

# Nova Scotia Historical Review

Volume 15, Number 2, 1995



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# Nova Scotia Historical Review

Volume 15, Number 2, 1995

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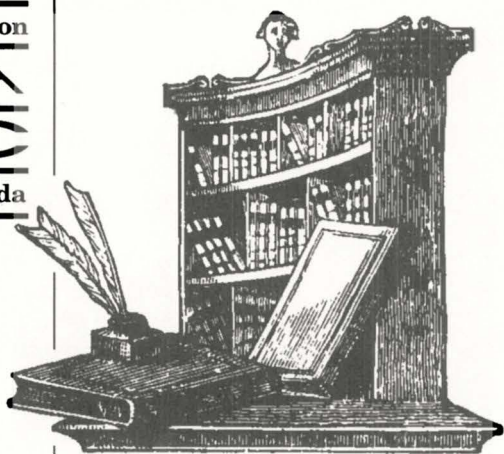
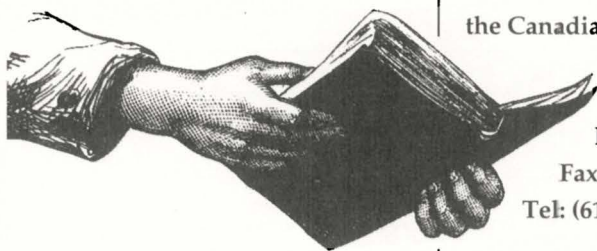
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# 'In a glass clearly': Genealogy, History and the Professional Researcher

Allen B. Robertson

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Scientific genealogy and academic history exist today in the uneasy separation of two related disciplines. The estrangement grew in the nineteenth century after history left the amateur and antiquarian path to follow the rigid historiographic standards established by the disciples of Leopold von Ranke.<sup>1</sup> Historical problems, the debate over evidence and interpretation, and the goal of the great synthesis (be it national or provincial history, as in Canada) all tended to downplay the prosopographic approach, which is the essence of genealogical inquiry and therefore of academic biographical studies. The granting of university degrees in history further divided the latter discipline from genealogy, which until this century did not possess certification or professional standing. Consequently genealogy has been downgraded to an amateur pursuit possessing neither method nor discipline. The result has been the impoverishment of academic history, and lack of leadership in the family reconstitution field. The emergence over the past twenty years of formal genealogical certification bodies in Canada promises to counteract those negative trends. In particular, the Genealogical Institute of the Maritimes (GIM), as the Atlantic regional certification body, has the potential to act as a bridge between two professional solitudes.

In the specialized sub-discipline of microhistory it is necessary to understand not just family reconstitution (with its wide margin for error); the microhistorian, like the social anthropologist, needs to untangle the complex web of social, economic and religious ties which constitute the dynamics of community life.<sup>2</sup> Scientific genealogy provides the key to understanding multiple social interactions. The author's ongoing studies of the town of Hantsport and Falmouth Township in Nova Scotia would be severely hampered without the use of genealogical and collective-biographical research techniques. The names of

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Allen B. Robertson, Ph.D. (Queen's), CG(C) is Book Review Editor of *NSHR* and a member of the board of directors of the Genealogical Institute of the Maritimes. [Article is an edited version of a paper presented at the New Brunswick Genealogical Society's "Roots '95" Conference, University of New Brunswick (Fredericton), 9 August 1995.]

1 Terrence M. Punch, "Genealogy, Migration and the Study of the Past," Margaret Conrad, ed., in *They Planted Well: New England Planters in Maritime Canada*, (Fredericton, 1988), p. 132.

2 Allen B. Robertson, "Halfway to Hantsport: Secondary Settlements in Nova Scotia": paper presented at the Atlantic Canada Workshop, Fredericton, October 1986; cf. author's paper given at the Third Planters Studies Conference, Acadia University, Wolfville, N.S., October 1993, "Tenant Farmers, Black Labourers, and Indentured Servants: Estate Management in Falmouth Township, Nova Scotia" [forthcoming]. Microhistory or *microhistoria* is the intensive study of a restricted geographical area, whether township or individual estate, in all its myriad of social, economic, religious, familial, ethnic and intellectual interrelationships; cf. Edward Muir and Guido Ruggiero, eds., *Microhistory and the Lost Peoples of Europe* (Baltimore MD, 1991).

shareholders in an 1830s Hantsport sailing vessel, for example, may suggest an entrepreneurial kinship network and social status. Knowing that all the shareholders were related as brothers or brothers-in-law reveals the pooling of family resources in an undertaking too expensive for one individual. Indeed, down to the 1850s at least, shipbuilding in Hantsport was a family and community enterprise. The basis for that insight was a 1940s Women's Institute history of the town, and John V. Duncanson's *Falmouth: A New England Township in Nova Scotia* (1965).<sup>3</sup> The path of the academic historian can thus be made straight by an amateur local history and a collective genealogy.

To learn both the science and the methodology of history, the intending historian follows the long academic course through honours BA, master's and doctoral degrees. Genealogical expertise, however, has to be acquired in a less structured fashion. Intending family historians seek out "how to" guides, which were scarce before Terrence Punch's definitive manual, *Genealogical Research in Nova Scotia*, (1st ed., 1978), and the several monographs of Angus Baxter.<sup>4</sup> As useful as these reference works were and continue to be, it is the personal interaction through genealogical societies which most significantly advances the mastery of research techniques. The Genealogical Association of Nova Scotia (GANS) allows for members to seek advice from each other.<sup>5</sup> Early on in its existence, GANS promoted an educational agenda: lecture series, workshops and a newsletter-become-quarterly journal (*The Nova Scotia Genealogist*). More importantly, education was seen by GANS as a means to raise the standard of genealogy to the level of a professional discipline. That impetus soon converged with similar trends among genealogical societies in the neighbouring provinces. The result was the creation in 1983 of the non-profit Genealogical Institute of the Maritimes, which benefited from the formal endorsement of the Council of Maritime Premiers.<sup>6</sup>

The initial purpose of the GIM was to offer a certification process for persons interested in obtaining recognized credentials in the field, and to act a regulatory body to advise and monitor certified genealogists who engaged in research for

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3 Hattie Chittick, *Hantsport The Smallest Town* (Kentville, N.S., 1940); John V. Duncanson, *Falmouth: A New England Township in Nova Scotia* (Sarnia, Ont., 1965).

4 Terrence M. Punch, *Genealogical Research in Nova Scotia* (Halifax, 1978); Angus Baxter, *In Search of Your Roots: A Guide for Canadians Seeking Their Ancestors* (Toronto, 1978 [rev. ed. 1991]).

5 GANS was created out of the Genealogical Committee of the Royal Nova Scotia Historical Society in 1982.

6 Genealogical Institute of the Maritimes, "Guide for Certification Candidates" (Halifax, N.S., 1993), p. 1.



hire. As already indicated, however, GIM members aimed at a broader mandate:

The Institute has, in addition, an educational role in upgrading the quality of professional family history research in the Maritimes. Members of the Institute strive for excellence in research and encourage others to do the same. Through lectures, and articles published in journals, newsletters, and the press, an endeavour is made to raise the profile of professional genealogical research methods and techniques.<sup>7</sup>

The author's historiography lectures in the Department of History at Saint Mary's University (1993-95) included a week of genealogy instruction covering methodology, the relationship between family history and historical research in general, and the existence of societies and agencies such as the GIM. Prospective historians were made familiar with the basics of genealogical research techniques in an ideologically-neutral environment. Several students, moreover, choose to undertake genealogical case studies as their second-term research projects in order to gain direct experience in the field.<sup>8</sup>

Teaching genealogy in different forums leads one to distil the core of the methodological approach and use only the best means to transmit the basics of research: (1) start with oneself and work back one step at a time, (2) document *all* sources (both those which yield information and those which do not), and (3) cross-check the sources. (The latter two rules apply equally to genealogists and historians.) One can emphasize the professional context of genealogical research by reviewing the GIM Code of Ethics, which addresses the care and handling of archival materials; respect for the physical integrity of documents consulted; adherence to the regulations of research centres, archives and museums; conscientiousness in dealing with professional clients; strict observance of copyright; and the professional obligation to advance scientific genealogical research and the public dissemination of that research through scholarly publication.

The very structure of the GIM's point system for quantifying applications encourages continuing education and active participation in genealogical ventures. Heavy emphasis is placed on formal education (high school and university) since the certified genealogist must understand historical terminology, regional and provincial history, and how to access professional literature. Nonetheless, the GIM also recognizes practical experience and self-education as an alternative means of professional development in the field. Provisions are made for genealogy courses

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7 *Ibid.*

8 One student took enough encouragement to submit her work for publication in a scholarly journal.

and workshops, membership (and especially executive officership) in family history societies, practical work on genealogical records (e.g., gravestone transcriptions deposited in local museums and archives for other researchers to benefit from), and publications. Currently there is no provision for lectures, though if these exist in a finished form, and a copy is submitted to the GIM, then they may qualify as a form of public presentation. Finally, the GIM expects all applicants for certification at either the genealogical records searcher or genealogist level to submit a formal work sample.<sup>9</sup> That, of course, is the litmus test of successful family history research—structuring the data according to a recognized standard.

All of the above is useful in enabling genealogists to enrich their own understanding of the profession. No élitism exists; on the contrary, both the GIM and genealogical societies encourage researchers to immerse themselves more deeply in the study of methodology, thus increasing personal knowledge and expertise. Here a caveat must be entered: once genealogy (or any professional discipline) has ceased to bring personal satisfaction, it is time to leave the field. Intellectual passion for the subject is crucial to communicating the methodology to students at any level. A bored professor of history or uninspired genealogy lecturer will do more harm than good.

It should be emphasized that the continuing education which lies at the heart of GIM philosophy implies a continual upgrading of research skills: monitoring of changes in archival practice; improved technology for information processing, storage and retrieval; and awareness of nomenclatural developments in historiography, which (for example) would mean adopting the terms 'Planter' and 'New England Planter' in place of the older, chauvinistic and discredited usage 'pre-loyalist' to batch all pre-1776 residents and landed immigrants.<sup>10</sup>

There are surprisingly few formal courses (excluding one-day workshops) being offered in family history in Atlantic Canada. The GIM is currently endeavouring to evaluate the core curriculum and goals of such programmes, so as to offer advice to present instructors and other individuals who may wish to take up the challenge. Coordination leaves presentation and content wholly at the discretion of instructors, who usually must meet only the expectations of sponsoring agencies; intellectual control remains in the hands of the instructor. The GIM's role is to provide basic standards for beginning- and upper-level courses, and a baseline from which to develop new programmes. The availability

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9 GIM "Guide for Certification," pp. 5-7.

10 Margaret Conrad, "Introduction," in *They Planted Well*, p. 10; James E. Candow, *The New England Planters in Nova Scotia* (Ottawa, 1986).

of such a core curriculum will, it is hoped, encourage qualified instructors to propagate genealogy courses throughout the Maritimes without their having to operate in a vacuum. This is GIM's potential role as a network for genealogy teachers.

The syllabus for the author's genealogy course is informed by the goals of GIM and GANS:

The purpose of this course is to introduce the participant to the history of genealogy, basic methods, terminology and sources available for research. Midway through the sessions there will be a guided research visit to the Public Archives of Nova Scotia with appropriate follow-up to discuss results and problems encountered. Participants are encouraged to ask questions and to make pertinent observations at any time during the class. There will be attention given to the close connection between Genealogy, History and Biography.

Theory, practicum and dialogue are equally developed, the class being enhanced by active dialogue among the participants. The heuristic method encourages students to ask questions and bring their own insights to bear on the educational process. That is why the GIM places higher value on an executive officer role in genealogical societies. Family history research should not be a solitary, unsocial undertaking; it is after all about people and kinship.

One can draw upon the insightful observations of the masterful sleuth of Saint Mary Meade, Miss Jane Marple, whose comments on her microcosmic English village are eminently quotable:

'They were people whose fathers and mothers and grandfathers and grandmothers, or whose aunts or uncles, had lived there before them. If somebody new came to live there, they brought letters of introduction, or they'd been in the same regiment or served in the same ship as someone there already. If anybody new--really new--really a stranger--came, well they stuck out--everybody wondered about them and didn't rest till they found out.'<sup>11</sup>

Historians and genealogists alike are Holmesian detectives who must sift through all the available evidence to piece together a coherent argument. Hearsay, textual records, kinship ties and intra-community dynamics are the requisite stock-in-trade of the profession. The researcher as genealogist is under no less obligation to comprehend the function of records as evidence of transactions. Genealogy is supported by research methodology no less fully subject to logical investigation imperatives. Instruction in the basics of how to locate information means in the

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11 Anne Hart, *The Life and Times of Miss Jane Marple* (New York, 1987), p. 4.



first place that one must actively seek out ways to become informed as to research techniques. Equally important, however, is the ability to understand and exploit primary sources. Miss Marple looked for connections and village analogues. The historian and genealogist look for context, general historical meaning and bias in the sources. Bridging gaps in the evidence is a constant challenge; informed (re)construction must prevail over speculative hypothesizing.

Genealogy is an application of a particular type of history: interconnective prosopography with scope for individual or collective biography. Scholars are not interested in reading lists of names and dates only; they want to read about lives, and to see the past made significant for the present. The GIM's concern that genealogists pursue readings in academic history as well as professional genealogy underscores that need. One cannot adequately sketch the life of an ancestor unless the history of the time, place and socioeconomic condition is properly understood. Thus the genealogist can be spared the fate of the historicizing antiquarian, who has nothing more to show than a loosely-arranged chronicle with a mass of undigested material. The historical profession can offer models of critical biography, as in UTP's regrettably short-lived series, *Canadian Biographical Studies*, and the *Dictionary of Canadian Biography*, or in free-standing journal articles and monographs. A glance at issues of the *Nova Scotia Historical Review*, for example, will turn up articles to which the family historian can refer. Kenneth Paulsen's study of the Heyson family (elsewhere in this issue) is a case in point; genealogy and microhistory are brought together in a highly suggestive collaboration.

Students of Nova Scotian family history are encouraged to build up a scholarly library of publications including genealogical manuals such as Terry Punch's classic work, reference sources (e.g., the multipart series *Nova Scotia Vital Statistics from Newspapers* [GANS]) and local histories. Every Maritime genealogist should possess adequate survey histories of the region in addition to books dealing with a particular province. The recent two-volume set from Acadiensis Press, and UTP *The Atlantic Region to Confederation* (1994) and *The Atlantic Provinces in Confederation* (1993), must form the central core of any professional genealogist's working library.<sup>12</sup> Specialized ethnic and migration studies can also greatly assist the researcher; Cecil Houston and William Smyth's *Irish Emigration and Canadian Settlement* (1990) is one among several works in

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12 Phillip A. Buckner and John G. Reid, eds., *The Atlantic Region to Confederation: A History* (Toronto and Fredericton, 1994); E.R. Forbes and D.A. Muise, eds., *The Atlantic Provinces in Confederation* (Toronto and Fredericton, 1993).

the field well worth acquiring.<sup>13</sup> The GIM also encourages the publication of members' work because of its dual function of sharing information and providing models for imitation. Marion Donkin Oldershaw, CG(C), published her Donkin genealogy in 1990 under the title, "William Donkin, Northumbrian, and his Nova Scotia Descendants."<sup>14</sup>

Both history and genealogy lay a special emphasis on primary source research augmented by systematic reading in secondary literature, in order to establish historical context. Genealogists and historians alike must also adapt general principles to the peculiar demands of their local field of research. The richness of late medieval manorial rolls from an English shire are rarely matched by comparable documents for colonial New Brunswick or Nova Scotia. Researchers must try to develop alternative strategies for uncovering material of similar significance. Research on estate management in eighteenth-century Falmouth Township, for example, utilized probate records in order to gain insight into the workings of Henry Denny Denson's Mount Denson barony. Estate records cover everything from crops, livestock and the making of apple cider and butter, to costs for hired labourers, indentured servants and slaves.<sup>15</sup> Surnames, moreover, proved valuable as evidence of the origins of several Irish immigrant families in the community, thus serving as points of departure for systematic family history research.

The importance of educating prospective scholars of Maritime history in genealogical research methods cannot be overemphasized. The GIM for its part recognizes the need for a working knowledge of each province's unique registration systems (vital statistics, land grants, title, deeds, etc.), specialist archival repositories, county/township/parish organization and migration and settlement patterns. Family historians are empowered by familiarizing themselves with the interpretative arguments of academic historians, which helps them better to grasp the significance of professional terminology, government record-keeping and historiography--the history of history. Conversely, academic historians who familiarize themselves with the special nature of genealogical research can more

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13 Cecil J. Houston and William J. Smyth, *Irish Emigration and Canadian Settlement: Patterns, Links, and Letters* (Toronto, 1990).

14 Marion Donkin Oldershaw, "William Donkin, Northumbrian, and his Nova Scotia Descendants," in *Nova Scotia Historical Review* 10, 1 (June 1990), 88-120.

15 Robertson, "Tenant Farmers, Black Labourers and Indentured Servants."

adeptly retrieve and manipulate data and discern linkages significant for community dynamics and historical change.

American microhistorians Darrett B. and Anita H. Rutman recognize that critical fusion of methodologies in their monograph, *A Place in Time: Middlesex County, Virginia: 1650-1750* (1984).<sup>16</sup> In explaining their approach they refer to "record stripping," an encryption for historians uneasy with mere "genealogy." The authors explain the process in such a way that the former can only be identified with the latter:

...we have used what modern social historians refer to as 'record stripping', a process of disassembling all of the records pertaining to a place and reassembling them on a name basis. Thus the birth and perhaps the baptism of an individual are extracted from the vital records and linked to the probate of a father's will that names the individual an heir, to a marriage entry, to a land conveyance, to a debt instrument, and potentially to scores of other record entries and documents, ultimately perhaps to an cemetery inscription that establishes the individual's death. In effect, the records reassembled on a name basis form biographies, in the case of Middlesex. 12,215 in all, biographies of men and women, gentlemen and slaves, artisans and criminals, and all resident in the county at some time or other between 1650 and 1750.<sup>17</sup>

Surely this is reason enough for the genealogist to consider local history as the context for her/his research endeavours. The family historian who never reads serious history, or who fails to attend history lectures, misses out on advancing personal knowledge about the uses to which genealogy may be put by microhistorians.

How many serious researchers are enthusiastically engaged in family history, yet if pressed would have some difficulty providing an intellectual rationale for genealogy? The GIM's exemplary emphasis on continuing education and standards development can serve as a corrective to intellectual laziness through the active promotion of professional outreach by its members. A lecture on onomastics, for example, may provide fresh insight for the researcher as to the importance of the science and study of names, sources for personal names, and trends or fashion in naming. Onomastics as the offspring of philology and ethnolinguistics, and closely related to genealogy, shows as well the value of maintaining a broad focus in family history research. Students must be urged to

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16 Darrett B. and Anita H. Rutman, *A Place in Time: Middlesex County, Virginia: 1650-1750* (New York, 1984).

17 *Ibid.*, pp. 30-31.



deploy a myriad of sources when developing historical and genealogical research strategies. A study of nineteenth-century women's history in an urban setting would be the poorer for overlooking Mrs. Beeton's *Household Management*.<sup>18</sup> Similarly, the genealogist must not ignore well-edited journals--whether the uniquely valuable diary of Simeon Perkins of Liverpool (published in five volumes and edited first by the celebrated economic historian, Harold Adams Innis, then after his death by two successive Archivists of Nova Scotia), or the diary of an eighteenth-century preacher.<sup>19</sup> The willingness to master new research techniques and explore disciplines other than genealogy is the mark of the truly professional genealogist.

Surely no field of human endeavour is being transformed more rapidly than that of information management and technology. Very few researchers can hope to remain *au courant* with the changes, or to understand the opportunities presented without participating in workshops provided by genealogical societies, informatics consultants and public lectures/demonstrations. The technical vocabulary itself is unintelligible unless one knows an expert who can readily advise; how else can the novice penetrate such bizarre coinages as PAF, Gen-Book, Anentaefel, and RIN. This is quite apart from the telecommunications utility available on the Internet. It is not idle to reiterate that the GIM recognizes that professional development is a lifelong avocation.

The aim of increased standardization, as stated by the GIM, is to benefit all serious genealogists and to remind other disciplines that the profession of genealogy has a place alongside history and historical sociology. It is not alien to academic scholarship; the benefits of cross-fertilization are also diverse and mutually enriching.<sup>20</sup> The Genealogical Institute of the Maritimes has the potential to serve as the intellectual link among practitioners of separate but related disciplines. To arrive at that perspective, as a professional researcher, is to adopt a multifaceted approach to genealogical work. Then--to paraphrase 1 Corinthians 13:12--one can see through the looking-glass clearly, the way in which the pursuit of historical insight should be conceived.

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18 Isabella Beeton, *The Book of Household Management* (London, 1861 [repr. 1918]).

19 Cf. George E. Levy, ed., *The Diary and Related Writings of the Reverend Joseph Dimock (1768-1846)* (Hantsport, N.S., 1979).

20 Several suggestive articles can be found in Robert M. Taylor, Jr. and Ralph S. Crandall, eds., *Generations and Change: Genealogical Perspectives in Social History* (Macon GA, 1986).

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# A Saga of Gilded Age Entrepreneurship in Halifax: The People's Heat and Light Company Limited, 1893–1902

Kyle Jolliffe

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An ethic of *laissez-faire* capitalism dominated the business world in North America in the late nineteenth and early twentieth centuries. Progress became the byword of this era as a new class of industrial entrepreneurs emerged and made fortunes from the new wealth created by expanding urban growth and new technology. It was a period 'metaphorized' in its own time as a "Gilded Age," when by hard work a man could rise from poverty to wealth. Some chose to decry the emergence and power of these entrepreneurs, but no one could ignore their achievements. In branching out far beyond their own localities they developed national and global markets for their products.<sup>1</sup> Yet for all their shining triumphs, there were also dark failures. The subject of this article is one of those failures--the People's Heat and Light Company Limited of Halifax, Nova Scotia.

One route to wealth for this new entrepreneurial class was to own an electric power or traction utility in any growing city. In Boston Henry Melville Whitney followed this path. In the late 1880s he consolidated the horse-drawn street car companies of Boston into a very profitable concern, and then electrified it. In the early 1890s, though for reasons which remain unclear, Whitney decided to invest in Nova Scotia. Premier William Stevens Fielding heartily welcomed him to Nova Scotia, anticipating from Whitney's consolidation of much of the Cape Breton coal industry into the Dominion Coal Company, higher government revenues through American retail sales. Whitney also helped to found the Dominion Iron and Steel Company in 1899. Less well-known are his activities in Halifax from the early 1890s until about 1900, during which time he was involved in the Halifax Electric Tramway Company (1895–1914) and the People's Heat and Light Company Limited (1893–1902).<sup>2</sup>

The story of the short-lived People's Heat and Light Company Limited is a fascinating but little-known chapter in the history of utilities in Halifax. Chartered in April 1893, its innovative gas works on the Northwest Arm of Halifax Harbour became operational in December 1896.<sup>3</sup> It remained in

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1 Richard Hofstadter, *The Age of Reform* (New York, 1955), pp. 131–42.

2 Don MacGillivray, "Henry Melville Whitney comes to Cape Breton: The Saga of a Gilded Age Entrepreneur," *Acadiensis*, 9, 1 (Autumn 1979), 44–70. (This article provides an excellent biographical sketch and a critical appraisal of Whitney's career.)

3 "Industrial Notes," *Industrial Advocate* (Halifax), January 1897, p. 8; *Statutes of Nova Scotia*, 1893, chapter 157.

business until May 1902, when a second default on bond interest prompted the Eastern Trust Company, trustee for the bondholders, to foreclose on the assets of the company. The failure of the company occurred primarily because, like other enterprises such as Dominion Coal, New England Gas and Coke and the Massachusetts Pipeline and Gas Company, in which Whitney was also involved, its creation had been driven by stock-market considerations rather than by a sufficient demand for its products.<sup>4</sup> It was not strong enough to survive the long-term structural problems affecting its daily operations.

The officers of the company, as listed in the 1898-99 *Halifax City Directory*, were H.M. Whitney as president, W.B. Ross as vice-president and B.F. Pearson as secretary; Pearson and Ross were also directors of Dominion Coal. Other capitalists involved in the company included J.S. McLennan and David MacKeen from Cape Breton, George Boak, Geoffrey Morrow, William Stairs Duffus from Halifax, Thomas Douglas from Maitland (Hants), and F.S. Pearson of New York (no relation to B.F. Pearson).<sup>5</sup> It was the intention of the promoters of the new company to buy out the long-established Halifax Gas Light Company (1840-1897) and profit from the stock transaction, having purchased at a low price the shares of the old company. Money could also be made from the shares issued by the new company. The utility would then operate its gas works buying slack coal at less than market price from the Dominion Coal Company in Cape Breton, in the expectation of a large enough market for its gas, crushed coke and coal by-products to pay for the cost of the new plant and the buy-out of the old company.

