate . . . I hope the Premier will not allow any tinkering--to send it back to the Commons might endanger it--and no incurable evil can arise from any slip, especially as I suppose it should not come into operation for some months."⁹⁸ In the same correspondence he told Miller of how he had presented a one-and-a-half-hour lecture on the Code to the county council in his home town of Barrie. Miller recounted the story to Thompson and joked, "We owe the 'Barrie Parliament' a deep debt of gratitude for having suffered for us vicariously."⁹⁹

On 8 July 1892 the Senate passed the bill, as Gowan had hoped, with as little "tinkering" as was necessary. On 9 July Parliament prorogued. Thompson wrote to Miller, thanking him for his "invaluable co-operation in advancing the Criminal Code."¹⁰⁰ Miller later stated that his involvement in the passing of the Code was "one of the greatest honours of his public career."¹⁰¹

The activity generated by the Criminal Code provided Miller with a shining moment in an otherwise frustrating political career. Miller wrote to each Conservative Prime Minister from Thompson in 1892 to Borden in 1911, complaining that the Senate was under-represented in Cabinet. To Thompson he wrote, "It may be unpardonable egotism to say so, but I believe that I am the only man in the Senate today looked upon by both sides of the House as a possible successor to Sir John Abbott."¹⁰² In fact Sir Charles

96 *Ibid.*, 391.

97 This term is borrowed from Parker, *supra*, note 86.

98 NAC, Thompson Papers, J. Gowan to William Miller, 12 June 1892 (mfm. at PANS).

99 NAC, Thompson Papers, William Miller to J.S.D. Thompson, 12 June 1892 (mfm. at PANS).

100 PANS, Miller Papers, J.S.D. Thompson to William Miller, 28 June 1892.

101 PANS, Miller Papers, William Miller to Henry Morgan, 11 July 1900.

102 NAC, Thompson Papers, William Miller to J.S.D. Thompson, 1 December 1892 (mfm. at PANS).

Tupper, on his retirement in 1884, had recommended Miller as his replacement in Cabinet, but the other Nova Scotian Conservatives would not hear of it.¹⁰³

His quest for personal status was likewise frustrated; from about 1890 onwards, Miller began a tireless effort to secure for himself a knighthood. In his personal papers there are numerous notes about "How I Saved Confederation."¹⁰⁴ The knighthood, though frequently promised, never came. About a year before he died, Miller wrote to the Governor-General's private secretary, complaining about not being invited to a state function on Dominion Day, in celebration of the forty-fourth year of Confederation. He lamented,

among the guests I need not tell you there was no plate for me.

I suppose it never entered into the thoughts of the officials of Government House, that no man among the numerous guests . . . --nor indeed had all these honoured guests put together done as much as the humble individual who addresses you--to make that holiday.

My treatment is a fair sample of the opportunism of the fleeting hour as well as the injustice and ingratitude of the buried past, but it is too marked to be allowed to pass without observation on Confederation day--in Coronation year!¹⁰⁵

William Miller died in Ottawa, after a long illness, on 22 February 1912. He was one of three surviving Fathers of Confederation.¹⁰⁶

The careers of William Miller and Samuel Leonard Shannon, linked as they were by confederation, give us an interesting glimpse of the practice of law in Nova Scotia in the latter half of the nineteenth century. Shannon, Miller and a number of other lawyers such as Jonathan McCully, Henry Pryor, Hiram Blanchard, Beamish Murdoch, and later men such as J.S.D. Thompson, Benjamin Russell and Robert Borden, were all part of a legal élite in Nova Scotia that helped to shape the modern practice of law in

103 P.B. Waite, *supra*, note 25 at 127.

104 PANS, Miller Papers, "I saved the Tupper Government. . ."

105 PANS, Miller Papers, William Miller to Arthur Sladen, 10 July 1911.

106 *Ottawa Journal*, 24 February 1912.

the province. Many of those mentioned had offspring who followed them into the profession and practised well into the twentieth century.¹⁰⁷

Many of these lawyers, up to confederation, figured prominently in the political affairs of the province; after confederation some, such as McCully, Miller and Thompson, took their political aspirations to the federal level in Ottawa.

The period witnessed a number of changes in the legal profession. The practice of law was forever altered by the advent of the professional law school, which had its genesis in this period. Furthermore, as the number of practitioners swelled, the old collegial method of self-regulation was displaced by a more formal method under the auspices of the Nova Scotia Barristers' Society, which took its present form during the period under review. Coincident with the growth of the profession, friendly and informal negotiations between acquaintances, as in the *Hearn* case, would become less and less frequent and the court process more rigid. Finally, the adoption of the Criminal Code symbolized the beginning of a shift away from the common law and towards legislative sources of law.

This article has provided a synoptic view of the legal profession through the eyes of two lawyers. Shannon--"dear old Judge Shannon," as his former students called him--was a dedicated commercial lawyer, who saw public service as a duty and sought to put back into the profession some of what he had gained through it. On the other hand, William Miller used his legal training to become part of the political élite. His commitment to the profession was superficial; the bench was not to be his reward--he had loftier ambitions outside the legal profession. His practice gave him the standing, power and influential contacts he needed in order to pursue his political aims.

107 For example, both S.L. Shannon and Jonathan McCully had sons who followed them into the profession, as did men such as W.A. Henry. As for Miller, he had no issue so his nephew D.A. Hearn may be considered his successor.

The American Influence on Nova Scotian Apple Producers, 1850-1920

Jennifer E. Kressner

Throughout history the apple has commanded much attention, from taste-buds to theologians to literary discussions, where the apple is used as a metaphor. In its earliest days, the apple was used extensively for the making of cider. At Port-Royal during the French régime, cider provided the only local alternative to water or expensive wines. Apple trees, first introduced by the Acadians, were still standing when the New England Planters arrived in the Annapolis Valley of Nova Scotia in the early 1760s to select the choicest parcels of vacant Acadian land.

Few improvements were made to these early trees; some produced fruit sweet enough to eat raw, while others yielded fruit suitable only for cooking and cider-making. These conditions remained throughout the eighteenth century, until a few gentleman farmers early in the nineteenth century began to develop an interest in the apple. As a result, orchards were expanded and new varieties introduced, so that by mid-century the value and importance of the apple was recognized. Reacting to the new varieties and developments, farmers who had previously viewed their sparse orchards only as a peripheral business, now directed their attention toward what appeared to be a potentially remunerative industry.

The gradual expansion of the Nova Scotia apple industry depended on the work and knowledge of a handful of men, whose financial success made it possible for them to invest time and energy into improving the fruit. From an experimental basis in the mid-nineteenth century to the establishment of a major export business, the industry owed much of its success to the trade in information--in some cases scientific and technical, while in others centring on marketing and business acumen. Although this trade in information was triangular in scope, involving the United States, Great Britain and Nova Scotia--as a province of Canada--for the purposes of this article only the trade and sharing of knowledge between the United States and Annapolis Valley fruit growers will be examined.

The early nineteenth century witnessed many changes, not least of which was the growing interest in science and, in turn, relating it to farming in general. The Protestant work ethic and Jeremy Bentham's utilitarian philosophy laid the necessary psychological foundations for an ongoing

belief in the ideology of progress. As the agricultural and industrial revolutions took hold, producers were no longer content to supply just their immediate locality. This new perspective led to expansion, where a surplus was necessary for profitable business. Such values, attitudes and beliefs were not restricted to Great Britain or the Continent; pre-confederation Canada and the United States also experienced similar changes.

Long before apples became a major export from Nova Scotia, farmers raised them as a subsidiary crop, and supplied only local markets. Little can be said for the quality of the apple at this early stage. Technical knowledge was extremely limited, and there was a lack of understanding within the general farming community of the basic scientific principles governing grafting and propagation procedures. The level of technical knowledge was further restricted to those who possessed higher education and a keen interest in the subject.

One such gentleman fulfilling those requirements was the Honourable Charles Ramage Prescott. Upon his retirement from a successful career as a Halifax merchant, Prescott purchased 100 acres in the Cornwallis district of Annapolis Valley ca. 1812. He then appropriately named his property "Acacia Grove." Prescott was fortunate in having the financial resources to pursue what at first was only a hobby, but which later developed into what could be called a miniature experimental station.¹

On his own initiative, he travelled to New England, as well as to Quebec and London, gathering scions of many apple varieties unknown to Nova Scotia. From the United States he brought Baldwin, Rhode Island Greening, Esopus Spitz, Sweet Bough, Early Harvest and Spy, although only the Baldwin, Greening and Spy became marketable varieties.² The most important commercial variety, however, was the Gravenstein, which had originated in Germany and was made available to Prescott through the London Horticultural Society.³

1 Keith Hatchard, *Apples in the Barrel* (Windsor, 1980), p. 17; Anne Hutton, *Valley Gold* (Halifax, 1981), pp. 20, 21; Susan Buggey, "Prescott, Charles Ramage," in *Dictionary of Canadian Biography*, VIII (Toronto, 1985), 209-211.

2 Hatchard, *Apples in the Barrel*, p. 16; Minister of Public Works and Mines, *Report of the Royal Commission Investigating the Apple Industry of the Province of Nova Scotia* (Halifax, 1930), pp. 53-54.

3 Hutton, *Valley Gold*, p. 23.

Prescott went to great lengths to educate local fruit growers on the techniques of grafting and successful orcharding. His hospitality and generosity, coupled with a keen interest, made it natural for others to seek his expert advice. His prestige went well beyond Cornwallis Township, as his membership in horticultural societies of New York, Boston and London readily attests. Through these societies, knowledge was easily and rapidly disseminated on all aspects of horticulture, not least of which was the proper cultivation of apples. While due credit must be rendered to Prescott for his direct contribution to Valley fruit growers, acknowledgement must also be given to those societies in New England and abroad for their willingness to share knowledge. After his death in 1859, the superior quality of Valley apples was officially recognized at the International Exhibition held in London in 1861.⁴

Whereas prior to 1880, few Nova Scotian apples could be found in Great Britain, after 1880 that nation became the largest market for the product, thanks to improved marketing strategies. Provincial apple growers, aware of the presence of United States apples in abundance on British markets, looked to their southern neighbour for advice on the best marketing methods. The flow of information and expertise from the United States to Nova Scotia was channelled through American agricultural societies, particularly the American Pomological Society; through provincial participation in international exhibitions; and through lectures offered locally on proper packing and on the merits of cooperative marketing associations.

International exhibitions were the first avenues through which Nova Scotian apples were introduced to international markets. These exhibitions were designed primarily to advertise the natural resources of each participating country, province or state--their organizers hoping, as a result, that the natural wealth would entice settlement, financial investment and economic development. Marketing of produce was a major factor in the design of these exhibitions, where even physical placement of one's exhibit could enhance or diminish the potential for sales.

The International Exhibition of 1876, held in Philadelphia, was responsible for disseminating the little known fact that in Nova Scotia, the Gravenstein was--and still is--the most productive of all varieties. As early as 1884,

4 *Ibid.*, pp. 20-23.

members of the Nova Scotia Fruit Growers' Association were made aware that the Gravenstein was highly valued in the United States as a table apple, but was too difficult to grow there in any sizable quantity. American apple producers who managed to grow that variety were able to command as much as \$7 a barrel.⁵ Yet, seven years later, the potential of the Gravenstein as a marketable variety in the New England states was still under discussion locally, perhaps due more to the high tariff placed on Canadian apples in 1890 than to any lethargy on the part of Nova Scotian apple producers.⁶

In that same year, the Nova Scotia Fruit Growers' Association passed a resolution requesting representation at future annual meetings of the American Pomological Society. It was hoped that by supplying information about Nova Scotian apples, marketing strategies would be advanced.⁷ Moreover, membership in that society was necessary, so that rules and regulations governing exhibitions sponsored by the Society would enable members of the Nova Scotia Fruit Growers' Association to participate.⁸ The World's Fair at New Orleans the following year was regarded as an opportunity "for making known the superior apple-producing capabilities of Nova Scotia."⁹ Unfortunately, the Nova Scotia Fruit Growers' Association, reliant on government funding since 1875, was unable to procure additional funding from the Canadian government. The Association was thus unable to attend, and the marketing opportunity was lost.

In 1894, the Nova Scotia Fruit Growers' Association participated in the World's Fair at Chicago. This fair, unlike most others, did not offer cash prizes. The organizers were more concerned with the distribution of knowledge arising from the exhibits, attempting to eradicate ill-informed

5 Nova Scotia Fruit Growers' Association [hereafter NSFGA], *Annual Report*, 1884 (Halifax, 1885), p. 31. The NSFGA was formed late in 1863 as the Horticultural Association and International Show Society of Nova Scotia; see *Report of the Nova Scotia Commissioners for the International Exhibition, 1864* (Halifax, 1864), p. 34.

6 N.H. Morse, "An Economic History of the Apple Industry of the Annapolis Valley in Nova Scotia," unpublished Ph.D. dissertation, University of Toronto, 1952, p. 15.

7 NSFGA, *Annual Report*, 1884, p. 31.

8 *Ibid.*, p. 75.

9 NSFGA, *Annual Report*, 1885, p. 24.

opinions on any particular exhibit. As in earlier exhibitions, the Gravenstein commanded most of the attention, stimulating questions such as, "Did these apples grow in Nova Scotia?" When the reply came in the affirmative, the response was, "Oh, I am so glad to know this. I have great sympathy for the people in that cold, frozen-up place."¹⁰

The ignorance revealed through such typical questions impressed upon Association representatives the need to counter such opinions, which they rightly perceived to be a prime factor inhibiting marketing. The World Fruit Growers' Association, inaugurated at the Chicago World's Fair, was hoped to be the "nucleus around which the horticultural societies of the world may center, and from which they can obtain information."¹¹

These exhibitions contributed largely to the dissemination of information, whether that information centred on questions of marketing or cultivation. Moreover, market competition was somewhat tempered during these exhibitions; rivalries were masked, and an emphasis was placed on discussion, leading to valuable opportunities for acquiring knowledge from a broad perspective.

The Nova Scotia Fruit Growers' Association exhibit at the International Exposition in Omaha, 1899, was handled entirely through the efforts of F.W. Taylor, Superintendent of the Farmers' Institute, University of Nebraska. His brief letter to the Association illustrates the absence of rivalry and demonstrates mutual professional regard:

It gives me great pleasure to say how much your exhibit of Gravenstein apples was appreciated by all lovers of good fruit. The delicious flavour, delightful aroma, and beautiful appearance of the apples attracted a great amount of attention and favourable comment. I am sure that it was well worth your while to make this exhibit, and I assure [you] that the attention it attracted was equalled by perhaps no exhibit of the same size. The quality of the apples is so good that I do not wonder that your English cousins are glad to buy them at a profitable price.¹²

¹⁰ *Ibid.*, 1894, pp. 65-66.

¹¹ *Ibid.*, p. 63.

¹² *Ibid.*, 1899, p. 19.

Testimony to the success of that exhibit were the many enquiries made subsequent to the Exposition, where the Gravenstein was heralded as the best apple for dessert and cooking purposes, and for which display effort the Nova Scotia Fruit Growers' Association received a gold medal and a diploma.¹³

Exhibitions, then, were opportunities for advertising, marketing and facilitating the exchange of information. While marketing was extremely important, so too were the methods of packaging which, like today, were vitally important to ensure that only the best quality apples were sold, thus creating the market image of a dependable product. Apples were packed in barrels, and barrels had to be opened before the quality could be ascertained; it was necessary that a uniform standard be maintained, both to ensure honest packing as well as a standard weight. Buyers had to have some method of judging the quality so that a price could be decided, and standardization was important since it was impossible for every barrel to be opened and their contents examined.

By the 1880s proper packing was a contentious issue. First, buyers were complaining to the Nova Scotia Fruit Growers' Association that prices equal to those commanded by American and Ontario apples were impossible to obtain, since Nova Scotian packing methods were sloppy. For instance, two barrels from the same consignment could carry apples of differing quality. Secondly, not all provincial fruit growers were concerned about the consistent quality of Nova Scotian apples, or the proverbial effect of 'a few bad apples' upon all consignments for any crop year. Thus, the lack of integrity in packing affected the efforts of all fruit growers, no matter how careful or honest.¹⁴

In 1899, the Nova Scotia Fruit Growers' Association saw fit to print in its *Annual Report* the specifications of the standard barrel, as adopted by the National Shippers' Association of America, urging local growers to do the same: "the sooner Nova Scotia fruit growers adopt the same size the more profitable will their business become."¹⁵ Local fruit growers were still

13 *Ibid.*, pp. 11-12.

14 *Ibid.*, 1885, p. 25.

15 *Ibid.*, 1899, p. 12.

using the standard barrel in use prior to confederation, while those used in New York and New England were slightly larger and better suited for shipping. As a result, American apples commanded a higher price, because it was perceived that the larger barrel held significantly more apples than did the smaller barrel used by Nova Scotian growers. In fact, the difference was not significant, nor did it justify the three-shilling price differential on the British market.¹⁶

The *Weights and Measures Act* (62 Vic., c. 28) was passed in 1899 by the Parliament of Canada, specifying that the standard barrel, which held 103 Imperial quarts, be adopted. Ontario growers, however, were unhappy with the new legislation, since the barrels they used equalled those in the United States—100 quarts—American specifications prohibiting the use of any other barrel for imported apples. Furthermore, whereas the same barrels were used over and over again, the new law seriously hampered Ontario growers, while giving Nova Scotia a decided advantage in Britain. Nova Scotian growers were mainly interested in the British market, so they had little sympathy for Ontario growers who traded extensively with the United States. The following year, the Act was repealed and replaced by another, the specifications of which fell between those of the United States and Ontario. The difference, however, was so slight (four quarts) that barrels coming into Canada from the United States and vice versa could be easily interchanged.¹⁷

In the case of barrel specification, the American influence can be clearly seen, first because of the effect which U.S. legislation had on exports from Nova Scotia and, secondly, because of the increased competition from American growers in the export market in general. This competition led eventually to the adoption of American standards in the Act of 1900.

Through this increased competition with American apples in the British market, Nova Scotian fruit growers were becoming concerned not so much with losing their markets, but rather with obtaining prices equal to or exceeding those of their southern neighbour. These concerns were evident

16 *Ibid.*, p. 56.

17 *Ibid.*, 1901, pp. 60-61.

before 1905, although only in that year is there evidence of serious concern with marketing strategies, beyond the scope of barrel size.

In 1905, a national conference was held, during which the *Fruit Marks Act* came under discussion.¹⁸ This Act regulated grading and inspection, as well as specifying the proper packing method. Both grading and inspection were contentious issues; not all growers agreed on the definition of different grades, nor were they satisfied with the current inspection methods. Quite often, wisdom and judgement were the sole determinants and, as such, inspectors could make errors in judgement resulting in a loss to the grower; or worse, they could allow shipments of a lower-grade apple whose barrel stamp indicated a higher grade. Should that occur, the reputation of all fruit coming from Nova Scotia would be questioned and hence, lower prices would be realized than were warranted. Seven years after the national conference, the Nova Scotia Fruit Growers' Association passed a resolution requesting the Federal government to amend the *Fruit Marks Act* so that a more thorough system of inspection could be adopted.¹⁹

Following the American experience, Nova Scotian apple producers began to agitate for a cooperative shipping association, whereby a representative or agent would be sent to England and buyers would purchase directly from the agent rather than through an auction, as had been the standard practice.²⁰ By 1908 the *Farmers' Fruit Produce and Warehouse Association Act* (7-8 Edward VII, c. 33) was in place, making it possible for growers to cooperate in building warehouses, and in storing, grading, shipping and selling their product. Even earlier, there was a small association of fruit growers, known as the Berwick Fruit Company, who cooperated in 1907 in building a warehouse under the *Joint Stock Act*, which was the only method open to fruit growers prior to 1908.²¹

Unfortunately, the Act of 1908, laying the groundwork for cooperatives, did not have the success expected. Fruit growers in Nova Scotia were pre-

18 *Ibid.*, 1905, p. 12.

19 *Ibid.*, 1901, p. 73-77.

20 *Ibid.*, 1906, p. 26.

21 Hutton, *Valley Gold*, p. 65; Morse, "History of the Apple Industry," p. 58.

occupied with petty squabbles, believing that those in executive positions in the cooperative would advance only their personal interests, and not those of the organization.²² Nonetheless, the members of the Association were eventually able to put aside their personal differences, and by 1921 the United Fruit Companies of Nova Scotia (formed in 1912, or 'the United', as it came to be called, was being referred to as the "practical arm of the Nova Scotia Fruit Growers' Association."²³

The importance of the cooperative movement was self-evident. For example, Nova Scotian apple growers, by looking at the American experience with their own cooperative, the Apple Shipping Association, saw that in 1903 the Americans had over 5,000,000 barrels on hand in cold storage ready for shipment before December. This news led the Nova Scotia Fruit Growers' Association rightly to expect low prices for their produce, because of the early appearance of American apples on the British market.²⁴

As already noted, the marketing of Nova Scotian apples was influenced to a large extent by the information available from exhibitions, and through membership in American societies. The exchange of information with the United States was also vital to Nova Scotia in yet another area--cultivation.

After export markets had been identified and developed, orchard planting in Nova Scotia began to take place on a grand scale. Between 1870 and 1880 Valley growers, anticipating an expanding market, cultivated large tracts of land. These new plantings, however, had to be imported, so as to take advantage of new varieties that had previously been introduced by Charles Prescott and others in order to expand at a rapid pace. Early in 1884, growers were aware that with certain imports--if not all--caution had to be exercised, since inspections were lax and those unscrupulous were all too willing to take advantage of the situation.²⁵ The majority of tree imports during this period, however, were healthy, especially those from the United States.

22 NSFGA, *Annual Report*, 1913, p. 12.

23 Hutton, *Valley Gold*, p. 69.

24 NSFGA, *Annual Report*, 1903, p. 12.

25 *Ibid.*, 1884, p. 53.

Fruit growers in Nova Scotia received most of their imported seedlings from American tree pedlars. It was generally thought that there was little need to instruct growers in proper planting methods, since "the Yankee peddlers [*sic*] will tell them all about setting out trees, taking proper care of them, &c., &c."²⁶ There were, however, discussions about the possibility of the Association hiring someone specifically for the purpose of selling trees and instructing growers on the best method of planting, in order to compete with those pedlars from the United States.²⁷ In the end nothing was done, and as a result there were 'trial and error' exercises; not all efforts to plant trees properly were successful. One grower from Annapolis County, for instance, looked at manuals for advice and, in doing so, planted his trees so close together that he could only plough in one direction!²⁸

Destructive insects were an acute problem for Nova Scotian apple growers. Inspections of imported seedlings were not so thorough as the growers wished, perhaps because the inspectors were either overworked or had not received sufficient education on the vast array of destructive insects. Nonetheless, stern warnings were issued, worded much as the following: "The man who plants an imported nursery tree in Nova Scotia this year is his own worst enemy, and should be dreaded and despised by fruit growers generally."²⁹

In this case, the growers' concern, bordering on hysteria, was well-founded. The San José scale was the culprit—one of the most destructive and difficult insect pests to eradicate; it could destroy entire orchards, wiping out years of labour. Named for its place of origin in the San José Valley of California, the scale was first noticed in 1870. It gradually made its way to the eastern seaboard, and was discovered in nurseries in Virginia and New Jersey in 1894. Soon after its discovery, both Michigan and New York passed legislation for protection against the pest. Nova Scotian growers knew that it was only a question of time before the insect reached fruit

26 *Ibid.*, p. 53.

27 *Ibid.*, p. 52.

28 *Ibid.*, p. 54.

29 *Ibid.*, 1898, p. 34.

trees locally. Their apprehension was understandable, and even more understandable was their plea to the provincial government for legislation "prohibiting the importation of all nursery stock in Nova Scotia for one year at least."³⁰

The San José scale was particularly attracted to fruit trees, although it would attack all deciduous vegetation, hence discovering an insecticide was of utmost importance to more than just fruit growers. Efforts to treat affected trees through spraying began in the United States. American expertise could be employed by the Association to help combat the infestation, if it arrived in Nova Scotia. In 1898 a detailed Act for protection against the San José scale and all other such insects was forwarded to the Minister of Agriculture from the Association, and became law the same year (61 Vic., c. 23).³¹

There were other insects as well that were destructive, although not so virulent as the San José scale. Cankerworm and black knot posed problems, but were easily treated through spraying. It should be noted that entomologists warned growers about the dangers of overspraying, whereby sympathetic insects were destroyed. Paris Green and a Bordeaux mixture (blue vitriol and water) were used to combat fungi and predatory insects.³²

By 1902, attention was directed towards chemical fertilizers. Most were imported from the Boston, New York or Baltimore areas, and it was emphasized to growers that technical knowledge of the soil was mandatory before the best type of fertilizer could be chosen.³³ Aside from the repetition of American experiments and those designed by staff from the Dominion Experimental Station, very few original experiments were conducted in Nova Scotia. Therefore, it is fair to say that American expertise was very important to the successful cultivation of fruit trees in this province.

As indicated above, legislation for protection against the San José scale was strongly urged by the Nova Scotia Fruit Growers' Association in 1898.

30 *Ibid.*, pp. 10, 14.

31 *Ibid.*

32 *Ibid.*, 1902, pp. 35-40.

33 *Ibid.*, 1920, p. 100.

A year earlier, an Act controlling the destructive black knot was passed, while legislation for the destruction of cankerworm and "other injurious pests" through compulsory spraying was also advocated.³⁴

Legislation for protection against disease and insects imitated legislation passed in the United States. As the twentieth century progressed, however, Nova Scotian fruit growers became less reliant on American information and expertise, largely as a result of growth in domestic schools of horticulture and in experimental stations such as the Kentville Experimental Fruit Station, organized in 1910.³⁵

The areas of marketing, cultivation and legislation all bear the influence of American expertise. Marketing was extensively managed through participation in international exhibitions in the United States and abroad. The Nova Scotia Fruit Growers' Association also followed the American lead in the cooperative movement, while regarding competition between the two countries as healthy rather than as a serious trade barrier. Moreover, the early development of agricultural and horticultural studies in American universities, and the subsequent establishment of experimental stations, led to similar trends in Nova Scotia and Canada as a whole. Reliance on American technology can be briefly summarized by the 1911 Nova Scotia Fruit Growers' Association resolution giving support to the Reciprocity Treaty of 1911, whereby the Association would "favour any equitable reciprocity in tariffs on fruits, insecticides and fertilizers; and we also recommend a free interchange of natural products and agricultural implements."³⁶

34 *Ibid.*, 1897, p. 8.

35 Hutton, *Valley Gold*, p. 114.

36 NSFGA, *Annual Report*, 1911, p. 89.

The Importance of Probate Inventories in Estimating the Distribution of Wealth

Fazley Siddiq *and* Julian Gwyn

"History that is not controversial," Hugh Trevor Roper wrote a generation ago, "is dead history."¹ It was true for the "Storm over the Gentry"² with which he was then involved, as it is for the social and economic history of Nova Scotia in the Confederation era, a matter of central importance in the history of this colony and province. Historical controversy usually arises from the different viewpoints of historians, the use of unique types of documents, interpreting the same documents in different ways, or, increasingly, especially among social and economic historians, employing different methods, or using any one of these or a combination of them in ways which seem to others to be unsatisfactory or absolutely wrong-headed.

It must first be said that nineteenth-century governments, whether in Nova Scotia or elsewhere, did not have the interests of late twentieth-century economists or historians in mind when they decided what social and economic statistics should be collected at public expense. There was never a debate in the Legislature of Nova Scotia about the need to estimate private wealth-holding or changes in the distribution of wealth among the masses. So no ready-made statistical series was routinely generated by the governments of the day. Historians have never balked in the face of such difficulties. If they were so timid, most research into historical questions that contemporary historians consider worth asking, from the classical era of the Egyptians, Greeks and Romans, to the late nineteenth century would be quite impossible to answer. Anyone familiar, for instance, with the "backward projection" methods developed at Cambridge University for the pre-census study of the population of England,³ or the "family reconstitution" methods of French

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1 See his celebrated inaugural lecture for the Regius Chair in Modern History at Oxford, "History: Professional and Lay" (Oxford, 1957), p. 5.

2 The issue was the background to the English civil wars of the 1640s. See J.H. Hexter, "Storm over the Gentry" in *Reappraisals in History* (London, 1961). For an elaborate discussion of the rich and controversial historiography of the entire question, see R.C. Richardson, *The Debate on the English Revolution Revisited* (London, 1988).

3 E.A. Wrigley and R.S. Schofield, *The Population History of England 1541-1871: A Reconstruction* (London, 1981).

demographers,⁴ would know that historians frequently invent clever and controversial methods to tease from the surviving archival record information which such documents had never designed to transmit. Closer to home, the skill used by Canadian scholars in manipulating the records series known as "British Imperial Crew Agreements from the Registrar of Shipping and Seamen in the United Kingdom," transformed shipping history. These documents, in which archivists in the United Kingdom could see no great value and which they were planning to schedule for destruction, became one of the indispensable tools for the study of seamen and shipping.⁵

Probate records are another such example. Designed originally to facilitate the orderly transfer of property of the recently dead, they are now used by economic historians to estimate and compare the distribution of wealth among different regions at different moments in time. Genealogists are especially interested in wills for their references to heirs. Until recently, however, historians have made scant use of them. Probate records nevertheless figure in some of the biographical articles in the celebrated *Dictionary of Canadian Biography*, particularly in the entries for Nova Scotia merchants written by David Sutherland. Especially useful are the inventories of assets, and documents relating to debts owed to and by the deceased in his lifetime.

Such records are now used in a quite different way. They have become a crucial source for estimating the distribution of private wealth-holding in the eighteenth and nineteenth centuries. This research was pioneered in the 1960s and 1970s, when Alice Hanson Jones produced a series of quantitative studies of American colonial wealth based on a sample of probated estates drawn from the Thirteen Colonies for the year 1774.⁶ Jones's critics pointed

4 The method was developed by Louis Henry. See "Family Reconstitution," in *An Introduction to English Historical Demography*, ed. by E.A. Wrigley (London, 1966), 96-159.

5 Six volumes of conference proceedings resulted from the remarkable expansion of international interest in these subjects. See as well two fine studies: Eric W. Sager and Gerald E. Panting, *Maritime Capital: The Shipping Industry in Atlantic Canada 1820-1914* (Montreal & Kingston, 1990), and Eric W. Sager, *Seafaring Labour: The Merchant Marine of Atlantic Canada, 1820-1914* (Montreal and Kingston, 1989).

6 Wide use of probate materials was employed by Jackson Turner Main, *The Social Structure of Revolutionary America* (Princeton, 1965). Alice Hanson Jones, "Wealth Estimates for the American Middle Colonies, 1774," *Economic Development and Cultural Change*, 18(4), pt. 2 (1970), 1-172; "Wealth Estimates for the New England Colonies about 1770," *Journal of Economic History*, 32(1), (1972), 98-127; *American Colonial Wealth:*

to deficiencies in her sample data, her apparent underestimate of death rates in urban areas and her assumption of nonprobate wealth.⁷ In spite of the deficiencies, one historian of the colonial American economy has recently summarized her contribution:

Despite probable error, Jones's study nonetheless remains the most comprehensive survey to date of colonial wealth, and its data and conclusions continue to be cited by scholars as reasonably accurate reflections, and certainly the best available at present, of the economic status of the colonists in the early 1770s.⁸

Earlier, McCusker and Menard had expressed the belief that Jones "achieved a major breakthrough by demonstrating that per capita wealth estimates could be coaxed out of colonial sources."⁹ Her scholarship, they believed, was a model for social science history, while her figures "provide a powerful analytical tool and an important benchmark for the economic history of early British America."¹⁰ They correctly characterized probate inventories as "the most valuable source available to historians of colonial wealth and welfare."¹¹ They pointed out the major difficulties with such documents, especially the incomplete record of both assets and liabilities and the uncertainty of accurately estimating land values when the lands were not subject to sale. They did not overlook the fact that some decedent wealth-holders

Documents and Methods, 3 vols. (2nd ed.; New York, 1978); *Wealth of a Nation to Be: The American Colonies on the Eve of the Revolution* (New York, 1980). For reviews of her work see Allan Kulikoff in *William and Mary Quarterly*, "Growth and Welfare in Early America," 32 (1982), 359-365; Maris Vinovskis in *Journals of Economic History*, "Estimating the Wealth of Americans on the Eve of the Revolution," XLI (1981), 415-420; Gloria Main, "American Colonial Economic History: A Review Essay," *Historical Methods*, 19 (1986), 27-31.

7 Lars Osberg and Fazley Siddiq, "The Inequality of Wealth in Britain's North American Colonies: The Importance of the Relatively Poor," *Review of Income and Wealth*, 34(2), (1988), 143-163.

8 Edwin J. Perkins, *The Economy of Colonial America* (2nd ed.; New York, 1988), p. 218.

9 John J. McCusker and Russell R. Menard, *The Economy of British America 1607-1789* (Chapel Hill NC, 1985), pp. 262-263.

10 *Ibid.*

11 *Ibid.*

avoided probate, while some of those who entered probate did not have their assets inventoried. There were difficulties with weighting, since probated wealth-holders tended to both richer and older than the population at large.¹² None of Jones's critics has suggested that her effort was not worth making, whatever doubts they may entertain about her methods.

Should economic historians interested in Nova Scotia, and influenced in part by the use made of probate records by Jones and others, attempt to draw historical conclusions about wealth and welfare from a sample of surviving probate records? Phyllis Wagg's critique of research underway on nineteenth-century Nova Scotia suggests that the peculiarities of Nova Scotia's law of inheritance at best greatly diminish for these purposes the value of probate records. Such criticism affords us the opportunity of explaining more fully our approach, confidence in which is undiminished by her scepticism.¹³

If, as we maintain, probate records are adequate to study wealth distribution, how should they be employed for this purpose? To estimate the inequality in the distribution of wealth, a researcher requires data. Since it is never feasible to acquire complete information on the total population of all wealth-holdings, all researchers must work with samples drawn from the population, which are inevitably characterized by incomplete recordings of wealth-holding. The crucial issue for researchers is which methodology will produce a sample which is most representative of the personal wealth of the population under study.

Phyllis Wagg suggests that estimates of wealth that are generated using the data on personal wealth recorded in probate inventories are biased.¹⁴ This paper will argue that she (1) completely misunderstands the estate multiplier method; (2) underestimates the importance of sample size; (3) makes numerous errors regarding the probate process; and (4) mistakenly criticizes estimates of wealth for Nova Scotia using probated wealth data, by citing examples from Richmond County, which is unrepresentative of the rest of the province.

12 Such problems can all be overcome, however, as the discussion in the following pages will show.

13 Phyllis Wagg, "The Bias of Probate: Using Deeds to Transfer Estates in Nineteenth-Century Nova Scotia," *Nova Scotia Historical Review*, 10(1), (1990), 74-87.

14 *Ibid.*

Probate inventories are defined as inventories of the real and personal property owned by individual wealth-holders at the time of their death. It was the practice in Nova Scotia in the nineteenth century that inventories of the real and personal property of the deceased be prepared by two appraisers. Such officials were appointed by the court, and their responsibilities were discharged for a small fee. They were selected for their sense of property values, and their estimates of the market value of miscellaneous items should not be "second-guessed" by scholars, distantly situated.¹⁵ It is therefore reasonable to conclude that these appraisers had a good sense of property values; hence their estimates of the market value of various items are likely to be accurate.

The most widely adopted method of obtaining personal wealth data is to use the estates of decedents as a sample for the still living population. This personal wealth data can be obtained either from probate inventories or from estate tax data in countries where there are taxes on the estates of decedents.

Historical samples of probate inventories, such as those for Nova Scotia, are confined to persons legally capable of owning wealth, namely those who have reached the age of twenty-one. Few women are found in these samples, and they are invariably single women, usually widows, for not until 1898 did Nova Scotia adopt a statute permitting married women to retain wealth. This sample will obviously have proportionally more older people, since the elderly have a higher probability of death than younger adults. Mortality also depends on gender, since for each particular age women generally have a lower mortality than men. Hence any distribution of the wealth of probated decedents, without making any corrections to the data, is a distribution of the wealth of the dead, not of the living. If the object of the study is to estimate the distribution of wealth only of the dead, then no such correction is necessary.¹⁶

15 Occasionally, from the auction records, one actually can establish the true market value of the items appraised. We have not attempted to compare the two documents where they exist within the same estate.

16 See Fazley Siddiq, "The Size Distribution of Probate Wealthholdings in Nova Scotia in the Late 19th Century," *Acadiensis*, 18(1), (1988), 136-147.

How can one use such a sample to make legitimate inferences about the wealth-holding of the *living* population? The answer is to scale the sample by using appropriate weights for each observation in it, in other words to adjust for the age, sex and other biases which it might display, in order to make it representative of the living population. This method is called the estate multiplier method.¹⁷

To see how the estate multiplier method works, consider two decedents, one of whom is a male aged twenty and the other a female aged sixty. If the probability of death of twenty-year-old males in the living population is 0.0125 (i.e., one in eighty will die in each year) and that of sixty-year-old females is 0.05 (i.e., one in twenty will die in each year), the implication is that there are eighty males of age twenty in the living population corresponding to this twenty-year-old male decedent, and twenty females of age sixty corresponding to this sixty-year-old female decedent. In this example, eighty and twenty are respectively the mortality multipliers of the twenty-year-old male and the sixty-year-old female decedents.¹⁸ By adding the age-sex specific mortality multipliers of *all* decedents, one can obtain an estimate of the size of the corresponding living population, and its distribution by age and sex. As a result, the age bias which any sample of decedents will display is removed. Consequently, an older decedent will have a less significant impact on the wealth estimates than a younger decedent. This is a particularly important consideration, as studies indicate that age and wealth are usually correlated.

This brings us to another important point. What happens to the wealth of an older person who bequeaths it to his heirs prior to his death? Does this wealth escape the probate process when he dies, as Phyllis Wagg appears

17 The estate multiplier method has been widely used by governments and academic researchers in the United States, the United Kingdom, Ireland, Australia, South Africa and Canada. It has been used to make estimates of historical as well as contemporary distributions of wealth. For detailed descriptions of how widespread the use of this method is in making wealth estimates, see A.J. Harrison, *The Distribution of Wealth in Ten Countries*, Royal Commission on the Distribution of Income and Wealth, Background Paper No. 7, (London, 1979). See also Fazley Siddiq, "The Inequality of Wealth and Its Distribution in a Life-Cycle Framework," Ph.D. Thesis, Dalhousie University, 1986, pp. 59-73; "Historical and Contemporary Distributions of Wealth: Methods and Evidence," *Atlantic Canada Economics Association Papers*, 18 (1989), 35-53.

18 The inverse (or reciprocal) of the mortality rate is called the mortality multiplier.

to believe? The answer, clearly, is no. The reason is that, at any given time, the sample of decedents consists not only of older persons but also of younger persons. Thus, the sample will invariably include a number of decedents in their thirties and forties, who may have just inherited assets from their parents and were not expecting to die so soon. The estate multiplier method ensures that not only is this wealth captured, but the weight attached to each forty-year-old, by virtue of being the inverse of the mortality rate, means that the wealth of all forty-year-olds in the living population is effectively captured.¹⁹ Thus, while each forty-year-old male decedent will count as fifty living males (assuming that the mortality rate is 0.02), each eighty-year-old male decedent will count as ten living males (assuming, this time, that the mortality rate of eighty-year-old males is 0.1).²⁰ In this way the wealth of all living individuals, young and old, men and women, is captured through the mechanism of the estate multiplier method, using the wealth-holding of a sample consisting only of decedents.

For the estate multiplier method to be effective in estimating a distribution of wealth, it is important that the sample size be sufficiently large (preferably several hundred or more), so that men and women of all ages and of different economic circumstances are represented in the sample. If the sample consists of probated wealth-holders, the number of living, probate-type wealth-holders can be estimated by adding the mortality multipliers of all probated decedents in a given year. The number of nonprobate-type wealth-holders in the living population can then be estimated by subtracting the estimated number of probate-type wealth-holders from the total number of wealth-holders.

19 Wagg, "The Bias of Probate," 79 and 81. She fails to recognize that the estate multiplier method ensures that a *large* sample of decedents, which will invariably consist of older *and* younger persons--after appropriate weighting--will reflect the actual representation of *all* age cohorts of the living population, of which the decedents were a part at the time of their death.

20 Let us say that forty-year-old Joe Smith dies leaving an estate the value of which is \$10,000, while forty-year-old David Jones dies leaving an estate of 150,000. The weighted sample will count Smith as representing fifty living persons, each having a wealthholding of \$10,000, and Jones as representing another fifty, each having a wealthholding of \$50,000. But eighty-year-old John MacDonald, who dies leaving an estate of \$100,000, will be counted as representing only ten living wealth-holders, each with an estate of \$100,000.

The estate multiplier method is a widely used method of estimating wealth, but like all other methods it is not perfect.²¹ Anthony Shorrocks provides a particularly useful explanation of some of the problems associated with the use of the estate multiplier method. These problems are discussed below.

The first difficulty relates to the low mortality rate of young adults. Since there are few young decedent wealth-holders, one can run into the usual problems associated with small sample sizes when dealing with younger age groups. This, together with the large multipliers imputed to the young, can make the wealth estimates very sensitive. The fact that the young have less personal wealth means that few large estates of the young are probated. This can be a problem, since the relatively small number of large estates among the living young may not be correctly reflected in the sample. Hence, the larger the sample, and therefore the greater the number of young decedents, the less sensitive the estimates will be.