B.F. Pearson was the most visible promoter of People's Heat and Light. Born in Masstown, Colchester County in 1855, he opened a law office in Truro in the late 1870s, and moved his practice to Halifax in 1881. He was a minister in the Liberal government of Premier George Murray from 1906 until shortly before his death in 1912. Pearson's business interests were far-flung. In Nova Scotia he was involved in the electric, gas and transit utilities in Halifax, in the coal and steel industries in Cape Breton, and in the Midland Railway between Truro and Windsor. Outside the province he was associated with iron-mining in Venezuela, light and power utilities in Mexico and Brazil, electric tramways in Kingston, Jamaica and Havana, Cuba, and the electric, water and transit

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4 MacGillivray, p. 69.

5 *Halifax and Dartmouth City Directory*, 1898-1899 (Halifax, 1898), p. 699; see also *City Directory*, 1899, p. 719; MacGillivray, pp. 55, 60-1; "Industrial Notes," *Industrial Advocate*, March 1898, p. 18; *Statutes of Nova Scotia*, 1893, p. 398.



utilities in Moncton, New Brunswick. He also owned some of the major daily newspapers in the Maritimes.<sup>6</sup>

Pearson and Henry Melville Whitney were natural allies, as both had access to capital markets and a penchant for creative business organization. The anonymous compiler of a corporate history of Nova Scotia Light and Power Company Limited (now Nova Scotia Power Inc.), descendant of both People's Heat and Light and the Halifax Electric Tramway Company, described Pearson as "a quiet but unobtrusive builder of companies, bored with routine operation, but a power behind the scenes with his flair for creative organization."<sup>7</sup> Similarly, Whitney was described by one of his daughters as a man who, "loved to develop things--to take something untried and new and see if he could create a new industry or product. After it was all developed and going he was not interested any more--it was the creative aspect that he enjoyed."<sup>8</sup>

The legislative charter of the company gave it broad powers, which were augmented by further legislation passed over the next eight years. It set the capital stock at \$1,000,000, which could be doubled by a majority vote of the stockholders; provided that aliens, i.e. foreign citizens, could hold shares with equal rights to those enjoyed by British subjects; and allowed the company to issue bonds and debentures. The company also gained various privileges necessary to the operation of a gas company, such as disconnection for non-payment and access to the premises of customers in order to inspect its pipes and meters.<sup>9</sup> The most significant aspect of the act of incorporation, however, was that it facilitated the takeover of the Halifax Gas Light Company.

Between April 1893 and September 1896 the promoters of People's Heat and Light worked towards acquiring the Halifax Gas Light Company, which then owed \$460,000.<sup>10</sup> Had the promoters of the new company not been so sure

6 [Anon., comp.], history of Nova Scotia Light and Power Company Limited, vol. 1, p. 28: MG 9, vol. 225, Public Archives of Nova Scotia (hereafter PANS); "A Captain of Industry," *Industrial Advocate*, February 1899, p. 7; Christopher Armstrong and H.V. Nelles, "Getting Your Way in Nova Scotia: 'Tweaking' Halifax, 1909-1917," *Acadiensis*, 5, 2 (Spring 1976), pp. 109-10.

7 History of Nova Scotia Light and Power, p. 28.

8 MacGillivray, p. 69.

9 *Statutes of Nova Scotia*, 1893, ch. 157; see also 1895, ch. 137; 1896, ch. 102; 1897, ch. 90-92; 1898, ch. 159; 1899, ch. 162 and 1900 ch. 164.

10 William P. Browne, *An Open Letter to the Hon. M.H. Goudge, Chairman of Bills Nova Scotia Legislative Council in Reference to the Charters of the Halifax Tramway and Electric Light and the People's Heat and Light Companies* (Halifax, 1901), p. 6.

of their success, it is unlikely that they would have commenced in November 1895 laying pipes for carrying gas under city streets. The pipe-laying, however, was done with substandard material. The city engineer stated in his report for the period 1 May 1897 to 30 April 1898 that People's Heat and Light "will not be permitted to lay any more pipe unless they are turned up and bored joints, as they are constantly digging up the streets to repair leaky joints." The city penalized the new company for several years afterwards by levying an annual fine of \$1,500.<sup>11</sup>

An unusual but revealing source of information about the history of People's Heat and Light is the series of pamphlets by William P. Browne,<sup>12</sup> who had been meter superintendent of the Halifax Gas Light Company. When this company was acquired by People's Heat and Light, Browne not only lost his job of twenty-five years but also much of his small investment in its stocks.<sup>13</sup> His general complaint was that People's Heat and Light was a promotional shell which could not succeed and which was not in the least concerned with the public good:

The whole history of the undertaking makes plain that the underlying object was promotion profits. For years there had been maneuvering to Black-Mail [*sic*], and failing that, to oust the Old Gas Company. *One* in the very forefront of that movement told the writer that the old company was rich enough to *buy off any* opposition. But the skillful presentment of this visionary scheme apparently imposed on the Legislators, Aldermen and the public. After the Charter was obtained one of the leading promoters, in a street conversation with the writer, confessed to no knowledge of the gas business, and that his object had been to make money for himself.<sup>14</sup>

Browne had just cause for alleging that People's Heat and Light was all about "promotion profits." It was general knowledge that a prominent factor in the acquisition of the Halifax Gas Light Company was stock market speculation--this at a time when the Halifax Stock Exchange was still in

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11 *Annual Report of the City of Halifax*, 1895-1896, pp. 67-8; *Annual Report of the City of Halifax*, 1897-1898, pp. 15, 80; William P. Browne, *The Crisis in the Affairs of the Heat and Light Company* (Halifax, 1901), p. 3.

12 See William P. Browne, *The Failure of Gas Inspection in Halifax, etc., etc.* (Halifax, 1900); *Open Letter*; and *The Crisis*.

13 Browne, *The Failure of Gas Inspection*, pp. 1-8; *Open Letter*, p. 9.

14 Browne, *The Failure of Gas Inspection*, p. 11.

operation. B.F. Pearson's *Morning Chronicle* commented about this on 25 September 1896, just after the merger negotiations between the two companies had concluded in Boston. Headlined "Several Capitalists Said To Have Been Made By the Deal," the story emphasized how large profits had accrued to unnamed individuals through what is now called 'insider dealing'.

It is stated that several well-known capitalists, more or less interested in the Halifax Gas Company, will make a fine thing out of the disposition of the concern to the People's Heat and Light Company. It is reported that quite a large quantity of stock, numbering many hundreds of shares, have changed hands during the past few months, the purchasers believing that there would be a profitable deal in the future with the new company. The stock was purchased at price in the neighbourhood of sixty cents on the dollar, and the amount to be realized by the sale will pay the holders handsomely.<sup>15</sup>

The assets of the old company were not transferred to the new company until 6 May 1897. The day before, People's Heat and Light had secured a \$700,000 first mortgage, at 5 per cent interest over twenty years, from Eastern Trust Company of Halifax as trustee for the bondholders of the gas company. These 700 bonds each had a par (nominal) value of \$1,000. The proceeds of the bond issue were used to purchase the 10,000 shares of the old company at \$30.00 each, in order to finance the cost of the new gas works, and to retire other debts of the company. Part of the purchase agreement was the assumption by People's Heat and Light of \$68,000 in outstanding bonds of the Halifax Gas Light Company.<sup>16</sup>

While coal gasification had first been developed about 1780, and was in wide commercial use by the early 1900s, the new plant on the Northwest Arm was described by a journalist as "the practical application of up-to-date theory in the economical production of gas." The Halifax gas works was said by its promoters to be the prototype for a much larger gas works at Everett, Massachusetts, near Boston. At the new gas works fuel gas was produced from coal. The fuel gas could then heat the coke ovens, be refined into illuminant gas, sold as heating gas to consumers, used for metallurgical purposes, or--if surplus--used to heat the boilers of the Halifax Electric Tramway Company. It was a large undertaking, which daily used in the

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15 *Morning Chronicle* (Halifax), 25 September 1896.

16 PANS RG 39 "C" (HX), vol. 482, file A12,205, certificate of registrar of deeds, 17 April 1902; *Statutes of Nova Scotia, 1897*, ch. 90-92; history of Nova Scotia Light and Power, p. 30.



summer months alone about 45 tons of coal.<sup>17</sup>

Coal was cheaper for People's Heat and Light because of the vertical integration of the Whitney-organized companies. It was revealed in an affidavit filed in the foreclosure action against the company in June 1902 that in the autumn of 1901 it had paid the Dominion Coal Company \$3.00 per ton, instead of the \$4.00 per ton market price.<sup>18</sup> While the discount enhanced the viability of People's Heat and Light, it could only hurt the profitability of Dominion Coal and depress the wages of its workers. A similar, but much larger contract entailed an estimated 500,000 to 800,000 tons of coal being sent yearly to the Whitney-organized New England Gas and Coke Company, at Everett, Massachusetts. While this provided a welcome market for Nova Scotia coal, at the same time it almost ruined the coal company, for wholesale prices were then otherwise lucrative for coal companies.<sup>19</sup>

The new Halifax gas works stood on the site of the former federal penitentiary, abandoned in 1880 when a new penitentiary for the region opened at Dorchester, New Brunswick. It was a large property, with a frontage of 190.9 metres and a depth of 298.7 metres on its south limit and 240.7 metres on its north limit. Instead of prison cells for the underclass of the Maritimes, there were now large coking ovens, scrubbers, gas storage tanks, pumps and other equipment necessary to produce fuel gas, illuminant gas and coke. Provision was also made for storing saleable by-products such as coal tar, sulphate of ammonia, sulphuric acid, sulphur, benzol and potassic ferrocyanide.<sup>20</sup>

The Northwest Arm site turned out to be a very poor choice for the gas works, which can only be explained by the limited industrial development experience of Whitney and his syndicate. They apparently ignored the fact that

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17 PANS RG 39 "C" (HX), vol. 482, file A12,205, affidavit of Robert Baxter, gas works manager, 16 May 1902; R.W. Gregory, "Coal Gasification," *Canadian Encyclopedia*, 1 (Edmonton, 1988), p. 448; "Heat, Light and Power," *Industrial Advocate*, November 1896, p. 18; "A Captain of Industry," *Industrial Advocate*, Feb. 1899, p. 7; "Visit to the People's Heat and Light Co. Plant, Halifax," *Canadian Mining Review*, 15 (1896), p. 114.

18 PANS RG 39 "C" (HX), vol. 482, file A12,205, affidavit of Matthew R. Morrow, manager at Halifax for Dominion Coal, 19 May 1902.

19 "Coal Mining and Trade," *Canadian Mining Review*, 20 (1901), p. 200; MacGillivray, pp. 63-4; Browne, *Crisis*, p. 4.

20 "Heat, Light and Power," *Industrial Advocate*, Nov. 1896, pp. 16-8; *Statutes of Nova Scotia*, 1900, p. 692; Phyllis Blakeley, *Glimpses of Halifax*, (Belleville ON, 1973 [repr.]), p. 183 n. 1; "Visit to the People's Heat and Light Co. Plant, Halifax," *Canadian Mining Review*, 15 (1896), p. 114.

many people were upset by its presence there, complaining in letters to local newspapers that the gas works was a nuisance which would pollute the area. Such criticisms were dismissed in the spring of 1896 by a Mr. Young, the construction engineer. He claimed that combustion in the manufacturing process of the new plant was so complete that less smoke would come from its high chimney-stack than from an ordinary house.<sup>21</sup> A lawsuit, however, soon proved him quite wrong.

The cost of the new plant was estimated in 1896 to be \$350,000, though one report in 1902 claimed that over \$1,000,000 had been spent on infrastructure.<sup>22</sup> Whichever figure is correct, it was a huge investment the success of which depended on healthy prices for the products generated. A key part of the marketing strategy of People's Heat and Light was the sale of crushed coke, at a hoped-for price of \$4.00 per ton in 1896; up to 65 tons of coke could be produced daily.<sup>23</sup> In September 1896 B.F. Pearson proudly talked about how crushed coke--a ton of which equalled a ton-and-a-half of the best hard coal--from the gas works would improve the quality of life in Halifax:

Every year in the City of Halifax there is 27,000 tons of imported Pennsylvania anthracite consumed, and we calculate that our coke not only offers a far cheaper substitute, but one which from its freedom from ash, grime and weight is more adapted to the requirements of the household. Halifax has always suffered in outward appearance from the continued use of soft or bituminous coal, and we have every reason to believe that when our coke product has been introduced thoroughly, that the dinginess and grime which mars the appearance of our city will be a thing of the past and we shall have our buildings looking as smart and as trim as could be wished.<sup>24</sup>

Pearson's heady optimism regarding the gas works was matched by a sanguine estimation of its annual revenue by the company's promoters. In 1897 the promoters of People's Heat and Light claimed that annual sales of gas, coke and chemical by-products would amount to \$224,450. William P. Browne, however, claimed in one of his pamphlets in 1901 that \$93,420 was a more realistic sum.<sup>25</sup> He believed that his

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21 "Visit to the People's Heat and Light Co. Plant, Halifax," p. 114; MacGillivray, p. 69.

22 *Halifax Herald*, 4 June 1902; "Among the Tireless Toilers," *Maritime Merchant*, 3 Sept. 1896, p. 14.

23 "Among the Tireless Toilers," p. 14.

24 *Ibid.*

25 Browne, *Crisis*, p. 1.

long and close contact with the conditions of gas consumption in Halifax, was the basis for forecasting the possibility of the new Co., retaining about the same volume of business as the old Co. had, plus a small sale of gas for heating; but the Heat & Light Co's last report proves the writer's forecast an overestimate, and that in spite of lower price, the most profitable part of the business, viz., lighting gas had fallen 30% below the old Co's.<sup>26</sup>

Declining sales of lighting or illuminant gas, which Browne pointed out, were not counterbalanced by good sales of crushed coke. The optimism of the promoters over the potential of this new fuel had been excessive. The prospectus for the company claimed that 14,000 tons could be sold at \$3.00 per ton. Yet for the year ending 31 March 1898, the company sold only 6,517 tons of coke at \$2.90 per ton. An undisclosed amount was given away as free samples in an attempt to increase the company's share of the fuel market. The coke made by the company, for example, was tested by the Intercolonial Railway as a fuel in one of its locomotives.<sup>27</sup>

The evident lack of success in marketing crushed coke to businesses and householders in Halifax was accompanied, as Browne noted, by declining sales of illuminant gas due to the introduction of electricity. Illuminant gas gradually became obsolete, gas for street lighting having been phased out by the 1890s. In 1886 the city of Halifax, for example, switched from gas lamps to costlier electric street lighting. This change was due to technological improvements in street lighting which had been made as well as to aesthetic considerations. In 1895 the mayor of Halifax stated in his annual report that electric lighting was such "a boon that no citizen would now forego a corresponding reduction in taxes." By 1890 other Canadian centres using arc street lighting included Saint John, Moncton, Sherbrooke, Montreal, Toronto, Winnipeg, Vancouver and Victoria. Both the city of Halifax and private consumers got their electricity from the Halifax Illuminating and Motor Company, in which B.F. Pearson and Henry Melville Whitney were also involved.<sup>28</sup>

Though the increasing popularity of electricity weakened the chances for survival of People's Heat and Light--illuminant gas was more profitable than the less refined heating gas--it should be acknowledged that the plans made by

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26 *Ibid.*, pp. 1-2.

27 *Ibid.*, p. 1; *Morning Chronicle*, 12 May 1899.

28 W.G. Richardson, "Electric Power Development," *Canadian Encyclopedia*, 2 (1988), p. 679; Blakeley, *Glimpses of Halifax*, p. 115.



the promoters were not entirely driven by the lure of short-term profit. The new gas works incorporated an improved manufacturing process which reduced labour costs and increased the amount of coke produced. This new process, however, led to construction delays. The original ovens had to be replaced by a different type before continuous operations commenced in March 1897.<sup>29</sup> More problems occurred in 1899, forcing the company to obtain a second mortgage of \$100,000 in order to rebuild the ovens, install a coal-and-coke handling plant, build a coke pocket, relocate the boilers, and erect a house for the gas works manager.<sup>30</sup>

Some of the design changes made in 1899 may have been forced on the gas company by a lawsuit against People's Heat and Light over its alleged pollution of the neighbourhood. In an action commenced on 8 November 1898, the company was sued by George E. Francklyn, the adjoining landholder on the north. The plaintiff had warned the company of legal action before it started operations, but he was told not to worry about injury to himself or his family. Francklyn sought an injunction to restrain the company from polluting his property and the Northwest Arm and claiming \$40,000 compensation for damages inflicted. Noxious emissions from the round-the-clock operation of the gas works had made his house of seventeen years, "Emscote," uninhabitable, reduced its property value, damaged trees and vegetation, and endangered the health of his family. Besides producing corroborative affidavits from other area residents, Francklyn told the court that "his property has been covered, or enveloped with foul gases, thick smoke, or with light blue sulphurous smoke and gas, and other offensive and noxious gases, whenever the wind was southerly or southeasterly."<sup>31</sup> The ever-vigilant William P. Browne also got into the debate about pollution from the plant:

These promoters claimed to be the pioneers of a revolution in gas economies, to result in the production of much wealth out of byproducts [*sic*], encourage and

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29 *The Maritime Merchant*, 3 Sept. 1896, p. 14; "Cheap Gas and Fuel Without Smoke," *Industrial Advocate*, July 1902, p. 21; MacGillivray, p. 61; *Nova Scotia Reports*, 1899 (Toronto, 1900), p. 48.

30 *Morning Chronicle*, 12 Mar. 1899; PANS RG 39 "C" (HX), vol. 482, file A12,205, certificate of registrar of deeds, 17 Apr. 1902; *Statutes of Nova Scotia*, 1899, ch. 162.

31 *George E. Francklyn v. The People's Heat & Light Company (Limited)*: *Nova Scotia Reports*, 1899, pp. 44-9, 64-5. For the voluminous records of the trial, both manuscript and printed, see PANS RG 39 "C" (HX), vol. 459, file A10,024 (motion for restraining order); RG 39 "A" vol. 23, file 17 (case on appeal from judgment on motion...).

develope numerous and thriving industries, supply gas at nominal prices, leading to its substitution for coal, abolishing smoke and dirt, with numerous other advantages. How has [*sic*] the claims been redeemed? One result is the ugly blot on the landscape of the beautiful North West Arm, with the atmosphere of the [Point Pleasant] park formerly redolent with the smell of pine and spruce now too often saturated, with vile smelling and foul gases.<sup>32</sup>

At a hearing on 10 January 1899 Chief Justice James McDonald of the Supreme Court of Nova Scotia granted to Francklyn an interim injunction effective ten days later, until damages could be assessed at a further hearing later that year. The company was restrained from "causing offensive, noxious or unwholesome gases, vapours or other noxious matter to issue...and to spread over and into the plaintiff's house."<sup>33</sup>

In their defence lawyers for the company did not challenge the claim by Francklyn that their client had polluted his property. Instead they argued, first, that his delay in commencing the lawsuit amounted to acquiescence and, secondly, that in the plaintiff's failure to prove negligence in the company's operation of the gas works, its residual authority to operate under section 3 of its charter, subject to provincial law and city ordinances, barred Francklyn from the remedies he sought. The chief justice rejected these arguments, however, finding that the gas works had contaminated the Francklyn residence. In McDonald's opinion, there was no acquiescence by Francklyn and the company-- "except under and by virtue of the express direction and authority of the Legislature"--could not deprive him of his right to occupy and enjoy his property. Costs were also awarded to Francklyn.

People's Heat and Light quickly appealed the injunction. On 20 February 1899 the full bench of the Supreme Court met to hear the appeal, lawyers for both parties presenting the same arguments as those made the previous month. In their decision, issued on 1 March 1899, they upheld the judgment at trial and disallowed the appeal. As the judges appreciated that the company could operate so as not to commit a nuisance, the company was given two weeks to remedy the nuisance complained of. The appeal court ruled that if within that period effective steps to remedy the nuisance had been taken, but more time was needed, then more time would be granted.<sup>34</sup>

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32 Browne, *Open Letter*, p. 8.

33 *Nova Scotia Reports*, 1899, pp. 51-2, 59.

34 *Ibid.*, pp. 50-66.

Defeated by Francklyn, the gas company arranged for a bill amending their act of incorporation to be introduced in the House of Assembly on 7 March 1899. The bill, if enacted into law, would have provided that if the company operated "according to methods usually employed in the operations," then no adjoining landowner could sue for an injunction against it. A lawsuit for past, present or prospective damages could be brought, but further lawsuits by the same plaintiff would be prohibited. The bill would also have cancelled any judgment then in force against the company. After being amended by the law amendments committee, the bill--without the provision to override the injunction--was passed by the House of Assembly on 21 March 1899 and forwarded to the Legislative Council, which passed it without amendment on 24 March 1899.<sup>35</sup> In the end, the bill only ratified and confirmed the second mortgage needed by the company to cover its redesign costs. The need to override the injunction disappeared after B.F. Pearson agreed to buy "Emscote" from G.E. Francklyn at a price said to be \$10,000 above its market value.<sup>36</sup>

Had Francklyn and People's Heat and Light not privately settled their dispute, it is doubtful whether the act to override the injunction would have been approved by both the House of Assembly and the Legislative Council and assented to by the lieutenant-governor. In what now seems a bizarre colonial vestige, opposition to the bill came from the imperial War Office. In a letter to Lieutenant-Governor Malachy Bowes Daly (a lawyer), the general officer commanding British troops in Canada opposed the bill on the grounds that fumes from the gas works seemed detrimental to tree growth in Point Pleasant Park. Though few people would have expected Halifax to be attacked, the 999-year-lease to the Park directors from the War Office reserved the right to erect new military fortifications. The military view was that the use of "trees, shrubs, etc., to screen batteries from an enemy is becoming increasingly important...serious injury may result from the proximity to [*sic*] the Gas Works to any such works erected in the future." The War Office also objected to the limited liability provisions of the bill, as well as to the onus on the plaintiff to prove that the nuisance complained of had resulted from the gas works' not being operated according to the usual methods. These arguments had been

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35 *Debates and Proceedings of the House of Assembly, 1899* (Halifax, 1899), pp. 96, 121, 172, 175-6, 184-5; PANS RG 2, vol. 13, doc. 3040, general to lieutenant-governor 16 Mar. 1899. The text of the original bill (7 Mar. 1899) is in PANS RG 5 "B" vol. 57 (Bill No. 202).

36 *Debates and Proceedings of the House of Assembly, 1899*, pp. 188-9; *Journals of the Legislative Council, 1899*, pp. 179, 185, 189; *Statutes of Nova Scotia, 1899*, ch. 162.



submitted to the lieutenant-governor so that he would not sign the unamended bill should it pass by the House of Assembly and Legislative Council.<sup>37</sup> Others also complained to the Assembly's law amendments committee about the potential damage to Point Pleasant Park.<sup>38</sup>

The unamended bill sparked an examination of the statute law of the province relating to the tort of nuisance. A bill was introduced by Attorney-General J.W. Longley which would have prohibited individuals from obtaining injunctions stopping nuisances in manufacturing plants, provided that companies took "all care...and all reasonable means for preventing the said works from being a nuisance." After legislators had hotly debated the respective rights of manufacturers and individuals, the bill passed the House of Assembly, but was emphatically rejected by the Legislative Council. The committee on law amendments saw no common law precedents to justify the bill nor any pressing need for it, as it was already the policy of the government and the legislature to protect manufacturers as far as possible. Only as the need arose in future years should greater protection for large manufacturing concerns be enacted into law.<sup>39</sup> Though neither the bill about nuisances nor the [unamended] bill to override the Francklyn injunction passed the legislature, Whitney and his associates in the gas company had nonetheless learned a useful lesson about the power of injunctions available to private individuals. According to the bill incorporating the Dominion Iron and Steel Company, which also passed into law at the 1899 session, any industrial establishment of the new company in Cape Breton County could not be halted by an injunction if that plant operated by methods usually employed in that industry. Instead, damages alleged by any adjoining landowner would have to be litigated in the courts or decided by a board of arbitration. One legislator explained that this had been allowed in the act (in contrast to the maintenance of Francklyn's

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37 PANS RG 2, vol. 13, doc. 3040, general to lieutenant-governor, 16 Mar. 1899.

38 *Debates and Proceedings of the Legislative Council, 1899*, pp. 80-1.

39 "An Act relating to Nuisances": PANS RG 5 "B" vol. 57 (Bill No. 259), *Debates and Proceedings of the Legislative Council, 1899*, pp. 78-81; *Debates and Proceedings of the House of Assembly, 1899*, pp. 184-91, 204-6, 217-8; The evolving law of nuisance in this era is examined by Jennifer Nedelsky in "Judicial Conservatism in an Age of Innovation: Comparative Perspectives on Canadian Nuisance Law 1880-1930," in David H. Flaherty, ed., *Essays in the History of Canadian Law*, vol. 1, (Toronto and Buffalo, 1981), pp. 281-322.

rights), as there were no houses near the 1,200-hectare-site of the steel works.<sup>40</sup>

Though People's Heat and Light survived the lawsuit from Francklyn, the company could not overcome other problems. Not even a rate increase could save it. In 1901 the company raised the price of lighting gas from \$2.00, excluding a 25 per cent discount for bills paid on time, to \$2.50 per thousand cubic feet (excluding a 20 per cent discount for bills paid on time). The old company had charged \$2.00 per thousand cubic feet for lighting gas. The city of Halifax responded to the new company's initiative in 1902 by having a bill nullifying the price increase introduced into the House of Assembly.<sup>41</sup> Cheap heating and illuminant gas had certainly been selling points for the promoters of the gas works, and this promise was not forgotten.<sup>42</sup> In introducing the bill David MacPherson, MLA for Halifax and former mayor of Halifax, stated that Geoffrey Morrow, president of People's Heat and Light at the time it was chartered in 1893, had given the city a letter pledging that gas prices would not be raised in the future. This price agreement was to have been part of the act of incorporation, but the company, according to MacPherson, had argued against it because it would have seriously affected the sale of their bonds.<sup>43</sup>

George Mitchell, also MLA for Halifax, supported MacPherson. Mitchell, who lost money when the Halifax Gas Light Company was bought out, had since then been interested in whether the new company would keep its promise of no price increase.<sup>44</sup> Mitchell thought

it was most extraordinary that this was the only company that had raised the price of gas. The others were lowering it. He thought the citizens of Halifax were enduring a great hardship.... Some years ago the gas was pretty good, but today it was as bad as it possibly could be. If things went on very soon people would not be able to use it. The cities of Toronto and Montreal were getting gas at a dollar, and eighty cents, respectively, and better gas at that.<sup>45</sup>

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40 *Statutes of Nova Scotia, 1899*, ch. 139, sect. 27 (provision respecting injunction); *Debates and Proceedings of the Legislative Council, 1899*, p. 80; MacGillivray, p. 66.

41 *Debates and Proceedings of the House of Assembly, 1902*, pp. 79, 93-5; Browne, *Crisis*, p. 2.

42 "Visit to the People's Heat and Light Co. Plant, Halifax," p. 114.

43 *Debates and Proceedings of the House of Assembly, 1902*, pp. 93-4.

44 *Ibid.*, p. 94.

45 *Ibid.*

MLAs not from Halifax County saw the issue differently. Angus MacGillivray from Pictou County believed, "It was a matter of contract between the citizens and the gas co., and that this House of Assembly was not the place to fight it that out." E.M. MacDonald, also from Pictou County, said it should be determined by the courts, and that the legislature should not interfere with the "vested rights" possessed by investors who had money in a franchise granted by the House of Assembly. The bill had its second reading and was then referred to the committee on private and local bills. The bill was deferred for three months, which in effect killed it since the legislature would not then be in session.<sup>46</sup>

Despite the defeat of the bill to cancel the price increase by People's Heat and Light, the company collapsed under the heavy weight of its own debts. An act of the legislature in 1900 which reduced the company's yearly property taxes from \$6,000 to \$4,000 was only scant help.<sup>47</sup> The Eastern Trust Company foreclosed on its first mortgage after People's Heat and Light missed making the October 1901 and April 1902 biannual interest payments of \$20,000 on its bonds. A receiver was appointed by court order on 13 May 1902. After private negotiations between the directors of People's Heat and Light and the Halifax Electric Tramway Company Limited, the gas company was sold (subject to any higher bids under the foreclosure action) to the latter for \$350,000, which was covered by issuing an equal value of stock in the Tramway Company. The deal also included payment of city of Halifax and county of Halifax tax arrears of \$35,034.92 and the assumption, as a first mortgage against the property purchased, of \$67,261.22 in outstanding Halifax Gas Light Company Limited bonds (including interest arrears). The holders of \$700,000 in bonds of People's Heat and Light shared equally in the \$350,000 worth of Tramway Company shares covered by the foreclosed assets of People's Heat and Light, while the \$100,000-second mortgage and an estimated \$700,000 in common stock became worthless.<sup>48</sup>

The only newspaper to speculate on the reasons for the failure of People's Heat and Light was B.F. Pearson's *Morning Chronicle*, which pointed to the decreasing consumption of illuminant gas and the increased cost of coal. On the

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46 *Ibid.*, p. 172.

47 *Statutes of Nova Scotia, 1900*, ch. 164; *Statutes of Nova Scotia, 1898*, ch. 159.

48 *Halifax Herald*, 4 June 1902; Registry of Deeds, Halifax County, vol. 352, pp. 594-8; PANS RG 39 "C" (HX), vol. 482, file A12,205, certificate of registrar of deeds, 17 Apr. 1902.



latter, not so obvious, point it seems to have been right, for in 1901 the company paid \$30,000 more for coal than in 1900.<sup>49</sup> In 1900 the Dominion Coal Company had been charging an average price of \$2.25 a ton to its affiliate, the New England Gas and Coke Company, while market prices varied between \$3.50 and \$4.00 a ton.<sup>50</sup> So within just two years coal costs for the company had probably increased by one-third.

It appears that no one other than William P. Browne was willing to assert that the company had suffered from the guile of eager promoters concerned with using it to enhance stock market profits. The manager of Eastern Trust Company swore in an affidavit during the foreclosure action that the company was a going concern. Indeed, the judge presiding directed that the company be advertised for sale as a going concern in Montreal and Halifax newspapers. But this may have been a perfunctory exercise--a standard practice during foreclosure proceedings when the assets of a company consisted of more than just inventory.<sup>51</sup> Understandably, there were no prospective purchasers who wished to pay more than what the Halifax Electric Tramway Company was offering.

Except perhaps by the bondholders and common shareholders who suffered big losses, the failure of People's Heat and Light was quickly forgotten. In July 1902, only two months after the company was wound up, the *Industrial Advocate* reprinted an article from the June 1902 issue of *Mines and Minerals*, an American mining journal. The article favourably examined coal gasification technology and the successes of the New England Gas and Coke Company, without making any reference to the short and miserable life of the People's Heat and Light Company Limited.<sup>52</sup>

If the gas works had truly been a going concern, then the new owner would probably have continued to operate it. Instead, the Halifax Electric Tramway Company built a new facility on the site of the old Halifax Gas Light Company

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49 *Morning Chronicle*, 5 June 1902.

50 MacGillivray, p. 64.

51 Registry of Deeds, Halifax County, vol. 352, pp. 594-8; PANS RG 39 "C" (HX), vol. 482, file A12,205, affidavit of Byron A. Weston, secretary and manager of Eastern Trust Company, 13 May 1902.

52 "Cheap Gas and Fuel Without Smoke," *Industrial Advocate*, July 1902, p. 21; Henry Melville Whitney may have been among these luckless investors, for by 1904 his Nova Scotia ventures had ceased. Neither Dominion Coal Company nor Dominion Iron and Steel Company had been a successful enterprise for him: MacGillivray, pp. 51-9.

plant at the foot of Lower Water Street, which it acquired as part of its purchase of the assets of People's Heat and Light. (Nova Scotia Power's generating plant now occupies this site.<sup>53</sup>) People's Heat and Light had failed in the world of business primarily because it was not strong enough to survive low sales of its products, rising coal prices, redesign costs, a ruinous lawsuit and the growing use of electricity. Though its promoters had seen only positive things in its future, in reality it was a gamble from the start because so many things had to go right in order for the company to survive. Halifax, with a population of 40,832 in 1901, was also too small a market.<sup>54</sup> In the end, the power generated by People's Heat and Light simply failed to attract enough customers among residents of the city, both private and corporate.

Perhaps the only people who enjoyed a lasting benefit from the demise of People's Heat and Light were the residents of the Northwest Arm. After the Halifax Electric Tramway Company acquired the property it became a park and bathing grounds, and was served by a tramline. In 1908 John William Regan, author of *Sketches and Traditions of the Northwest Arm*, described the People's Heat and Light venture as "disastrous for the investors, but the result was fortunate for the preservation of the Arm as a pleasure resort and recreation ground."<sup>55</sup> The industrial development of Halifax in the twentieth century would be concentrated on the other side of the peninsula, the Halifax Harbour Explosion of 1917 serving as grim testimony to the destructiveness of the new technology of the Gilded Age.<sup>56</sup>

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53 *Halifax Herald*, 4 June 1902; history of Nova Scotia Light and Power, pp. 16, 33-4.

54 *Fourth Census [1901] of Canada: Volume 1: Population* (Ottawa, 1902), p. 42.

55 John William Regan, *Sketches and Traditions of the Northwest Arm* (Halifax, 1909), p. 69.

56 When the Belgian Relief vessel *Imo* and the French munitions carrier *Mont Blanc* collided on 6 December 1917, sparks from the collision ignited benzol stored on *Mont Blanc*'s deck. The flaming liquid then seeped into the holds where it touched off picric acid, TNT and gun cotton. Benzol, a colorless, volatile and flammable hydrocarbon, is mainly distilled from coal tar and was one of the products of the gas works: Lois Kernaghan [Yorke], "Halifax Explosion," *Canadian Encyclopedia*, 2 (1988), p. 954.

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# 'To produce an article we are not capable at present of producing': The Evolution of the Dalhousie University School of Nursing, 1946-1956

Peter L. Twohig

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After more than a century, nursing education in Nova Scotia is moving out of the hospitals and into the university. A long tradition exists of such post-secondary preparation for the profession, beginning in Scotland in 1893, in the United States during the late 1890s, and in Canada from the 1920s. Despite this tradition, nursing historians have encountered difficulty in conceptualizing the place of the university in nursing education, and have focused instead on hospital schools of nursing.

University education for nurses has received only scant historical attention. Most often, these analyses have taken the form of uncritical, internal studies of individual schools.<sup>1</sup> These works, to a large extent, exist independently of the emerging scholarly literature that examines the evolution of relationships between nurses and other professionals, networks within the nursing profession, and linkages between various nursing groups.<sup>2</sup> This article will offer a preliminary analysis of the origins of the Dalhousie University School of Nursing. It will argue that while the participants were many and the goals lofty, the school largely failed in its primary objective of offering baccalaureate nursing education for Atlantic Canada. The school did not attract sufficient numbers of undergraduate students and instead focused on offering one-year diploma courses to hospital school graduates.

While the School of Nursing did not open until September 1949, it is possible to trace its origins to an initiative launched in 1945 by the Registered Nurses

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1 For some Canadian examples, of varying quality, see: Glennis Zilm and Ethel Warbinek, *Legacy: History of Nursing Education at the University of British Columbia 1919-1994* (Vancouver, 1994); E. Jean M. Hill and Rondalyn Kirkwood, *Breaking Down the Walls: Nursing Science at Queen's University* (Kingston, 1991); Betty Wilson, *To Teach This Art: The History of the Schools of Nursing at the University of Alberta 1924-1974* (Edmonton, 1974); University of Ottawa School of Nursing, *Ecole des sciences infirmières de l'Université d'Ottawa: 1933-1973/The University of Ottawa School of Nursing: 1933-1973* (Ottawa, 1973); Hendrick Overduin, *People and Ideas: Nursing at Western, 1920-1970* (London, ON, 1970); Barbara L. Tunis, *In Caps and Gowns: The Story of the School for Graduate Nurses, McGill University* (Montreal, 1966). There is also a recent history of the Canadian Association of University Schools of Nursing: Rondalyn Kirkwood and Jeannette Bouchard, *'Take Counsel with One Another': A Beginning History of the Canadian Association of University Schools of Nursing* (Ottawa, 1992).

2 The essential works here are Barbara Melosh, *'The Physician's Hand': Work, Culture and Conflict in American Nursing* (Philadelphia, 1982) and Susan M. Reverby, *Ordered to Care: The Dilemma of American Nursing, 1850-1945* (Cambridge, 1987). For Canada, see Kathryn McPherson, "Skilled Service and Women's Work: Canadian Nursing, 1920-1939," Ph.D. thesis, Simon Fraser University, 1989.



Association of Nova Scotia (RNANS).<sup>3</sup> At the annual meeting of that year, the RNANS passed a resolution "to look into the possibilities of establishing a School for Graduate Nurses at Dalhousie University."<sup>4</sup> The Association then arranged a meeting on 22 June 1945 with Dr. H.G. Grant, Dean of the Dalhousie Medical School, who expressed his interest in the possibility; from this point forward the nurses and the university worked in tandem, though not as equal partners. The professional nursing body understandably supported the idea of an independent school--independent, that is, from the control of hospitals--as a means of freeing student nurses from what were often heavy work obligations during training within the hospital milieu. Indeed, this was one of the central goals of 'professionalized' nursing. Dalhousie's interest was, to say the least, highly conditional.

The overriding and pivotal factor was that of financing the project. From the outset, Dalhousie's interest was conditional upon a 'philanthropic financial contribution. Indeed, Dalhousie wanted no part of any program for which it had to assume a heavy financial burden. Nevertheless, the university senate approved the proposal in March 1946, and Dr. Grant then began the effort to secure funds. The university was willing to establish post-graduate courses in Public Health Nursing, Nursing Service Administration, and Teaching and Supervision in Schools of Nursing. Furthermore, the university would endeavour to set up a "proper curriculum, to see that it is properly administered and to issue certificates to the successful candidates.... It is not, however, at present in a position to assume the additional expenses which would be incurred by such courses."<sup>5</sup>

The university estimated the cost of running the entire program at \$18,000 per year. Initially, Dalhousie designed the program to be a temporary one established to meet current labour-market demands: the post-graduate program would admit

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3 The current School of Nursing was not the first established at Dalhousie. In 1920, Dalhousie inaugurated a university course in public health, with funding from the provincial branch of the Canadian Red Cross Society. At the same time, programs were established at McGill University and the Universities of Toronto, Alberta and British Columbia. All of these programs continued, while the Dalhousie initiative ended in 1923. For a brief examination of the first Dalhousie program, see Kathryn M. McPherson, "Nurses and Nursing in Early Twentieth Century Halifax," M.A. thesis, Dalhousie University, 1982.

4 Report of Post Graduate Course Committee, 28 May 1946, in Registered Nurses Association of Nova Scotia fonds, Public Archives of Nova Scotia [hereafter PANS], MG 20, Vol. 3163. The RNANS initiative was launched at the 1945 Annual Meeting. The first Report of the Post Graduate Course Committee was presented 5 Oct. 1945. The chronology of events is summarized in the May 1946 Report, presented at the next Annual Meeting.

5 H.G. Grant to E.L. MacDonald, 18 May 1946, in Dalhousie University Archives, President's Office [hereafter DUAPO]. In an earlier letter to A.E. Kerr, Grant referred to "a temporary course lasting for three and perhaps five years," in which the Red Cross and the Kellogg Foundation would each bear half the costs; see Grant to Kerr, 8 May 1946, in *ibid*.



twenty students, take one year to complete and run for a period of three years. The university described this vision (if one could call it that) in its funding application to the Canadian Red Cross Society, from which Dalhousie solicited a three-year financial commitment of one-half the costs associated with the program. The Nova Scotia Division of the Red Cross acted immediately, forwarding the request to the National Executive in the summer of 1946.<sup>6</sup> An additional possibility of funding from the W.K. Kellogg Foundation also piqued Grant's interest. Cereal company founder Will Keith Kellogg had created the Foundation in 1930, providing an initial donation of \$47 million to support health and education programs in the United States and Canada. As part of this post-war work, the Foundation wanted to support three Canadian universities.

Optimism reigned both at Dalhousie, where they expected to offer the course in September, and in the ranks of the RNANS, where the Post-Graduate Committee reported substantial progress.<sup>7</sup> However, the post-war demobilization of returned medical men--who were to receive post-graduate instruction--intervened, and Dalhousie began to slow down the process of establishing the school. From the outset, then, the university's aims and those of the RNANS conflicted. Although the university gave precedence to returning medical men, the RNANS was quick to point out that the post-war reality in Canada meant that other university schools of nursing were "taxed to capacity this year [1945] and it will be worse next year."<sup>8</sup> Dalhousie remained cautious, however, arguing instead that funding still had to be arranged, publicity initiated to attract students and a qualified director located for the school.<sup>9</sup>

While the demobilization of veterans inhibited the project, local factors also intervened to postpone the school's opening. For example, a shortage of both labour and supplies was delaying the opening of a refurbished Victoria General Hospital in Halifax. In the meantime, the RNANS executive considered the old hospital, described as "overcrowded and unsettled," to be unsuitable for "good teaching work and it [i.e., the VGH] could not hope to offer the standard that would be required of it by a Post Graduate school as a practice field for ward

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6 E.L. MacDonald to H.G. Grant, 21 May 1946 and MacDonald to Grant, 3 July 1946, in *ibid.*

7 Lenta G. Hall to Mary Connor, 18 July 1945, in PANS MG 20, Vol. 3165; Report of Post Graduate Course Committee [Jan 31/46], in PANS MG 20, Vol. 3163; Annual General Meeting, 30-31 May 1946, in *ibid.*

8 Lenta G. Hall to Dr. H. Grant, Sept. 1945, in PANS MG 20, Vol. 3165.

9 Grant to Hall, 21 Sept. 1945, in *ibid.*

management and supervision.”<sup>10</sup> There were other complicating factors as well, including the post-war boom in students on the Dalhousie campus, a city-wide housing shortage, a nation-wide shortage of nurses and the lack of a firm financial commitment from either the Red Cross Society or the Kellogg Foundation. Cumulatively, these factors intervened to persuade both the RNANS and Dalhousie to delay the school's opening until at least 1948.

Things were moving quickly, nevertheless, although co-operation between the university and the RNANS left room for misunderstandings to occur. The case of Edith McDowell provides the most serious example. In 1945, Lenta Hall, convener of the RNANS Post-Graduate Committee, conducted extensive correspondence with McDowell, the Association's choice for director of the school. McDowell had graduated from the Royal Victoria Hospital in 1930 and then attended McGill University in 1930/31, where she obtained a Certificate in Teaching in Schools of Nursing. After working in Sherbrooke, Quebec, she went west to the Winnipeg General Hospital, eventually becoming Director of Health Education for the Manitoba Department of Health. At the time of her correspondence with the RNANS, she was pursuing her B.Sc. (Nursing) in New York.<sup>11</sup>

By 1946, McDowell “was definitely led to believe that she would receive the appointment” and she had “proceeded to prepare herself for this position,” preparation that included taking summer courses at Columbia University in New York City. Discussions continued, and by the end of the year McDowell was confident of the appointment. At a meeting of the RNANS Executive Committee held early in the new year, however, a letter was tabled from the university, reminding the Association that the search for a director would have to be an open one—a decision promptly communicated to McDowell. Despite this débâcle, she assured the RNANS that she did not harbour any ill-will towards them.<sup>12</sup>

The summer of 1946 brought another error. The *Halifax Herald*, reporting on the RNANS annual meeting, announced the imminent opening of the school. Indeed, the paper reported that the curriculum would begin in the autumn and

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10 Meeting of RNANS Executive Committee, 10 Jan. 1947, in PANS MG 20, Vol. 3157.

11 Edith McDowell to Lenta Hall, 30 Apr. 1945, in PANS MG 20, Vol. 3165. See also, *Canadian Nurse*, 44:5 (May 1948), 378. McDowell was subsequently appointed Dean of the University of Western Ontario School of Nursing, 1947.

12 McDowell to Hall, 16 July 1945, in PANS MG 20, Vol. 3165; Gertrude M. Hall to Marjorie Jenkins, 31 Dec. 1946, in *ibid.*; Meeting of Executive Committee, 10 Jan. 1947, in PANS MG 20, Vol. 3157.

thus it would "no longer be necessary for the nurses to incur a great expense by going outside of the province to take special courses."<sup>13</sup> The announcement, although indicative of how far preparations had actually proceeded, caused the RNANS considerable embarrassment. The opening of the School of Nursing was still several years distant.

By early 1947, the Red Cross was considering a grant to Dalhousie to cover the cost of the nursing program for at least three years. The Kellogg Foundation made no such offer. Instead, it offered to send its Nursing Director, Mildred L. Tuttle, to Nova Scotia in order to survey the situation. Even this offer was conditional, for Tuttle wrote to the RNANS in December 1946, informing them that she would not come until the plans were formalized.<sup>14</sup> During the spring of 1948, the Central Council of the Canadian Red Cross met in Toronto and finally approved Dalhousie's request for assistance, authorizing a maximum grant of \$9,000 per annum for three years.<sup>15</sup> This opened the door for Dalhousie to finalize its plans. In July the Board of Governors and Senate met to consider chartering a School of Nursing, and the Joint Committee proposed establishing the course "for a three year period to give a one year Certificate Course in Public Health Nursing and also in Nursing Education."<sup>16</sup>

Armed with the university's official approval and half of the required funding, Dalhousie now began to lobby the provincial governments of the three Maritime provinces, seeking a share of their federal health grants. One of the objectives of these wide-ranging grants was "the training of personnel for Public Health and hospital staffs." Dalhousie's Board of Governors had committed the university to initiating the program in the autumn of 1949, but on the understanding that every effort would still be made to solicit funds from "American Foundations" (notably the Kellogg and Rockefeller organizations). Simply stated, Dalhousie was "convinced of the urgency of the need," but did not feel "that the money should have to come finally from the inadequate resources of the University."<sup>17</sup> When foundation support did not materialize, Dalhousie requested that the three provinces assume the university's pledge, charging back the costs to the federal

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13 *Halifax Chronicle*, 1 June 1946.

14 Meeting of Executive Committee, 10 Jan. 1947, in PANS MG 20, Vol. 3157; H.G. Grant to A.E. Kerr, 9 Dec. 1946, in DUAPO; Mildred L. Tuttle to Lenta Hall, 18 June 1946, in PANS MG 20, Vol. 3165.

15 A.E. Kerr to Gordon S. Cowan, 7 May 1948 and Cowan to Kerr, 10 May 1948, in DUAPO.

16 Senate Minutes, 27 July 1948 and 19 Oct. 1948, DUA.

17 "Memorandum: For discussion with the Premier," 9 Oct. 1948, in DUAPO.



health grant. Finally, the university also requested that the provinces offer bursaries to the incoming students, thus assisting them to take the course.<sup>18</sup> All parties held discussions through the winter of 1949, the federal government was consulted and a funding formula was worked out. Indeed, so successful was the lobbying effort that the provinces agreed to assume the entire cost of the program, thereby releasing the Red Cross from its previous commitment.<sup>19</sup>

With funding now firmly in place, Dalhousie could go about the business of establishing the course and framing its objectives. University-based nursing education, according to President A.E. Kerr, had two goals. The first was to establish a course that would lead to a Bachelor of Nursing Science degree; in keeping with other nursing education programs, the university would accordingly offer "three sessions of sound, scientific and cultural education," while local hospitals "would provide the practical training." The second goal was to provide "a Graduate School of Nursing" for Registered Nurses who desired specialized training in either public health or nursing education; these students would receive a diploma in their chosen field.<sup>20</sup> The two streams of nursing education were to be a modest endeavour, "unlikely to grow to large proportions," but nevertheless a "step forward in nursing education in the Maritime Provinces."<sup>21</sup>

A third aim was implicit but often unarticulated. The proponents of a university program assumed that the new school would provide a leadership role among regional training facilities for nurses, and that there would be a concomitant effort "to bring the hospital Schools of Nursing in the Province into active relations with Dalhousie."<sup>22</sup> There were a number of ways to encourage this. Obviously, the diploma course in Nursing Education would be pivotal,

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18 A.E. Kerr addressed letters to Angus L. Macdonald, Nova Scotia Premier; L.D. Currie, NS Minister of Public Health and Welfare; John B. McNair, Premier of New Brunswick; F.A. McGrand, NB Minister of Health and Social Services; J.W. Jones, Premier of Prince Edward Island; William Hughes, PEI Minister of Public Health and Welfare; and H.W. Quinton, Newfoundland Commissioner for Public Health and Welfare. See, e.g., Kerr to McGrand, 7 Jan. 1949, in DUAPO. Although the original funding agreement did not include NF, there was an assumption that it would wish to participate when, in the words of Kerr, "Confederation is consummated."

19 F.A. McGrand to A.E. Kerr, 11 Mar. 1949; Kerr to Kathleen Russell, 23 Mar. 1949; Kerr to Gordon S. Cowan, 23 Mar. 1949; all in DUAPO.

20 A.E. Kerr to John B. McNair, 7 Jan. 1949, in DUAPO.

21 "President's Report 1945-50," in School of Nursing Document Collection [hereafter SON]. The School of Nursing Document Collection is currently held within the School. The collection consists of a wide assortment of administrative records, photographs, correspondence and committee minutes, covering the entire history of the School. The School of Nursing History Committee intends to transfer this collection to the Dalhousie University Archives, in order to preserve it for future reference.

22 Salaries in the School of Nursing, 21 Jan. 1959, in DUAPO.



designed as it was for teachers within the hospital schools. Second, the diploma in Public Health Nursing was aimed at registered nurses, most of whom had graduated from a hospital-based program. The university program, then, did not compete with the hospital-based model, but rather supplemented it.<sup>23</sup> Finally, very early in its history the Dalhousie School of Nursing began an active outreach and leadership role throughout the province by conducting periodic nursing institutes on a wide range of topics.<sup>24</sup>

This idealistic vision of the role of university nursing education masked an otherwise derisive attitude towards the hospital schools. The baccalaureate program was designed to offer an alternative to the ineffectual hospital-based education, described in one university document as the "poor girls' University."<sup>25</sup> Dalhousie fully expected to attract a "considerable number" of young women to the Bachelor of Nursing degree; upon completing the curriculum, these women would be "of superior education, and...would, in time, contribute to the further enhancement of the good reputation of the profession."<sup>26</sup> The university planners had a particularly low opinion of the admission standards to the hospital schools. The only cohesive plan articulated for the School of Nursing at Dalhousie makes this clear, commenting that

At present a nurse can get into any of the Hospitals for training leading to a diploma on one year's high school (Grade IX) certificate. This places the necessary preliminary education about on the level attained by most housemaids, and certainly does not tend to produce the type of nurse who can make the most of her instruction, nor will have the requisite character.... This low educational standard likewise means a lower social type, a type coming from poor homes, a type without proper ideals. Fifty per cent of the Victoria General Hospital nurses, and a higher per cent of the Maternity, Children's, and Tuberculosis Hospital nurses would be better employed at Woolnough's behind the counter.<sup>27</sup>

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23 The very existence of the university post-graduate course is evidence of the divisions that existed among nurses. These programs originated during the public health movement, at a time when public health nurses wanted to distinguish their work from that of other kinds of nurses. See Melosh, *The Physician's Hand*, pp. 122-123.