The second difficulty is due to the correlation of wealth and occupation with mortality. If this correlation is ignored, as it has generally been, one may not be imputing the appropriate multiplier to some decedents at higher wealth levels and in certain occupations. Atkinson and Harrison and the Royal Commission have suggested that mortality and wealth are inversely related.²² However, since this relationship cannot be observed directly, social class multipliers that have been used to estimate the distribution of wealth in the United Kingdom, in order to show the inverse relationship between wealth and mortality, cannot be accepted as a satisfactory measure of this relationship. Atkinson and Harrison provide a good explanation in support of this argument.²³ Discrepancies can also arise in the calculation of upper-class mortality rates. As a result, most researchers have avoided the use of occupation-specific mortality multipliers.

21 A.F. Shorrocks, "U.K. Wealth Distribution: Current Evidence and Future Prospects," unpublished manuscript (1983), pp. 12-14.

22 A.B. Atkinson and A.J. Harrison, *Distribution of Personal Wealth in Britain*, (Cambridge, 1983). See also Harrison, *The Distribution of Wealth in Ten Countries*, pp. 5-15.

23 Atkinson and Harrison, *Distribution of Personal Wealth in Britain*, pp. 49-78.

The third difficulty concerns those potential wealth-holders whose estates are not probated when they die, the nonprobate wealth-holders. Their wealth is relatively small. A distribution of wealth of all potential wealth-holders would have to take into account the wealth-holdings of this nonprobate-type group whose wealth-holdings cannot be directly observed. Researchers have tried to overcome this problem by assuming that the excluded wealth-holders have wealth-holdings that range in value from zero to some positive value equal to the wealth-holdings of the average probate-type wealth-holder.²⁴

The question of sample size is of paramount importance in any statistical analysis, however simple. Estimates obtained on the basis of a small sample are not only sensitive to the values of particular observations, but can also result in highly biased estimates.²⁵ Take, for example, estimates that are obtained using samples of only five to twenty observations, as Wagg does in her essay.²⁶ Let us assume that the personal wealth of five individuals drawn randomly from a population of 50,000 household heads is \$150, \$843, \$1,662, \$3,180 and \$25,400 respectively.²⁷ The average wealth of this group of five is \$6,247. If the richest wealth-holder is dropped from the sample the average falls to \$1,459, which is only 23 per cent of the previous average, leading one to conclude very differently about the wealth-holding of the underlying population. Similarly, if the richest wealth-holder is added to an initial sample consisting of the other four, the new average will be over

24 Jones, *Wealth of a Nation to Be: The American Colonies on the Eve on the Revolution*. See also Osberg and Siddiq, "The Inequality of Wealth in Britain's North American Colonies," pp. 143-163.

25 Wagg, "The Bias of Probate," p. 86. Her dependence on small samples has caused her not to understand that a large sample will pick up individuals having all sorts of characteristics. A large sample will generally include young and old people of all occupations, with varying degrees of wealth-holding. Since young adults have a lower mortality rate, the higher weight given to each young decedent ensures that their representation in the scaled sample is proportional to their actual numbers among the living population.

26 Wagg, "The Bias of Probate," pp. 85-86.

27 These are the *average* wealth-holdings of probated decedents corresponding to each of the five quintiles in Nova Scotia in 1871. Quintile shares are determined by first sorting the personal wealth variable in descending order, and then calculating the share of each of five quintiles where the top quintile is the richest 20 per cent of wealth-holders, the fourth quintile is the next 20 per cent, the third quintile is the 20 per cent following the fourth, and so on.

four times larger. Since the composition of the sample, as in this case, determines the conclusions reached, the researcher will have no way of knowing how accurate his estimates are. If the sample consisted of several hundred individuals, the inclusion or exclusion of a single wealthy person would have a negligible (or statistically insignificant) effect on the average. It is for this reason that researchers try to base their conclusions on as large a manageable sample as possible. Otherwise, there is a real danger that the inclusion or exclusion of certain values might lead to biased estimates. Researchers also test for the sensitivity of their estimates by dropping very high or very low values from their sample to test whether this significantly alters the conclusions. If it does not, then one would have a better case for arguing that the estimates are robust and are not sensitive to the presence of extreme values. Unless these simple tests are carried out, especially when the sample size is small and there is the potential that the distribution might be highly variable, one could not argue that the results are realistic.

It is also important that the sample be drawn at random to ensure that it is fully representative of the underlying population. If, for example, all the observations are drawn from one county, instead of a possible eighteen (as in the case of Nova Scotia from 1851), and the estimates obtained on the basis of that county are used to make generalizations for the whole province, then the result might well be that the predominantly normal characteristics of the province are mistakenly suppressed by the particular, often extreme, characteristics of one county. The average wealth-holding of probated decedents in Halifax County in 1871 was almost \$18,000, nearly three times the provincial average for probated decedents. Hence, to use the wealth-holdings of the decedents of Halifax County to make generalizations for the province would surely be to exaggerate grossly the well-being of the average probated decedent in Nova Scotia at the time of his death. There is no need to emphasize the usefulness of statistics in understanding economic and social behaviour, whether it is from a contemporary or from an historical perspective. Yet their effectiveness ultimately depends on how well we are able to draw a sample that is truly representative of the underlying population, and our ability to use and interpret intelligently the methods of estimation that we have at our disposal.

It is also likely that wealth-holdings of any appreciable size *did* pass through the probate process in Nova Scotia. Although previous to the middle

of the nineteenth century there was no provincial system of law regulating probate courts, the division of the province into counties and districts, commencing in 1759, required the establishment of courts, and the appointment of judges, of probate. It was the responsibility of the probate judge to direct "the executor to bring the will to the registry of probates for the county where the deceased was domiciled and to prove it and record it, or to refuse and renounce the trust."²⁸ The mechanism of probate was thus very well established in the province, and the provincial statute of wills of 1758 directed the executor of an estate to register the estate within thirty days of the death of the testator (a decedent with a will), there being a penalty of five pounds sterling for each month of delay.²⁹ With such an incentive, it would be reasonable to expect most executors to comply with probate procedure.

There are a number of fallacies in Wagg's argument, only a few of which are mentioned here.³⁰ Her assertion that "the act was designed as one method of settling an estate; there is nothing in the legislation that even suggests that probate was a requirement, unless there was a will" is completely misleading. How can the Act be just "one" method of settling an estate, when a clearly defined system of penalty existed for each month of delay in registering the estate of a testator, let alone failure to register? What other "methods" were there? There is no reason to believe, as Wagg does, that probate was but one method of settling an estate. It was the only *legal* method. That it was not everywhere rigorously enforced should surprise no one familiar with the size and ambition of nineteenth-century bureaucracy in Nova Scotia or elsewhere in British North America. If an estate with a will escaped the probate process, and surely there must have been some that did, one must conclude that such a situation amounted to an evasion of the existing law of the time. Moreover, to say that probate

28 T.C. Haliburton, *An Historical and Statistical Account of Nova Scotia*, Vol. II (Halifax, 1829 [Repr. 1973]), pp. 337-338; Beamish Murdoch, *Epitome of the Laws of Nova Scotia*, Vol. III (Halifax, 1833), pp. 39-43. See *S.N.S.* (1758) 32 Geo. 2, c. 11, s. 7; J.M. Beck, *The Government of Nova Scotia*, (Toronto, 1957), pp. 68-69; and Siddiq, "Nineteenth-Century Wealth Transfers in Nova Scotia," p. 39.

29 Siddiq, "Nineteenth-Century Wealth Transfers in Nova Scotia," p. 39.

30 Wagg, "The Bias of Probate," pp. 74-75.

was "not necessary if the heirs could settle it among themselves" is to imply that the statutory laws were respected only by the heirs of those decedents who could not satisfactorily resolve the division of the estate among themselves. Wagg's assertion that probate "...involved fees that could take a substantial portion of the estate" is misleading. The fees were not onerous. From a sample of 274 probated decedents who died in Nova Scotia in 1871, it was found that probate fees amounted to only fifteen dollars, on average, or less than one-quarter of one per cent of the average personal wealth of this group, which (excluding the richest, Enos Collins) was over \$6,000. Nor is it accurate to say that rural Nova Scotians were less likely to employ the system. If they ignored probate, it was primarily because they had little or no wealth to impart. In the 1850-1852 sample of 481, some 56 per cent were agriculturalists; in 1871 they formed 47 per cent of the probate sample, rather more than their weight in the population as a whole.³¹

For individuals who died intestate (those without a will), it was expected that the widow or next of kin would apply for administration of the estate within thirty days after the death had occurred. If the person concerned failed to apply within that time, the judge, "shall grant administration to such person or persons as he shall judge fit..."³² This implies that the judge was expected to know about the deaths of wealth-holders in his county, a not unreasonable expectation. Phyllis Wagg's assertion that "if there was no will, and if the heirs could agree on the settlement of the estate among themselves, probate was unnecessary" contradicts the statutory responsibility of the probate judge. That "...the law in Nova Scotia itself, determined the descent of real property" is not a reason that would legitimize the avoidance of probate; on the contrary, one can argue that the existence of such a law implied the *legal necessity* of probate.³³ The fact that a number of decedents having significant wealth-holdings were not probated, implies that the law was not adequately enforced. Since by statute, articles of

31 The 1851 census identified some 63,245 people in occupations, or 22.8 per cent of the population, and in 1871 the equivalent figures were 118,645 or 30.6 per cent. In 1851 half were in agricultural pursuits, and in 1871 some 118,645 or 42 per cent were in agriculture, still by far the most common occupation.

32 Murdoch, *Epitome*, p. 41.

33 See Wagg, "The Bias of Probate," p. 75.

clothing and jewellery of the widow and minor children; wearing apparel of the deceased not exceeding forty dollars in value; and "such provisions and other articles as shall be necessary for the reasonable sustenance of the widow, if any, and also of the family of the deceased, for 90 days after his death" were excluded from the calculation of the value of the estate, it would be reasonable to suppose that the probate judge would not bother to assess estates which he had reasonable grounds to believe would fall below this amount.³⁴ The heirs to an individual who died intestate having any larger amount of assets, against whom there were no significant debts, would have a clear incentive to apply to the court of probate for settlement of the estate, in order to ensure clear legal title to any of the property of the estate, and in particular to any land. Furthermore, even if one accepts the argument that nonprobate-type wealth-holders had a wealth-holding that was quite high, say, equal to one-quarter to one-half of the wealth of probate-type wealth-holders, one will be driven to the conclusion that the wealth of some of the lower deciles of the wealth distribution must have fallen *absolutely* in the century since 1871. In particular, the third decile of wealth-holders in 1871 will then be found to have a *higher* wealth-holding *in real terms* than the third decile in 1971.³⁵ In view of the qualitative descriptions of Nova Scotian life in the 1870s, it is just not consistent that labourers then were substantially more wealthy than in the 1970s.³⁶ It is therefore reasonable to believe that wealth-holders who were not probated were, for the most part, quite poor.

34 *Revised Statutes of Nova Scotia* (1864), Chapter 127, Section 21, pp. 449-450; also reproduced verbatim as a footnote in the standard warrant of appraisement. See also Siddiq, "Nineteenth-Century Wealth Transfers in Nova Scotia," pp. 44-45.

35 The third decile of wealth-holders is that group of 10 percent of wealth-holders who are richer than the poorest 20 per cent, but poorer than the richest 70 per cent.

36 See Osberg and Siddiq, "The Inequality of Wealth," p. 155 for details. Wagg, "The Bias of Probate," pp. 74-87, did not consult this important publication even though it was cited in Siddiq, "Nineteenth-Century Wealth Transfers," pp. 35-48, and "The Size Distribution of Probate Wealthholdings," pp. 136-147, two pieces of work among others by this author which led her to write her critique on the bias of probate. Had she consulted Osberg and Siddiq, "The Inequality of Wealth," pp. 143-163 she would have recognized how statistical methods are used to measure wealth inequality from data on probated wealth, and the unlikelihood of nonprobated wealth being even comparable to probated wealth.

Wagg's selection of Richmond County, in whose history she has long had an interest, as the county to determine why an estate might or might not be probated, is unfortunate.³⁷ As Richmond's probate records, like those of the other Cape Breton counties in this period, are relatively incomplete when compared with the counties of peninsular Nova Scotia, it makes a particularly unsatisfactory administrative unit for this purpose. Richmond's case is particularly acute in view of its small size. Of the 858 probated decedents for Nova Scotia in 1850-1852 and 1871 for whom wealth data is available, only two came from Richmond. As far as probate is concerned, the county was clearly untypical. Its relatively small population and known poverty would be expected to have but a small impact on wealth estimates for the entire province, even if more extensive probate records were available for study. Thus, it came as no surprise when a search of probated farmers for those very years, in each of the eighteen counties of Nova Scotia, resulted in Richmond's being the *only* county for which not a single probated farmer could be found. As a result, to suggest that Richmond was typical of Nova Scotia, in spite of its small size, isolated location and incompleteness of probate records, it to make an assumption that is contrary to the available evidence.

Wagg also makes other points, on the basis of her limited Richmond sample, for which we find contrary evidence. It is suggested that the use of probate was influenced by the degree of risk. Yet, as mentioned earlier, we found that for probated decedents whose occupations could be established, agriculturalists (an occupation that is not considered risky) constituted nearly 56 per cent of 481 probated decedents for 1850-1852, and 47 per cent of 377 probated decedents for 1871. Moreover, the fact that certain occupations, such as merchants, are more highly represented in a sample of probated decedents than their numbers in the total population would indicate, is quite natural. Merchants were generally wealthy, so one would expect the wealthy to be probated because there was wealth that had to be transferred. The same argument can be extended to explain why the poor were not probated; the reason being that they had little or no wealth to transfer.

37 Wagg, "The Bias of Probate," pp. 76-83.

In conclusion we think that the estate multiplier method, when properly understood, and when employing a scrupulously--and often very expensively--generated sample, is able to get round all the difficulties which Phyllis Wagg raises in her critique. The sources she mentions in her final paragraph, such as assessments, deeds, court records and business ledgers, could conceivably provide additional information to help verify the accuracy of the changing economic and social structure of Nova Scotia as implied by the probate records. In our proposed examination of the economic changes in nineteenth-century Nova Scotia, they have the potential to provide useful additional information on poverty, inequality and the standard of living: topics which we hope to investigate in some detail. Nevertheless, they are simply less useful than inventories and associated probate records which, in conjunction with census and death records, provide the key sources of information for the study of changes in the distribution of wealth--the subject which first launched this discussion.



Bandmaster William Blackman
Courtesy The Army Museum, Halifax.

Bandmaster William Blackman: Soldier of the Queen

Robert Blackman

Seventy-nine-year-old William Blackman remarked before his death on 16 September 1902 at Halifax, Nova Scotia, that it had been such a long time since he had heard the sound of a band playing. Concerned citizens were in the process of building a bandstand near the old bandmaster's residence at 322 Robie Street, to honour his last wish to hear the music he had long been associated with, since the days when he joined the British Army as a band's boy on 27 July 1838 at Moulmein, Burma.

William Blackman was born on 19 March 1823 in the parish of Albany, Isle of Wight, Hampshire, England.¹ The parish was actually Albany Barracks, Parkhurst, Isle of Wight. Little remains of the old barracks today, at the top of Hunny Hill, just outside Newport, the little island's capital; the site is now the infamous Parkhurst prison. His father, William, a native of Henley-on-Thames, Oxfordshire, was serving as Colour-Sergeant (a rank established in 1813 and later called a Company-Quartermaster-Sergeant) in Her Majesty's 62nd Regiment of Foot, the Wiltshire Regiment, and was stationed at Albany Barracks at the time of his son's birth. The senior William, born in 1791, was originally a hatter in the village of Henley, but had joined the army in December 1813, possibly after serving in the Oxfordshire militia.² His wife, Mary Greenaway, was a native of Reading, Berkshire; they were married at Caversham, across the bridge over the Thames from Reading, on 7 April 1822.³

The Blackman family originated in the bleak moors and craggy hills of what is now the English/Scottish border. In ancient times it was the kingdom of Bernicia, which comprised the southern part of Scotland and the northern part of England; the people therein were a mixture of Picts and Angles. The surname appears often in the early chronicles of County Durham, and was variously spelled Blackman, Blackmann, Blachman. Around the

Robert Blackman is a teacher at the Nova Scotia Community College, I.W. Akerley Campus, Dartmouth, and is the great-great-grandson of Bandmaster William Blackman.

1 *Acadian Recorder* (Halifax), 17 Sept. 1902.

2 Robert Phillips, *Henley and Its Volunteer Forces* (Oxfordshire, 1980).

3 Marriage Index compiled by John Brooks, Berkshire Record Office, Shinfield, Reading, Berkshire.

year 1000 A.D. the family migrated to the south of England, and this particular branch can be traced back to 1748 in the village of Henley-on-Thames.⁴

Shortly after William's birth, the 62nd received orders to depart for Ireland, where the regiment was stationed for the next seven years in various locations. William had several siblings born there: his sister Jane, born at Templemore, 10 November 1824; a brother Henry, born at Cavan, 3 August 1827; and a sister Sarah, born at Limerick, 24 August 1829.⁵ The British Army at the time was used as a police force in the towns and villages, particularly during elections, and also recruited among the Irish populace.

In March 1830 the 62nd Wiltshire Regiment was ordered to India, arriving there in September to its headquarters at Bangalore. All was quiet until October 1832, when a native conspiracy threatened to overwhelm the whole regiment. An insurrection had been planned, whereby the native troops and population, assisted by the Pindris, who were roving terrorists, were to revolt on the night of 28 October. Five hundred conspirators would then be admitted through the gates of Bangalore Fort by native soldiers. They were to kill all the sentries and seize the magazine, and once this was accomplished the whole garrison was to be slaughtered. Fortunately, the plot was discovered and the ringleaders captured. Four conspirators were blown from cannon, two were shot, and the rest transported for life.⁶

Early in 1833, the regiment received orders to march from Bangalore to relieve the 45th Foot at Masulipatam, 400 miles to the northeast. Masulipatam was probably, at that time, the unhealthiest station in all of India. Lieutenant-Colonel John Reed, commander of the regiment, requested that the second half of the journey be made by sea, in order to avoid a two-month march through cholera-infested districts. His request was denied and the regiment set off on 18 February, about 500 strong, on what was to be a most disastrous eighteen-month period. The regiment arrived at Masulipatam on 13 April, after suffering cholera deaths all along the way. They had buried nearly a quarter of their number on the journey, and

4 St. Mary's Church, Henley-on-Thames, Oxfordshire, England and St. Mary's Church records, Henley-on-Thames, Bodleian Library, Oxford University.

5 Church of Ireland records (Cavan), (Limerick), (Templemore).

6 Colonel N.C.E. Kenrick, D.S.O., *The Story of the Wiltshire Regiment* (Aldershot, 1963), pp. 48-49.

upon arrival there were only 100 men fit for duty. Besides cholera, the regiment was also afflicted with an extremely virulent form of dysentery which killed within twelve hours.⁷

On 1 December 1833 William's father, Colour-Sergeant William Blackman, died of hepatitis at Masulipatam. Although the army records do not reveal the information, there is some evidence that his mother also may have died around the same time. The army records of the 62nd show that Colour-Sergeant William Blackman willed his back pay--£22.5s.4d--to his children who were with the regiment, perhaps indicating that his wife was no longer alive.⁸

Eventually, because the casualties were so catastrophic, the 62nd was ordered in mid-1834 to move to Moulmein, Burma, across the Indian Ocean, and Masulipatam ceased to be a military station. At Moulmein the regiment's health was gradually restored, and new reinforcements were sent from England to bolster the ranks. It was at Moulmein on 27 July 1838 that young William joined his father's old regiment as a band's boy, at age fifteen. The monthly returns of the 62nd for 26 July read, "Recruit from Regimental Depot--Boy William Blackman enlisted by the authority of the Commander-in-Chief in India."⁹ Being under the age of eighteen, this was the only position available.

By the middle of 1840, the 62nd was ordered back to India. In September and October the regiment sailed to Calcutta in four ships. After various postings in India, the 62nd was ordered in February 1845 to Ferozepore, in the Punjab, in readiness to act against some Sikh troops who had crossed the Sutlej River from the west, into British-held territory. The 62nd reached Ferozepore at the end of March, but the Sikh troops had withdrawn.

The Sikhs at this time were anticipating a British attack and on 21 November the powerful Sikh army left its capital at Lahore with a large train of artillery, heading for the Sutlej. The British were also preparing for trouble and had a series of cavalry patrols reconnoitring the area. The

7 "The dead included 3 officers, 187 NCO's and Men, 36 women, 89 children." Major A.D. Parsons, M.B.E., Duke of Edinburgh's Royal Regiment (Berkshire & Wiltshire), to Robert Blackman, 1976.

8 WO 25/1939, Public Record Office, [PRO], Kew, England.

9 The Wiltshire Regiment regimental returns, July 1838, PRO.

62nd were ordered to sleep in full battle dress. On 11 December the Sikh army, totalling 60,000 men, began to cross the Sutlej, about fourteen miles above Ferozepore to the northeast. Thus began the First Sikh War of 1845-46.

The first battle was at Moodkee on 18 December, in which the British were victorious in repulsing the Sikh onslaught. The next battle was at the village of Forzeshah, the first action of the war for the 62nd. A force of 30,000 Sikhs with more than 100 guns, most of them large-calibre, faced a British force of 18,000 under the command of General Sir Hugh Gough. The British had sixty-three guns, most of them small-calibre, plus a preponderance of native troops.

The 62nd, led by Major Shortt, was on the right side of the left flank, supported by the 14th Native Infantry. On their left was the 12th Native Infantry. Under tremendous fire the two native regiments could not advance, except for a few files. The 62nd, having advanced through trees and brushwood, came into the open entirely unsupported, opposite the strongest part of the Sikh fieldworks. Under heavy fire, directly in front of the Sikh guns, they suffered a fifty-per cent casualty rate. Unable to proceed farther, they were ordered to retreat, which saved what was left of the regiment from total annihilation. The battle ended on 22 December, with the Sikhs retreating across the Sutlej; the British victory had been hard earned. On the 23rd, the 62nd buried their dead in a communal grave, and the next day returned to barracks at Ferozepore.

The third battle of the Sikh campaign, at the village of Aliwal, was also a British victory. The Sikh army once again fled across the Sutlej. The final and decisive battle of the war, the Battle of Sobraon, took place around the village of Chota Sobraon on the British side of the Sutlej. The Sikhs had spent six weeks fortifying their position, which was augmented on the far side of the river by a bridge of boats. The Sikhs numbered 35,000 men, the British 16,000. The battle started early on February 1846. By eleven in the morning, the Sikhs had lost 10,000 men and were totally defeated.

The first British soldiers to cross the river and set foot in the Sikh Punjab were the flank companies, and the band of the 62nd. Private William Blackman received the Sobroan medal for his part in the battle. In later years, he was thought to be the last surviving participant of that encounter.¹⁰

10 "He was doubtless the last survivor of this war living in the world": *Acadian Recorder* (Halifax), 20 Sept. 1902.

The British went on to occupy the Sikh capital of Lahore, and the war was ended by the signing of the peace treaty in Durbar Hall at Lahore Fort. By the end of March 1847, the 62nd began the voyage back home to England.¹¹

The year 1848 found the regiment in Winchester, and for a short period it did guard duty at Windsor Castle. In 1850 it sailed from Liverpool for Dublin. It remained in Ireland until the early part of 1854, doing garrison duty in such places as Mullingar, Dublin, Athlone, Kilkenny and Fermoy. In early 1854, the 62nd was ordered to Malta in anticipation of war with Russia, and from there proceeded to the Crimea at the outbreak of the Crimean War. The regiment arrived at Kamiesh Bay in the middle of November, during a raging storm. The 62nd spent a terrible winter on the heights in front of Sebastopol, suffering from sleet, snow, icy winds and scant rations.

In June 1855 the Allies decided to attack Sebastopol; the British objective was the Great Redan on the southern flank of the fortress. About 400 yards in front of this redan were fortified stone excavations known as the Quarries. These were originally held by six Russian battalions. After two days of artillery bombardment, the British attacked at 6:30 p.m. on 7 June. The 62nd was held in reserve and reached the Quarries at 9:00 the next morning. At this time, on 9 June, Private William Blackman was promoted to the rank of corporal.¹²

On 18 June, the anniversary of the British victory at Waterloo, the Allies attacked the Great Redan, but without success. The 62nd was only used in support on this occasion. On 8 September the British again attacked the Great Redan, and in close and bitter hand-to-hand fighting they were successful. The Russians evacuated Sebastopol that very night. The 62nd fought courageously and twenty-five soldiers of all ranks were mentioned in dispatches for bravery, more than any other regiment taking part in the battle. Corporal William Blackman was mentioned in General Orders for having volunteered to go out into the fifth parallel, under fire, to rescue wounded. For his courageous action, he received the Crimean Medal with

11 Kenrick, *Wiltshire Regiment*, p. 72.

12 WO 97/1579, PRO.

clasp, as well as the Turkish Medal.¹³ It is interesting to note that all of the officers of the 62nd who survived the battles of the First Sikh War were killed or wounded in the Crimea.¹⁴

In April 1856 peace was signed. The 62nd sailed out of Balaclava harbour, bound for Nova Scotia, reaching Halifax in June. The 62nd remained in Halifax at Fort George (the Citadel) until 1861. Various companies were dispatched to Newfoundland and New Brunswick.¹⁵ On 3 January 1859, Band-Sergeant William Blackman of H.M. 62nd Regiment married Sarah Morris, born in Liverpool, England, at St. Paul's Anglican Church, Halifax.¹⁶ The marriage bond gives his rank as sergeant, even though he was not officially designated as such until his promotion became effective on 1 July.

The threat to Canada from the American Civil War then in progress over the border caused the British government in 1862 to transfer the 62nd to Fort Henry in Kingston, Ontario, at that time known as Canada West. At his own request, Band-Sergeant William Blackman was honourably discharged from the British Army on 6 May 1862, after twenty-four years of faithful service to his queen and country. His discharge papers,¹⁷ dated at Kingston, 13 March, reveal the following information:

William Blackman born Albany parish, Isle of Wight, Hants joined at Moulmein, East Indies, July 30, 1838¹⁸ aged 15½ years. Service totalled 21 years 19 days¹⁹ of which 16½ years were served overseas. East Indies 9 years, Crimea 1½ years, Nova Scotia 5½ years, and Canada ¾ years. Discharged at own request on completion of 21 years service.

13 *Ibid.*

14 Kenrick, *Wiltshire Regiment*, p. 91.

15 *Ibid.*, p. 92.

16 St. Paul's Church (Halifax).

17 WO 97/1597, PRO.

18 Blackman always maintained that the date was 27 July.

19 This does not include his underage service, which would give over twenty-four years of accumulated service.

Conduct and Character

Conduct very good. When promoted to sergeant he was in possession of three Good Conduct Badges. He was present at the Battle of Sobraon in which he received a medal. He was present at the siege of Sebastopol from November 1854 to May 1856. He received a medal and clasp. He was mentioned in General Orders for having volunteered to go out in front of the fifth parallel under fire to bring in the wounded on the 8th of September 1855 after the attack on the Redan. Granted a silver medal and grading for Good Conduct and Long Service.

Detailed Statement of Service of 1392 William Blackman

Private – 30 July 1838 to 28th February 1841 – underage

Private – 1 March 1841 to 8th June 1855

Corporal – 9th June 1855 to 30th June 1859

Sergeant – 1 July 1859 to 19th March 1862

Final Description, William Blackman. Reg. No. 1392

Age: 39

Height: 5'6"

Complexion: Sallow

Eyes: Hazel

Hair: Fair

Marks/Scars: none

Intended place of residence: Halifax, N.S.

A month before his discharge from the imperial service, Blackman was secured as bandmaster for the Halifax Volunteer Battalion (Militia), which later became the 63rd Battalion of Rifles or Halifax Rifles. At the same time he was employed as Chief Messenger of H.M Customs House on Bedford Row.²⁰

He was at the time considered to be an outstanding musician and was much sought after in local musical circles. When the Volunteer Battalion became the 63rd Rifles, he officially became bandmaster of the regiment on 12 June 1871. After many years of faithful service he resigned on 19 February 1890.²¹ In his book on the Halifax Rifles, John Quigley mentions

20 *Morning Chronicle* (Halifax), 3 Nov. 1896.

21 MG 100, Vol. 116, No. 3, Halifax Rifles, Public Archives of Nova Scotia.

a testimonial dinner held by the regiment for Bandmaster Blackman in February 1890, unfortunately identifying him as Bandmaster "Blackburn."²² During his service with the Rifles, he also received the Fenian Medal.

Evidently Bandmaster Blackman soon missed his days of musical activity, because he came out of retirement in 1891 to command the band of the Halifax Garrison Artillery, which later became the 1st Canadian Artillery. Two of his sons, Henry (Harry) and Edward (Fred), played in this band with their father. He quickly brought this band up to his usual high standard. On 3 November 1896 it was announced in the *Halifax Morning Chronicle* that Bandmaster Blackman was retiring from his command, because at age seventy-three he thought that it was about time. He intended to spend his retirement with his family: wife Sarah, sons William born 1859, Henry born 1861, Edward born 1863, Albert born 1865, Arthur born 1872, and daughter Mary Jane born 1868.²³ His daughter became an accomplished pianist and they attended many functions together, including garrison activities, where they entertained. He also was a distinguished and prominent member of the Royal British Veterans Society. After a most active life, William Blackman lived a quiet retirement and in 1901 received the King Edward VII Coronation Medal.²⁴

At his funeral on 19 September 1902 he was buried with full military honours. It was, by all accounts, one of the largest funerals held in the old town. The service was attended by officials of church, state, military, militia and the Royal British Veterans Society, as well as by a large concourse of private citizens. Pallbearers included non-commissioned officers from the 63rd and 1st Canadian Artillery, as well as old British veterans such as John Thornton and Isaac Sallis, who had been comrades of the deceased in the old 62nd, and who had settled in Halifax with him. The body was drawn on a gun carriage and there was a firing party from the 1st Canadian

22 John G. Quigley, *A Century of Rifles 1860-1960* (Halifax, 1960).

23 Minnie Blackman [Mrs. Paul Shepherd], granddaughter of William Blackman, to Robert Blackman, 1972.

24 *Ibid.*

Artillery. Two bands attended: the 63rd, of which he had been for so many years the bandmaster, and the Canadian Artillery Band, his last command.²⁵

Of all the glowing tributes written about Bandmaster Blackman after his death, the one on 20 September in the *Halifax Toler*, a weekly newspaper, best summarizes the man and his career:

"At Rest"

Wm. Blackman, Sr., Hero and Veteran, passed away early this week.

On Tuesday last, Wm. Blackman, Sr., one of our oldest and most respected citizens, passed into eternity. Although he had been in feeble health for some time, no one deemed to associate him with death, for he had been such a robust man, that his illness did not occasion any serious thought of the end being so near. But the old hero and veteran of many of the stirring events which make up the romantic history of the Empire, has responded to the last earthly call, and has passed into eternity. His life had been a noble one--his death one which, while engendering great sorrow, gives deep consolation. In this city, Wm. Blackman was best known as a bandmaster, and he had been practically associated with the regular and militia bands since he was a lad of 15. He was present at the stirring conflicts of Sabraon [sic], Sebastopol, the storming of the Redan, and other notable battles, and won distinguished honors for conspicuous bravery; and he could relate with wonderful precision, the history of these memorable events, but, with characteristic modesty, always refrained from his personal connection therewith, and took deep pleasure in referring to those with whom he had fought side by side.

The present generation, however, knew him best as a bandmaster, a position which only his advanced aged [sic] prompted him to relinquish, and which he had filled with great efficiency. In this capacity he was termed "dad", and many of the best bandsman [sic] of today will give him the credit of having developed them from indifferent novices to first-class performers. He was a man of great firmness; the humblest or most important soloist under his charge respected his orders with equal discipline; and no matter how severe [sic] he would lecture them there would be no answering back, for Bandmaster Blackman was kind withal, and both himself and the position he occupied were respected alike.

25 *Acadian Recorder*, 20 Sept. 1902.

So ended the interesting career of William Blackman. In many ways he typified the values of the Empire and the Victorian soldier. And he was indeed a Victorian soldier. Queen Victoria was born in 1819, William Blackman in 1823; she came to the throne in 1837, he joined the army in 1838; she died in 1901, he in 1902.

Many years ago, his family donated to the community various historical items that had once belonged to the old bandmaster. An oil portrait was contributed to the Officers' Mess at Royal Artillery Park, Halifax. His dress tunic, medals and belt were given to the Army Museum, and were on display for many years in a glass-enclosed case, along with a photograph of him. In such ways, even today there is a reminder of the great events of the past, and of the people who once lived in our midst who took part in them.

Stephen Blucke: The Perils of Being a "White Negro" in Loyalist Nova Scotia

Barry Cahill

The most memorable event of last February's Black History Month in Nova Scotia was the premiere of David Hartley's provocative drama, *Stephen Blucke: The Rewards & Consequences of being a Black Loyalist in Nova Scotia*. Whether or not one accepts the playwright's challenge to "be the judge" of the protagonist, Hartley is to be commended for drawing attention to a most unjustly neglected patriarch: the leader of the Black Loyalists and, as such, the true founder of the Afro-Nova Scotian community. Stephen Blucke attracted no biographical study during the Loyalist bicentenary, and he was omitted from the *Dictionary of Canadian Biography*; he has in fact largely been written out of the historiography of Black Nova Scotians. My purpose here is to examine briefly his career, and to survey chronologically the scholarly literature on Black Loyalism, attempting to determine why 'Colonel' Blucke has not been given his proper place in history.

Carleton's "Book of Negroes" records that Stephen Blucke was thirty-one years old in 1783, and had been born free on the island of Barbados. He was first described as a "mulatto" by T. Watson Smith ("The History of Shelburne County," 1871), an error which has been perpetuated by nearly every historian of the Black Loyalist experience, up to and including Marion Robertson (*King's Bounty: A History of Early Shelburne, Nova Scotia*, 1983). There is no evidence, however, to indicate that Blucke was anything other than a full-blooded West Indian of African descent. The term 'mulatto', which Smith possibly derived from oral tradition, carries the implication that Blucke would have been more acceptable to the powers that were in Church and State as an intelligent and educated Black community leader and schoolmaster if he were at least a racial half-breed. Using such a term was a primitive attempt to explain historically his function and significance as an intermediary, a channel of interracial communication. Blucke was standing astride the 'colour line'; his position within his own community and relation to the white establishment were inevitably so ambiguous that he was unable to come down wholly on one side or the other. There may be irony, moreover, the sharper for being unintended, in surveyor Benjamin Marston's August 1783 diary reference to the first contingent of free Black immigrant settlers as "Colonel Bluck's black gentry."

Although both T. Watson Smith ("The Loyalists at Shelburne," 1888) and Ellen Gibson Wilson (*The Loyal Blacks*, 1976) comment on the excellence of Blucke's penmanship, the nature of his connection (if any there was) with

Captain John Blucke is unknown. Captain Blucke was secretary to Brigadier-General Thomas Mulgrave, the last British commandant of New York City, who previously had served in the West Indies. This may have been the reason why Stephen Blucke was made superintendent of the Black Loyalist companies at the time of the evacuation, and why thereafter he was informally styled 'colonel.' A popular and perennial misconception about Blucke is that he was an officer in the Black Pioneers, the only Black Loyalist provincial corps set down for regular military service. Although the history of the Black Pioneers has yet to be studied, it is quite clear that the regiment had no Black commissioned officers and that Stephen Blucke was not involved in any way. It was probably in recognition of the fact that the Commander-in-Chief had placed Blucke in charge of the free Blacks going to Port Roseway, however, that the Governor of Nova Scotia appointed him lieutenant-colonel commandant of the Black Militia in the District of Shelburne the year after his arrival in the colony. The appointment reflected his stature as a peacetime community leader, not wartime military service, of which in any case, as E.G. Wilson correctly points out, there is no record. Stephen Blucke was undoubtedly a civilian, not a soldier.

Anthony Kirk-Green, the author of a definitive history of Sierra Leone, wrote in an article in *Sierra Leone Studies* that Stephen Blucke "is one of those characters one comes across tangentially in research about whom one would like to know more" ("David George: The Nova Scotian Experience," 1960). Robin W. Winks (*The Blacks in Canada: A History*, 1971) saw Blucke merely as one "of four intelligent Negro spokesmen"--Wallace Brown and Hereward Senior call them "political-religious leaders" (*Victorious in Defeat: The Loyalists in Canada*, 1984)--in Shelburne: the Methodist preachers Boston King and Moses Wilkinson (whom Hartley credibly portrays as Blucke's *alter ego*), and the Baptist protoevangelist, David George. The fact that Blucke was the only Anglican and only layman among this group reinforces the point made by James W. St. George Walker ("The Establishment of a Free Black Community in Nova Scotia, 1783-1840," 1976) that Blucke, as "the only schoolmaster not associated with chapel leadership," was unique.

E.G. Wilson's monograph, and Walker's *The Black Loyalists: The Search for a Promised Land in Nova Scotia and Sierra Leone, 1783-1870*, which were both published in 1976, endeavour to place Blucke in his proper historical context.

While Walker's treatment of him is broader in scope and more sophisticated in its analysis, Wilson's narrative is more sympathetic and provides greater depth of detail. Walker argues that, "as the black man with the closest ties to the provincial establishment," Blucke was susceptible to pressure from the burghers of Shelburne. Wilson, who argues that Blucke was treated quite unequally from the other free Blacks, draws attention to the fact that he was the only Black Loyalist to receive a 200-acre grant of land. The fact that he was not included in the omnibus Black land grant to Joseph Raven *et al.*, moreover, strengthens Wilson's argument of separate and unequal treatment for Blucke. The largest Black land grant was but one-fifth the size of Blucke's acreage.

In her biography of John Clarkson, Wilson states that Blucke "was the most successful among the black loyalists and his relations with the white community were excellent" (*John Clarkson and the African Adventure*, 1980). Her views were echoed by Wallace Brown ("The Black Loyalists in Canada," 1990), who goes so far as to state not only that Blucke was Birchtown's first citizen and the most successful Black Loyalist, but also that he was part of the white establishment. He goes rather too far by asserting that Blucke was a protégé of Governor Parr. The militia appointment would have been made on the recommendation of Major-General John Campbell, the Army commander in Nova Scotia, and in response to the race riots of July 1784, during which the Blacks as scapegoats had been forcibly ejected from the town of Shelburne. Governor Parr conducted an inquiry into the disturbances, which resulted in a series of dismissals and appointments, of which Blucke's was one. The intention clearly was to form the entire Black population of the District into a militia for the purpose of self-defence.

Blucke's stature in the community which he had founded probably began to decline because he could neither prevent the exodus to Sierra Leone nor was he prepared to join it. Blucke's determined opposition to the Sierra Leone resettlement scheme, in which he made common cause with the local agent for the embarkation, merchant Stephen Skinner, produced a schism among the free Blacks, from which neither the community nor Blucke's position within it ever recovered. Blucke was able to hold back only about fifty heads of household out of 150 in Birchtown and Shelburne. The gradual erosion of Blucke's status as 'lord of the manor', therefore, com-

menced with the emigration of 1791, after which Blucke was a community leader with a truncated community to lead and much less authority and credibility as a leader.

Separating fact from fancy has not been easy in the case of Stephen Blucke. Even serious academic historians of the stature of Professor Winks seem prepared to take at face value the unlikely story that Blucke entertained H.R.H. Prince William Henry to dinner at his 'big house' on the Birchtown road--this despite the conclusive evidence of Captain Dyott's *Diary* to the contrary. Blucke's fate is itself a mystery overlaid with legend. If he really was done to death by some wild animal, as the old folk tales relate, then there remains the problem of *corpus dilecti*. The unanswered question of Blucke's disappearance implies that the progressive deterioration of his standing in the Black community reflected the overall decline of Shelburne as a metropolis.

The last straw was the closure in 1795 of the Anglican charity school in Birchtown, which had existed continuously for ten years with Blucke as schoolmaster. Walker confronts the problem directly by arguing that, although Blucke was cleared of having fiddled the schoolmaster's accounts, "the suspicion surrounding the dispute seems to have destroyed his position in the black community," and precipitated his departure from Birchtown. Whatever the circumstances, in 1796 Blucke disappears from history. Nothing thereafter is certain, not even the disposal of his 200-acre estate at Birchtown Bay on the north-west arm of Shelburne Harbour. Although more research needs to be done, especially in underutilized primary sources such as engineer Captain William Booth's manuscript journals at Acadia University Archives and the Stephen Skinner letter-book at the New-York Historical Society, Walker is probably justified in reckoning Blucke's departure for an unknown destination from the date of his last mention in the correspondence of the Associates of the Late Dr. Thomas Bray, who sponsored the charity school at Birchtown.

The struggle for the hearts and minds of the Black Loyalists was essentially between Stephen Blucke and David George, and it was the latter who triumphed. Blucke was effectively marginalized. Orthodox Black Loyalist history has been written from the perspective of the African Baptist Church, the view that prevailed. George, the founder of the church in Nova Scotia,

cast a much longer shadow than did Blucke, although the former departed for Sierra Leone in 1791, while the latter remained in Birchtown for a few more years. Ironically, as Walker points out in the article on him in *Dictionary of Canadian Biography* (Volume 5, 1983), David George's influence, and that of the Baptist church generally, declined in Sierra Leone, while in Nova Scotia, where Baptists became the majority denomination among Black people, "George remains a heroic and beloved pioneer."