24 E.g., *Nursing Aspects of Mental Hygiene* (1953), *Care of the Child* (1954), *Maternal and Infant Care* (1955) and *Occupational Health Nursing* (1955).

25 "Memorandum: For discussion with the Premier," 9 Oct. 1948, in DUAPO.

26 Kerr to McNair, 7 Jan. 1949, in *ibid.*

27 "Scheme for a University Training School for Nurses at Dalhousie," n.d., in *ibid.* The comparison with salesgirls may be particularly relevant; Melosh suggests that nursing underwent a decline in status, as other opportunities for women (like department-store work) became available. See Melosh, *The Physician's Hand*, p. 43.

The document closes under the heading "Why all this?" where it concludes that the objective of the university curriculum will be "To produce an article we are not capable at present of producing: an intelligent, well-trained, highly efficient nurse with a sound intellectual and family background...."<sup>28</sup>

The effort to produce this new "article" began in September 1949, under the direction of E.A. Electa MacLennan, the Director of the School, and Marion Pennington, the Assistant Director. Both brought impeccable qualifications to their positions. MacLennan, who received her appointment in March 1948, although she did not assume her duties until June, was a native of Brookfield, Colchester County, Nova Scotia. She graduated from Dalhousie with a Bachelor of Arts, completed a Masters' degree at Columbia and took her nursing education at Montreal's Royal Victoria School of Nursing. Before coming to Dalhousie she had been a staff member at McGill University's School for Graduate Nurses, where she was in charge of the Public Health Nursing curriculum.<sup>29</sup> Pennington was a graduate of the University of British Columbia and had spent eight years with the Public Health Service in that province; she also served with the Royal Canadian Army Medical Corps during World War II, after which she entered Columbia University, where she completed an M.A.<sup>30</sup>

MacLennan and Pennington constituted the entire full-time staff of the new School of Nursing. A large number of lecturers drawn from other areas of the university, as well as from the outside medical community, supplemented their efforts. C.B. Stewart, of the Dalhousie Medical School, taught Biostatistics every Tuesday for the first term, in the Medical Science Building. J.S. Robertson offered Public Health and Preventive Medicine on Tuesdays and Thursdays at the Victoria General Hospital. Other instructors for the inaugural year included A.S. Mowat, Frances L. Montgomery, R.O. Jones and Barbara Robertson.<sup>31</sup> The School of Nursing's initial location was in the Dalhousie Public Health Clinic, although teaching took place in a variety of campus and off-campus locations.

The inaugural year was not without its disappointments, despite the efforts of many individuals. The university, under the guidance of the registrar, H.L.

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28 "Scheme for a University Training School," in DUAPO.

29 *Mail-Star*, 18 July 1949; see also, *Canadian Nurse*, 45:5 (May 1949), 376. MacLennan was selected following a university search, and apparently received full support from the RNANS.

30 *Ibid.*, 17 May 1952; see also, *Canadian Nurse*, 45:11 (Nov. 1949), 836.

31 E.A. Electa MacLennan to C.B. Stewart, 23 Sept. 1949, in DUAPO. Similar letters were sent to the individuals named, notifying them of their appointment and their duties.

Scammell, began advertising the program in the spring of 1949; publicity was on an *ad hoc* basis, however, as the planners had made no provision for this expense. In addition, Scammell assured President Kerr that the provincial health departments of the three Maritime provinces would be supportive of the endeavour, through the provision of bursaries.<sup>32</sup> Bureaucratic reaction, however, was mixed. A.W. Matheson, Minister of Health and Welfare for Prince Edward Island, vaguely expressed his hope that some Island nurses could be persuaded to take the course. J.A. Melanson, Chief Medical Officer for New Brunswick, expected to send six candidates from that province to Halifax. J.S. Robertson, of Nova Scotia's Department of Health, referred to "numerous enquiries," but was seeking more concrete information: "As you know," he wrote, "we hope to send a number of nurses to take this course at Dalhousie but some of the staff are becoming impatient and applying to McGill and Toronto." The same day, however, the Deputy Minister of Health for Nova Scotia, P.S. Campbell, wrote to Kerr that "we expect to have approximately *eight graduate nurses* ready to enter for the *Public Health Course* [Campbell's italics]."<sup>33</sup>

The first class for the Public Health Nursing diploma had the maximum fifteen students, from throughout the Atlantic Provinces: six from Nova Scotia, seven from New Brunswick, one from Prince Edward Island and one from Newfoundland. Of these fifteen, thirteen held government bursaries. In addition to these full-time students, four "special students" were enrolled, each taking one course. Of those registered, eleven graduated in May 1950, two had to take supplemental examinations, one "withdrew in favour of matrimony" and one could not complete the course because of illness. All the graduates found work in public health nursing in the Maritimes.<sup>34</sup>

It is worth pausing to consider this interaction between work, marriage and university education. After the 1951-52 session, the third for the school, MacLennan summarized the activities of the 47 nursing graduates. She found that the provincial health departments of the Atlantic region employed 26, seven worked with the Victorian Order of Nurses, two worked with the City of Halifax Department of Health, the Dalhousie Public Health Clinic employed one and five had found employment in other schools of nursing. Six of the graduates, all of

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32 H.L. Scammell to A.E. Kerr, 11 Apr. 1949 and E.A. Electa MacLennan to A.E. Kerr, 28 June 1949, in DUAPO. The *Herald*, 13 July 1949, contains a typical press announcement.

33 A.W. Matheson to A.E. Kerr, 17 May 1949; J.S. Robertson to H.L. Scammell, 28 May 1949; P.S. Campbell to A.E. Kerr, 28 May 1949; J.A. Melanson to A.E. Kerr, 27 Apr. 1949; all in SON.

34 Meeting of Committee on Administration of Graduate Courses in the School of Nursing, 13 Oct. 1950, in *ibid*.



whom were married, were not engaged in nursing and only one of these had ever been employed within the profession. In a later review of the graduates, MacLennan found that "in spite of the high rate of marriage...over 40% of those who have graduated are still with their original agency after five years and 75% of the students have fulfilled the two-year service clause included in the National Health Grants contract."<sup>35</sup>

From all appearances, the Public Health course offering was on sure footing. It enjoyed a good response from the nursing community, strong government support via the bursary program and its graduates were finding work in the field of public health. But the Teaching and Supervision stream did not attract any students. Even an unwavering supporter of the endeavour such as H.L. Scammell had to concede that "few pupils appear to be interested in the teaching course at the present time," although he believed the offering could be developed "by propaganda."<sup>36</sup> The following year, 1950-51, saw the Public Health class increase to twenty registrants, although two of the students would eventually resign in favour of marriage. The third year saw a severe dip in the Public Health enrollment, but a full class of five in the Teaching diploma program counterbalanced this. From this point in time, enrollments were steady, although they did not always meet the administrators' expectations.<sup>37</sup>

There were some important mantras that appeared in each summary emanating from the School of Nursing (principally from MacLennan herself), whether reporting to the university or to the provincial governments. One significant point repeatedly emphasized was that most students received some form of bursary. These usually came from the sponsoring government, but some students held awards from the Victorian Order of Nurses, the Canadian Red Cross Society, the Royal Canadian Navy or the City of Halifax.<sup>38</sup> Acknowledging this support amounted to a tacit assurance that the students were indeed well qualified for university education, while concurrently offering an indirect reminder of the strong government support underlying the endeavour.

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35 E.A. Electa MacLennan to A.E. Kerr, n.d. [1952], in SON; E.A. Electa MacLennan, "Report of the Director of the School of Nursing," in *President's Report 1955-59*. During the entire period of time under consideration in this article, only two male students graduated from the school.

36 H.L. Scammell to A.E. Kerr, n.d. [Oct. 1949], in DUAPQ; E.A. Electa MacLennan to J.S. Robertson, 30 Jan. 1951, in SON.

37 *Ibid.*; E.A. Electa MacLennan to A.E. Kerr, n.d. [1952]; MacLennan to Kerr, 24 Jan. 1952; both in SON.

38 MacLennan reported information on bursaries in her annual reports. See MacLennan to A.E. Kerr, 24 Jan. 1952; 20 May 1953; and Sept. 1955; all in SON.



Another important mantra was the emphasis placed upon Dalhousie's role as the locus of higher education, not simply for Nova Scotia but for the entire Atlantic region. The university constantly reassured the several provincial governments that they were receiving good value for their educational dollar, and while there appeared to be no quota system in force, MacLennan always reported on the geographical origins of the student population.<sup>39</sup>

When enrollment in the Public Health course dropped in September 1951 to only nine students, the director searched for explanations. She noted that while the Province of New Brunswick offered fifteen bursaries, "not one candidate came forward." In Nova Scotia, employees took advantage of only seven of the twenty available bursaries; in addition, only three of these seven found their way to Halifax, with two more--considered "far below the academic requirements for Dalhousie"--eventually attending the University of Toronto. The other two bursaries granted were for "advanced work" not available in Halifax.<sup>40</sup> MacLennan readily summarized the problem of recruiting students, stating that in each province "the same story is heard, namely, the period of three years' obligation of service to the government (one at University then two in the field) seems too long to the young graduate. Lower salaries in the Maritimes than elsewhere in Canada deter some, and a disinclination to study influences others."<sup>41</sup> Recruitment became a primary concern both of the director, who took advantage of the fieldwork periods to travel the region, and of the university's Committee on Administration, which struck a sub-committee specifically addressing the issue of attracting students.

The Committee on Administration was responsible for administering all graduate nurses (i.e., those who graduated from hospital programs) within the university. Dalhousie, as mentioned earlier, had established the nursing program on a provisional basis, as an experiment. Its place within the university was thus ambiguous: it was neither a department nor an independent faculty, but rather a school. The establishment of nursing schools within universities was a common organizational structure repeated across Canada. This was ostensibly to recognize the professional relationships between nursing departments and other health-care

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39 MacLennan herself referred to a "quota-percentage basis" in correspondence with Kerr, but this only referred to an implicit understanding that the school would--when candidates were available--accept some from each of the four provinces. The financial obligations of the various governments were not conditional in any contractual fashion upon specific enrollment numbers.

40 E.A. Electa MacLennan to A.E. Kerr, 24 Jan. 1951, in SON.

41 E.A. Electa MacLennan to A.E. Kerr, n.d. [1952], in *ibid*.

agencies. Equally important, although largely unexplored, are questions pertaining to gender and to the academic preparation of instructors.

Nevertheless, any factors that may have influenced the decision to establish nursing within a professional school at Dalhousie must be secondary because of the existence of the Committee on Administration. This committee--and not the director--administered the school; it consisted of the Chairman of the Board of Governors (ex officio), the President of the University (ex officio), the University Registrar, the Secretary of Senate, the Dean of the Faculty of Medicine, the Commissioner of Health for the City of Halifax, a representative of the nursing profession and lastly, the Director of the School.<sup>42</sup> One may immediately see that this committee allowed for only two representatives from within the nursing profession itself. In December 1950, MacLennan broached the topic of increasing nurses' representation. The president's response was cool, warning that "in the event of a controversy, the University might experience difficulty in promoting its own interests."<sup>43</sup> Nevertheless, the committee expanded in 1952 to include a third member from the nursing community.<sup>44</sup>

C.B. Stewart soon raised an even more critical issue. The promoters of a nursing school had decided very early that the Dalhousie program would be independent from the Faculty of Medicine. Both the RNANS and members of the university community felt very strongly that any closer arrangement would be unacceptable to nurses. Stewart wrote to President Kerr, emphasizing the irony inherent in a committee composed largely of members outside the nursing profession, but nevertheless administering the school: "The nursing profession feels that it has developed to the stage where it can stand on its own merits," wrote Stewart, but he doubted "if the professional nursing organizations are aware of the administrative set-up at Dalhousie."<sup>45</sup> While there is no evidence that nurses ever complained of this conflicting arrangement, Stewart's worries pointed out that the Committee on Administration was an unsatisfactory arrangement, designed to oversee the school's administration during the trial period.

By the mid-1950s, the need for a new administrative structure had become abundantly clear. This led to much discussion of whether the Nursing School

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42 "Annual Report of the School of Nursing Session 1949-50," in DUAPFO.

43 Lola Henry to Electa MacLennan, 21 Dec. 1950, in SON.

44 A.E. Kerr to J.S. Bagnall, 12 Dec. 1952, in DUAPFO.

45 C.B. Stewart to A.E. Kerr, 30 Dec. 1952, in SON.

could or should be subsumed under an existing faculty. Several different proposals received consideration, including one which placed nursing within the Faculty of Medicine and another which placed it within the Faculty of Graduate Studies; but neither of these was acceptable. Planners rejected the Medical Faculty because placing the new program under the authority of physicians would create antipathy from the nursing profession. The Faculty of Graduate Studies was also rejected because a graduate in the academic context was someone with a university undergraduate degree, and nurses were "only Hospital graduates."<sup>46</sup> There was no consensus on whether the nursing program could exist as an independent entity within the university. Small registration numbers especially undermined its viability as a separate faculty. C.B. Stewart believed, however, that nursing should operate independently, because it was a professional training program, distinct from medicine. Stewart argued forcefully that neither the size of the faculty nor the student body were of any consequence. Rather, he believed that an independent nursing faculty could generate a larger vision of nursing education at Dalhousie, which would in turn place a renewed emphasis on baccalaureate nursing education, with "training in the sciences which are basic to the profession of nursing, and also a training in the fundamentals of Education and of the Arts."<sup>47</sup>

The baccalaureate degree thus gradually came to be the focus of the nursing program at Dalhousie. The diploma programs, which had initially been used to capture the students, were designed only to meet the current labour and educational needs of hospitals, health departments and hospital schools of nursing. From the very outset, however, the bachelor's program faced a number of problems. Dalhousie had designed the curriculum to attract students directly from high school. Grade eleven would gain them access to the university, and the program was to be a combination of academic and practical training, to take place at Dalhousie and the Victoria General Hospital, respectively. Students would take university courses during the first, second and third years. Between the first and second, and the second and third years, candidates would additionally receive three months of practical experience in the hospital. At the end of the third year, the student would enter the hospital and complete a further 24 months of training. At the end of these five years, successful candidates would receive the bachelor's degree.

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46 "Memo Re Discussion with Miss MacLennan," 21 May 1954, in DUAPO.

47 C.B. Stewart to A.E. Kerr, 20 Dec. 1954, in *ibid.*



This program attracted several registrants in the early 1950s, but none completed the curriculum. Electa MacLennan identified a number of factors inhibiting the program's success, including the inability or unwillingness of families to sponsor students following the first year; the high academic standards which weeded out several candidates; the oft-cited pursuit of marriage; and finally, the daunting prospect of studying through a full twelve months within each of the program's five years. This combination of socio-economic and scholarly factors nevertheless paled in comparison to the simple fact that Dalhousie and the Victoria General Hospital could not make the necessary arrangements to ensure a smooth transition from university to hospital setting. Despite the assurances of the hospital's Board of Commissioners, by 1953 Dalhousie had still "not been able to arrange the summer training programme for our students with the Hospital," which was a matter of "considerable embarrassment" for both the university and the School of Nursing.<sup>48</sup> Indeed, the university appealed to Harold Connolly, provincial Minister of Public Health and Welfare, stating that "the continuance of this very promising course depends on the implementation by the Hospital of the commitment to us."<sup>49</sup>

In a letter to A.E. Kerr, C.B. Stewart bluntly stated the problem with this arrangement. The three years of university education did not specifically address the needs of aspiring nurses. Thus, at the end of the academic period, the product was a "partially trained B.Sc." Of course, the thirty-month practical instruction resulted in "exactly the same nursing training as a non-university graduate." Stewart doubted whether this combination of a partially trained B.Sc. with an R.N. would be sufficient to create potential leaders in the nursing profession.<sup>50</sup> The problems in the baccalaureate program were gradually worked out during the mid-1950s, first dispensing with the summer sessions and then moving towards thirty continuous months of hospital training. This allowed students the opportunity to assess their academic abilities before committing to the lengthy period of hospital service. It also offered the satisfactory side-effect of allowing students a period to reflect on whether they indeed wanted to pursue nursing as a career. The search for the ideal baccalaureate program would continue for another decade, but the early revisions at least allowed the existing program to function to the satisfaction of both the hospital and the university.

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48 Electa MacLennan to A.E. Kerr, 20 Feb. 1953, in *ibid.*

49 [A.E. Kerr?] to Harold Connolly, 5 Mar. 1952, in *ibid.*

50 C.B. Stewart to A.E. Kerr, 20 Dec. 1954, in *ibid.*

A number of factors were now combining to give the school a new identity within the university and the nursing community. Reflecting on the revised bachelor's program at the end of the 1950s, Electa MacLennan believed that the exclusive time at the university allowed a distinct identity to emerge among the student body.<sup>51</sup> Increased registration numbers also contributed to a more active student body within the School of Nursing. By the late 1950s, MacLennan was lobbying to have Barbara Miller, then president of the Student Nursing Society, given voting representation on the Dalhousie Student Council.<sup>52</sup> The most critical factor shaping the school's new-found status within the university, however, was its emergence in 1956 as an independent body within Dalhousie.

In March 1955, the university disbanded the Committee on Administration; President Kerr intended that the school would henceforth be administered by its own academic staff, "so that it might operate somewhat as if it were a Faculty." This "Faculty," sometimes described labouriously in correspondence as a "faculty-type committee," was to consist of "those professors and teachers who conduct complete lecture courses within the School." Either way, the faculty held its first meeting as an independent body on 12 May 1955.<sup>53</sup> In 1956, the school "was divorced from the Faculty of Arts and Science and established as an integral unit of the University." The School of Nursing now became responsible for all academic matters pertaining to the education of nurses at Dalhousie, and the director of the school was finally recognized as its chief administrator.<sup>54</sup>

The School of Nursing thus survived its experimental period to become a "regular"<sup>55</sup> part of the university; but it was not an unqualified success. It had taken a long time to establish the school and to secure funding. Once underway, however, the School of Nursing can hardly be said to have revolutionized nursing education in the Atlantic region. Indeed, it failed in its principle objective of offering nurses a baccalaureate program. This prompted the president of Dalhousie to re-order the school's mandate, as early as 1950. Whereas much of the preliminary justification for establishing the school at Dalhousie had focused

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51 "Report of the Director of the School of Nursing" in *President's Report 1955-59*.

52 E.A. Electa MacLennan to Murray Fraser, 29 Nov. 1959, in SON.

53 A.E. Kerr to Frances MacDonald, 15 Mar. 1955; E.A. Electa MacLennan to A.E. Kerr, Sept. 1955; Meeting of Faculty of the School of Nursing, 12 May 1955; all in SON.

54 Senate Minutes, 1 May 1956, in DUA; Secretary to the President to Electa MacLennan, 18 July 1956, in SON.

55 A.E. Kerr to Miss E.A.E. MacLennan, 21 Mar. 1955, in SON.

on this baccalaureate education, Kerr in his presidential report for that year decided instead to declare that the "establishment...[was] to provide first for postgraduate and then for undergraduate work."<sup>56</sup> Kerr had projected exactly the opposite objectives in early 1949, but revised them in the face of the initially disastrous results. Indeed, if it had not been for the modest success of the diploma courses, it is doubtful whether the school would have survived its trial period. Certainly, it would be foolhardy to ignore the very significant role of the post-graduate courses. Yet the few existing histories of university schools of nursing pay scant attention to this reality.<sup>57</sup> A bias such as this flows from an ideology which views the university as central to the effort of professionalizing nursing. Such a narrow perspective in turn limits the utility of 'institutional biography' and misses the complex interaction between hospitals and universities and baccalaureate programs and diploma courses. What the history of the first decade of nursing education at Dalhousie illustrates is the need for a more comprehensive approach to the history of nursing education, one that transcends institutional boundaries and, more importantly, the limitations of internal program structures.

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56 *President's Report 1945-50*, in SON.

57 See, e.g., Zilm and Warbinek, *Legacy*, in which the authors address the history of the 'certificate' students within the UBC School of Nursing *after* their treatment of the 'degree' students--even though the former dominated the school, both chronologically and numerically.





*Dr. and Mrs. Charles Wentworth Wallace.* Photograph courtesy British Columbia Archives and Records Service (HP 7500).

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# Scandal and Reform: The Treasurer's Office in Nova Scotia, 1845–1860

Dan Bunbury

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One of the most important and controversial arms of the executive branch of government in colonial British North America was the Treasury. Until the reforms of the late 1840s and early 1850s brought departmental responsibility and a new bureaucratic structure, the office in most colonies was a position filled through imperial or viceregal patronage by influential members of the colonial ruling class. Frequently the office was then passed down to the incumbent's son upon retirement or, more usually, death. Treasurers kept the accounts in an untidy and confusing fashion, often mixing personal business with the financial affairs of government. Furthermore, the lack of a specialized bureaucracy paid to deal exclusively with matters of finance and bookkeeping meant that treasurers relied on private clerks, responsible directly to them and not the legislature, to assist with the operation of the Treasury.

This system, lacking in oversight and professionalism, came under close scrutiny when Nova Scotia's provincial treasurer, Charles Wentworth Wallace, was charged with defrauding the Treasury and the provincial Savings Bank in 1845. The details of Wallace's misdeeds in the records of government and newspapers offer a glimpse into the workings of a mid-nineteenth century Treasury. Furthermore, the scandal itself provides context and backdrop to contemporary politics. It acted as a lens focusing the rhetoric of Tories and Reformers over the central question of the responsible government debate the reorganization of departments with answerable ministerial 'heads' and a permanent staff--and, its corollary, the dispensation of patronage.

The background and career of Charles Wentworth Wallace were typical of many important colonial office-holders. A son of the Loyalist office-holder Michael Wallace,<sup>1</sup> like many offspring of the early élite he entered King's College in Windsor in 1815.<sup>2</sup> Wallace later travelled to Edinburgh, Scotland, where he studied medicine and surgery, qualifying as a licentiate of the Royal College of Surgeons in 1824.<sup>3</sup> He returned to Halifax the same year, and on 2

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1 Wallace was bp. in Halifax on 23 Feb. 1800: St. Matthew's Presbyterian Church, Halifax. Baptisms (mfm. at PANS). See also Beamish Murdoch, *History of Nova-Scotia, or Acadie* (Halifax, 1867), III, 585. The author is indebted to Dr. Allan E. Marble and Claire E. Smith-Burns for biographical information on Wallace. Ms. Smith-Burns, the great-great-great-granddaughter of Wallace, provided the photograph of Wallace and his wife, which accompanies this article. For a sketch of his father's life and times see David Sutherland, "Wallace, Michael," in *Dictionary of Canadian Biography* [DCB], VI, 798–801.

2 King's College *Calendar*, 1915.

3 Licentiates of the Royal College of Surgeons of Edinburgh, 1815–1859.

July 1827 was appointed health officer for the port of Halifax, succeeding Dr. J.F.T. Gschwind.<sup>4</sup> Wallace remained in that position until he replaced his father as treasurer of Nova Scotia on 14 July 1831.<sup>5</sup> In 1835 Wallace married Abigail Allison, the daughter of prominent merchant and executive councillor, Joseph Allison.<sup>6</sup>

Wallace's assistant was Edward Duckett Jr., who, in addition to being assistant treasurer, also acted as clerk of the commissioners of the Board of Trade.<sup>7</sup> In 1832, on the establishment of the provincial Savings Bank, Duckett assumed the role of cashier, while Wallace, as provincial treasurer, was ex officio a bank 'commissioner'. The Savings Bank, which had been under discussion since 1819, was to act as a depository for the savings of the industrious poor while simultaneously allowing the government to pay off the accumulated debt of the province; it was mainly funded by the Halifax élite in the form of interest-bearing treasury certificates. The Savings Bank and Treasury operated out of the same room in the southeast corner of Province House. Wallace's and Duckett's various positions and work habits, together with the interconnection among Treasury notes, the funded debt and Savings Bank deposits, ensured that the day-to-day operations of the cramped treasurer's office were somewhat chaotic.

The untenured, precarious basis of clerical employment of the time also tended to instil an unsettled and even sometimes paranoid mind-set in men such as Duckett. His father, Edward Duckett Sr., who had worked as a Treasury clerk mainly in customs collection, was unceremoniously dumped at age 71 in 1826 when changes to the imperial customs establishment made his services superfluous.<sup>8</sup> No amount of petitioning by either father or son was able to

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4 *Acadian Recorder* (Halifax), 12 June 1824, p. 3; *Halifax Journal*, 14 June 1824. Appointment found in RG 1, Vol. 174, p. 177, PANS.

5 RG 1, Vol. 174, p. 294, PANS.

6 St. Paul's Anglican Church Halifax, marriages (mfm. at PANS). Like many of his peers, Wallace was appointed justice of the peace (1841) and joined the North British Society (1832; president, 1841): RG 1, Vol. 175, p. 201. He was also appointed to Dalhousie University's board of governors in 1842 and apparently served until 1848: Dalhousie University Archives (Halifax), ONSI 1 A1, p. 30 and p. 83.

7 Duckett received £40 per annum and £80 per annum for the Board of Trade post and assistant treasurership, respectively. The £40 was voted annually by the legislature while the £80 came out of the treasurer's pocket: Blue Book (1841), p. 82; Provincial Secretary: letters received, RG 7, Vol. 6, no. 157, PANS.

8 Governor's petitions, 1827: RG 5, Series GP, Vol. 6, no. 4, Treasury papers, 1 Mar. 1836: RG 1, Vol. 241, doc. 42, PANS.



secure a pension for the elderly clerk. Already overworked and underpaid, when the Savings Bank began operations Edward Jr. suddenly found himself burdened with new and onerous responsibilities. He later claimed his appointment was unsolicited,<sup>9</sup> but certainly, whatever his initial interest, a peek into the future would have occasioned strong second thoughts. After 1832, in addition to job insecurity, Duckett had to contend with the minutiae of banking, which required assiduous concentration and made it increasingly difficult to attend adequately to all his tasks.

Layered over the general clutter and sporadic chaos of the Treasury was increasing dissatisfaction with its operation, as evinced by politicians in the Assembly and, from time to time, the Council. The period between the War of 1812 and the achievement of responsible government, though an era of increasing financial complexity characterized by the growth of banks and other financial intermediaries, as well as a diversifying of the government's fiscal agenda, was a period of disorganization in the Nova Scotia Treasury. Its outmoded administrative machinery, based on eighteenth-century notions of hereditary responsibility and the personal involvement of private 'Bob Cratchit'-like clerks, was increasingly unable to deliver the efficient, accurate and honest financial accounting which an evolving government came to demand.

The pre-responsible government period was also a time of political experimentation and failure. Politicians hoping to encourage public enterprise were charting new courses for the ship of state. With little control over fiscal levers, beyond votes for specific sums such as road appropriations, individual assembly members were but one of several competing voices during the pre-accountability era. While proponents of state-sponsored enterprise had not reached the level of articulation evident in the 'Railway Age' of the 1850s and 1860s, they were beginning to propose similar strategies. Since customs revenue was relatively inelastic, the Savings Bank was one of the few conceivable ways capital might be directed into government's hands in order to assist it to bear costly loans or avoid inflationary printing of treasury notes. To this end, a bill was drafted by some assemblymen which seemed to point to a desire to make available Savings Bank funds for the purposes of development.<sup>10</sup> Though this bill never passed, the Assembly debate began to

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9 Petitions to Assembly, 2 Feb. 1853: RG 5, Series P, Vol. 46, no. 82, PANS.

10 In 1833 an Assembly committee reported on the affairs of bank, recommending that its regulations be recast so that more depositors would be attracted and the increased deposits channelled towards the "public service": *Journal of Nova Scotia House of Assembly* (hereafter *JHA*), 1833, Appendix 49 and RG 5, Series U, Vol. 11 (1830-33), PANS.

focus attention on the relationship between the growing importance of public finance and the operations of the Treasury. The Council, deciding that parts of the bill were useful, used its executive power over the management of the bank to authorize Wallace to draw on bank funds arriving in the form of provincial treasury or banknotes, along with receipts from customs and excise, to pay £2,793 in outstanding warrants.<sup>11</sup>

By 1837, however, it was clear that the high-priority reduction of the funded debt was not proceeding as hoped. One reason was the failure of the Savings Bank to assist in the process, due to a scarcity of specie. Patrons of the bank were depositing treasury notes or, increasingly, banknotes, but little silver and less gold. Since the law allowed only gold or silver to be applied to the reduction of the funded debt, Wallace had been unable to fulfil its provisions. Accordingly, Lieutenant-Governor Sir Colin Campbell, on the advice of a superintending committee of Council members, asked the Assembly for amendments to the 1832 act.<sup>12</sup> Resistance to the idea of paying off the funded debt certificates had been voiced in Council, since many who sat on it held large amounts of that debt themselves. Furthermore, the fact that several councillors were investors in or officers of the Halifax Banking Company (1825) meant that any move to decrease the number of treasury notes was unfavourable; the bank was allowed to redeem their notes and keep certain reserves in the form of treasury notes, which were less expensive to buy than specie. By 1837, however, it was in the interest of the banker-councillors to ensure that the provisions of the act were followed, since both commercial banks in Halifax--the other was the Bank of Nova Scotia (1832)--were then required to redeem their notes on demand in gold.<sup>13</sup> This requirement reduced the utility of the treasury notes, since they now obstructed note issues for the commercial banks.

The Assembly, always anxious to reduce the old funded debt, assented to the proposal and the very next month passed a bill<sup>14</sup> which was both restrictive and expansive. The bank's treasury balance limit was increased, while strict

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11 Minutes of Council, 10 July 1833: RG 1, Vol. 194, PANS.

12 JHA, 1837: message from lieutenant-governor to Assembly, 22 Mar. 1837.

13 For the classic treatment of the battle between these two banks and their relationship to the treasury, see J.S. Martell, *A Documentary Study of Provincial Finance and Currency, 1812-36* (Halifax, 1941).

14 *An Act relative to the Establishment of Banks For Savings*, chapter 45, 1837 (passed 21 Apr.).

provisions were inserted to ensure that the 'new' money was used to fund the debt and "for no other use or purpose whatsoever...." Charles Wentworth Wallace, however, seems to have inherited his father Michael's penchant for obstructionism.<sup>15</sup> His predilection for running the Treasury as an independent fiefdom was anathema to an Assembly increasingly interested in procuring an efficient and accountable bureaucracy. Four years later, in 1841, the Assembly was forced to pass another remedial bill.<sup>16</sup> The balance ceiling was raised again and the proceeds directed towards reducing the funded debt. In strong language, Wallace was reminded of his statutory responsibility: "*Provided Always*, [emphasis added] that it shall be the duty of said treasurer, and he is hereby required...for so paying off part of the funded debt."

The development of public finance, which had first occurred within the context of controversy over chartered banks and currency law, now unfolded amid an increasingly strident debate over the reform of the constitutional framework of the British North America colonies. The Council of Nova Scotia, which had formerly exercised both executive and legislative functions, was split into two separate entities in 1838. As more politicians from the Assembly gained access to the legislative and executive councils, modern parties started to coalesce out of the 'loose fish' which had earlier inhabited Nova Scotian politics. As Reformers and Tories gained organizational coherence and leaders within both levels of government, decisions on crucial matters of policy tended more frequently to split along party lines. Votes on the Savings Banks were no exception, though a clear bifurcation did not always occur. Other issues and concerns, such as the rural-urban tension, could muddy the waters, leading to seemingly contradictory politics.

An analysis of voting patterns on the Savings Bank bill in 1837 serves to underscore the evolving nature of party politics and the increasing importance of the Savings Bank to reform plans.<sup>17</sup> The vote also reflected the importance

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15 Shortly before his death, "King" Michael was criticized for failing to pay off Treasury notes though money was available for him to do so, thus charging the province's taxpayers unnecessary interest on the funded debt: *Colonial Patriot* (Halifax), 10 June 1829.

16 *An Act to increase the usefulness of the Savings' Bank at Halifax*, chapter 55, 1841.

17 After its introduction by Reformer Lawrence O'Connor Doyle (Arichat Township), an attempt was made to kill the 1837 bill by deferral. The motion, introduced by fellow Reformer Herbert Huntington (Yarmouth Township), was defeated 17 votes to 13. The 'reform' vote was split almost evenly, nine for the motion, eight against. Conservatives, on the other hand, showed a clear preference for allowing the bill to proceed; four voted for the motion but nine against. See generally, Brian Cuthbertson, *Johnny Bluenose at the Polls: Epic Nova Scotian Election Battles 1758-1848* (Halifax, 1994).



of geography.<sup>18</sup> In general, the bill was supported by members from Halifax and the South Shore down to Shelburne and the greater part of central Nova Scotia represented by Cumberland, Hants and Pictou Counties. It seems the members from the Halifax area, or from ridings with fairly good connections to it, felt that the expansion of the bank was a positive step. While this is not a perfect categorization, less support for the Savings Bank existed in areas where its use would have been difficult except on an intermittent basis. That Herbert Huntington, the stalwart reformer from Yarmouth sided against Joseph Howe, while the two nominal reformers from Cumberland County, Alexander Stewart and Gaius Lewis, split their votes, only reinforces the truism that party loyalty was still primitive and that older political allegiances still influenced voting patterns before the 1840s. In fact, the split evident in this and a later vote on Savings Banks, foreshadowed the tendency towards retrenchment and cautious fiscal programs among rural reform members under the first responsible government administrations.<sup>19</sup>

It also portended the strain which party discipline would impose later, since neither 'party' was homogeneous. Howe was an early booster of the Savings Bank role in both private and public finance and a proponent of a revamped Treasury, but Huntington appeared less committed. An inveterate opponent of public debt, he felt the bank was already large enough for the population base it served, making further increases of government expenditure on it unwarranted. This was also the position of many country Tories, who by the 1840s frequently voted with Reformers on such matters of economy and retrenchment.<sup>20</sup>

After the 1840 election and subsequent session, relations between Reformers and Tories entered an interlude of wary quiescence. The Assembly of 1841--and even more of 1843--provided fireworks, yet represented an overall, albeit deteriorating, balance that stood until the crucial election of 1847 set the stage for the concluding chapter in the struggle for responsible government.<sup>21</sup> During this time the rift between Howe and other Reformers,

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18 JHA, 1837, pp. 193, 215, 217.

19 The vote on the 1841 bill reveals the same rural-urban tension. Again Huntington moved a hostile motion, seeking to reduce further the interest rate paid on deposits. At the time, he was squabbling with Howe over appointments to the Executive Council: JHA, 1841, pp. 125, 128, 146-8; see also A.A. Mackenzie, "Huntington, Herbert," in DCB, VIII, 415-7.

20 J. Murray Beck, *Politics of Nova Scotia. Volume I, 1710-1896* (Tantallon, NS, 1985), p. 124.

21 *Ibid.*, pp. 119-29.

such as Huntington and Lawrence O'Connor Doyle, was mended and their solidarity strengthened. After the election of 1843 returned a majority of Tories and Viscount Falkland selected J.W. Johnston as his head of government, Howe engaged in astringent newspaper attacks on the Conservatives and Lieutenant-Governor Lord Falkland ("Lord of the Bed-Chamber").

It was in such a charged atmosphere that in 1844 Edward Duckett reported to the Assembly that the deposit ceiling set in 1841 had been reached.<sup>22</sup> Tory A.M. Uniacke immediately presented a bill designed to raise the deposit ceiling once more. The bill cleared second reading and survived a motion to defer but then died in committee due to political infighting.<sup>23</sup> Presumably, and pending new legislation, the bank was unable to accept deposits for the next two years since the treasury limit of 1841 had been reached. Then a dramatic, but not entirely unforeseen event focused province-wide attention on the Treasury. In early 1845, provincial treasurer, Charles W. Wallace, suspected of malfeasance, was suspended from his post.

Suspicion had been building since the early 1840s over the impropriety of the treasurer's conduct of his office. During the session of 1843, William M. Stairs, merchant and Reform member for Halifax Township,<sup>24</sup> moved a resolution calling upon the treasurer to keep a cash-book in which all sums paid and received by the Treasury would be entered daily. The book would be audited monthly and placed before the lieutenant-governor for inspection. In 1844 and 1845, Gloud Wilson McLelan, Reform member for Londonderry Township, using the cash book, successfully moved resolutions correcting the treasurer's accounts.<sup>25</sup> Finally, on 22 January 1845, the Council's committee on public accounts presented its annual report to the legislature. Details contained in the report made it immediately apparent that Wallace had submitted false accounts to the executive earlier in the month.<sup>26</sup> The downfall

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22 JHA, 1844, report to Assembly, 20 Mar.

23 *Ibid.*, pp. 129, 137. Because no copy of the bill survives, it is impossible to know exactly what Uniacke intended. Given his credentials, however--president of the Bank of Nova Scotia and of the Halifax Fire Insurance Company, Tory member for Halifax Township and prominent philanthropist--it is likely he was seeking to improve the overall efficacy of the Savings Bank.

24 Shirley B. Elliott, *The Legislative Assembly of Nova Scotia, 1758-1983. A Biographical Directory* (Halifax, 1984), pp. 207-8.

25 *Novascotian* (Halifax), 2 June 1845.

26 Minutes of Executive Council, 16 Apr. 1845: RG 1, Vol. 198, PANS.

of Wallace--swift, yet cushioned--was underway.

On 16 April Wallace was brought before the Council and interrogated, then excused. It was afterwards decided to demand three sets of documents from him. Wallace's reply excused his failure to provide the required documents on the grounds that G.W. McLelan of the Assembly's committee of public accounts possessed them. Wallace pleaded for a few days' grace, which the lieutenant-governor granted, while condemning Wallace for his surrender of state documents to "private" individuals and the "extreme want of regularity and arrangement" in his official practice. Councillors Mather Byles Almon and Alexander Stewart were then asked by the lieutenant-governor to investigate further.<sup>27</sup>

Almon and Stewart scrutinized the Treasury records and counted the cash in the provincial chest. A cursory examination revealed unverifiable entries paid towards the funded debt. When asked about the veracity of his accounts, Wallace admitted that the statement sent to Falkland on 1 May 1844 had been falsified. When Edward Duckett was questioned, moreover, he divulged that £2,500 of the £7,000 credited to retirement of the funded debt in 1842-44 had in fact not been paid. Wallace, when told that his explanations were weak and not to incriminate himself lest criminal proceedings should follow, admitted in the presence of Attorney-General J.W. Johnston that he probably owed the Treasury around £4,000.<sup>28</sup>

Upon reading the auditors' report, the Council interrogated Duckett, who revealed Wallace had falsified payments against the funded debt. This pattern had begun in 1837 and up to 1843 amounted to £12,000, of which only a part had been redeemed. Duckett suggested that Wallace profited by skimming bogus interest payments on non-existent debt. Supposedly, Wallace made a book entry falsifying payment of certificates and then drew illegal warrants on the Treasury paying five per cent interest on those certificates as stated on their face. Duckett, unable to halt Wallace's fraud and unwilling to expose his superior, had informed the latter's brother, Edward Wallace, hoping that family pressure might deter him. Obviously it did not do so; by 1843, out of the

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27 *Ibid.*, 16 Apr., 3 May 1845.

28 *JHA*, 1846, Appendix 16. The copy of the Almon-Stewart report published in the *JHA* is dated 15 June 1845, but the report was read in Council on 11 May: minutes of Executive Council, 11 May 1845: RG 1, Vol. 198, PANS.



£12,000 stated as paid, £4,900--according to Duckett--was actually false.<sup>29</sup> The Council took possession of the keys to the provincial treasury chest and "iron closet" from John Wallace, brother of Charles, stating that the next morning Stewart, Almon and other interested members of Council, would meet at the Treasury to examine further the monies and records. Wallace was invited to attend but declined, preferring to send two of his brothers, Edward and Michael, together with A.M. Uniacke, as his representatives. Two days later, Wallace was suspended from office and Almon and Stewart appointed to replace him *pro tempore*.<sup>30</sup>

The Treasury had been imperilled. Investigators found in the office certificates signed and ready for release which were already represented by outstanding issues, as well as others standing for a debt on the books which did not really exist or which Wallace claimed for himself. The certificates issued under false pretences fell into three categories. Some were certificates supposed to pay only four per cent but issued at five per cent. Others were an issue bearing four per cent but for which some creditors had received five per cent. Finally an issue from 1836, due in 1846, had not been completely released, yet the whole amount had been charged against the province. A number of these certificates had even been paid off illegally. The confusion generated by Wallace's intrigues cast doubt on the creditworthiness of the government. Stewart and Almon suggested that Wallace be relieved of any certificates at his office and only be credited for notes acquired "agreeably by law."<sup>31</sup>

As rumours of Wallace's fraud and the state of the Treasury began to spread, depositors at the Savings Bank became nervous, sparking a run. The bank was forced to borrow £2,100 from the government in order to cover the increase in withdrawals. The Council committee, while stating that the run was "promptly met" and "public confidence completely restored," stressed that the affairs of the Savings Bank, especially the surplus interest account, needed closer scrutiny. When Duckett protested the imputation of errors, the committee agreed with him, pointing out that because of Duckett's systematic mode of conduct his objection should be sustained.<sup>32</sup>

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29 *Ibid.*

30 *Ibid.*, 13 May 1845. Wallace thanked Falkland for taking the "milder course of action"--suspension rather than dismissal--and still hoped that his name might be cleared.

31 *Ibid.*

32 *Ibid.*

The committee was nevertheless in an ambiguous position with regard to Wallace and Duckett. The two represented a public service closely connected by family and ideology with an era of oligarchic dominance that was under attack and increasingly indefensible. To destroy completely the reputations of both men as well as the operation of the Treasury, however, would have called into question the overall governance of the colony and handed the Reformers valuable ammunition. On the other hand, given the seriousness of the situation and its potential impact on colonial finances, the Council had to appear to be both in control and impartial. Though they had little choice but to sacrifice Wallace, their attitude towards Duckett was a mixture of sympathy and regret. He was neither completely exonerated of his misdeeds nor was he totally condemned. Duckett's failure was ultimately excused on the grounds that he had not profited personally in the affair.<sup>33</sup> Thus one man, a clerk on private salary, performed most of the administrative work of both the Treasury and Savings Bank, encompassing hundreds of thousands of pounds over decades. Duckett's loyalty was first and foremost to his superior--and provider--Wallace. The committee, left with little choice, ended by recommending that Treasury affairs be investigated in greater depth and covering a period as far back as possible.<sup>34</sup>

The next team of Conservative investigators, Alexander G. Fraser and Richard Tremain Jr., were appointed to undertake this more searching examination. The terms of reference, issued by Falkland on 26 July 1845, instructed the commissioners to investigate all the accounts of the Treasurer and the Savings Bank. The commissioners were to ascertain in more detail the state of the accounts and suggest managerial improvements. The second public inquiry into the byzantine operations of the Treasury was prompted by the

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33 The amateur, unprofessional nature of the clerk system in government is evinced by the conditions of Duckett's employment. The only surety or bond he had posted was one of £250 provided by his father, who had been without income since 1826 and dead since 1842.

34 *Ibid.* A rough draft of their report, found among papers of Provincial Secretary Sir Rupert D. George, and probably edited by him, contains a crossed-out passage: Wallace "affirms in strong terms that he has never been actuated by improper motives..." but that any errors were "venial." The false interest payments were made "inadvertently": RG 1, Vol. 279, doc. 5, PANS. A possible motivation may have been Wallace's high living. He paid an expensive yearly insurance premium of £36 stg. to the United Kingdom Life Assurance Co. for coverage of £999.19.0. As well, he purchased finery from the London tailors W. Buckmaster & Co.; one such purchase cost £33 stg.: MG 100, Vol. 213, files 12 and 12a, PANS. Two outlays like that alone amounted to 19 per cent of his annual net salary (paid not in sterling but in currency), in sterling terms.

discovery of a treasury note swindle.<sup>35</sup>

The investigators encountered problems cutting through the dross of inaccurate, messy ledgers and documents in the office. Nonetheless, they quickly established that Wallace had repeatedly received monies from customs duties and had entered such on the books, but then had withheld the actual money from the chest for considerable periods of time. As well, the balance, of which three different versions existed in the accounts, was short. The funded debt attracted specific attention again. The recall of certificates, undertaken earlier, led to the discovery that £3,856.5.0 was still illegally outstanding and paying interest. The commissioners found scores of blank treasury notes "openly exposed in the office (and even in the cellar under the building)...." Several books of treasury notes were discovered. One group consisted of old notes, dating back to 1822, signed and numbered by Michael Wallace, with only the endorsement of the commissioners of the Treasury required to tender them. The other book contained £2,000's worth of five-pound notes from 1845, signed by the commissioners; twenty-seven notes, worth £135, had been clipped out and were missing.<sup>36</sup>

Tremain and Fraser's second report focused on the Savings Bank. Duckett and Wallace confirmed that when withdrawals on the bank became too heavy to meet, Duckett had borrowed money from the Treasury to cover them. Though this had not occurred often nor in any case was over £500, the committee complained that such transactions were "irregular and departures from the legitimate course provided by law....," integrating the Treasury and the Savings Bank too closely. They denigrated Duckett's bookkeeping, finding the books difficult to balance and his figures deficient as an overview of the bank's standing with the province and depositors. They especially lamented the failure to keep satisfactory interest accounts. Much of the surplus interest which should have accrued to the profit of the bank was missing and unaccounted for, prompting measures to rectify this situation.<sup>37</sup>

By 1845 there should have been £27,000 in debt certificates funded by the

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35 Wallace had recently returned to the commissioners £4,500 of defaced treasury notes to be cancelled in return for receipts. Though he rightly exhibited this as a credit on the provincial current account, the investigators, upon learning that the treasurer had since received £1,000 of new notes, realized that the Treasury was 'owed' only £3,500: minutes of Executive Council, 25 July 1845: RG 1, Vol. 198, PANS.

36 JHA, 1846, Appendix 16: first report of Fraser and Tremain, 15 Jan. 1846.

37 *Ibid.*, second report of Tremain and Stewart: Appendix 28 (n.d.).



Savings Bank. Investigators found only £9,000 in new certificates filled up and dated, and even some of these had not been signed by the commissioners of the Treasury and the provincial treasurer. This meant that the bulk of bank deposits were not secured by Treasury certificates, leaving the bank exposed to panic runs, which is exactly what had happened the summer before. Though the act of 1841 allowed only half a per cent payment for expenses on the extra £7,000 added to the bank's treasury ceiling, moreover, it appeared that Duckett had continued to take one per cent despite the fact that an earlier act had reduced it to one-half.<sup>38</sup>

Fraser and Tremain recommended that the books of the Savings Bank be consolidated into three main ledgers. Two other books, a journal or daybook detailing daily transactions and general information in the form of reports and abstracts, were also called for. The adoption of the 'double entry' method of bookkeeping was urged as well. The committee went on to suggest to the lieutenant-governor that the time had come to loosen the restrictions concerning depositor class and deposit ceilings. The demands and need of the "public for Investment" channelled through such an institution had outstripped the regulations of 1832:

if the restrictions above alluded to were extended, the Savings Bank might be made (in addition to the gains arising from the extension of business) otherwise productive to the Province, by being the medium of obtaining money at a low rate of interest, and of concentrating the various Loans at present forming the Provincial Funded Debt.

At the same time they called for an account limit of £50, in order to ensure that gains made by the bank derived from the proper class of depositor.<sup>39</sup>

It was further recommended that Duckett, who functioned as both a commissioner and as treasurer (cashier) of the Savings Bank be divested of the former office, so that the original intention of providing oversight might be realized.<sup>40</sup> Duckett, whose cooperation was praised, was absolved of any flagrant violations of trust, the problems with the bank instead being attributed

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38 *Ibid.*

39 *Ibid.*

40 The terms *commissioner* and *treasurer* should not be confused--as they were at the time--with the commissioners of the Treasury, who signed and endorsed treasury notes and certificates, or with the provincial treasurer, Wallace.

to a "too strict adherence to the method first adopted, and continued without making alterations or improvements as the growth of the Institution naturally suggested."<sup>41</sup> Whatever the ultimate impact of the scandal on the Treasury and Savings Bank, for Wallace himself it culminated in his dismissal two days after the first report was tabled in Council.<sup>42</sup>

Though the 'private' nature of the Treasury had enabled Wallace to evade exposure for so long, covering the payments of bogus interest warrants on certificates supposedly retired must have required a continuous, nerve-racking attention to detail. The Council thought that Wallace was able to execute the fraud because "the holders of the funded debt thereof (the falsely retired debt) [remained] ignorant that the amount due to them had been by the Treasurer charged as paid...."<sup>43</sup> However, the interest due on the principal of many £100-treasury certificates was payable each quarter.<sup>44</sup> What was to stop the legitimate creditors from appearing at Wallace's office each quarter, or year, to claim their interest? If they had done so, how would he have been able to pay them and himself, simultaneously, with treasury warrants? Perhaps certain debt-holders simply let their sleeping certificates lie and accumulate interest without bothering ever to collect the interest. For instance, the aged former Chief Justice Blowers held well over £1,000 worth of certificates but might not have had the energy to importune the Treasury. In the end, however, the mechanism described by the minutes and reports was cumbersome indeed and leads one to suppose that Wallace's schemes may have involved the willing participation of other interested parties who held treasury certificates.