The same could not be said of Stephen Blucke, who had the misfortune to be an adherent of the established Church of England--he was the only Black to rent a pew in Christ Church, Shelburne--when it was the Baptist church which was putting down much deeper roots among Black Loyalists. Both George and the Methodist itinerant Boston King have been given their historical just desserts, however, while Stephen Blucke has been conspicuous by his absence. The agenda for Black Loyalist history has effectively been set by Baptist apologetic, and the memory of Stephen Blucke has been disserved, both for his opposition to the Sierra Leone resettlement scheme and for his sectarian resistance to the 'enthusiastic' ministry of David George. Not even his "many years of devoted service to the welfare of the Blacks of Birchtown," to which Marion Robertson rightly draws attention, sufficed to preserve the memory of Stephen Blucke among descendants of the free Blacks who stayed behind.

In his critique of the historiography of Black Loyalism, J.M. Bumstead observed that more work is needed on the American origins of the Black Loyalists (*Understanding the Loyalists*, 1986). The crux of the matter in Blucke's case is how he came to be given responsibility for the free Black emigrants and why that distinction did not secure to him his place in history. That Stephen Blucke has been lost to Afro-Nova Scotian history should perhaps surprise no one reading the comment of a Halifax Black university student in 1971 to the effect that all of the Black Loyalists should have gone to Sierra Leone in 1791, when they had the chance. That this was the observation with which James Walker chose to conclude his definitive monograph on the Black Loyalist 'search for a promised land' is revealing enough about the fate of Stephen Blucke. He sinned against history and was consigned to oblivion. It would have been better for Blucke's posthumous reputation had he too joined the exodus to Sierra Leone, where undoubtedly he would

have played a leading role. Historians of the Black Loyalist experience nevertheless owe a debt of gratitude to David Hartley, whose own ancestor was one of the free Blacks at Birchtown who did not emigrate, for recalling Stephen Blucke to centre stage. Hartley's Blucke is an ambiguous, self-contradictory, perhaps ultimately tragic figure--a Black Hamlet. He is an irresistible subject alike for dramatic re-creation as for revisionist historical biography.

Tracing a Family Tree and Other Obsessions

Marion Gates Waddell

"Old soldiers never die--
They just fade away."

General Douglas MacArthur

Appropriate lines indeed with which to start this detective story, since it has to do with giving substance to an old soldier who has long since passed from living memory. They conjure up visions of a faceless spectre--now hovering impatiently, now cheering us on--but always there, waiting for that one final door we shall open for him to re-establish his identity.

The process of embodying our spectre started the summer my brothers and sisters--all five of us--trekked home to Nova Scotia with spouses and children from far places for the first Bishop Family Reunion. It was our first holiday together in twenty-five years, and what better way to reminisce than to look through family photo collections: a few stories about this picture, a few more about that. . . . "Wouldn't it be fun," my sister-in-law said, "to make a family-tree composite, with photos of parents, grandparents, great-parents, etc., as far back as possible?" Great ideas beget great actions, and so began our never-ending story.

It was easy to assemble pictures from my mother's side of the family. The Bishop roots went back deep into New England, with both a pre-Loyalist exodus (supplanting the French farmers after the infamous Expulsion of the Acadians in 1755) and a Loyalist contingent who settled in Nova Scotia after the American Revolution and the Treaty of Paris in 1783. A Bishop family tree had been privately published as early as 1918,¹ but what about our Gates relatives?

A Gates genealogy had been privately compiled for family members by a cousin, L. Irene Hunt, in 1960. The first ancestor mentioned was a John Henry Gates, who married a Harriett Reece (sometimes recorded as Reis; country of origin, Holland). Their son, John Henry Jr., married a Lantz girl of German ancestry. We could therefore trace a strong line from

Marion Gates Waddell is an Annapolis Valley native and Acadia University graduate, with an interest in genealogy.

1 W.E. Boggs and B.R. Bishop, *The Genealogy of the Bishop Family of Horton, N.S.*, (Kentville, 1918).

the "Foreign Protestants" who settled in Lunenburg in the eighteenth century. We knew that the first Gates ancestors in Mrs. Hunt's genealogy had been English settlers (oral tradition suggested Yorkshire) in what is now New Ross, Lunenburg County, but was then Sherbrooke, a settlement of soldiers disbanded after the War of 1812. Next we discovered an excellent community history written by Carolyn (Broome) Leopold as a Centennial Year project,² in which she gave the names of the soldiers who had received grants: Sergeant Joseph Gates, Private Samuel Gates, and Private George Gates were included, . . . but no John Henry Gates. Then who was he? How was he related to these original grantees? A brother? A son of one of them? Why did he not receive a land grant too?

Thereafter, my sister and I were spending part of every holiday searching for clues in the Public Archives of Nova Scotia. The search was to be complicated significantly by the restrictions, now removed, but then imposed on access to Anglican Church records. Our search was further complicated by the fact that there were German Gaetz families in Lunenburg County, and the spellings were sometimes used interchangeably. There were also Gates in Annapolis County, families who had been there since the 1760s. These people were descendants of Stephen Gates of Hingham, Massachusetts,³ yet so far as we could determine, our Gates soldiers did not belong to either of these 'tribes.'

Another complicating factor was that, whereas the Anglican priests kept excellent vital statistics, the Baptist ministers were notoriously poor record-keepers in those days; when the family moved to the Baptist church, it was therefore more difficult to obtain traces of them. The story went that some poor Gates child had died before being properly baptized and the priest would not allow its burial in the church cemetery, so the whole family was marched off to the Baptist church. Since the Baptists do not believe in infant baptism, and keep few records of minors, the family's 'defection' did not much help our research. Other intriguing family anecdotes included the story of "Stubborn Joe": any pig-headed or 'bloody-minded' member

2 Caroline (Broome) Leopold, *The History of New Ross in the County of Lunenburg, Nova Scotia* (Middleton, 1967).

3 Charles Otis Gates, *Stephen Gates of Hingham and Lancaster, Massachusetts, and His Descendants* (New York, 1898).

of the Gates clan was reckoned to be "stubborn as Old Joe." What were the real stories behind these legends?

After reviewing the microfilm of early church records for St. Stephen's Anglican, Chester, and Christ Church Anglican, New Ross, as well as the Chester Township records, we were able to find the original documentation contained in Mrs. Hunt's genealogy, as well as to add a few generations of Lantz ancestry and establish a Hennigar (Heininger) connection. We learned that Sergeant Joseph Gates was married to a Mary Grogan and had two children baptized in the Anglican church in New Ross, but there was no further mention of Samuel or George, and no death record for these settlers. Furthermore, there seemed to be no record to connect our John Henry Gates Sr. to these grantees, other than the witnesses at his wedding to Harriett Reece: they married in the presence of David and Lucy Grogan. One intriguing entry showed that Captain William Ross had had a child born at Coteau-du-Lac in Quebec. Leader of the settlement, Captain Ross had exchanged his duties as lieutenant of the 16th Regiment of Foot for a captaincy in the Nova Scotia Fencibles. This, of course, raised interesting possibilities about whether our ancestor had actually marched (or sailed) past my very own front door on the Saint Lawrence waterway. . . . I could almost hear ghostly marchers outside my house, and a veritable shiver ran down my spine!

Were the Nova Scotia Fencibles ever in Quebec? We began by searching out the regiment in the card file at the Public Archives of Nova Scotia to see whether they had been out of that province. The unit was raised at Halifax in July 1803 and transferred to Newfoundland in June 1805. At the outbreak of the War of 1812, at least a portion of the regiment went to Quebec and served there under Lieutenant-Colonel Henry Darling. It is possible that a detachment was left at St. John's. Certainly the Fencibles were in Newfoundland long enough to have married and started families.⁴ Perhaps Grogan was Irish from Newfoundland. . . . well, we could write the Provincial Archives in St. John's.

In those early days before their own genealogical society was formed, the archival staff in Newfoundland were able to do some limited research

4 Harry Piers, "The Fortieth Regiment, Raised at Annapolis Royal in 1717; and Five Regiments Subsequently Raised in Nova Scotia," in *Collections of the Nova Scotia Historical Society*, XXI (1927), 115-183.

for enquirers. The response indicated that the garrison records contained only one Gates entry in the relevant time period: "Son John born to Samuel C. and Ann Gates, 8 April 1798." The 1871 Nova Scotia Census showed John Henry Sr. to have been born in 1801--close enough to make this census a significant record. According to the burial registers of Christ Church, New Ross, John Henry Sr. died in 1879 at the age of 79, i.e., his date of birth was 1800--even closer to the Newfoundland information.

Having exhausted our immediate ideas for church affiliation, we reviewed again and again the information in Caroline Leopold's book. Several letters mentioning the Gates family and taken from the Ross family papers⁵ were quoted by Mrs. Leopold; we decided to look at the originals to see whether there was additional correspondence, omitted for some reason. One letter in particular, used by Mrs. Leopold and dated December 1816, offered some clues about our men:

Mr Dear Ross:

I have received your letter by Gates, who went off today, after waiting sometime, before I had leisure to write to you. The stupid man said nothing about his brother, and I did not think of whom you mean, but I fancy it must have been of that little boy, that was with him in the Reg't. If so I conceive there could be impropriety in including him for a grant.

With respect to the appointment of Issuer, you must know that I am not quite aware of Issue [illegible] being required, but thought the store was in a central situation equally convenient for both or I should not have written to Capt. Evans on the subject. You are therefore to consider my letter to him as having been written under a misapprehension and not intended to supersede Gates in an employment in which he appears to have given so much satisfaction. As Lord Dalhousie would not have displaced a deserving man nor should I never have wanted it. . . .

Yours very sincerely, H. Darling⁶

Clues: (a) Gates had served in a regiment or place with Ross and Darling at some time (of potential use, since non-commissioned officers were rarely

5 Darling to Ross, 9 Dec. 1816, in Ross Family Papers, MG 1, Vol. 794, doc. 5, Public Archives of Nova Scotia [PANS].

6 Leopold, *New Ross*, 44. Darling was military secretary to Lord Dalhousie and was in charge of provisions for the fledgling settlement.

mentioned by name); (b) another Gates brother had not yet received a land grant by December 1816; (c) Gates must have served as a very satisfactory issuer for Captain Ross; and (d) another family trait--Gates was not a patient man!

In re-reading the letter in its original form, two small but significant errors stood out. First, "the little boy in the regiment with him" should have been copied as "one of the little boys in the regiment with him," i.e., Issuer Gates possibly had *two* little brothers in the regiment and one (obviously not the Private George or Private Samuel who were listed in the original New Ross land grants) had not yet received any land. Secondly, the transcription suggested an impropriety in granting this new brother land, but the original letter has Darling seeing *no* impropriety in a land grant. Was the brother who had not yet received a grant our very own John Henry Sr.?

We decided to write to the National Archives of Canada in Ottawa to see whether they had any information in their card index file concerning our three grantees. The results of the search were as follows:

15 February 1815, Quebec. General Orders from Adjutant-General's office.
#1 - The after-named men of the Nova Scotia Fencible Regiment are to be transferred to the 10th Royal Veteran Battalion from the 25th Ultimo. . . Samuel Gates, etc.⁷

5 June 1817. List of invalid soldiers admitted on the out-pension whose personal appearance was dispensed with in pursuance of H.R.M. The Prince Regent's warrant of 25 March 1817. 4th Royal Veteran Battalion, Sam Gates. Rate of pension - 9d.⁸

Two Samuels?

The land conveyance records on microfilm at the Public Archives of Nova Scotia yielded more valuable information. Samuel Gates Jr. sold his land grant to Joseph Gates for £10 and was living in Eastport, Maine, in 1824; another Samuel Gates was witness to the transaction. There was no longer any question but that we were dealing with at least two Samuels.

7 RG 8, I, Vol. 1172, p. 116 (mf. C-3503), National Archives of Canada [NAC]. Private Thomas Grogan was also pronounced unfit for further service, in this document.

8 *Ibid.*, Vol. 187, p. 129 (Mfm. C-2780), NAC.

In 1824, George Gates also sold his land to Joseph Gates and was listed as living in Eastport. And in 1828, Samuel Gates Jr. bought back land from Joseph for £5.⁹

Another interesting detail: Joseph *gave* land to the Anglican Church, but *sold* land to the Catholic Church.¹⁰ Did this possibly say something about his own religious convictions? Suddenly it dawned on us that our men might be in the same position: even if they had been Protestant, they might have married Roman Catholics and their descendants would therefore have been Catholic. Major error discovered: we had written a form letter to all the Gates individuals listed in the Halifax telephone directory, and had received a phone call from a Catholic man named Bruce Gates--but we had kept no records, because we were so sure that our Gates family were all Protestant. Alas, he said he was moving shortly and there was no way to trace him. But we *did* have access at the Public Archives to the microfilmed records of Our Lady of Mount Carmel Church, Prospect, N.S. Eureka!

22 November 1826. I the undersigned dispensing with the publication of banns between Samuel Gates, son to Samuel Gates and Jane Byers [Myers?] of Sherbrooke on the one side and Mary Bezanson, daughter of Gideon Bezanson and Mary Pulsiver [Pulsifer?], of Sherbrooke on the other side after receiving their mutual consent married them in the presence of Joseph Gates, John Kainy[?] and Catherine Corbin[?].

4 June 1828. Baptism *sub conditionne* of Samuel (20 years old), son of Samuel Gates and Jane Byers [Myers?]. Sponsor Edmond Cogley [Coigley? Quigley?]

So Samuel must have returned home to marry a Catholic woman. Yet all the Bezansons we knew of were strongly Protestant. Joseph was present for the wedding, and Samuel Jr.'s parents' names were given as Samuel Gates and Jane Myers or Byers. The actual presence in New Ross of Samuel Gates Sr. was not confirmed until June 1826, when he gave his oath and was witness to an 1824 sale of land by Samuel Jr.¹¹ That meant that Samuel Jr. must

9 Registry of Deeds, Lunenburg County, Vol. 8, p. 402; Vol. 8, p. 243; Vol. 10, p. 21.

10 *Ibid.*, Vol. 8, pp. 185 and 310.

11 *Ibid.*, Vol. 8, p. 402.

have been the original grantee in 1816 (actually, "tickets of location" were given in 1816 and the grant was made officially in 1819); and he must have been discharged from the army at age eight!¹² Suppose Samuel Jr. had lived with Joseph and Mary for some unknown period of time and been converted to Mary's faith. It began to look as if Samuel Sr. might have been Joseph's brother, who, for some unknown reason, did not get a grant of land at the same time as the other three Gates men (or boys) in 1816, and for whom Joseph had sought land when he presented himself in Darling's office.

Then we found an 1830 petition from Samuel Sr. to Sir Peregrine Maitland, lieutenant-governor of Nova Scotia:

Whereas your petitioner has served His Majesty in his youthful days and now wishes to reside in the settlement of Sherbrooke with his children [and] hopes that Your Excellency will allow him to get 100 acres of land in the said settlement.¹³

This also states that he was "late of the 4th veteran battalion" and that he was asking for land "that adjoined his son, Samuel Gates Junior."

If Samuel Sr. and Joseph were brothers, Samuel Jr. was one of the former's children, and George had left for Eastport (never to return?), then the other child to whom Samuel Sr. referred when he said "with my children" (plural) must surely have been none other than John Henry Sr. And of course, there was that record of a birth of John to Samuel C. and Ann in St. John's, at a time when the Nova Scotia Fencibles were stationed there, a date which matched within three years the birthdate of my great-great-grandfather as suggested by the 1871 census, and within two years as suggested by his 1879 death record. . . but still not solid proof.

By 1836, Joseph Gates had become a captain of the local Lunenburg militia.¹⁴ In all the documents bearing signatures of these men, Joseph was the only one who could sign his own name, and who moved up in the ranks, so it is perhaps fair to call him a "go-getter." By 1838 Joseph was referred to as "the late Joseph Gates" in the Lunenburg land grants, whereby

12 RG 20, Series C, Vol. 99, PANS.

13 RG 20, Series A, Vol. 115, PANS.

14 Half-yearly returns, Nova Scotia Militia, 15 Nov. 1836, RG 22, Vol. 15, PANS.

his eldest surviving son Joseph received lot 38, and lot 8 went via the same grant to Thomas Grogan, a disbanded soldier (brother-in-law? nephew? stepson?).¹⁵

Next, a burial entry for Samuel Sr. was found in St. John's Anglican Church, Lunenburg. He died 13 July 1835 at age 87, i.e., his birthdate would have been *ca.* 1748. This puts his death within three years of Joseph, another indication that he was of the same generation and therefore possibly a brother. He was described as a pensioner of Chelsea Hospital. We had seen other mention of the Royal Chelsea Hospital in London, England, and we first assumed that being a pensioner of that establishment meant having spent a period of time in hospital there. A letter to the institution revealed that Samuel need never have been in England in order to have been placed on the out-pensioner list.¹⁶

Our motto by now had become "When in doubt, read." And read we did--everything we could lay our hands on which had anything to do with the War of 1812, or the Nova Scotia Fencibles. The earlier reference to a child of Captain Ross having been born at Coteau-du-Lac again came to mind when we discovered our first concrete reference to the Nova Scotia Fencibles in "the Canadas." Writing about the progress of the war on the Great Lakes, Thomas Raddall notes,

For six weeks, he [Sir James Yeo] remained inside the Kingston batteries hurrying the carpenters and riggers working on his own tremendous *Saint Lawrence* and so great was his fear of sabotage by Yankee spies and agents that a regiment of Canadian regulars, the Nova Scotia Fencibles, were detailed to guard the huge ship day and night as it stood on the ways.¹⁷

This was enough to send me on a visit to the Queen's University Archives in Kingston. After spending a day at the Catherine Ryan Building and the Douglas Library Special Collections, I discovered much interesting infor-

15 Grant to Joseph Gates and Thomas Grogan, Micro. Places. Nova Scotia. Land Grants, Book U, p. 4, PANS.

16 This explains the NAC reference *supra*, n. 8, which indicated Samuel's personal appearance was unnecessary in granting his pension.

17 Thomas H. Raddall, *The Paths of Destiny* (Toronto, 1957), p. 299.

mation about Kingston during the War of 1812, including the fact that the Deputy Assistant Quartermaster-General was William Ross, and William Ross Jr. was Issuer. Also, the naval storekeeper at the garrison was required to keep a muster book in which the time of entry to and exit from the yard of all "officers, clerks, artificers, workmen and persons of every description" was to be recorded.¹⁸ The pace of construction both on military encampments and on the dockyard was so furious that injuries were commonplace.

After asking innumerable questions, I was referred to Stephen McCredy, Historical Research Officer in charge of Old Fort Henry and author of some of the literature I had been reading. Mr. McCredy did not know whether the Nova Scotia Fencibles had been in Kingston, but he did have a library of good source material at the Old Fort, and recommended as well a visit to the Royal Military College Library. There was not enough time available to me then to do justice to either, but Mr. McCredy did give me a copy of "Searching for a Soldier in the British Army or Canadian Militia."¹⁹

One of the suggestions therein led to the idea of tracing the movements of the Nova Scotia Fencibles by searching the card index at the National Archives in Ottawa for an officer of the regiment. I could not be certain that the Ross of the Quartermaster-General's Department was our Nova Scotian settler, but since I knew that both he and Lieutenant-Colonel Henry C. Darling had served with one or more of the Gates grantees at one time, I decided to trace the lieutenant-colonel's movements.

Luck was with us: Darling's regiment went from St. John's to Quebec, Sorel, Three Rivers, Montreal, Cornwall and Kingston. Was Issuer Ross in Kingston the same Captain Ross who turned up later in Nova Scotia? Darling seemed to be in charge of numerous forts along the St. Lawrence and Richelieu waterways, including Coteau-du-Lac, Fort Chambly and Isle-aux-Noix, and Ross had also been at Coteau-du-Lac. Mr. McCredy had clarified one thing for us: a regiment might have one, two or even three

18 RG 8, I, "C" Series, Vols. 1846, 1847 (mf. C-3873), NAC.

19 John H. Grenville, "Searching for a Soldier in the British Army or Canadian Militia," 1976 Presentation to the Kingston Branch of the Ontario Genealogical Society.

battalions, and each battalion at full strength had 600 to 1,000 men, divided into companies of sixty or 100 men. So how could we find out in which company or companies our Gates men had served?

Each time the scent became faint in climbing one branch of the family tree, we found ourselves pursuing another. This led to our obtaining a copy of the death certificate of our great-grandmother, who had died in North Grafton, Massachusetts, while living with her daughter. That certificate, with its data, enabled us to push back the boundaries by several generations and to locate Loyalists--the Berry family of Annapolis County--on our father's side. Through writing to Mr. Wayne Walker, a Berry connection in Ottawa, we obtained the name of a military researcher in England; and when all the possibilities seemed exhausted, my brother took the gamble for us and wrote to this researcher.