One example of collusion appears to have concerned the disposition of certain government loans. In 1834 the government floated a loan for £6,000 through the usual sale of treasury certificates bearing five per cent interest, to be paid off by 1836. Fraser and Tremain found that while Wallace had subsequently charged the full sum as paid off, he had actually retired only £4,500's worth. The balance of the loan, £1,500 in certificates, remained illegally held by people who would have known about their illegitimate status.

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41 JHA, 1846, second report, Tremain and Fraser.

42 Minutes of Executive Council, 13 May 1845: RG 1, Vol. 198, PANS. Alexander G. Fraser was appointed acting treasurer on 20 May 1845.

43 *Ibid.*, 11 May 1845.

44 Martell, *A Documentary Study*, p. 57.

In 1835 a new loan of £10,000 at four per cent was raised. This time Wallace sold only £8,700's worth of certificates but represented the full sale in his books, 'replacing' the missing block of certificates with fifteen from the 1834 issue at five per cent. Thus, part of the earlier five per cent loan to be retired in 1836 was now represented as an openended four per cent loan. The holders of that specific portion of the debt continued to receive five per cent interest on certificates which should have been retired and replaced with four per cents.<sup>45</sup>

Of course, certain certificate-holders would have suffered from Wallace's actions. Their stock was paid off without their knowledge, so that Wallace could reap the final interest payments and at the same time balance his books against other stock which he was not retiring. In the autumn of 1845, once the inquiry was in full swing, Wallace appears to have made restitution to these investors. The amount--the £3,856 mentioned earlier--with interest came to £4,040.<sup>46</sup> It is interesting to note that the stock represented here came from one of the earliest issues on record, the six per cent loan of 1830. The thrust of Wallace's choice quite logically seems to have been to pick quiet, stable owners who were unlikely to cause trouble. Four of the ten parties named were dead and one block was in trust for King's College. The other five parties were Justice W.B. Bliss, the Reverends Cogswell, Willis and Binney and the Albion Insurance Company. The last-mentioned certificate had originally been held by the Halifax Fire Insurance Company, thus it likely was a long-term institutional investment. Judge Bliss's certificate had originally been owned by Chief Justice Blowers, his father-in-law, and was not likely to be cashed quickly since Bliss and his wife were wealthy.<sup>47</sup> Another characteristic of the debt certificates was their size. Only two were for less than £175, while six were

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45 They were J.J. Sawyer, Michael Tobin, Charles Hill Wallace, George P. Lawson, J.S. Tobin, Michael Doyle and Norman F. Uniacke. Two obviously illegal issues--belonging to Robert Story in trust for Helen Uniacke--were also detected, making for an overissue of £200 (see Abstract C and C.1 in Appendix 49, *Journal of Legislative Council*, 1846). It is interesting to note that while the Assembly Journal contains the same appended reports, including the one referring to the abstracts used above, they do not contain the abstracts themselves. These abstracts put names and figures to the disposition of the debt and so may not have been shown to the Assembly.

46 They were the estate of John Clark, estate of Joseph Allison, John C. Haliburton in trust for King's College, estate of John Brown, Rev. William Cogswell, Albion Fire and Life Insurance Company, Rev. Dr. Willis and estate of James B. Francklin: *ibid*.

47 Phyllis R. Blakeley, "Blowers, Sampson Salter," in *DCB*, VII, 86-9 and "Bliss, William Blowers," in *DCB*, X, 72-3.



more than £400. By using large stable certificates, Wallace was able to execute his scheme with the least fuss and risk.

When Wallace made restitution, he used Attorney-General James W. Johnston and Surveyor-General John Spry Morris as his intermediaries to the Treasury. By 31 December 1845 he had placed over £6,000 in their hands and thence into the Treasury. It is not certain whether he had to rely on the sureties he had posted in 1831, when he first became treasurer, but the record suggests that he needed help from some quarter to meet his obligations.<sup>48</sup> Though Wallace paid back his debts to the Treasury, he fought tenaciously against charges he thought unfair and was actually reimbursed £140 by the government in 1849.<sup>49</sup>

Though never charged, Wallace filed a £500 arbitration bond with the prothonotary and clerk of the crown in the Supreme Court on 14 September 1847. John Whidden, clerk of the House of Assembly, and John W. Ritchie, a prominent lawyer, were appointed arbitrators, but unfortunately neither the other parties nor the outcome of the proceeding is known.<sup>50</sup> The quasi-judicial arbitration process--cheaper, quieter and quicker than the Court of Chancery--suggests that pressure from somewhere was exerted on Wallace to make restitution. It is quite likely that, since holders of certificates harmed by Wallace's actions were repaid by the end of 1845, the other parties to the arbitration were either Wallace's sureties, or someone else who had rescued him financially.

News of the contretemps first broke in early 1845. The Stewart-Almon and Fraser-Tremain reports were commissioned in the late spring and summer but not published until 1846. The delay in releasing the official report on the scandal must be attributed in great part to the tremendous problems encountered by the investigators in sifting through the confusing morass of documents. The government, however, was not doing itself any favours by keeping silent on details. By the spring of 1845, both the liberal press and Reformers were drawing an increasingly heavy rain of fire down upon the

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48 He had £8,000 currency in sureties--£4,000 entered into by himself--and another four sureties of £1,000 each, provided by private individuals. Lieutenant-Governor Falkland stated, "His (Wallace's) assets as they have represented on behalf of his sureties, may be estimated at somewhat below that sum (£56,000 c[urrency])": Falkland to Stanley, 17 May 1845, Appendix 35, *JHA*, 1846, p. 120.

49 Report of Bell and McNab, 16 Mar. 1849: RG 7, Vol. 20, doc. 131, PANS.

50 MG 100, Vol. 243, file 13, PANS.

government.<sup>51</sup> The debate, centring on two main issues, bore all the marks of a bitter partisan fight. First was the issue of responsibility for uncovering the scandal; and second, the nature of any reforms to be undertaken as a result of it. The Treasury fiasco was a warm-up in the approach to the crucial general election of August 1847. Reformers sought to embarrass the Tory government, while the government for its part tried to appear steady and impartial, portraying Howe and his colleagues as callow partisans whose interests were antithetical to those of the colony at large.

The Halifax *Times*, a conservative pro-government newspaper, gave credit for exposing the scandal to the government, prompting the *Novascotian*'s tart reply that the 'papers' its rival had published were originally submitted by "Liberals" during the session of 1844. The *Times* was accused of falsifying the date of the documents in an attempt to fob them off as Tory revelations. The Stairs amendment of 1843 and the McLellan corrections of 1844-45 were touted as further examples of Reform sagacity.<sup>52</sup> By the next winter, after publication of the Council reports on the matter, the *Post* was claiming that "it is generally believed that the irregularities in the Treasury Department commenced long before Mr. Wallace (C.W.) had anything to do with it and that he had been the victim of overpowering and untoward circumstances."<sup>53</sup> While the *Novascotian* never explained what those circumstances were, it did publish a Treasury accounting statement showing that £15,721 had been deposited in various commercial banks in the city. This was confirmation of suspicions that the constitution of the Treasury was a bone of contention between Reformers and the Tory government, in the wake of the scandal and in view of recent constitutional developments.

Shortly after Almon and Stewart made their report to Council in the spring of 1845, the Treasury's assets were placed in commercial banks. Letters were sent to M.B. Almon, president of the Bank of Nova Scotia, and S.N. Binney, manager of the Bank of British North America, asking whether they were prepared to accept "temporary" deposits from the government for the purpose of running Treasury business.<sup>54</sup> This ludicrous arrangement would have placed

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51 *Novascotian*, 2, 12, 26 June 1845; 12, 26 Jan.; 2, 9, 16 Feb. 1846.

52 *Ibid.*, 2 June 1845.

53 *Ibid.*, 2 Feb. 1846.

54 Minutes of Executive Council, 20 May 1845: RG 1, Vol. 198, PANS.

several councillors with bank directorships in a direct conflict of interest. When word got out, the Conservative leader of the government, J.W. Johnston, found himself under attack in the Assembly over the issue. The *Novascotian* reprinted an article from the United States entitled, "Banks and the Treasury," obviously intended as an indictment of the fiscal policy of the government. The author felt that public money would not be safe in an environment where it could be loaned out for profit as investment capital and thus exposed to loss. The author further recommended a constitutional Treasury where "all executive direction and control over it shall be removed, except as may be necessary in directing its disbursement in pursuance of appropriations made by law."<sup>55</sup>

The treasurer's exclusion from the day-to-day handling of money was what some Nova Scotian Reformers proposed as the corrective to those temptations which had led to improprieties such as Wallace's defalcation. Later, in January 1846, Huntington and Howe pressed Johnston on the legality and expediency of the banking proposal. Johnston's reply intimated that the government was not even receiving interest on the account--it being "merely placed...for convenience."<sup>56</sup> To make matters worse for the government, the Public Accounts Committee of the Assembly, chaired by Reformer James McNab, while completing its assessment of the 1845-46 fiscal year had found much to object to. The redoubtable G.W. McLelan even refused to sign the committee's report because he felt it would be sanctioning bad behaviour. He pointed out that the Treasury,

instead of being a Public Chest,...was a private one. Order after order from the Secretary (R.D. George) was there for money which was drawn out contrary to law. The late Treasurer (Wallace) had frequently been mentioned. The government took a good deal of credit and blamed the Treasurer, but the Legislature had forced a loose system upon him.

McLelan also suggested that the government was not interested in any

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55 *Novascotian*, 12 Jan. 1846.

56 *Ibid.*, 26 Jan. 1846. Johnston's move also caused bad blood between the Halifax Banking Company and the Tory government. The proud old bank, which had once dominated the gerontocratic Council of Twelve, now could not get plums from a Tory administration, probably because of Uniacke's presence. Even a direct plea to Falkland, through Secretary George, was rebuffed. Later, in 1848, when the Savings Bank needed £1,400 cash in order to cover withdrawals, Cogswell facetiously, and no doubt gratifyingly, informed the provincial treasurer (Fairbanks) that his bank could not oblige him since it did not wish to cause "surprise and...bad feeling on the part of other banks": Victor Ross, *History of the Canadian Bank of Commerce*, 1 (Toronto, 1921), 99.



opposition advice pertaining to the matter. When he told the House that in a private discussion his suggestions of a better method of record-keeping prompted Johnston to look at him "as if to say nothing good can come out of Nazareth," the members erupted in laughter.<sup>57</sup>

In the autumn of 1846, the liberal *Novascotian* noted that the conservative Post had run an article stating that the new treasurer, when appointed, would not be allowed to sit in either Assembly or Council. The reform paper rightly suggested that this was a "feeler" placed by the government to sound out public opinion. The editors believed that the government was seeking to install a Tory in the office and make it safe for whomever the candidate might be, with a view to the next election. As matters then stood, assemblymen appointed to salaried offices were required to resign their seats and seek re-election. Reformers were pressing for an augmentation of this system whereby the 'heads' of departments would *have* to be a member of the majority party in the Assembly. In the view of the Reformers, heads of departments had to be elected and to maintain the confidence of the House of Assembly, in order to ensure that the ultimate responsibility for executing government policy rested with accountable representatives of the people.

According to the contrary position, held by Lieutenant-Governor Falkland and Colonial Secretary Lord Stanley, the custom of voting the treasurer's salary out of public revenue meant that the Assembly would be required to assume the added expenditure which direct accountability would incur. If the treasurer was now to be a member of the majority party, then he and other 'heads' would need permanent staffs, since they would no longer be serving for decades like the two Wallaces, father and son. Bureaucratic expertise and institutional memory were called for, especially in light of the increasing complexity of government finances. New offices would therefore need to be created and adequately salaried.

A second problem with the 'responsible' system was the temptation it might place before the treasurer to use his office to maintain his political position. As a powerful member of the Executive Council, he could direct monies under his control into campaigns for re-election or patronage. Furthermore, as a senior

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57 *Novascotian*, 16 Feb. 1846; proceedings of the Assembly as reported in this Reform newspaper. Later that month McLelan also attacked the government over its failure to reduce the funded debt, claiming that the province lost £2 per day. He demanded that the provincial chest be removed from the Bank of Nova Scotia. A.M. Uniacke replied that this had already been done at the end of 1845: *Novascotian*, 28 Feb. 1846. McLelan also thought it wrong that government money should be lodged in a bank with no security, though the practice helped to increase banknote circulation: *JHA*, 1846, Appendix 82.

department head, he might be in a position to block an audit of his accounts, something which Wallace was powerless to do. Falkland therefore proposed that the new treasurer should not be an MLA and that he would have to forswear all political involvement; if an assemblyman, then he would have to resign his seat.<sup>58</sup>

Slightly earlier, Johnston had staked his leadership of the government on avowing that the Nova Scotian administration had no 'heads', contrary to what various Reformers claimed. He intimated that if this was what the people wanted, then such a system would first have to be created and retirement pensions provided. Reformers disagreed, countering that 'heads' did indeed exist, citing the provincial treasurer, provincial secretary, commissioner of crown lands, attorney-general and solicitor-general as examples. All that was needed was to make these officers of state responsible to the Assembly. No pensions were required to sustain them now, so why--the Reformers asked--would they be in the future.<sup>59</sup>

Their reasoning was slightly specious, because the essence of responsibility was to place ministers at arm's length from the day-to-day workings of government, to make them policymakers, not agents, for the state. To secure this objectivity and control, as the English quite rightly pointed out, required the creation of a new bureaucracy, and with bureaucrats come pensions. For how else could their neutrality be assured? Pensions, besides promoting professionalism and duty, reduced the underlying temptation, or necessity, to curry favour obsequiously in the expectation of fair treatment upon retirement or illness. As money-conscious MLAs knew, however, if clerks had pensions then 'heads' of departments would demand them too. Thus the timing of the scandal and Wallace's subsequent dismissal ensured that its resolution, and in particular the constitutional aspect of the problem, would become a testing-ground for opposing views on responsibility and bureaucratic organization in the run-up to the 1847 election.

Lord Falkland--by this time hotly opposed to Reformers in general and Howe in particular--went ahead and appointed the Tory lawyer-assemblyman, Samuel Prescott Fairbanks QC, as provincial treasurer on 15 November 1845.<sup>60</sup> To conform with the lieutenant-governor's wishes, Fairbanks resigned his seat

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58 Falkland to Stanley, 17 May 1845: *JHA*, 1846, Appendix 35.

59 *Novascotian*, 9 Feb. 1946.

60 Falkland to Stanley, 15 Nov. 1845; W.E. Gladstone to Falkland, 31 Dec. 1845: *JHA*, 1846.

in Queens County and quit the active practice of law. He accepted the position on the dubious understanding that the office would not become a political appointment in future. Based on the constitutional developments of the previous twelve years, however--notably Lord John Russell's dispatch of 1839 which singled out the treasurer as an official to be dependent on the confidence of the Assembly--Falkland had no business making such a promise to Fairbanks. The liberal press later reviled this attempt to install Fairbanks as an evil plot by Johnston to "destroy Responsible Government and Departmental Government and fasten his friends on the Treasury for Life."<sup>61</sup>

The Council's reports in hand, it was now time for the Assembly to hold forth on the matter. The committee charged with reviewing the situation was comprised of James D. Fraser, J. Howe, L.M. Wilkins, H. Huntington and B. Smith. Their report agreed with the Council's in calling for a more detailed, extensive investigation. The committee, however, further called for a "strict and searching" inquiry into the entire career of Charles W. Wallace, as well as that of his father Michael. Professing a distaste for harrying the reputation of a dead man, the House committee nonetheless concluded that the statements of Charles W. Wallace--disputed as they were by the attorney for Michael Wallace's other children--when taken with the testimony of others, called into question the probity of both father and son.<sup>62</sup>

No such "strict and searching" inquiry, however, was ever conducted into the affairs of C.W. Wallace, which is hardly surprising. Embarrassing revelations about the connection of councillors, interlocking businessmen and their relatives to the financial affairs of the province would surely have flowed from such an endeavour. Still, the reports, both Tory and Reformer, must have made hard reading for the embattled Falkland and his executive. The reputations of Michael Wallace, long a stalwart of the "Star Chamber"--as the old Council of Twelve was satirically known--and his son, an hereditary placeman, had been irretrievably sullied. Together, their reign as treasurer spanned almost half a century of Nova Scotia's history. Michael Wallace had

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61 John G. Leefe, "Fairbanks, Samuel P.," in *DCB*, XI, 3089; *Acadian Recorder* (Halifax) quoted therein. Some confusion exists as to when Fairbanks was appointed; Leefe states Mar. 1845, but has him confused with the acting treasurer, Alexander G. Fraser. Fairbanks, who had become a QC in May 1845, was 'provisionally' appointed treasurer in Nov.: RG 1, Vol. 175, pp. 338, 364, PANS. Though under no constitutional obligation to do so, Fairbanks resigned his seat in the Assembly; the by-election to find another member for Queens Co. was held 16 Dec. 1845. On the controversy generated by Fairbanks's tenure of office, see J. Murray Beck, *Joseph Howe Volume I: Conservative Reformer 1804-1848* (Montreal and Kingston, 1982), pp. 288-9.

62 *JHA*, 1846, Appendix 84, Report of Assembly on Accounts of Treasurer, 11 Mar. 1846.



been appointed by Lieutenant-Governor Sir John Wentworth in 1797, and his son, Charles Wentworth, namesake of the lieutenant-governor's son, assumed office on his father's death in 1831, a total of thirty-four and fourteen years respectively.

Legislative reaction to the scandal took the form of a new act which sought to reorganize provincial finances. The 1846 bill, "An Act relating to Treasury Notes, the Funded Debt and the Halifax Savings Bank," was introduced by Attorney-General James W. Johnston and led to a "friendly debate, or rather conversation...."<sup>63</sup> Its main thrust was a reorganization of the Treasury and the Savings Bank. Treasury note issues and funded debt repayment were to be reorganized, while the treasurer was put on a permanent annual salary. Better oversight of the Savings Bank was to be provided through the appointment of a board of directors and the distancing of the Savings Bank from the Treasury.

Liberals criticized the government's bill, Huntington and McLelan objecting that the salary of the treasurer and the appointment of bank directors were an unnecessary expense. The speaker, Reformer William Young, objecting to the clause which made the Savings Bank a separate department, referred the bill to a select committee composed of four Conservatives, including Johnston, and five Reformers, two of whom were Howe and Huntington. Howe, for his part, supported the proposed salary of £600 for the treasurer, and went further than most of his colleagues in allowing that the treasurer should have two clerks, one at £200, the other at £100 per annum. Howe argued that in this way the treasurer could properly "superintend both departments and be held answerable for their proper management."<sup>64</sup>

Howe's suggestion underlined the logic of the 'responsible' argument; greater accountability and duties required commensurate increases in staff. As with most constructive reforms, however, not all were prepared to accept the full cost of success. Many of Howe's colleagues, such as McLelan and Huntington, found it difficult to reconcile the reform proposals with their desire to economize. Though the bill passed easily, it came out of the select committee with amendments revealing a somewhat constricted vision. While all the laws pertaining to the Savings Bank were repealed and new protocols instituted, the reorganization was less than sweeping. The provincial treasurer was installed as the sole director of the Savings Bank; there was to be no board

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63 *An Act Relating to the Treasury Notes, the Funded Debt and the Halifax Savings Bank*, 1846, chapter 14; *Novascotian*, 9 Mar. 1846.

64 *Novascotian*, 9 Mar. 1846.

of directors or clear separation of the bank from the Treasury. Instead of two assistant clerks, one to look after Treasury business, the other the bank, only one clerk was to be hired to act as assistant clerk to the bank's treasurer-cashier. His salary, however, was now to be paid out of general revenues and he served "at pleasure."<sup>65</sup> Detailed regulations concerning the mode of operation and reporting arrangements were also introduced. The director was now to take an active supervisory role on a weekly basis. Mechanisms providing for cash infusions, if required by depositor demand, were also arranged.<sup>66</sup>

Two significant tendencies were highlighted during the bill's passage through the Assembly. First, it was Reformers who denuded the legislation of its strongest reform aspects. Instead of using their majority in committee to thwart the tottering Johnston government, many Reformers suggested amendments which limited the bill's scope. Secondly, the long-standing interdependence of three aspects of government finance--treasury notes, the funded debt and the Savings Bank--was reinforced and made even more explicit. For example, the act called for the retirement and replacement of all outstanding treasury notes (£60,000). Fresh guidelines for appointing and removing commissioners of the Treasury stated they served 'during pleasure' and required an oath be sworn before taking office.

By 1846 the funded debt as represented by treasury certificates (£30,000) was reorganized so as to pay four per cent. Together with the Savings Bank deposits, which had funded an additional £27,000 in treasury certificates, they comprised a debt of approximately £57,000.<sup>67</sup> The treasurer was given the option of refunding portions of this debt through loans from the commercial banks at no more than five per cent. These loans, too, would be paid with new certificates. In an attempt to clear up confusion over the loan certificates, the treasurer was empowered to call in outstanding certificates to be replaced with new ones properly recorded. As well, the old certificates

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65 *An Act relating to...: Novascotian*, 9 Mar. 1846; McLelan tried to have it reduced to £200 but failed: *JHA*, 1846, p. 494. Duckett, fighting to hold onto his job, wrote to Secretary George to request that the lieutenant-governor appoint him cashier under the new act, 21 Mar. 1846: RG 7, Vol. 15, doc. 59, PANS.

66 *Ibid.* °

67 It will be remembered that investigators could not account for more than £9,000 worth of completed certificates, leaving a provisional discrepancy of £16,000. Obviously, not even Wallace could have made off with such a sum. Since nothing more was made of it, however, the £9,000 perhaps roughly represents the amount of deposits received in specie suitable for the retirement of the funded debt by means of certificates.

payable at four per cent, which were soon due, were allowed to be refunded for an extra five years.<sup>68</sup>

Fairbanks, the new treasurer, immediately placed advertisements in the local newspapers in order to attract the additional savings allowed by the 1846 act; the deposit limit was increased to £50 per year. These advertisements ran all summer, presumably in an attempt to restore confidence in the institution.<sup>69</sup> Fairbanks's tenure as provincial treasurer and superintendent of the Savings Bank, however, was destined to be much shorter than he had hoped. After the defeat of the Tories in the general election of August 1847, the Reform ministry came to power on a vote of nonconfidence in the Assembly and immediately removed Fairbanks from office--notwithstanding his numerous petitions to the lieutenant-governor and Executive Council. The vehicle for Fairbanks's ouster was a bill abolishing his office and creating two new ones, the receiver-general and the financial secretary, both politically appointed heads of departments. Responsible administration had finally arrived.<sup>70</sup>

The receiver-general, paid £600 per year, was given all the duties of the old treasurer and allowed one assistant clerk at £250 per year. He was purely a collector and dispenser of funds, the handler of money. The financial secretary, the more powerful position, ranked higher in the cabinet and developed fiscal policy. He too was only allotted one clerk, at £200 per year. The receiver-general and his clerk, as under the previous act, became the superintendent and cashier, respectively, of the Savings Bank. Thus it was the financial secretary who would write the legislation telling the receiver-general what to do with the bank. Though a new officer--the financial secretary--had been created, the receiver-general's office carried out the lion's share of daytoday business. Apart from instituting better safeguards and oversight, the bureaucratic system at the Savings Bank--soon to have to deal with an increased workload--remained essentially static.

Trouble still dogged the Treasury, however, as the end of the fiscal year in December 1858 witnessed another round of difficulties at the Savings Bank. The public accounts committee reported "that the accounts do not exhibit a clear and satisfactory statement of the business of that department." The major

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68 *Act Relating to...Savings Bank.*

69 *Novascotian*, 13 Apr. 1846.

70 *An Act to provide for the more accurate Audit and Inspection of the Public Accounts, and for the appointment of certain Public Officers therein*, 1848, chapter 22.



problem appeared to be that Edward Duckett Jr., after all the trials and tribulations of 1845-6, had utterly failed over the intervening decade to institute the bookkeeping recommendations demanded by both the investigators and the act of 1846. It was apparent to the committee that Duckett had been shortchanging the bank on its interest gains on broken periods.<sup>71</sup> The augmentation of business occasioned by deposit increases in 1854, 1855 and 1856 should have netted the bank modest interest profits, but the accounts revealed instead a shortfall of £1,927 for the years 1854-8. The hours of business had been extended, the deposit ceiling raised and a £6,500 loan contracted from the Treasury to cover withdrawals,<sup>72</sup> but Duckett seemed incapable of revising his accounting techniques or coping with the burgeoning workload. Worse, he lacked solid support in the Assembly; a vote to increase his salary by £50 per annum in 1854 passed only on the tie-breaking vote of the speaker.<sup>73</sup>

Unfortunately for Duckett, this latest scandal broke at the end of the Tory administration of 1857-60. The election campaign had been particularly nasty and brutish, largely because of divisive religious issues, but it was also tainted by fierce debate over the spoils system. The Tories, nominally led by Attorney-General Johnston, but in reality by Provincial Secretary Charles Tupper, had directed their fire at the overspending and misconduct of previous Reform governments. The sessions following the installation of the new Reform administration continued along the same lines.<sup>74</sup> Clearly, Duckett, an old clerk prone to error, would have a hard time surviving the search and scramble for offices which had become increasingly strident by the end of the 1850s.