Almost five years after starting the quest, as we laid the final plans to celebrate our parents' fiftieth wedding anniversary, the best present of all arrived--a letter addressed to our brother from the researcher in England. I need not explain to avid genealogists why we could not wait for my brother's arrival to open the letter. And there it was?²⁰ Samuel Gates Sr., born in Glamorgan, Wales, record of service in the Royal Newfoundland Fencibles, 1796-1802; the Nova Scotia Fencibles, 1803-1815; injured in the left arm at Kingston, September 1814; transferred to 10th Royal Veterans (later renumbered 4th Royal Veterans) Battalion in February 1815; waited at La Cole [Lacolle] for his admission to the Chelsea out-pensioner lists in 1817.²¹ His discharge papers state,

that the Cause which has rendered it necessary to discharge the within-mentioned Private Samuel Gates as stated on the opposite side, has not arisen from Vice or Misconduct, and that he is not, to my Knowledge, incapacitated

20 References supplied by him included Chelsea Out-Pension Records (now available from NAC), WO 116/24 and WO 23/147; musters of the Nova Scotia Fencibles, 1813 to 1816, WO 12/11145; and Chelsea Out-Pension Records. Records for pensioners of the Royal Chelsea Hospital and its kindred institution in Ireland, the hospital of Kilmainham, are now on mfm. at NAC (MG 13, WO 97). In order to use them, researchers must know the final regiment in which an ancestor served.

21 June 1817, according to RG 8, I, Vol. 187, p. 129, NAC; or December 1817, according to WO 12/11145, Public Record Office, London. Our researcher noted, "This date differs from the 5th June 1817 given elsewhere but there is no doubt it is for the same man."

by the sentence of a General Court Martial from receiving his Pension. His General Character is good and [he] is hereby Recommended. . . . These are to certify that Samuel Gates Private in Capt. Chas. Roberts Company in the Regiment aforesaid; born in the Parish of Glamorgan in, or near the Town of Glamorgan in South Wales hath served in the said Regiment for the space of one year two hundred and twelve days, as likewise in other Corps, according to the following Statement, but in consequence of the Battalion being ordered to be disbanded. Injury left arm occasioned by accident at Kingston U.C. in September 1814 and is desirous of residing in Canada until the Decision of the Commissioners of Chelsea is known is considered unfit for further Service abroad, and is proposed to be discharged; and has been ordered to remain in La Cole until his case may be finally determined on, having first received all just Demands of Pay, Clothing, etc. from his entry into the said Regiment, to the Date of this Discharge, as appears by the Receipt on the Back hereof, and that He has no Claim whatever on the 4th Royal Veteran Battalion. And to prevent any improper Use being made of this Discharge, by its falling into other Hands, the following is a Description of the said Samuel Gates. He is about fifty-eight Years of Age, is Five Feet [. . .] Inches in height, Black Hair, Grey Eyes Sallow Complexion, and by Trade a Labourer. 13th day of January 1817.²²

According to our researcher, Joseph and Samuel Sr. were already in the Nova Scotia Fencibles at the beginning of the war. Samuel Jr. and George were mobilized into the fife and drum corps in 1814. The baptism of Samuel Jr. in New Ross showed he had been born about 1808, and because there was another Samuel Gates in the same regiment, his place of birth (St. John's) was given on his discharge paper. He and George must have been "the little boys in the regiment" with Joseph, and Joseph must have gone in December 1816 to see about a land grant for his veteran brother, Samuel Sr. Samuel Jr. would have been a mere six years old when he and George joined the corps--unheard of in modern times and said to be rare even in those days. Perhaps the following information is relevant:

Because the Crown tended to be more generous in lands and provisions towards the military, and because custom then allowed babies to be registered as officers, there was a certain amount of fakery involved. Thomas

22 Note the eleven-year discrepancy in age between this record and his burial entry. This is still considered an acceptable variance by genealogists.

Gummersall Anderson wrote in his *Reminiscences* that he was born in a camp in Sorel in 1779, enlisted in his father's Company at birth and discharged on half pay in 1783 when he was four.²³

And what of our original question? The connection between our John Henry Sr. and this old soldier is tenuous at best--the birth record of a John born to a Samuel Gates in the right place at approximately the right time, an inference based on an 1830 land petition, and some "process-of-elimination" reasoning. But why would John not become a soldier when his brothers were joining the army in 1814? One can posit several theories. We came across a reference in the Sherbrooke papers to indicate that many of the wives and children of the Nova Scotia Fencibles had been left behind in Newfoundland when the men were sent to Quebec in 1812, and had applied to the fort commandant for special rations.²⁴ Perhaps John--if he was the same person as the child born to Samuel C. and Ann Gates--would then have been fourteen to sixteen years of age, and working at some job other than soldiering. Or perhaps he had to stay behind to care for a sick mother. Or perhaps he was of a "first family," while Samuel and George were born to another wife. . . . One can offer endless theories. We hope to find a record from the Old Garrison Church in St. John's of Samuel Jr. (born *ca.* 1808) and George (probably born a little earlier) to the same parents, Samuel C. and Ann Gates, and if we do, well--possibly that's as close as we'll ever come.

And then there's always the question of how the Welsh soldier came to be in Canada at that time. . . . Now, there is a Glamorgan Family History Society. . . .

In conclusion, I wish to acknowledge that this entire project has been a joint venture with my sister, Doris Gates Thorpe of Dartmouth, N.S. On our behalf, I wish also to thank our brother, John M. Gates of Kingston, Rhode Island, for his work with our researcher in London, P.A. Standbridge. As well, I wish to acknowledge the assistance of archivists Margaret Beddoes and Timothy Dubé of the National Archives of Canada; Don Morris of

23 Walter Stewart, *True Blue: The Loyalist Legend* (Toronto, 1985), p. 174.

24 Sherbrooke to Major-General Campbell, Newfoundland, 8 Nov. 1814, in MG 24, Sherbrooke Papers, Out-Letter Book A-887, p. 1075, NAC.

the Public Archives of Newfoundland and Labrador; the staff of the Public Archives of Nova Scotia; and Louise Cyr, Librarian of the Dorval Public Library.

Appendix:

- 1 John Henry Gates Sr. (possibly son of Private Samuel Gates Sr. and Ann), b. *ca.* 1800; bur. 1878 at age 79 in New Ross, N.S.; m. 1831, Harriett Riece (Reese, Reece, Reis), daughter of Sergeant John N. Reese, settler. Harriett's mother, Catherine Myers Reese (dau. of Jacob and Catherine Myers) d. 1881, aged 95.
Issue of John Henry and Harriett (Reese) Gates (as recorded in baptismal records of Saint Stephen's Anglican Church, Chester, N.S.):
 - 2 i. John Henry Jr.², b. 5 Oct. 1832; m. Mary Ann Lantz.
 - ii. James, b. 20 Apr. 1835.
 - iii. Catherine Elizabeth, b. 9 Apr. 1837; m. William Goff.
 - iv. Sarah Ann, b. 20 Aug. 1840; m. Philip Goff. Issue.
 - v. James, b. 4 Jan. 1844; d. 18 May 1893; m. Ada MacDow. By 1890 Ada had left for the United States, taking several of their children with her. One boy, Lindsay, remained with his father.
 - vi. Hannah Maria, b. 30 Sept. 1846; unm. Lived with her mother and later with her brother, Joseph.
 - vii. Mary Eliza, b. 20 Sept. 1849; m. George Dunham. Lived in South Carver, Mass. Issue.
 - viii. Joseph Hiram, b. 4 Sept. 1852; d. *ca.* 1940; m. a widow, Cindy Hughes. Lived in New Ross; nicknamed "Stubborn Joe."
- 2 John Henry² Gates (John Henry¹), b. 5 Oct. 1832; d. 1919; m. Mary Ann Lantz, b. 1835, d. 13 May 1915 (dau. of Frederick Lantz and Catherine Henniger). Lived in New Ross, and were bur. in the Baptist cemetery at Broome's Hill on the Forties Road. Mary was a Baptist, John an Anglican.
Issue of John Henry Gates Jr. and Mary Ann Lantz (as recorded in Christ Church Anglican, New Ross):

- i. James Willard, b. 14 Mar. 1856; d. 23 July 1938; m. Ella Selina **DeMell**. Lived in New Ross. Issue.
 - 3 ii. John Ingerson³, b. 9 May 1858; m. Minnie Amelia **Clem**.
 - iii. Anthony Kempton, b. 18 Apr. 1860; d. 21 Dec. 1947; m. Minnie **Eisnor**. Lived in Port Williams. Issue.
 - iv. Harriett Ann, b. 2 Aug. 1862; d. 21 Aug. 1957; m. 12 Apr. 1880, Wolfville, John David **Bezanson**. Lived in Port Williams. Issue.
 - v. Melissa Sarah Ella, b. 14 Feb. 1865; d. 6 Sept. 1957; m. David Ensley **Lantz**, 1 Mar. 1883, New Ross. Lived in New Ross. Issue.
 - vi. Silas Lantz, b. 9 May 1867; d. 14 Mar. 1954; m. Mary Elizabeth **Elliott**, 9 Aug. 1892, Cambridge, Mass. Silas later owned a barrel cooperage in Port Williams. They are bur. at Hillaton Cemetery, Kings Co., N.S. Issue.
 - vii. Eunice Amanda, b. 9 Jan. 1870; d. 1971; m. 8 Oct. 1905, Camden, Maine, Orrison Emery **French**. They lived in Lincolnville Beach, Maine; d.s.p.
 - viii. George Henry, b. 25 May 1872; d. 22 Jan. 1950; m. Emily **Fraser**, 25 Dec. 1907, Brockton, Mass. He later owned a livery stable and had other business interests in Port Williams. Issue.
 - ix. Jesse Norwood, b. 25 Oct. 1874; d. 16 Apr. 1950; m. Flora **Shankle**, 26 Oct. 1910, Chester Basin, N.S. Lived in New Ross next door to John Henry Gates Jr.'s home on the Forties Road (Broome's Hill). John Jr. and Mary Gates, his parents, lived with this family in their later years. The widow of Ray Gates (Norwood's son), Helena (Kaulbach), and their son, Eugene Gates, still live in this house in New Ross.
 - x. Ira Sankey, b. 31 Jan. 1878; d. ca. 1958; m. Stella **Clinton**, Windsor, N.S. Lived in Port Williams; d.s.p.
 - xi. Rufus and Prior, twins who died at five days.
- In addition to the above offspring, John and Mary Gates

raised Lindsay Gates, son of James and Ada (MacDow) Gates.

- 3 John Ingerson³ Gates (John Henry², John Henry¹), b. 9 May 1858; d. 20 Jan. 1930; m. Minnie Amelia Clem (b. 13 July 1867; d. June 1940) of Pleasant Valley, N.S., dau. of William and Roxanna (Berry) Clem. They were m. in Boston, Mass. and lived in North Grafton for a time, but returned to Nova Scotia in 1902 and eventually bought a farm outside Port Williams. They are bur. in Fox Hill Cemetery, on the northeast corner of the back road to the farm.

Issue of John Ingerson and Minnie (Clem) Gates:

- i. Edna Anna, b. 21 Sept. 1888, North Grafton, Mass.; d. 28 Nov. 1949; m. Wallace Parr Hall, 28 June 1916. Lived in Kentville and Port Williams. Edna was bur. at Fox Hill Cemetery, Port Williams; Parr was bur. in Berwick, N.S. Issue.
 - ii. George Whitman, b. 11 Oct. 1890, North Grafton, Mass.; d. 16 Mar. 1977; m. Jessie May Campbell, 1 July 1916. Lived in Worcester, Mass.; and Port Williams. Issue.
 - iii. Walter Orrison, b. 1 May 1896, North Grafton, Mass.; d. ca. 1982; m. Amy Elizabeth Lantz, 1 July 1918. They lived in Worcester, Mass. Issue.
 - iv. Gordon Maxwell, b. 11 Mar. 1905; d. 8 Feb. 1977; m. Blanche Smith of Boston, Mass., 1 Jan. 1928. Lived in Port Williams, where he was a village commissioner. Issue.
- 4 v. Irvine Elliott⁴, b. 21 Dec. 1906; m. Minnie Pauline Bishop.
- vi. Mildred Irene, b. 28 Nov. 1908; m. Jens Christian Jensen of Aarhus, Denmark, 7 Aug. 1951. Lived in Willowdale, Toronto, Ontario. No issue.
- 4 Irvine Elliott⁴ Gates (John Ingerson³, John Henry², John Henry¹), b. 21 Dec. 1906; d. 9 Sept. 1988; m. Minnie Pauline Bishop, dau. of George and Laura (Bowles) Bishop, 25 July 1936, at Greenwich, Kings Co., N.S. Lived in Port Williams. On the death of his father, assumed responsibility for running the family farm.

Issue of Irvine Elliott and Minnie Pauline (Bishop) Gates:

- i. Carleton Irvine, b. 22 Oct. 1937; m. Frona Bowlby **Gates** of Black Rock, N.S., May 1962. Lived in Port Williams and formed Irvine Gates & Son, Co. Ltd. with father. Issue.
- ii. Marion Louise, b. 6 Nov. 1938 (B.A., Acadia University, 1959); m. Robert William **Waddell**, M.D., 15 Aug. 1964 (B.Sc., McGill; M.D., Queen's University; F.R.C.P.(C)). Live in Dorval, Quebec. Issue.
- iii. John Milton, b. 21 Jan. 1941. Graduate of Nova Scotia Agricultural College, Truro, N.S.; B.Sc., McGill University; M.A., University of Connecticut; Ph.D., University of California (Berkeley). M. 30 Jan. 1965, Great Barrington, Mass., Jane Susan **Krohn** (B.A., University of Connecticut; M.A., University of California (Berkeley)). Issue.
- iv. Barbara Marie, b. 23 June 1945. Diploma in Secretarial Science, Acadia University. M. (1) Jeffrey **Saunders** (divorced); issue. M. (2) 17 Dec. 1982, Bernard Wayne **Shiers**. Presently living in Dartmouth, N.S.
- v. Doris Eileen, b. 7 Aug. 1946, B.Sc., Acadia University. M. (1) Brian **Millward** (divorced); m. (2) 22 June 1974, Peter Vaughn **Thorpe**, Dartmouth, N.S. (B.A., B.Ed., Dalhousie University). Issue.

A Loyalist Attorney's Critique of the Supreme Court of Nova Scotia, 1786

New York patrician Stephen DeLancey¹ was one of about twenty Loyalist lawyers who came to greater Nova Scotia between 1782 and 1784, and either settled there or moved to New Brunswick after its creation as a separate province. Unlike the majority, however, he did not seek admission to the bar in order to practise law, and he resided in Nova Scotia for just over two years. During that brief period, nevertheless, DeLancey not only represented Annapolis Township in the House of Assembly and was a judge of the Common Pleas, but also figured prominently in the unsuccessful Loyalist agitation for the appointment of one of their number as third puisne judge of the Supreme Court of Nova Scotia.

Admitted to the bar of New York in 1771, Stephen DeLancey was both well qualified and well placed to evaluate the administration of justice in the Supreme Court. As the senior of the three Loyalist attorneys--all disbanded provincial officers--who had been commissioned justices of the Inferior Court of Common Pleas of Annapolis County in February 1784,² DeLancey would have had ample opportunity to attend the Court when it sat at Annapolis Royal. The product of his observation was the document transcribed and annotated below, which was received at the Home Department in Whitehall on 1 March 1786.³ DeLancey's memorandum was intended as a tool for lobbying the Secretary of State "that there may be an additional associate Judge, for the Superior Court of this province, to the two already appointed."⁴ Another such instrument, perhaps even more important, was the letter of introduction which his good friend and fellow lawyer, Loyalist Colonel Edmund Fanning, then lieutenant-governor of Nova Scotia, wrote on DeLancey's behalf to Lord Sydney.⁵ Fanning was able to do what DeLancey dared not: both to argue the necessity of appointing a third puisne

1 See "A Lawyer Goes to War: Stephen DeLancey and the American Revolution," in *The Loyalist Gazette*, 25, 2 (1988), 8.

2 RG 1, Vol. 169, p. 72, Public Archives of Nova Scotia [PANS].

3 Colonial Office [CO] class 217/vol. 58/fol. 286, Public Record Office [PRO] (mfm. at PANS).

4 The proposal was not new; it had been made in vain by Solicitor-General Monk a decade earlier: "James Monk's 'Observations on the Courts of Law in Nova Scotia,' 1775," in *UNB Law Journal*, 36 (1987), 139.

5 Fanning to Sydney, 1785 June 26: CO 217/57/207, PRO (mfm. at PANS).

judge, and promote DeLancey himself as the ideal candidate for the post. Their arguments reflect each other so transparently, moreover, that the two documents must be read in tandem.

The purpose of the exercise was to convince Lord Sydney to sanction the appointment of a third puisne judge by providing the rationale for such an appointment. DeLancey had to show that if a new province such as New Brunswick could accommodate three puisnes, then the older established but no less rapidly increasing province of Nova Scotia required the same number, if justice were to be competently administered. Secure in the knowledge of Fanning's support, therefore, DeLancey took ship for England in June or July 1785. The letter from the one and the memorandum from the other attracted enough attention in Whitehall for Lord Sydney to instruct his Under-Secretary to write to Lieutenant-Governor John Parr in November 1787, sounding him on the idea of DeLancey's appointment. The letter itself has not survived, but the text can be reconstructed from Parr's negative reply.⁶ Parr disliked and mistrusted American lawyers of a whiggish political tendency, and four years' acquaintance with Lieutenant-Colonel DeLancey had prejudiced him utterly against the would-be judge. Perhaps, too, he suspected that Fanning--by then lieutenant-governor of Saint John's [Prince Edward] Island--had gone not only behind his back but also over his head in recommending DeLancey for an office which had not yet been created, and which in any case would have lain within the gift of the governor as chief executive. Parr's hostile opinion prevailed in Whitehall, therefore, and the matter was quickly and quietly dropped. Stephen DeLancey was compensated with the post of chief justice of the Bahamas, but a third puisne judge was not appointed in Nova Scotia until 1810.⁷

6 Parr to Nepean, 1788 Jan. 30: CO 217/60/148, PRO (mfm. at PANS).

7 *Statutes of Nova Scotia* [S.N.S.] (1809) 50 Geo. 3, c. 15, s. 6; RG 1, Vol. 173, p. 5, PANS; Ironically, in 1792 Secretary of State Henry Dundas was proposing not to increase the number of puisne judges in Nova Scotia to three, but to reduce New Brunswick to two: "Henry Dundas' Plan for Reforming the Judicature of British North America, 1792," in *UNB Law Journal*, 39 (1990), 166-67.

State of the Bench of the Supreme Court of Judicature in Nova Scotia⁸

The Bench of the Supreme Court of Judicature in the Province of Nova Scotia consists of a Chief Justice and two Associate Judges.⁹

The Circuits go twice a year,¹⁰ and from the Violence of the Cold in Winter it is found necessary that the Courts in Halifax and the Circuits should be in the most favorable half of the year, by which means the Judges are sometimes obliged to travel when the Roads are almost impassable, Roads that are never good, and which by the least Rain are rendered so bad that it is difficult to get on even at the slowest pace.

The Circuits at present go to Windsor, Cumberland [Amherst], Horton [Wolfville], Cornwallis [Kentville] and Annapolis Royal,¹¹ and from the great Extent of Country, the Impediments of travelling &c. so short a Time is allowed at each Place that Justice cannot be administered in a proper Manner,¹² by which a System of Practice has been introduced in many instances oppressive to the Subject.

That the Execution of the Office of a Judge of the Supreme Court in Nova Scotia is a work of difficult Performance arises from the Existence of a Law of the Province by which it is required that two of the Judges be on the Bench to constitute a Court,¹³ by which Means the late Chief

8 CO 217/58/284-85, PRO (mfm. at PANS).

9 At the time of writing, the chief justiceship was vacant. The puisnes were layman Isaac Deschamps (appointed in 1770), a former first justice of the Common Pleas, and lawyer James Brenton (appointed in 1781), a former solicitor- and attorney-general.

10 I.e., spring and autumn. The Supreme Court had three two-week terms at Halifax: Easter (April), Trinity (July) and Michaelmas (October).

11 Cumberland, Horton and Annapolis Royal were the original stations, when the circuit commenced in 1775. Windsor was added in 1782, on the creation of the new county of Hants: S.N.S. (1781) 21 Geo. 3, c. 6. DeLancey must have been mistaken about Cornwallis; the Supreme Court on circuit visited only one place in the county, which was invariably the "shire town."

12 By statute (*infra*, note 13), the Supreme Court on circuit could sit for a maximum of five days in each place.

13 *The Supreme Court Circuit Act*: S.N.S. (1774) 14 & 15 Geo. 3, c. 6, s. 2.

Justice ever evaded the Duty of the Circuits, as there were not Judges to make two Courts.¹⁴

All sorts of inconveniences have been experienced from the above Circumstances, and now from the formation of two new Counties, in which Courts must be held,¹⁵ it is rendered impossible that, as the Bench now is,¹⁶ Justice can be administered. There are at present no Roads from Halifax either to the County Town of Sydney or Shelburne,¹⁷ and the Voyages by Sea are precarious and in some degree dangerous--so that to ascertain exactly that the Judges will be present at the appointed Time of opening the Court it is necessary that they leave Halifax a considerable Time before that appointed for the sitting of the Court, as it would prove extremely oppressive if the Inhabitants were collected to no Purpose from the Limits of such very extensive Counties. It need not be mention'd that it has appeared expedient to appoint four judges to the Province of New Brunswick,¹⁸ but

14 The "late Chief Justice" was the Irish barrister Bryan Finucane, who died 3 Aug. 1785 in the eighth year of his tenure. Although the chief justice could preside alone, since 1773 the presence and concurrence of both the puisnes were required in order to hold or adjourn the Supreme Court in his absence: RG 1, Vol. 168, pp. 346-47, PANS. It was not until the 1790s that a chief justice--Thomas A.L. Strange--first went on circuit.

15 I.e., Shelburne, which originally comprehended all of southwestern Nova Scotia from Queens to Annapolis, and Sydney [Guysborough]: *S.N.S.* (1784) 25 Geo. 3, c. 5. The Supreme Court circuit did not reach either county until years later: *S.N.S.* (1794) 34 Geo. 3, c. 10. In the autumn of 1784 a special commission of oyer and terminer had been issued to enable Judge Brenton to preside in Shelburne at the trial of a felony: RG 1, Vol. 169, p. 105, PANS; Marion Robertson, *King's Bounty: A History of Early Shelburne, Nova Scotia* (Halifax, 1983), p. 147.

16 Local circumstances only served to strengthen DeLancey's argument: the chief justiceship was vacant and in commission from Aug. 1785 to Aug. 1788. For so long as the senior puisne was acting chief justice, moreover, the bench was reduced from its normal complement of three judges to two. Deschamps and Brenton had therefore to shoulder the entire burden of the Supreme Court at Halifax as well as on circuit.

17 I.e., Manchester and Shelburne respectively. An Inferior Court of Common Pleas had been established at each place in 1785.

18 They were George Duncan Ludlow, chief justice; James Putnam, Isaac Allen and Joshua Upham, puisne judges. (Like DeLancey, Judge Allen had been a lieutenant-colonel in the New Jersey Volunteers and a justice of the Inferior Court of Common Pleas of Annapolis County.) Unlike their counterparts in Nova Scotia, however, whose salaries had to be voted annually by the House of Assembly, the puisne judges in New Brunswick were a permanent charge on the Parliamentary grant for the civil establishment of the province.

it is proper to add that in Nova Scotia, the Circuits are not Courts of Nisi Prius, but a distinct Supreme Court in each county.¹⁹

19 For New Brunswick, see *An Act for enabling the Justices of the Supreme Court to try all causes at Nisi Prius: Statutes of New Brunswick* (1786) 26 Geo. 3, c. 8; J.W. Lawrence, *The Judges of New Brunswick and Their Times* (Fredericton, 1985 [repr.]), pp. 383-84. The powers of the Supreme Court on circuit in Nova Scotia were regulated by the statute (1774) 14 & 15 Geo. 3, c. 6, s. 1 (*supra*, note 13). The difference between the provinces was that in Nova Scotia the Supreme Court, consisting of any two judges possessed of all the powers of the court at Halifax, went on circuit, while in New Brunswick a single judge might be authorized by statute or special commission to try a cause on circuit as if it were a trial at bar before the full bench of the Supreme Court at Fredericton.

Book Reviews and Notes

Allen B. Robertson

Deaths, Burials, and Probate of Nova Scotians, 1749-1799, From Primary Sources, 2 vols. comp. by Allan E. Marble. Genealogical Association of Nova Scotia, Halifax, 1990. Each volume xiv + 209 pp., paper, \$15.00.

Essays in the History of Canadian Law, Volume III: Nova Scotia, edited by Philip Girard and Jim Phillips. ISBN 0-8020-5863-9. University of Toronto Press, for the Osgoode Society, 1990. xiii + 369 pp., cloth, \$50.00.

The "Foreign Protestants" and the Settlement of Nova Scotia: The History of a Piece of Arrested British Colonial Policy in the Eighteenth Century by Winthrop P. Bell; introduction to 1990 edition by L.D. McCann. ISBN 0-919107-28-1. Acadiensis Press, Fredericton, N.B., 1990 for the Centre for Canadian Studies, Mount Allison University; originally pub. Toronto, 1961. xviii + 673 pp., illustrated, cloth, \$29.95.

Groups Dynamic: A Collection of Nova Scotia Her-Stories, edited by Megan Ardyche et al. ISBN 0-921283-07-5. Canadian Congress for Learning Opportunities for Women, 1990. v + 50 pp., illustrated, paper, \$30.00.

Guide to the Legal Manuscripts in the New Brunswick Museum, edited by David C. Bell and E. Carol Rosevear. ISBN 0-919326-31-5. New Brunswick Museum, Saint John, N.B., 1990. xxiii + 162 pp., illustrated, paper, \$42.95.

Historical Atlas of Canada: Addressing the Twentieth Century 1891-1961 Volume III, edited by Donald Kerr, Deryck W. Holdsworth, Susan L. Laskin; cartographer Geoffrey J. Matthews. ISBN 0-8020-3448-9. University of Toronto Press, 1990. xx + 197 pp., illustrated, cloth, \$95.00.

Maritime Capital: The Shipping Industry in Atlantic Canada, 1820-1914, by Eric W. Sager and Gerald E. Panting. ISBN 0-7735-0764-7. McGill-Queen's University Press, Montréal, 1990. xxvii + 289 pp., illustrated, cloth, \$39.95.

Nova Scotia Newspapers: A Directory and Union List 1752-1988, 2 vols. comp. by Lynn Murphy, Brenda Hicks and Anjali Vohra. ISBN 0-7703-9742-5. Dalhousie University School of Library and Information Studies, Halifax, 1990. Vol. 1: xi + 376 pp., Vol. 2: iv + 147 pp., paper, set: \$45.00.

The Quaker Whaler House in Dartmouth by Gene Keyes. Dartmouth Museum Society, Dartmouth, N.S., 1989. iii + 78 pp., illustrated, paper, \$10.00. Available from Dartmouth Heritage Museum, 100 Wyse Road, Dartmouth, N.S., B3A 1M1.

Tangled Roots: Descendants of John Bishop (1709-1785) of Horton, Nova Scotia: A New England Planter Family, 4 vols., comp. by the Genealogical Committee of the Bishop Family Association. ISBN 0-9694532-1-3. Genealogical Committee of the Bishop Family Association, R.R. 2, Wolfville, N.S., 1990. 1637 pp. total, illustrated, cloth, set: \$195.00. Available from Bishop Family Association, c/o William V. Bishop, P.O. Box 212, Lawrencetown, N.S., B0S 1M0.

History and geography are related subjects too often separated from each other. This is particularly unfortunate in history, when one realizes how much the former is moulded by geographical influences. The way in which settlers responded to the exploitation of natural resources (e.g., timber, gypsum deposits, the fisheries), or the way in which the land left its impress on the people themselves, is especially significant for our understanding of the past and the present. Historical geography as a discipline unites history and geography to create a productive interpretative field of its own. It is to be lamented that high schools and colleges do not match it with traditional history courses. Even in its seemingly simplest presentations (maps of battles, dyke-land formation, harbour-front development), the use of geographic mapping over time greatly enhances our comprehension of the way in which geography can dictate settlement, agricultural pursuits, shipping or defence.

The second volume to be published in the series *Historical Atlas of Canada* (the third volume chronologically) is a welcome addition to modern historical geography in Canada. Like its predecessor ("From the Beginning to 1800") the coverage given to the decades from 1891 to 1961 goes well beyond charting changes in political boundaries or showing the distribution of primary resources. Geographers and historians have joined forces to prepare graphic depictions of the Canadian landscape in peace and war, prosperity and the Great Depression, rural development and urban change. Sixty double-spread plates and the contributions of fifty scholars are further enhanced by essays which guide the general reader in understanding why certain topics were

chosen. To borrow the old but justified expression, 'a picture is worth a thousand words' is one way to describe the wealth of information to be extracted from each plate.

Nova Scotians should note that the *Historical Atlas* has several sections of direct interest. "Port Development in Halifax, 1881-1926" (Plate 25) incorporates more than urban changes brought about by the 1917 Explosion. It enables one to follow the shift in economic zones across the peninsula alongside the growth in urban housing over a restricted area. The rural nature of much of the peninsula even in 1926 is particularly striking, and is reminiscent of conservative, compact European cities similarly bounded by physical constraints in the midst of rural zones. In regard to intra-port changes and shipping business, it is true that Halifax could not compete with Montreal. L.D. McCann, who prepared Plate 25, might be criticized nonetheless for not pointing out that Halifax maintained a usually steady increase in cargo movement through its port facilities from 1918 onwards. It remains today the largest urban centre on the Atlantic seaboard north of Boston. Anyone with specialist interests will realize, too, that McCann's maps and figures cannot incorporate everything. Geographic distribution of the population by religious affiliation would indicate whether there were shifts in ethnic concentration in Halifax in relation to preferred occupations. Students of Africville's history will not find close-ups of that settlement. They can, however, utilize McCann's overall mapping to note the area's continued rural nature, while at the same time seeing how the adjacent Rockhead Prison lands contracted from, and railway facilities expanded within the community.

On a broader scale, Plate 47 is worth detailed examination. "Military Activity in the Second World War" shows just how close the theatre of war came to our coasts. Younger readers may be interested to note that the 'Battle of the Atlantic' had a near Canadian version in the 1942 'Battle of the St. Lawrence'. The sheer numbers of men connected with the Royal Canadian Navy (85,000) and warships (365) bear stark contrast to present-day naval strength. Certainly, the Atlantic brought Canada as close to events in Europe as if it had been tied by a land bridge. If anything, World War II showed that the ocean no longer was a great barrier to be got over as in the pre-Confederation era. Technology continued to shrink geographic distances. In the latter sense geography gave way to man's innovations.

In many respects the *Historical Atlas* is a necessary companion to the *Dictionary of Canadian Biography*. The latter traces lives and the nation's history through time, whereas the *Historical Atlas* provides a necessary guide to spatial, demographic, political and statistical change substantially to enhance our understanding of the lives of men and women in the unique Canadian context. Most parts of the country receive equal treatment in Volume 3 of the *Atlas*. This reviewer was uneasy, however, at the rather sparse attention given to the Yukon and Northwest Territories. It is true that Plate 2 ("Territorial Evolution") points out that geographic exploration of the far north continued well into recent times (1940s). The start of economic exploitation of the north (beyond trade in furs), and shifts in population centres of the indigenous people as a result of Ottawa's intrusions warranted closer consideration. The bibliographies for each plate do offer some opportunity to pursue such topics further, and these enhance the volume's value in no small degree; it is the extensive changes over the past thirty years (1961-1991) which will demand an additional volume to map significant changes in the Northwest Territories, the Yukon and the western provinces.

The reprinting of Winthrop P. Bell's *The "Foreign Protestants" and the Settlement of Nova Scotia* (first published in 1961) makes accessible once more a classic study of geography and the movement of people. Bell's pioneering study of the German and French Protestants who came to Nova Scotia in the 1750s includes a detailed account of recruitment and transportation from Europe, information on areas of settlers' origins, and the creation of the Dutchtown ('Deutsch'-town) suburb of Halifax, together with the founding of Lunenburg Township. The fine 1990 introduction by L.D. McCann sets forth Bell's qualifications to undertake the task at hand. Bell's complete mastery of German and his doctoral studies in Germany itself, combined with an astute intellect, enabled him to bring together previously underutilized manuscript sources to create a verifiable account of the "Foreign Protestant" migration to Nova Scotia. It was his deft use of sources, his skill at synthesis and professional rigour which made his book a classic of German demographic studies in the province just as J.B. Brebner had done for New Englanders in *Neutral Yankees*.

"*Foreign Protestants*" has in general withstood historical criticism for thirty years. Bell did not set out to propound a particular settlement theory or historiographic paradigm. He bent his efforts to unlocking inaccessible

records in order to present a clear picture of central European migration to the province. His work has grown to be of immense value to historians and genealogists alike in consequence. The loss of German as a second language in the public schools forces researchers to turn to the highly accessible "*Foreign Protestants*" (and to DesBrisay's *History of Lunenburg County*) to gain access to documents otherwise closed by the original High German script and language. There are studies currently underway by university graduate students which may add to our knowledge of the early Protestant French and German-speaking colonists. These will remain unknown, however, until they appear in more available form, either as articles in the *Nova Scotia Historical Review* and *German-Canadian Yearbook*, or as books in their own right.

Winthrop Bell was at pains to show that the Lunenburg migration was not a haphazard event. It was the product of careful government planning and individual entrepreneurial land-settlement promoters. The German, French and Swiss settlers who were enticed to come to Nova Scotia, moreover, were a diverted stream from a larger river of immigrants who had been arriving steadily in colonial America, notably Pennsylvania. Bell emphasized this fact to show how settlement in Nova Scotia fit into a larger North American colonization pattern. His study bears comparison with Bernard Bailyn's impressive *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (1986), which itself has an admirable section on the Yorkshire emigration to Nova Scotia.

As an historian Bell was as interested in the French-speaking settlers of Lunenburg as he was in the German. His extensive research notes on individual families preserved at the Public Archives of Nova Scotia attest to his meticulous collection of data to generate group portraiture from dozens of separate households. The Montbéliardais (the majority of whom were Lutherans rather than "Huguenots," or Dutch Reformed) provided a significant offshoot in Colchester County at J.F.W. DesBarre's Tatamagouche estate. Bell placed that internal move in the larger context of Nova Scotian settlement patterns. He did not trace the history of these French-speaking Protestants into the 1800s since it was beyond the scope of his study. It is unfortunate that no scholar of Bell's stature has examined why the Montbéliardais lost their language and customs in so few generations. Nova Scotia's Protestant French heritage has been submerged beneath the promi-

nence and attention given to Catholic Acadians. Proponents of French heritage need to resuscitate interest in the settlers from Montbéliard as a counterpoise to Acadian cultural persistence.

As an example of the influence of geography on a society, the Lunenburgers present a fascinating study. Bell and other researchers have rightly pointed out that these settlers from the heart of Europe did not immediately take to the sea. Transfer from the seashore peninsula of Halifax to that of Lunenburg did not make fishermen or master mariners overnight. The present-day image of Lunenburg fishermen rather than farmers and woodsmen is all the more remarkable for such a change having occurred at all. The reprinting of *"Foreign Protestants"* may help to kindle interest in charting that land-based to sea-dependent transformation. At the very least Bell's work, along with the late folklorist Helen Creighton's Lunenburg publications, have done much to revive pride in the German heritage of Nova Scotia, which two World Wars had done so much to undermine.

The coastal geography of Atlantic Canada, in which Lunenburg figures as one small but vital part, has shaped the economic pursuits of its inhabitants for centuries. Most readers are familiar with the term 'Age of Sail', which conjures up visions of tall ships, sea captains' mansion houses and tall tales of the seafarer. There is a vague understanding that somehow Atlantic Canadians were more prosperous in the mid-nineteenth century than they are in the 1990s. The reader may miss not having a guide to show the degree of truthfulness in any of these popular conceptions. One such guide and useful corrective is *Maritime Capital: The Shipping Industry in Atlantic Canada, 1820-1914*, by Eric W. Sager and Gerald E. Panting. This work represents a synthesis of research conducted at Memorial University of Newfoundland under the Atlantic Canada Shipping Project, and although Marxist terminology is used liberally in the book, this should not detract from the innovative presentation of the authors.

Sager and Panting are concerned primarily with an explanation of why the vibrant shipbuilding and shipping business of the mid to late nineteenth century Maritimes and Newfoundland virtually collapsed by the first decade of the twentieth century. To approach the problem, they place the business not in an isolated context of golden dreams of tall ships but within the larger economic-geographic-social complex of the region. Merchant capitalism as distinct from industrial capitalism was the economic driving

and investment power that accumulated capital for the area from both internal and international mercantile ventures (i.e., sales of commodities, either natural or processed, combined with the transshipment of it). Investment in and ownership of vessels gave merchants control of the means of transportation, which itself partly regulated the price of commodities. Ships themselves were goods for sale, while the shipbuilding business drew in a complex hinterland network which permitted small-scale producers (farmers, coastal fishermen, local manufacturers) to maintain traditional production modes. The latter factor meant that, except for surplus labour which went to sea or plied their skills in the shipyards, population centres around shipbuilding and shipping sites did not have the pressing need to turn to extensive industrial centres for alternate economic exchange (i.e., day wages for propertyless labourers). Major centres such as Halifax and Saint John did not conform entirely to the general model, but both were deeply influenced by those economic interests. Finally, Sager and Panting rightly observe that the Atlantic region under these circumstances successfully competed on an international scale.

Maritime Capital provides an in-depth analysis of the shipping and shipbuilding business from the late eighteenth to early twentieth centuries. Early imperial trade and registry laws played a crucial role in the degree to which regional entrepreneurs could expand their business in shipping. The shift to a more open, competitive trading system by the end of the third decade of the 1800s encouraged merchants to regard ships as more than cargo containers. They became both the means of transportation and commodities themselves. The steady increase in vessel size during the nineteenth century attested to the lure of profits to be made in shipping and the sale of vessels within the Empire or on foreign markets. Concomitantly, the larger share of capital investment shifted from British-based to Atlantic region-based merchants. It is somewhat startling to realize, then, that the 'Age of Sail' lasted only about a generation (ca. 1850-ca. 1880s).

The authors of *Maritime Capital* argue against the influence of external factors in the rapid decline in shipbuilding investment in the last quarter of the nineteenth century. Neither the slow change to steam and metal-hulled vessels, or changes in market demand, nor train freights between central Canada and the Maritimes alone suffice as a reason. Sager and Panting note instead the increased divergence between 'merchant' and 'shipowner'.

As the nineteenth century progressed, merchant capitalists diversified their investment holdings to maximize secure returns in lieu of concentrating the bulk of their capital in ships. Profits could be high, but so could losses in the shipping business. Merchants who acquired wealth initially based on extensive involvement in shipbuilding and shipping redirected their capital to land-based industries. This failure to specialize in shipowning, the failure to challenge the craft-shop method of wooden vessel production in favour of iron and steel-hulled ships powered by steam, and the missed opportunity to forge ahead as shipping agents may have reduced the risk for major capital investors--yet it meant the weakening of the complex infrastructure which had been tied to shipbuilding. Shipyard workers, seamen, farmers, fishermen and small manufacturers all suffered as a result.

Maritime Capital is certainly worth a careful examination in light of the authors' proposals and assessments. It does not have the romance of a William Wallace account of tall ships; nonetheless, it provides a much needed evaluation of a by-gone era. One element absent from the assessment, which will need attention in relation to the decline of shipping in the Maritimes, is the huge migration to New England of thousands of the region's younger men and women in the last third of the 1800s. The extent to which redirection of merchant investment did or did not induce large numbers to emigrate to the "Boston States" to provide a livelihood for themselves as surplus labour begs for an answer. This question is all the more intriguing when seen against mid-nineteenth century rhetoric about Nova Scotia or New Brunswick nationalism (in spite of Confederation). Political geography apparently was not a barrier to economic necessity.

The crossing of political borders for economic reasons was not an event unique to late nineteenth century Nova Scotia. A century earlier, Americans left their enclave in Cape Cod (more specifically, Nantucket) to try the advantages of a whale fishery based in Dartmouth. This movement came close on the heels of the conclusion of the American War of Independence. Perhaps this migration is more understandable when it is recognized that the two dozen families concerned were members of the Religious Society of Friends, or Quakers. By religious conviction they would have sought to avoid armed conflict and the animosities engendered by the Revolution. They knew as well that families of Loyalist Quakers had already removed to New Brunswick and Nova Scotia, and that other Nantucket Quaker

fishermen had been living in Barrington since the 1760s. The inducements of subsidies, housing lots and avoidance of British tariffs, as held out by Governor John Parr and the Assembly, were sufficient for them to cross over into British territory to resume a new life in a new coastal community.

Gene Keyes and his associates in the Dartmouth Museum Society have produced a fine monograph in *The Quaker Whaler House in Dartmouth*. Ostensibly this volume is dedicated to a study of the construction, ownership and subsequent history of the 1786 house which had belonged to one of those transplanted Nantucket whalers. The result, however, is a broad, in-depth examination of the Quakers in Nantucket, their society and religious community (or Meeting) in Dartmouth, and the 1790s luring away of some of those families to the whaling station in Milford Haven, Wales. This admirable approach has provided a portrait which enhances our understanding of Quaker society, and the whaling business in colonial Nova Scotia. The museum house itself is a tangible reminder of this short-lived economic venture, and is a unique architectural treasure.