A probe, recommended by the public accounts committee and undertaken by Archibald Scott, covered the books from 1854 to 1858 inclusive and found many glaring errors caused by the "total absence of that system of bookkeeping, so essential to a bank...the books not being kept by double-entry, and the only accounts being kept in ledger being those of individual depositors...." Duckett's pithy response to Scott's audit was to blame Treasurer Fairbanks and his successors, Receivers-General James McNab and E.L.

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71 JHA, 1859, Appendix 52, pp. 528-30.

72 The 1846 act, revised in 1851, provided for contingency loans from the Treasury or chartered banks in anticipation of increased business. Duckett was taken to task for the manner in which he entered the loan on the books.

73 JHA, 1854, pp. 543-4.

74 Beck, *Politics of Nova Scotia*, pp. 1439.

Brown, for the mistakes which he admitted were there. Duckett claimed always to have kept a cash-book, as required, and if his version did not meet specifications it was up to his supervisors to point it out.<sup>75</sup> In one respect Duckett was right--his superiors were ultimately responsible for the accuracy of the books. The real problem with the system instituted in 1846 was that it did not provide for enough manpower to oversee an operation of such scope and labyrinthine detail.

A subsequent investigation, carried out by MLAs John Joseph Marshall, financial secretary, and William A. Henry, solicitor-general, reported on 19 December 1859. The auditors' exertions uncovered a deficiency of £813 against Duckett, who also had frequently failed to enter deposits into the account books; he only credited the depositors' passbooks, leaving the government liable for unrecorded deposits. The critical findings of the auditors' report prompted Provincial Secretary Tupper to suspend Duckett temporarily until the next meeting of the legislature. Duckett wrote back bravely, stating he would only resign if Tupper provided documentary proof of the alleged defalcations. Tupper's reply was a peremptory rejection of any conditions, though he did provide copies of the reports.<sup>76</sup> On 21 December, Tupper replaced Duckett with George P. Lawson, while Duckett--apparently unaware--wrote Tupper again, refusing to resign and emphatically denying any wrongdoing. He pleaded that it would be "but just to an old public servant to put the office in commission, until the facts have been fully sifted and the judgement of the Legislature have [*sic*] been pronounced."<sup>77</sup> Though Lawson did take over his duties, future events would prove Duckett to have been wise in not resigning.

The Reform-Liberal party, winners of the general election in May 1859, did not assume power until January 1860. By early summer the new government was ready to take up the matter. In May Joseph Howe, back as provincial secretary, ordered one John H. Harvey to investigate the affair. Harvey, while maintaining Duckett's deficiencies as they stood, appeared sympathetic in view of the old man's age and workload. After auditing the accounts with the cashier, Harvey did not indict the clerk for fraud or illegal gain, but was "rather led to the conclusion, that the money had been inadvertently overpaid in the

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75 Duckett to Tupper, 5 Dec. 1859: Appendix, Public Accounts, *JHA*, 1860.

76 *Ibid.*, 20 Dec. 1859.

77 *Ibid.*, 21 Dec. 1859.

hurry and confusion of a crowded office."<sup>78</sup>

Help arrived from other quarters as well. A letter from J.W. Johnston, supporting Duckett's innocence, stated that he hoped he would find suitable public or private employment. Johnston, however, clearly intimated that it was neither in Duckett's nor the province's best interest that he continue at the Savings Bank, due to "the increased and complicated nature of the business."<sup>79</sup> But Duckett did not stop there. He marshalled a petition to the government, signed by 135 of the most prominent citizens of Halifax. Citing Duckett's probity and integrity, the petitioners suggested that any errors stemmed from the difficulties of operating an expansive banking operation in a environment of continual disruption. The petitioners observed that the strain had been eased by a new office for the cashier and ended by asking that Duckett be given suitable employment.<sup>80</sup>

Keeping up the campaign, Duckett wrote to the Executive Council in the autumn, stating his willingness to make up the defaulted amount out of his salary. Included was a note from a clerk hired by Lawson, the new cashier, stating that his heavy workload necessitated hiring assistants and that the separation of the Savings Bank from the receivergeneral was a great improvement.<sup>81</sup>

Finally, on 14 November 1860, Howe relented and reinstated Duckett; the seemingly impossible had happened. The council's decision was primarily influenced by "the almost unanimous expression of opinion on the part of your fellow citizens...and by the admission of the leader of the late administration [Johnston] that your moral character was not intended to be impeached when you were dismissed from office."<sup>82</sup>

It is an open question why Howe and the Liberals took this course. Neither Duckett nor Johnston nor the petitioners had expressly asked that he be reinstated as Savings Bank cashier; Johnston had clearly suggested that he was not fit for the job. Though Duckett was no longer assistant clerk to the receiver-

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78 Harvey to Howe, 13 July 1860: *JHA*, 1861, Appendix 7.

79 Johnston to Duckett, 18 July 1860: *ibid.*

80 Petition to Council, 15 Aug. 1860: *ibid.*

81 Duckett to Council, 30 Oct. 1860: *ibid.*

82 Howe to Duckett, 14 Nov. 1860: *ibid.*



general, it is doubtful whether, at 63 years of age, he was ready to perform his duties as cashier for very much longer. The Savings Bank was a busy institution, intimately connected with railway construction, and could hardly have been considered a vacation compared to Duckett's former responsibilities. On the other hand, of course, pensions were not common and the tendency was to die working 'in the harness'. One cannot help but admire Duckett for his tenacious defence and ability to muster support from the conservative establishment at a time when his job must have seemed like a patronage plum for the Liberals to award. Though the Liberals turned to the bank to help fund their infrastructure development plans, they consistently refused to provide sufficient staff and support in order to allow it to carry out its mandate efficiently. In the end, the Liberal government's reinstatement of Duckett says as much about its disillusionment with the railways by 1860, as about any serious consideration of the public interest.<sup>83</sup>

While Edward Duckett was attempting to keep his job, Charles Wentworth Wallace was living in self-imposed exile in the United States. Shortly after his dismissal, Wallace and his wife Abigail emigrated to California, abandoning their Halifax life and their grown children. There Dr. Wallace resumed his medical practice, in order to support himself and his wife. While Wallace's practice occurred well within the age of "heroic medicine," meaning that the skills he had learned in Edinburgh in the 1820s were still useful, it is unlikely that his heart was in the profession he had abandoned almost twenty years before.<sup>84</sup> The former treasurer-cum-physician lived out the rest of his days on the West coast, dying in 1865 at the age of 65 in San Francisco.<sup>85</sup> Abigail Wallace returned to Halifax, living there until her death in

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83 Duckett appears to have felt the strain of office immediately, having to write the receiver-general in Jan. 1861 for extra help because the workload was too much: Duckett to Anderson, 18 Jan. 1861: Treasury Records, RG 31-109, Vol. 12, doc. 54, PANS. Duckett remained as cashier until 1863, and d. at age 78 in 1875.

84 It seems that Halifax society retained an interest in the fate of the Wallaces. Besides the obituary, there is mention of a Toronto man dying after having received medical attention from the doctor at the Wallace residence in San Francisco: *Acadian Recorder*, 13 Jan. 1855.

85 Obituary, *Novascotian*, 24 Apr. 1865.

1889.<sup>86</sup>

Given the operation of the Nova Scotia Treasury, which was similar in structure to other colonial jurisdictions, the historian cannot blithely ascribe criminal, or even rapacious, motivations to the officers employed there. Wallace, scion of an important and prominent office-holding family, gained the post of treasurer and operated in accordance with the standards of the day. Indeed, the Assembly committee's desire to investigate Michael Wallace's role in earlier Treasury affairs suggests that Charles Wentworth may simply have inherited the tendency to graft and favouritism as practised by his avaricious father. Office-holders expected, and were allowed the right to benefit personally from their positions. Duckett, on the other hand, could maintain professional credibility due to the incestuous nature of the private clerk system.

The insularity of Halifax society, the interrelatedness of the élite and their role as custodians of the funded debt, make it implausible that everyone remained ignorant of Wallace's activities. While there is no doubt that Wallace acted improperly, and that Duckett aided and abetted him, both men denied that they were legally liable and maintained their innocence to the end without any apparent embarrassment. Thus, given the context within which they had functioned for most of their careers, their actions and utterances are understandable.

The wisdom of hindsight makes it possible to evaluate the scandal and later imbroglio more as probabilities than important causal events. The principal actors, Wallace and Duckett, were in this sense individuals in the wrong place at the wrong time. The new forces of executive accountability and increasingly complex public finance--not to mention the modern political party system they engendered--ensured that history overtook these speculators, making their conduct appear anachronistic and grasping. However, while the Reformers were quick to take credit for exposing the scandal and reorganizing the Treasury, history should not ascribe to them over-much heroic idealism. The constricted vision which underlay their reforms, leading to the abandonment of

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86 *Morning Herald* (Halifax), 14 Jan. 1889. Wallace's descendant, Smith-Burns, describes the family history after Charles W. as "ambitious and seemingly ill-fated." She relates that Wallace's son, Charles W. Jr., continued the family tradition of business and political involvement, ending up in bankruptcy court for mismanaging the Vancouver Coal Mining and Land Company Limited funds. His daughter, Leila Marie Wallace, married a Victoria businessman and cultivated a *nouveau riche* lifestyle which included homes in Vancouver and California, and an offshore island. Disaster, however, struck this couple too. Their yacht sank, and then their youngest daughter died needlessly from diphtheria because Leila had recently become a Christian Scientist. Leila's husband, George, estranged from her because of their daughter's death, afterwards lost his fortune when World War I disrupted his business affairs.

their railway-building schemes in a sea of debt, along with the novel forms of patronage they inaugurated under the new spoils system, remain among their most significant legacies of the period 1848-60. Yet it is unlikely that the eventual outcome of the scandal, not to mention the subsequent nature of Treasury reform, would have been substantially different had the Tories won the election of 1847. Powerful structural changes in regional economies and global *realpolitik*, outside the ken of colonial administrations, were pushing developments in directions which could only be acquiesced in by local governments, whatever their political stripe.



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# 'The very vitals of Christianity': The Baptismal Controversy and the Intellectual Awakening in Nova Scotia, 1811–1848

Daniel C. Goodwin

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From 1811 to 1848, the four major Protestant denominations in Nova Scotia--Anglicans, Baptists, Methodists and Presbyterians--were engaged in an extensive literary debate over the issue of baptism. Although it produced no fewer than twenty-three published polemical tracts and books along with numerous newspaper articles and private correspondence, the Nova Scotian baptismal controversy has received virtually no attention since its demise. This lack of interest is not surprising, since most historians are not theologically trained and most theologians do not busy themselves with little-known doctrinal debates in nineteenth-century British North America. In fact, not until the recent publication of a bibliography of Canadian Baptist materials did the existence of these works come to public attention.<sup>1</sup> The present article endeavours to place this theological controversy into the broader socio-cultural context of early nineteenth-century Nova Scotia.

Religious disputes were not new in the province. The Great Awakening in the 1770s and 1780s had produced much heated debate, although only one polemical tract actually was published.<sup>2</sup> That late eighteenth-century controversy was concerned primarily with divisions within the Congregational churches and the rise of Allinite 'enthusiasm' (New Lightism). The controversy in the first half of the nineteenth century instead engaged spokespersons for firmly established denominations who sought to defend their positions on baptism and to attack opposing views. The former controversy dealt with an entire theological orientation, while the latter concerned itself with a specific sacrament, namely baptism, with regard to both candidature (infant/adult) and liturgy (sprinkling/immersion).

The differences between these two religious debates reflect the changing context of Nova Scotian society. Whereas the late eighteenth century was characterized by economic instability, a small population base and potential political upheaval connected to the War of the American Revolution, the nineteenth century brought a greater degree of economic prosperity, population

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1 Philip G.A. Griffin-Allwood, George A. Rawlyk and Jarold K. Zeman, eds., *Baptists in Canada 1760-1990: A Bibliography of Selected Printed Resources in English* (Hantsport, NS, 1989).

2 Jonathan Scott, *A Brief View of the Religious Tenets and Sentiments...of Mr. Henry Alline* (Halifax: John Howe, 1784).

growth and social stability than the colony had previously experienced.<sup>3</sup> Integral to these later developments was an "intellectual awakening" in Nova Scotia.<sup>4</sup>

The years from 1812 to 1835 were the crucial ones leading to this renaissance. The period was characterized by an increased integration of ethnically based communities and churches, and by the emergence of newspapers, magazines, schools and libraries, all of which contributed to the construction of a collective identity in the Nova Scotian population. It was a time when residents of the province began to articulate a perspective entirely their own. The emergence of a distinctive literature, at the hand of such notable authors as T.C. Haliburton, and the popular demand for an increased level of responsible government, as promoted by Joseph Howe, served as indicators that an indigenous culture was coming into existence.

In the midst of the cultural revival, a baptismal controversy erupted. Although D.C. Harvey has mentioned the importance of religion for the intellectual awakening, he has assigned only marginal significance to the religious polemical literature engendered by this controversy:

In studying the Bible for rules of conduct or grounds of controversy, they [the New England Planters] assimilated its language and were saved from intellectual stagnation. One of these controversies produced several books and pamphlets which were published in Halifax, as early examples of native literature. Though none of these books may be classified as either 'literature of knowledge' or 'literature of power', they are among the historical muniments that...have been...placed in our archives....<sup>5</sup>

The minor emphasis which Harvey gave to this religious debate is curious, given the fact that the climax of the baptismal controversy took place in the 1830s, the crucial decade for the intellectual flowering.<sup>6</sup>

The first two decades of the century were relatively free of controversy over baptism. Only one published religious tract addressed the issue. It was written by Kirk itinerant, the Reverend James Monro, a prominent Presbyterian minister

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3 W.S. McNutt, *The Atlantic Provinces: The Emergence of Colonial Society 1712-1857* (Toronto, 1965), pp. 129-59.

4 D.C. Harvey, "The Intellectual Awakening of Nova Scotia," in *Historical Essays on the Atlantic Provinces*, ed. G.A. Rawlyk (Toronto, 1967), p. 100.

5 *Ibid.*, p. 104.

6 *Ibid.*, pp. 99, 116.

in eastern Nova Scotia.<sup>7</sup> Monro's reasons for writing the tract are not altogether clear. A shortage of Presbyterian clergy during this period and the resulting deficiencies in doctrinal teaching and pastoral care at the congregational level may have moved him to present his work in order to bolster denominational identity and forestall a further drift into the Baptist fold, where the charismatic leadership of a number of itinerant evangelists held sway.

Monro "saw the Ordinance [of baptism] neglected and despised by some; and abused and misimproved by others: and to rectify these things was my principal design."<sup>8</sup> While his catechetical intent is obvious, his disclaimer that this "is not designed as a book of controversy" is questionable, since his desire not only to inform his constituency but also to refute the opposing Baptist view betrays a polemical intent, however politely it may have been phrased. Even though the major areas of Baptist growth were not in the Presbyterian strongholds of the province, Baptist activity in eastern Nova Scotia and the Chignecto area must have been sufficient to warrant Monro's defence.

Baptist preachers had made dramatic and effective evangelistic use of baptism by immersion during the second 'Great Awakening' (revival) in Nova Scotia, from the late 1790s to 1810. Charles Inglis, Anglican bishop of Nova Scotia, was angered to learn that "a rage for dipping or total immersion prevails all over the western counties of the province and is frequently performed in a very indelicate manner before vast collections of people. Several hundreds have already been baptized, and this plunging they deem to be absolutely necessary to the conversion of their souls."<sup>9</sup> Early Baptist zeal for evangelism combined New Light (Allinist) radical evangelicalism with believers' baptism by immersion. Though the Baptists posed no real threat to the Presbyterians in 1811, Monro proved to be prophetic; in the next half century, the Baptists would grow at a phenomenal rate throughout Nova Scotia.

While Monro's tract undoubtedly generated discussion, the Baptists issued no response to it, preoccupied as they were before the 1820s with denominational organization and with a lack of sufficient formally-trained pastors. Eleven years passed before another tract on baptism would be published

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7 James Robertson, *History of the Mission of the Succession Church to Nova Scotia and Prince Edward Island: From Its Commencement in 1765* (London: John Johnstone, 1847), pp. 59-60.

8 James Monro, *A Treatise on Baptism: Wherein is Briefly Shewn When Baptism was Introduced into the Church* (Halifax: Howe & Son, 1811), p. 3.

9 E.M. Saunders, *History of the Baptists of the Maritime Provinces* (Halifax, 1902), p. 115.



in the province. Monro's treatise had nevertheless established, in a significant way, the generic paedobaptist (i.e., infant baptism) nature of the tracts to come. The author's reluctance to address the various theologies of baptism held by other paedobaptist groups, such as the Methodists and Anglicans, suggests that the perceived threat of a Baptist onslaught proved to be the basis upon which Anglicans, Methodists and Presbyterians were willing to unite.

The second paedobaptist tract was published by a Methodist preacher. Born in England and an exponent of English Methodism, George Jackson had arrived in the Maritime provinces from the West Indies early in the decade.<sup>10</sup> The reasons for writing this tract are not obvious in the text, beyond the author's comment on encouragement from his district chairman. As Monro had done, Jackson also maintained that his letters were not intended to be controversial.<sup>11</sup> He instead wished to provide a basic defence for infant baptism and the practice of sprinkling (vs. immersion). The book was not written specifically in support of the Methodist position on baptism, nor was it a blatant attack on the Baptists; rather, Jackson's didactic work was broadly paedobaptist in nature. If Monro had left open the option of a paedobaptist collaboration in the controversy, Jackson demonstrated its viability in his 1822 polemic.

The next year, the first Baptist publication on the subject was issued from a Halifax press. The author, William Elder, responded primarily to Jackson but commented also on the earlier work by Monro. Elder had been born into a Presbyterian family that had migrated to Falmouth, Hants County, prior to 1780. While working in the Halifax Dockyard, he began to attend the Baptist church lead by the Reverend John Burton. Deeply influenced by the latter, Elder became an itinerant Baptist evangelist; later he settled down as minister of a local congregation, first in Granville, Annapolis County, then in Bridgetown. Like many Baptist preachers of his day, Elder was not formally educated; yet he was committed to education and learning. He was a founding member and, later, director of the Nova Scotia Baptist Education Society, which was responsible for the founding of Horton Academy and, eventually, of Acadia College.<sup>12</sup>

There is no obvious reason why Elder was chosen--if in fact he was chosen--

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10 T. Watson Smith, *History of the Methodist Church within the Territories Embraced in the Late Conference of Eastern British America* (Halifax, 1877), p. 114.

11 George Jackson, *An Humble Attempt to Substantiate the Legitimacy of Infant Baptism...* (Halifax: Holland and Co., 1822), p. 3.

12 Franklyn H. Hicks, "Elder, William," in *Dictionary of Canadian Biography* [hereafter *DCB*], 7 (1988), 271-72.

to make the first Baptist reply to the tracts by Jackson and Monro. His Presbyterian upbringing and Baptist convictions would have given him the advantage of a sound knowledge of both paedobaptist and Baptist positions on baptism, a perspective which most other Baptist ministers did not possess. His tract reveals that he was familiar with many theological works read during his day, although he did not know Greek or Hebrew. By responding to the two previous tracts from a decidedly Baptist position, however, Elder demonstrated that there would be only two camps in the ongoing controversy--Baptist and paedobaptist:

We are of the opinion that the Scripture is the standard of faith and practice, and would be willing to rest our cause on that alone, were our opponents so disposed; but when an appeal is made to the public in favour of infant sprinkling, and other sources of argument resorted to, we think it a duty publicly to state our reasons for opposing infant sprinkling.<sup>13</sup>

Although Monro and Jackson had been quick to state that they did not intend to be controversial, Elder recognized that a discussion of baptism, by its very nature, would lead to controversy, since one's view of baptism also determined "who are the proper subjects of the visible Kingdom of Christ" and "how they are to be introduced into that Kingdom":

It is to be lamented that...professing Christians have divided into many sects, and many errors in principle and practice, have prevailed among them. I cannot but hope however that light is increasing in the world, and that Christians are finding their way back to gospel principles and practices. I think that controversy on religious subjects, when conducted with a proper spirit, and with a desire to know the truth, has a tendency to do good in this respect.<sup>14</sup>

Elder's realistic understanding of the nature of theological debate meant that future polemicists would not need to apologize for being "controversial."

The rise in the number of publishers and newspapers during this period now made possible a province-wide discussion. Elder's antipaedobaptist stand initiated a controversy that would eventually engage all of the major Protestant groups in the province, via books, newspaper articles and letters. Elder's work initiated an openness and honesty in this discussion that served to strengthen the claim of its contribution to the overall intellectual awakening of Nova Scotia.

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13 William Elder, *Infant Sprinkling, Weighed in the Balance of the Sanctuary and Found Wanting*, in *Five Letters, Addressed to the Rev. George Jackson...* (Halifax: By the Author, 1823), p. 5.

14 *Ibid.*, p. 3

Jackson, to whom Elder addressed his letters, responded the same year. Continuing the liveliness of Elder's style, the Methodist now abandoned his previous non-threatening approach for a more aggressive one, which undoubtedly increased the popular appeal of the debate:

The truth is, and it may perhaps be pretty generally known, that the unity of our [Methodist] societies, and the religious faith of our members, have, for a series of years, been disturbed by a number of the ministers of the Baptist persuasion, who, not to deny them the credit of piety, have been chiefly remarkable for the zeal with which they have opposed the religious sentiments of others, and who because they could see nothing but 'popery' and 'superstition' in our proceedings, have both in public and in private been in the habit of characterizing them by those illiberal epithets.<sup>15</sup>

Jackson's second volume, besides the obvious reason of replying to Elder, was also intended to give "further reasons in justification of the proceedings of Pedobaptists [*sic*], in a country where infant baptism is too seldom practised, the reasons on which it is founded too little known, [and] the duties which ought to follow in its train too little regarded by both ministers and people."<sup>16</sup> Jackson's *Further Attempt* was more extensive in scope and superior in theological content than his *Humble Attempt* had been. Although a convinced Methodist, he continued to write in a non-partisan way for the paedobaptist 'coalition' of the region.

It was evident by now that the subject of baptism was being hotly debated throughout the province, by laity as well as by clergy. Indeed, the evangelistic zeal and growth of the Baptist denomination in Nova Scotia seemed only to fuel the momentum of the controversy. Duncan Ross, a Scottish Secession Church minister from Pictou County, was the next to address William Elder's work, via three letters published in 1825.<sup>17</sup> Trained at the University of Edinburgh, Ross was respected "for soundness of judgment, knowledge of church matters, and

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15 George Jackson, *A Further Attempt to Substantiate the Legitimacy of Infant Baptism and of Sprinkling, as a Scriptural Mode of Administering that Ordinance; in a Series of Letters Addressed to the Rev. William Elder...* (Halifax: P.J. Holland, 1823), p. 3.

16 *Ibid.*, p. 2.

17 Duncan Ross, *Baptism Considered in its Subjects and Mode: in Three Letters to the Reverend William Elder...* (Pictou: Weir Durham Press, 1825); cf. James MacGregor, "A Guide to Baptism,..." [ca. 1826], in George Patterson, ed., *A Few Remains of the Rev. James MacGregor, D.D.* (Philadelphia, 1859), pp. 137-65. On the relationship between the two works, see Susan Bugey, "MacGregor (McGregor), James Drummond," in *DCB*, VI (1987), 460.



intellectual capacity.”<sup>18</sup> Thus he was exceptionally well qualified to contribute substantially to the baptismal controversy. His book was a systematic analysis and refutation of the major tenets espoused by Elder. Since no mention is made of Jackson’s tracts, the Presbyterian may have regarded the Methodist’s joint defence of the paedobaptist position and rebuttal of the Baptist apology as deficient and of little arguable merit. If Ross had reservations about previous paedobaptist contributions to the controversy, he may also have felt that to voice them would weaken the collective paedobaptist effort against the Baptists. As a theological treatise, *Baptism Considered* represents the high-water mark in the controversy up to that point in time. It set a standard for future treatises on baptism and is evidence of the superior quality of theological reflection being formulated in early nineteenth-century Nova Scotia.

The appearance of Ross’s treatise put the Baptists in a quandary. His systematic categories of theological classification and his use of the original biblical languages could not be scrutinized effectively by one as modestly prepared for the task as Elder. It looked as though the paedobaptists had won. The need for a more sophisticated reply to the advocates of infant baptism was contained in a letter from Samuel Elder to Edward Manning, one of the founding fathers of the Baptist denomination in Nova Scotia:

My object in writing you at the present is to call to your attention the existing state of the Baptist Controversy[. Y]our system has been attcked [*sic*] and defended, and reattcked [*sic*], the present is an important period in the history of the denomination in Nova Scotia, the public attention is considerably excited by the publications which have appeared, the advocates for Infant Baptism arrogate to themselves the victory at the present crisis, the enemies of your sys[tem] are numerous powerful learned and determined. Therefore the utmost effort should be used to bring the subject before the public again in such a form as may be conducive to the interests of truth and religion.<sup>19</sup>

Elder was confident that the Reverend Charles Tupper of Amherst (the Baptist educator, author and philologue) was better qualified than William Elder to refute the paedobaptists; a refutation was essential:

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18 George Patterson, *A History of the County of Pictou, Nova Scotia* (Pictou, 1877; repr. Belleville, ON, 1972), pp. 171-72.