Keyes traces the initial settlement arrangements of the Quakers with the colonial government in Nova Scotia, and determines how many settlers actually came to Dartmouth as well as the number who left in 1792 for Wales. Particular attention is paid to construction of the Quakers' homes, at government expense, in Dartmouth--which ties in well with the ownership of the present Quaker Whaler House museum building. Maps, diagrammatic sketches and a bibliography complement the work. Although the footnoting is awkward, there was an effort to verify accounts whenever possible through primary sources. Since the main purpose of the book is to offer context and an account of the museum's original inhabitants, certain aspects of Quaker history are not pursued. There is no attempt, for example, to note possible ties between the Nantucket Quakers at Barrington Township and the Dartmouth colony, although several surnames are common to both. The former settlers, moreover, were also fishermen and mariners. It is true that far more work needs to be done by historians of the province's religious heritage to link together material on the scattered Quaker presence in Nova Scotia prior to 1800 (or later, for that matter). In regard to the architecture of the museum house, while it had been disproved that the Quaker houses were built on prefabricated frames from New England, there is no discussion of how the specific type of building fitted into the then current

styles of home construction. Finally, the Dartmouth Quakers had been preceded in the province by both Planter (1760s) and Loyalist (1780s) Quakers throughout Nova Scotia (including Halifax). The Dartmouth enclave, as noted by Dorland (*Quakers in Canada*), maintained communications at least with the Annapolis County Quakers. The fate of some of those Quakers who did not migrate to Wales became linked to the other centres where the Religious Society of Friends had adherents.

Geography, migration and economics are intertwined in any study of the Dartmouth Quakers. The same can be said, of course, for any group of colonists who left their former homes for life in Nova Scotia. Success in the venture depended on the land chosen, general economic conditions, and the abilities of the individual settlers. Well prepared genealogies can very often be fruitful sources for historical interpretation when addressing such subjects. One recent undertaking should prove to be a particularly valuable research tool for academics and family historians. *Tangled Roots: Descendants of John Bishop (1709-1785) of Horton, Nova Scotia, A New England Planter Family* is an impressive, four-volume set prepared by the Genealogical Committee of the Bishop Family Association. Ostensibly, it is an updating of the 1918 family history compiled by Burpee R. Bishop and William E. Boggs. Seventy years passage has, in effect, meant that most of this work is a new undertaking supplemented with well-reproduced photographs which add depth to the printed history.

John Bishop of New London, Connecticut, with his four sons--John Jr., William, Peter and Timothy--came to Horton in Kings County as part of the 1760s movement of New Englanders to found several farming and fishing townships, or "plantations," in Nova Scotia. The Bishops and other pre-Revolutionary Americans' descendants preserved well into the twentieth century New England dialects, religious attitudes (especially a revivalist tendency), and traditions associated with food, architecture and attitudes towards external government authority. At the same time the peculiar administrative nature of eighteenth century Nova Scotia, the land and the livelihood it fostered, and the changing nature of allegiance to the British Crown all left an impress on the Planters. The Bishops and fellow Horton settlers became Yankees with a difference.

Tangled Roots indeed begins with a brief essay on the Planter migration, and how the Bishops belonged within that movement and contributed to

the growth of Nova Scotian identity. Each volume is devoted to tracing the descendants of each of the four sons of patriarch John Bishop Sr., and these appropriately enough begin with detailed accounts of their lives. In keeping with the precedent set by Bishop and Boggs, the Genealogical Committee in *Tangled Roots* endeavoured to trace all lines of the family through both men and women. This approach reflects the full recognition given to the women of the family for contributions made in collecting the genealogical data, and seeing the project through to its conclusion. For ease of reference each volume has its own index, which includes additional listings for women under their maiden and married names. The Association had the foresight to have the four volumes printed on acid-free paper.

In the context of historical geography, the Bishop genealogy provides one specific example of colonial migration and the extent to which land can provide a sense of identity. Long after the Loyalist myth gained a hold over the post-Confederation imagination the Bishops continued to be fully aware that they were of Planter stock and not 'late comers'. This identity was reinforced by the continuous occupancy in some instances (as with the Bishops in Greenwich, Kings County) of the original crown grant lands, from 1760 to 1991. A brief glance through the book, however, shows the wide geographic dispersal of the Bishops across Canada and the United States. Even by the 1790s some of the family joined other Horton Township residents of the second and third generations on a move to the upper Fundy coastal region of New Brunswick. The American Revolution, replete with privateer raids, and the religious turmoil of Nova Scotia's Great Awakening, nevertheless, had by then inculcated such a separation from Connecticut that Horton became the focus of family loyalties and reminiscences. The impression of land on family consciousness was strong enough to make Bishops now resident in Connecticut think of their origins first as Nova Scotian and then only remotely as Connecticut Yankees.

The intangible factors which mould a people's identity are often difficult to describe. Artificial governing elements are quite another matter, even when these grow out of cultural, social or economic settings. The law as regulations and as process, operating within a bounded geographic territory, is more accessible for examination. Philip Girard and Jim Phillips have edited a collection of papers as Volume III of the Osgoode Society's series, *Essays in the History of Canadian Law*. Four principal areas of the legal history of

Nova Scotia are addressed: the Legal System; Criminal Law in Society; Women, the Family, and the Law; and Law and Economy. Over time the essays range from 1713 to 1910, covering the old colonial regime at Annapolis Royal through to an examination of late nineteenth century child custody and divorce. This volume significantly advances Nova Scotian legal historiography. Readers interested in family history or economic change through legal manoeuvring will find a wealth of information packed into pertinent essays. The specialized topics compelled the various contributors to utilize neglected documentation in print or in manuscript form at the Public Archives of Nova Scotia.

The value of these essays derives in part from the inclusion of the so-called 'underside' of Nova Scotian society, that is, prisons and their inmates. As Judith Fingard observed in *The Dark Side of Life in Victorian Halifax* the laws devised to deal with crime and the modes of punishment are a partial reflection of the degree to which a society can regard itself as just or civilized. The studies in *Essays in the History of Canadian Law* reflect, as a background theme, the influence of British, American and local law in shaping the Canadian legal experience. Girard and Phillips in their succinct introduction note that American legislation (the product of a highly industrialized society) more readily shaped later nineteenth-century Nova Scotian commercial and economic law, while criminal law continued to be heavily dependent on British precedent. This dual and blended legacy, adjusted to meet specific Nova Scotian needs, is not to be wondered at in this province considering the immigrant background of its English-speaking colonists (Planter, Loyalist, Yorkshire and general British Isles). Each wave of newcomers brought with them a preference for familiar cultural and legislative practices in spite of having to acknowledge existing structures established in Nova Scotia. That legacy reached far into the nineteenth century as living memory and into the present century as inherited bias or terms of reference.

Thomas G. Barnes's, "'The Dayly Cry for Justice': The Juridical Failure of the Annapolis Royal Regime, 1713-1749" propounds the thesis that the roots of the 1755 Expulsion lay in the failure to integrate the Acadians fully into the British constitutional rule of law rather than by the extraction of a loyalty oath. The perpetuation of the existing French legal system in Acadia alongside that of the British rulers after 1713 seems to Barnes to have instilled the idea of the impermanency of British control over the region. On the

one hand, the administrators at Annapolis showed a comparatively unusual degree of tolerance in regulating Acadian society according to the old French civil code. At the same time, the anti-Catholic provisions of British law (as adapted to Virginia and transferred to Nova Scotia), together with the failure to procure the loyalty oath, prevented chief executives such as Mascarene and Phillips from fully integrating Acadians into the British colonial constitution. Acadian deputies could not be sworn in as justices or councillors so as to become active participants in the governance of the colony. Barnes's argument is compelling enough to provoke a reassessment of the dual English-French colony of 1713-55, and indicative of how legal history itself can open new avenues of interpretation.

Rebecca Veinott's "Child Custody and Divorce: A Nova Scotia Study, 1866-1910" is another fine example of reappraising a subject in its broad sociocultural setting. The rights of women over the time period in question are examined in relationship to a shift from total patriarchal dominance in the area of family law to one of parity between husband and wife. The intriguing feature of this study is to be found in Veinott's matching of changes in family structure to women's rights, in custody disputes, to the guardianship role vested in the state (usually for economic considerations) above the family unit. The growth of the Victorian ideal of a maternal home where the mother was the moral guardian of society was reflected in judicial decisions which preferred women as custodians of children in a divorce. Changes in psychological studies through the century also emphasized the importance of maternal nurturing in child-rearing. This in turn reinforced the tilt toward women's rights in family disputes. By the late nineteenth century, however, the concept of guardianship changed again to considering society's (that is, the state's) best interests in the raising of future citizens. In part this equalized parental rights, yet countered by making the family subservient to the state. Veinott, by using this approach, both contributes to the field of family law history and to women's and family studies in general. It is this general approach which raises Volume III of *Essays in the History of Canadian Law* well beyond any narrowly focused subject area.

In any field of research one has need of guides to help chart the way through primary sources. Four recent publications, though not directly concerned with historical geography, can nonetheless feed study in that area, other historical inquiries and genealogy. From the neighbouring province comes *Guide to the Legal Manuscripts in the New Brunswick Museum*,

prepared by David G. Bell and E. Carol Rosevear. Whereas *Essays in the History of Canadian Law* serves to alert readers to valuable sources for further exploration through completed articles, *Legal Manuscripts in the New Brunswick Museum* is designed to stand as a principal research tool on its own. Thirty-five years younger than its parent province of Nova Scotia, New Brunswick nonetheless possesses a wealth of colonial legal documents, both at the institutional (court and legislative) level and at the individual legal practitioner's level, so that a printed guide is a necessity.

The New Brunswick Museum by no means possesses the bulk of legal manuscripts for the province. The comparatively recent creation of the Provincial Archives of New Brunswick (1967) as the official repository for government records, however, resulted in the older Museum having functioned as a collector of considerable holdings of a judicial and legislative nature. Bell and Rosevear's volume provides a good survey of the types of material to be found (correspondence, process books, Supreme Court records, etc.). The arrangement of the entries is alphabetical, which will facilitate biographical studies of individuals involved in forming the province's legal history. A topical arrangement, as used in the 1976 *Inventory of Manuscripts in the Public Archives of Nova Scotia*, might have been preferable, since a synopsis of different court functions (Inferior, Supreme, Chancery) and history would have made the *Guide* more comprehensible to the general researcher. The extent of material under each entry is not readily discernible; the editors themselves state in the introduction that these notices are more in the way of locators than full-scale description.

Legal Manuscripts in the New Brunswick Museum does have scope to be more than a guide to source materials. Entries in the index under "slavery" should alert one to the potential for comparing that subject as treated in New Brunswick and in Nova Scotia. Similarly, "custody and access" in relation to divorce proceedings brings to mind the Veinott article in *Essays in the History of Canadian Law*. Illustrations of texts and prints in the *Guide* also serve more than a decorative purpose. Contemporary (eighteenth- and nineteenth-century) publications of court cases and gallows literature (i.e., confessions of condemned prisoners) alert one to additional avenues of investigation. In all, therefore, *Guide to the Legal Manuscripts in the New Brunswick Museum* should prove to be an indispensable research tool for students of Atlantic Canadian legal history.

A two-volume work of direct interest to Nova Scotians is the updated revision of the *Survey and Listing of Nova Scotia Newspapers, 1752-1957* by Gertrude Tratt. Its successor, *Nova Scotia Newspapers: A Directory and Union List, 1752-1988*, compiled by Lynn Murphy, Brenda Hicks and Anjali Vohra, is meant to document all known newspapers published in the province (past and present), and to note where extant copies may be found. Altogether, there are 1,096 titles held in over 100 provincial repositories. As is rightly observed in the introduction, "Newspapers are unrivalled as a source of contemporary social, political and economic information for researchers as diverse as school children, genealogists and academic historians." A guide to titles and locations is crucial to exploiting that information.

Volume 1 of the set contains the geographic listings (county, locality and place of publication), while Volume 2 comprises the title index, publisher/editor index and listing by subject type. In the former, for example, one can turn to Hants County and scan to Hantsport to note all known newspaper titles published in or for that community as independent issues. A union list does not always indicate when a neighbouring newspaper may have carried or absorbed a predecessor. While it is noted that the *Wolfville Acadian* was taken into the *Kentville Advertiser*, it is not mentioned that for years the former paper carried a section called "Hantsport Advance," which was that community's former newspaper. Finally, the new survey does not incorporate Tratt's historical details about newspapers and their publishers; this could be a distinct disadvantage if the researcher does not have ready access to the Tratt volume. Despite this historian's bias in raising the latter point, he will note that *Nova Scotia Newspapers* is a long overdue finding aid which will be frequently consulted by researchers.

Genealogists, biographers, demographers and historians alike will welcome the newest addition to the series of publications sponsored by the Genealogical Association of Nova Scotia. Longtime Association member and founding president, Dr. Allan E. Marble, has completed his eagerly awaited *Deaths, Burials, and Probate of Nova Scotians, 1749-1799, From Primary Sources* (2 vols.). It will prove as indispensable to genealogists' and historians' reference libraries as the series *Nova Scotia Vital Statistics from Newspapers*. Marble arranges the material in two sections: the primary section provides the name of the individual, date of death (or probate), place, age, kin, source and addendum notes; the supplementary second section records additional or

conflicting information. Secondary sources were excluded in favour of primary sources for the fifty years covered. The introduction provides a detailed list of sources consulted (township books, cemetery inscriptions, church records, newspaper announcements, etc.), plus archival repositories. Those nine pages alone should attract attention. Marble has tried to alert users of the two books to name variations (i.e., spelling) and to language construction (i.e., Arenberg (male), Arenbergin (female) for German names).

The compiler collected data originally for a study of medical services and smallpox from 1749 to 1799 in Nova Scotia. (For one of his articles on that subject, see *NSHR* 8, 2 (1988): "Epidemics and Mortality in Nova Scotia, 1749-1799"). *Deaths, Burials, and Probate* is the offshoot of that special study, a direct access route to the province's vital statistics. The entries are amenable to demographic interpretation, and can be used to suggest more intimate portraits of eighteenth-century Nova Scotia. In the latter sense one may note the numerous successive listings for infant deaths in one family, or the close dates between children and parents, as in those for Mary Clarke, wife of James, who died 16 August 1797 in Halifax, to be followed 29 January 1798 by their child, Mary. The high instances of death by drowning serve to remind one of the hazardous life led by fishermen and mariners. A check of the surnames themselves in the two volumes can be an entertaining exercise in gaining a better picture of the ethnic composition of colonists in the province. British names (either native or American colonial) tend to predominate. One can quickly note German and French names, the latter including both Acadians and Protestant French. It would instructive to compare these surnames with those recorded in the 1871 nominal census in order to determine the rate of persistence and disappearance of family names in the province. Thanks to Allan Marble, one reliable database already exists for consultation.

Contemporary history stands in need of guides just as much as studies of the remote past. This is especially the case when attempting to survey special interest groups. Among the latter are organizations with extensive lifetimes, while others may be formed only for a specific purpose and duration. The publication *Groups Dynamic: A Collection of Nova Scotia Her-Stories*, prepared by the Her-Story Committee, was one way of marking the tenth anniversary of the Canadian Congress for Learning Opportunities for Women. Concentrating on Nova Scotia the compilers/editors deemed it

appropriate to create what is a descriptive directory of women's organizations. It is by no means a complete directory; the final page of listing indicates other groups (both uniquely Nova Scotian and branches of national organizations) which could not be given extensive coverage.

Groups Dynamic may be described as a 1990 snapshot of sixty women's organizations. Their concerns range widely, including social welfare, artistic expression, union issues and religious activities. Constraints on publication size do not detract from its value as a directory, from which one can graduate to alternative sources for more in-depth treatment. One departure from the standard entry is the lead article by Sandra Barry, "A Circle of Voices: Women's Organizations in the Early 19th Century." The author urges late twentieth-century women's groups not to forget their colonial ancestors who were actively a part of the process which advanced Nova Scotian society through literacy, temperance (social reform), and volunteer benevolent societies (the forerunners of soup-kitchens and community outreach programmes). "Circle of Voices," as printed, is a greatly reduced version of a much lengthier manuscript. It and the remaining directory entries only hint at what needs to be written about women's organizations in the province, past and present.

Readers of *Groups Dynamic* should be cautioned that the volume does have a particular ideological political slant. Several references can be found for the coinage "anti-choice forces"; the phrase "pro-life" is excluded. One looks in vain as well for modern day women's Temperance groups, the Nova Scotia Women's Institute, church-affiliated organizations, and vital services performed by volunteers in Halifax to feed the hungry. A number of *Groups Dynamic* organizations are inherently sexist, and at the same time claim to speak for a majority of Nova Scotia women. Omission of the more conservative women's organizations belies the broad spectrum allegedly portrayed in the volume. Without inclusion of the former, *Groups Dynamic*, while a needed reference work, falls short of its objective. The "Circle of Voices" needs to be heard in order to remedy this failure so that there can be a richer, fuller and more complete portrait illustrating all of "her-story" in Nova Scotia.

Book Notes

The Croscups' Painted Parlour by Victoria Baker. ISBN 0-88884-597-9. National Gallery of Canada, Ottawa, 1990. 95 pp., illustrated, paper, \$15.00.

The National Gallery has given back to Nova Scotians a restored "Croscup Parlour" in a superbly illustrated volume with informative text by Victoria Baker. In 1976 the Gallery acquired the painted walls from the old Croscup home in Karsdale, Annapolis County, amidst concern that a provincial art treasure would disappear in Ontario. Meticulous restoration work has justified the Gallery's intentions, yet its location made the mid-1800s Victorian scenery painted by an unknown artist inaccessible to most Nova Scotians. Baker's book provides a portable viewing through an account of the Croscup room's special history, and how it relates to other painted interiors in Nova Scotia, Canada and the United States. Cora Greenaway, who first publicized the painted "Parlour," has long promoted the need to value decorative and folk art. This volume reaffirms the need to treasure our visual arts legacy.

Halifax: A Literary Portrait, edited by John Bell. ISBN 0-919110-65-3. Pottersfield Press, Lawrencetown Beach, N.S., 1990. viii + 228 pp., paper, \$14.95.

Bell has prepared an eclectic selection of images real and imaginary of Halifax from 1700 to the 1980s. In one sense it is the only way to appreciate the impact of the city's people and physical presence on writers over the centuries. A few excerpts, such as Thomas Moore's bitter lament (1804), are so brief that inclusion may be questioned. Other choices are small classic descriptions such as one finds in Dickens's word portrait (1842), or the reminiscences of Hugh McLennan. Not all of the selections are comforting; most give one pause to consider Halifax anew through strangers' eyes. Kenneth Leslie's "Halifax" perhaps best captures the attractiveness of the city for writers, its antiquity and the uncertainty of human existence: "Robed in my emerald citadel, throned above the tide, marking the tangle of the winds, my destiny I bide."

The Story of the Nova Scotia Teachers Union: From the Formation of the Old Union in 1895 to the 1980s by Norman H. Fergusson. ISBN 0-9690983-6-7. Nova Scotia Teachers Union, Halifax, 1990. 248 pp., paper, \$12.95.

Organizations too often fail to provide corporate histories based on their own archives and the personal knowledge of their members. Fergusson has ensured that the Nova Scotia Teachers Union has escaped that failing by providing a chronological account of its creation, internal development, and dynamic interplay with the government in shaping the education of Nova Scotian youth. It is unfortunate that the text is not footnoted, while at the same time the schematic outline interferes with the flow of the story. Readers will not find accounts of teacher training centres, nor of high school-educated teachers who met the challenge of educating children in rural one-room schools. Fergusson has set the stage for exploring those topics, however, and his efforts may spur other organizations to record their own special histories.

Profiles of Science and Society in the Maritimes prior to 1914 edited by Paul A. Bogard. ISBN 0-919107-27-3. Acadiensis Press, Fredericton, N.B., 1990, for the Centre for Canadian Studies, Mount Allison University. 283 pp., paper, \$15.95.

This collection of eleven essays, together with the introduction, explores the interplay between an increasingly professional discipline of science and public response to its values in terms of impact on daily life and the public purse. Professional scientists began to outnumber amateurs by the late 1800s in the same way that historians became practitioners of a discipline with its own methodology and removed from antiquarians. The growth of applied science over the classical tradition in colleges was a major feature of this change. Essays include Roy Bishop's account of DesBarres's Castle Frederick observatory in the 1760s, Dawson's geological studies in the 1800s, and George Rawlyk's account of two clerical Baptist educators' response to science in the Darwinian shadow. Bertrum H. MacDonald's survey of scientific and technological literature prior to 1914 is an excellent choice as lead article in this provoking assessment of science and society.

Nova Scotia



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