19 Samuel Elder, Truro, to Edward Manning, 17 Jan. 1826, in Manning correspondence, Acadia University Archives [hereafter AUA], Wolfville, NS.

Ross's book must be answered...[for] the rancorous old Bigot must not be permitted to retire without seeing the pattern of the true tabernacle which God pitched. I should not be afraid to trust the subject in William Elder's hands were he master of Greek and Latin but as he is not he ought to have the assistance of one adept in those languages.<sup>20</sup>

William Elder was eventually relieved from the task by Alexander Crawford. A native of Argyleshire, Scotland, where he had come under the powerful influence of Robert and James Haldane,<sup>21</sup> Crawford and his family made their way to North America in 1810 and settled in Yarmouth. The radical evangelicalism characteristic of the Yarmouth Baptists prompted him to move to Prince Edward Island five years later; there he established a number of small, independent Baptist churches.<sup>22</sup>

In 1827, the Scottish independent wrote a response to the Presbyterian's tract as his contribution to the emerging Baptist denomination in the Maritimes.<sup>23</sup> Crawford's training under the able direction of the Haldane brothers in Scotland gave him the necessary skills to construct an able response to Ross. The Charlottetown newspaper soon printed selected portions of Crawford's work, with the caveat that the "subject is not of a nature to render it generally attractive, being a matter of abstract religious controversy."<sup>24</sup> Outraged at such an introduction, Crawford protested to the editor:

I lament that you have misrepresented my subject. I am sorry you did not allow yourself 'leisure' and 'inclination' to think--at least so far as to discern between 'a matter of abstract religious controversy; and direct, plain positive command of Jesus Christ', a standing law of his kingdom, a significant institution of universal and perpetual deligation [*sic*]...the very vitals of Christianity.<sup>25</sup>

Although Crawford was responding to the Nova Scotian context, the force of

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20 *Ibid.*

21 D. Merick Walker, "Robert and James Haldane: Brothers, Blended, and Blessed," in *Chronicle* 13 (1950): 18-27.

22 Allen M. Gibson, "Alexander Crawford and the Prince Edward Island Baptists," *Chronicle* 15 (1952): 133-39.

23 Alexander Crawford, *Believer Immersion, as Opposed to Unbeliever Sprinkling* (Charlottetown: James D. Hazard, 1827).

24 *Prince Edward Island Register* (Charlottetown), 6 Mar. 1827.

25 *Ibid.*, 20 Mar. 1827.

this reply brought the baptismal controversy to the Island through the pages of the *Prince Edward Island Register*. To Crawford's credit, he had volunteered a well-argued statement on baptism which gave Nova Scotian Baptists renewed respectability in the controversy, as well as more time to find an author of their own to engage the paedobaptists.

That same year, an anonymous poem of nineteen pages was published in Halifax. *A Poetical Essay Upon Baptism* was a dialogue in verse between a paedobaptist and a Baptist, designed to affirm the latter position and make light of the former. For example, "The symbol used not understood/ Of washing in Christ's precious blood,/ Doth much offend the infant brood./ How can it do them any good?/ Pray tell us Pedobaptist."<sup>26</sup> Although it does not seem to have prompted formal response, this doggerel verse was doubtless as popular among the Baptists as it must have been aggravating to Anglican, Methodist and Presbyterian ministers trying to keep their flocks from defecting to Baptist folds.

The paedobaptist response to Crawford was not long in coming. Duncan Ross's second tract on baptism appeared in 1828.<sup>27</sup> Unlike his theologically astute first book, this work was almost entirely a response to Crawford; the Presbyterians had now adopted an aggressive offensive in accord with the Methodist approach.

Crawford's death the following spring prevented his reply, nor were any books on baptism published in Nova Scotia for the next six years.<sup>28</sup> Quite possibly the controversy would have ended in 1828, had it not been for an unexpected volume by William Elder which appeared in 1834. His *Reasons for Relinquishing the Principles of Adult Baptism, and Embracing Those of Infant Baptism*, addressed to his Baptist brethren, must have surprised them greatly. Even as late as October 1833, Elder seeming quite content to be a Baptist minister,<sup>29</sup> but a scant four months later, he outrightly rejected believer's baptism by immersion.

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26 *A Poetical Essay upon Baptism* (Halifax: Acadian Magazine Office, 1827), p. 11. See also Robert S. Wilson, "Alexander Crawford (1785-1828)," in *Some Scots: Shaping Canada, Scottish Tradition*, ed. J.A. McIntyre and Margaret Waterson (Guelph ON, 1981-82), pp. 62-78.

27 Duncan Ross, *Strictures on a Publication Entitled Believer Immersion, as Opposed to Unbeliever Sprinkling* (Pictou: Weir Durham Press, 1828).

28 One tract was published by a Baptist in New Brunswick; since it did not interact with any of those in the Nova Scotian controversy, but with a Presbyterian minister from NB, it is not included in this study: John George Naylor, *A Treatise on Baptism: Including A Refutation of the Arguments Advanced on the Same Subject by the Rev. G. Burns, D.D.* (Saint John: Andrew Garrison, 1832).

29 William Elder, Bridgetown, to Edward Manning, 28 Oct. 1833, in Manning correspondence, AUA.



His reasons for adopting paedobaptist principles are not altogether clear. Extant letters suggest that Elder was experiencing not only personal financial problems, but also difficulty with a neighbouring minister and with people in his own congregation. These stresses were heightened by "a period of intense mental agony" over his theology of baptism.<sup>30</sup> Without question, Elder's defection to the paedobaptist fold caused a major disturbance in both his local congregation and in the wider Baptist denomination. One of his parishioners wrote Manning: "our peace is broken in upon and we as a church are called to suffer. Father Elder has changed his Sentiments notwithstanding all he has written and said against infant Baptism he has now become a decided Congregationalist.... We hardly know what to do."<sup>31</sup>

While his first publication contributed significantly to the polemical exchange, Elder's renunciation of the Baptist position and acceptance of paedobaptism now generated no fewer than five separate publications in the year following its appearance. The first to address Elder's recantation was the Baptist minister from Halifax, Edmund A. Crawley. Coming from an Anglican family, he was identified with a group of socially prominent Anglican evangelicals, who in 1825 left St. Paul's Church and founded the Granville Street Baptist Church in 1827. Sensing God's call to the ministry, Crawley gave up his law practice and, after theological studies, was ordained in 1830; he assumed the position of pastor of the Granville Street congregation the following year.<sup>32</sup> Crawley's education made him the best-prepared Baptist to participate in the controversy since it had begun in 1811. As one who had moved from Anglicanism to the Baptist side, Crawley was an appropriate choice to respond to Elder, who had moved in the opposite direction. His erudite refutation of Elder's book combined fine scholarship with a strong polemic tone and advanced the theological position of the Baptists in the Maritimes.<sup>33</sup>

Matthew Richey, a Methodist minister of Irish Presbyterian descent, published a short and seemingly hastily-written rebuttal to Crawley, also in 1835.<sup>34</sup> His

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30 Hicks, "Elder," in *DCB*, 272.

31 William H. Chipman, Granville, to Edward Manning, 13 June 1832, in Manning Correspondence, AUA.

32 Barry Moody, "Crawley, Edmund Albert," in *DCB*, 9 (1982), 214.

33 E.A. Crawley, *A Treatise on Baptism...Containing a Reply to Mr. Elder's Letters on Infant Baptism, and a Solemn Appeal in Favour of a Spiritual Church* (Halifax: James Spike, 1835).

34 Matthew Richey, *A Short and Scriptural Method with Antipedobaptists. Containing Strictures on the Rev. E.A. Crawley's Treatise on Baptism in Reply to the Rev. W. Elder's Letters on that Subject, Part I* (Halifax: J.S. Cunnebell, 1835).

discussion centred around the mode of baptism; his stated intention was, at a later time, to publish another book on the more deeply theological question of who was an appropriate subject for baptism--a sequel which never appeared. It is significant that during 1835 the controversy was concerned increasingly with the question of the mode of baptism--to the average person, the most visible and by far the best-understood aspect of the debate. The style of the controversy also changed during this period, as aggressive rhetoric largely replaced theological accuracy and affirmative statements of denominational beliefs.

The next reply was from William Jackson, a former English Wesleyan preacher from Virginia who came to Nova Scotia in 1832. His success as minister of a Methodist congregation in the Halifax area was short-lived, though he remained in the city after resigning his pulpit to Thomas Taylor. As Methodist historian has somewhat phlegmatically related, "A little later, as a convert to immersionist theories, he [Jackson] accompanied a Baptist minister out of the city, and by the use of the words of the Ethiopian eunuch made his immersion in the waters of Bedford Basin a somewhat dramatic scene."<sup>35</sup> In order to proclaim to the Methodist constituency his new position on baptism and to reject publicly his Methodist heritage, Jackson wrote his work as a response to Richey, though apparently uninvited by the Baptists.<sup>36</sup> Taylor, the defector's former colleague and successor, assumed the responsibility of replying to Jackson's attack on Richey; his efforts also took Crawley's arguments into account. Better grounded in the theology of the day, Taylor's response was the most comprehensive book on baptism written by a Methodist to this point in the debate.<sup>37</sup>

Jackson's rejoinder brought the debate from the level of theological or denominational differences down to one of personal revenge and of discourteous and disrespectful polemics.<sup>38</sup> Given the former Methodist's questionable style and limited quality, the Baptists of Nova Scotia were not eager to embrace him as a brother who shared their convictions. The Baptists and the paedobaptist

35 Smith, *Methodist Church*, p. 211; cf. Acts of the Apostles, 8:27.

36 William Jackson, *What the Scriptures Say on Christian Baptism, Being a Reply to the Rev. Matthew Richey's Short and Scriptural Method with Antipedobaptists* (Halifax: Edmund Ward at the Temperance Recorder Office, 1835), p. 4.

37 Thomas Taylor, *The Baptist Commentator Reviewed. Two Letters to the Rev. William Jackson, On Christian Baptism: with Occasional Notices on the Rev. E.A. Crawley's Treatise on Baptism: and an Appendix, Containing Structure on an Article Entitled the "Baptismal Controversy" in the Nova Scotia Baptist Magazine, July 1835* (Halifax: J.S. Cunnebell, 1835).

38 William Jackson, *A Portrait of the Rev. Thomas Taylor; or, the Hypocrite Unmasked* (Halifax: H.W. Blackadar, 1835).

community seemed anxious to distance themselves from the 'populist' Richey-Jackson-Taylor phase of the controversy. The Methodists wisely withdrew from the debate at this point. The heated, even slanderous writings of 1835, which piqued public interest, reflected well that the large social/intellectual developments in the colony had religious dimensions as well. The popular religious debate had now come to an end, and the churches' contribution to the intellectual awakening was taken over by a more erudite theological approach to the baptism question. The period from 1836 to the end of the controversy in 1848 produced works whose authors may be characterized as pastor-scholars.

The only book on baptism published in 1836 reflected a dramatic shift in the methods of the controversy. The first Anglican to contribute a book on the question, James Robertson was a missionary of the Society for the Propagation of the Gospel in Foreign Parts and priest of the Wilmot parish for the first half of the nineteenth century.<sup>39</sup> Careful not to appear aggressive, Robertson did not debate the earlier works. His treatise was instead intended to be more catechetical than polemical in its purpose:

People who have been brought up in the bosom of the Church of England, are in the habit of looking upon infant Baptism, as a point of faith which can admit of no controversy: they therefore are apt to dismiss the subject from their thoughts, and to take no notice of those grounds upon which it rests, as on a sure foundation. The consequence is that, should they at any time be called on to give a reason for the hope that is in them, and to show the authority of their church for her practice in this particular, they would necessarily feel themselves rather at a loss as to what answer they should return. During their silence, arguments on the opposite side of the question would be brought forward, and put in the most prominent light; causing doubts to arise in their minds, and presenting difficulties which would all disappear on a closer investigation. Instead however of making such investigation as may lead to a clear and comprehensive view of the whole subject, they allow their imagination to carry them away, and to guide them to the conclusion that Infant Baptism is not Scriptural.<sup>40</sup>

As a pastor, Robertson was concerned that people be on guard against zealous Baptists who would try to lure Anglicans from their churches with arguments about baptism. Sensitive to the widespread popularity of the baptismal controversy, Robertson noted that the "authority of numbers" evident in the

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39 T.R. Millman and A.R. Kelly, *Atlantic Canada to 1900: A History of the Anglican Church* (Toronto, 1981), p. 89.

40 James Robertson, *A Treatise on Infant Baptism: Showing the Scriptural Grounds and Historical Evidence of that Ordinance, Together with a Brief Exposition of the Baptismal Offices of the Church of England* (Halifax: Novascotian Office, 1836), pp. xviii-xix.



Baptists must not sway Anglicans "in matters which concern the welfare, spiritual and eternal, of yourselves and your children."<sup>41</sup>

Robertson's goals were not unlike those of Monro, the Presbyterian minister who had written the first treatise back in 1811. Rather than merely attacking the Baptists, both intended to inform their respective constituencies of the distinctive theology underlying their practice of baptism and to protect their people from confusion caused by "immersionist theories."

By deliberately avoiding the polemical tone so characteristic of the controversy in the preceding year, Robertson would have appealed to an educated but influential minority in the province. In keeping with this relatively low-profile approach to the debate, J.W.D. Gray, in Saint John, New Brunswick, another well-educated Anglican minister,<sup>42</sup> produced a treatise in response to Crawley's work of 1835. Gray was particularly concerned about preventing Anglican defections to the Baptist fold; thus he responded directly to Crawley, who was just such a defector. The text of over three hundred pages reflects the erudition of the author and was intended primarily for better-educated lay persons, as well as clergymen.<sup>43</sup>

Also in 1838, a pamphlet authored by William Sommerville was offered to the public. These published letters reveal something of the exchange about baptism between Baptists and paedobaptists after the climactic events of 1835. Sommerville, pastor of the Reformed Presbyterian Church in Horton Township, was offended by a rumour purporting that he had remarked to a local resident that "Baptist sentiments on the mode of Baptism were not unscriptural."<sup>44</sup> As the principal of Horton Academy, John Pryor was a prominent Baptist leader in the area; Sommerville therefore wrote Pryor, requesting his assistance in stopping this false rumour and vindicating his reputation locally. The principal's appended letter of support suggests that this was accomplished only after much procrastination.

The way in which this local conflict was resolved under public view differed significantly from events in 1835. Although Sommerville did not hide his anger

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41 *Ibid.*, pp. xvii-xviii.

42 Genevieve Laloo Jain, "Gray, J.D.W.," in *DCB*, 9 (1976), 338.

43 J.W.D. Gray, *A Brief View of the Scriptural Authority and Historical Evidence of Infant Baptism: And a Reply to Objections Urged in the Treatise of E.A. Crawley* (Halifax: W. Cunnebell, 1838), p. 5.

44 William Sommerville, *Antipedobaptism: A Letter to the Rev. John Pryor, A.M., Principal of the Baptist Seminary in Horton* (Halifax: W. Cunnebell, 1838), p. 5.

against Pryor, who had failed to act promptly on the request, neither did Pryor respond with an attack on Sommerville's character, but instead with a plea for understanding, delivered in a firm, yet respectful way. Thus, the two scholar-pastors sought to make sure that the embarrassments of 1835 would not be repeated.

From 1838 to 1844, no tracts on baptism were published. The Baptists did not feel it necessary to respond to the volume written by Gray, beyond what Pryor had said in regard to Sommerville's objections. However, overconfidence prompted a change of mind; a news item in the Saint John press, while commending a polemical sermon, "The Baptist Answered," remarked: "The work of the Rev. J.W.D. Gray on this subject which was published some years ago, has never been answered because it is unanswerable."<sup>45</sup> The responsibility of a reply now fell to the much-respected Baptist minister, Charles Tupper, who nearly twenty years earlier had been unsuccessfully approached to answer Duncan Ross's arguments.

The son of New England Planter parents, Tupper was the first Baptist polemicist to represent the Planter ethno-cultural background characteristic of the majority in his denomination. Although he possessed a limited formal education, his passion for knowledge, mission work and denominational apology made him one of the more highly regarded Baptist leaders in nineteenth-century Nova Scotia.<sup>46</sup> The most scholarly of the Baptist writers, Tupper gave his constituency an extensively researched work which outlined and refuted the major paedobaptist arguments.

In 1845 William Sommerville presented another "dissertation" on baptism which outlined the classic Reformed position. His was the only book written during the entire debate which went into at least four editions and became a work frequently used by Presbyterians; in 1866, an edition was even published in Edinburgh, Scotland.<sup>47</sup> Since the Reformed Presbyterian chose to write his book for educational purposes exclusively, it had less significance as a popular religious contribution to the intellectual awakening than as a serious entrant in the theological debate. Like the other works written in the 1840s, it emphasized

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45 *St. John Chronicle*, 4 Aug. 1843.

46 Barry Moody, "Tupper, Charles," in *DCB*, 11 (1982), 895-96. The title of Tupper's antipaedobaptist polemic was *Baptist Principles Vindicated: in Reply to the Revd. J.W.D. Gray's Work on Baptism* (Halifax: Christian Messenger Office, 1844).

47 William Sommerville, *A Dissertation on the Nature and Administration of the Ordinance of Baptism* (Edinburgh: Paisley-Alex Gardner, 1866); the 1845 edition has been unavailable for examination.

a 'respectable' dialogue between the two parties, with the intent primarily to educate their respective constituencies.

The only work on baptism offered to the average reader during the decade was that by Richard Cotton. Although little is known about him, the extant evidence suggests that he was a Presbyterian minister who laboured on Prince Edward Island. His "thirty and four reasons," which appeared in 1846, were designed to assist the questioning lay person to defend the paedobaptist position against a Baptist attack; its twenty-four pages could be easily used by nonprofessionals.<sup>48</sup>

Meanwhile, Tupper's Baptist apology received a direct Presbyterian reply in 1848. Thomas Trotter used linguistics extensively and confined his argumentation to defence, rather than attack;<sup>49</sup> his rebuttal made the mode of baptism the key issue, reminiscent in some ways of the pamphlets of the mid-1830s. In fact, the Presbyterians never had engaged in debate during those years of unbridled passion. An examination of Presbyterian newspapers during this period reveals surprisingly few references to the baptismal argument, which suggests either that the denomination in Nova Scotia was not threatened by the Baptists, or that they chose not to retaliate in the same way as had the Methodists and, to a lesser extent, the Anglicans.

The course of the controversy had come full circle by 1848. The first polemic written by James Monro in 1811 had as its main purpose the education of Presbyterians in Nova Scotia about the Reformed understanding of baptism. Similarly, in the volumes published after 1836, rather than deliberate combat or disparagement, the "pursuit of truth" was the primary stated aim. Even though the debate ended in the same polite manner in which it had begun, there is no doubt that the baptismal controversy had sensitized the population of Nova Scotia to religious issues.

Yet the polemical exchange had done more than excite emotions. The tensions between the opposing Baptist and paedobaptist camps proved to be creative, for representative members were forced to draw upon their intellectual resources and the avenues of communication available to them to defend their religious convictions in the colony. The local reactions during the controversy meant that mere restatement of arguments imported from Britain or the United

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48 Richard Cotton, *Thirty Plain Invincible Reasons for Not Submitting to Immersion as Being the Christian Mode of Baptism. To which is Annexed his Four Reasons for Baptising Infants* (Charlottetown: James D. Hazard, 1846).

49 Thomas Trotter, *Letters on the Meaning of Baptizo in the New Testament in Reply to the Views of the Rev. Charles Tupper* (Pictou: Eastern Chronicle Office, 1848). See also Raymond A. MacLean, "Trotter, Thomas," in *DCB*, 8 (1985), 894-95.



States could not meet the immediate needs of society. Instead, Baptist and paedobaptist leaders alike were challenged to make their positions on baptism relevant for the Nova Scotian experience. No longer were the major denominations merely concerned about survival and internal organization; it was time to proclaim to the population at large what it meant to be of a specific denominational stripe. Debates about baptism contributed to this. Although more studies are needed on the writing and publishing phenomena in nineteenth-century Maritime Canada, the popularity of and the erudition evident in the polemic suggest that the treatises about baptism may have been on the cutting edge of indigenous popular and scholarly writing. In any case, it was a contribution from religious quarters to the intellectual awakening.

This period of intellectual ferment in Nova Scotia peaked in the 1830s; the public debate and notoriety of the baptismal question climaxed at the same time. Given the fact that during the first half of the nineteenth century Nova Scotia was permeated with Christian thought and activity, it is not surprising that the religious dimension of creative thought was integral to the awakening. The popular religious debate between Baptists and paedobaptists both expressed and contributed to the intellectual ethos of Nova Scotia during this period.

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# Industry and the Development of Company Law in Nineteenth-Century Nova Scotia

Jonathan H. Davidson

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Very little literature exists on the development of company law in Canada, and even less for the Maritime provinces; what does exist is almost invariably concerned with federal legislation or Ontario. It is therefore the purpose of this article to in some small way remedy the situation.

During the second half of the nineteenth century, Nova Scotia's legal system underwent several dramatic reforms, including the abolition of the Court of Chancery and the recognition of a married woman's right to hold separate property.<sup>1</sup> These movements towards reform can be divided roughly into two categories: those driven by public pressure outside government (e.g., abolition of Chancery) and those originating directly within government (e.g., married women's property). As this article will demonstrate, the development of company law during this same time period falls into the former category.

Following the pattern established in England a half-century earlier, Nova Scotia underwent a dramatic period of industrial expansion in the second half of the nineteenth century. The traditional form of legal incorporation by special act of the legislature was no longer adequate to meet the increased demands of the province's business community. Hence it became necessary for the province to adopt general incorporating legislation.<sup>2</sup>

One recent study has argued that the creation of company law in Nova Scotia was a by-product of social and economic forces, rather than a proactive tool of economic development.<sup>3</sup> Consequently, it is also the purpose of this paper to

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1 See Jim Cruickshank, "The Chancery Court of Nova Scotia: Jurisdiction and Procedure 1741-1855," 1 Dal. J. Leg. Stud. 27; and Philip Girard and R. Veinott, "Married Women's Property Law in Nova Scotia, 1850-1910," in J. Guildford and S. Morton, eds., *Separate Spheres: Women's Worlds in the 19th-Century Maritimes* (Fredericton, NB, 1994), pp. 67-92.

On this point generally see Philip Girard, "Married Women's Property, Chancery Abolition, and Insolvency Law: Law Reform in Nova Scotia 1820-1867," in P. Girard and J. Phillips, eds., *Essays in the History of Canadian Law III: Nova Scotia* (Toronto, 1990), pp. 80ff.

2 This development was by no means unique to Nova Scotia. F.W. Wegenast, *The Law of Canadian Companies* (1931; repr. Toronto, 1979), p. 20, has noted:

As in England so in [the province of] Canada the general Companies Acts resulted from a recognition of the expediency of encouraging the incorporation of certain classes of companies and the difficulty and inconvenience of obtaining special Acts of incorporation. The yearly statutes anterior to 1850 show a constant increase in the number of special Acts for the incorporation of companies for various purposes.

3 Barbara-Ann Patton, "From State Action to Private Profit: The Emergence of the Business Corporation in Nova Scotia, 1796-1883," forthcoming in *NSHR*, 16, 1 (June 1996). Patton focuses primarily on the concept of development of limited liability and only peripherally on the role of economic development.

explore further this hypothesis, by tracing the evolution and development of company law in Nova Scotia from its origins to the passage of the first modern legislation in 1883, with particular emphasis on the interface between economic expansion and legal developments.

As Great Britain both experienced the same forces driving the development of company law and provided the legal model subsequently adopted in Nova Scotia,<sup>4</sup> it is appropriate to examine first the overseas historical example before discussing domestic developments. Corporations of a sort were recognised by Roman law,<sup>5</sup> but as a form of business enterprise they did not become significant until the early seventeenth century. By the late Middle Ages, primitive corporations had begun to evolve from the medieval guilds through the issuing of royal charters. These charters were designed primarily "to regulate and control a particular branch of trade rather than to create any form of corporate trading association."<sup>6</sup> The 'business firms' which resulted were largely extensions of domestic guilds, in that each member of the firm traded on his or her own account and had no direct financial relationship with other members of the same firm. Most were exclusively concerned with foreign trade rather than domestic operations, and the grant of a royal charter usually also carried with it a monopoly in a particular trade or geographic area.<sup>7</sup>

As foreign trade grew in importance, joint stock companies began to develop, wherein many individuals pooled their capital and shared the resulting profits. One of the first and most famous examples of this type was the East India Company, which received its initial charter in 1600. By the late seventeenth century, joint stock companies had become common in the domestic sphere as well and a public market gradually developed in transferrable corporate shares. This led to "an almost frenetic boom in company flotations," many of which were fraudulent, serving no other purpose than to enrich their founders.<sup>8</sup>

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4 Jacob Ziegel et al., *Cases and materials on Partnerships and Canadian Business Corporations*, I (2nd ed., Toronto, 1989), p. 97.

5 Stephen D. Girvin, "The Antecedents of South African Company Law," 13 *J. Leg. History*, 63: "[It] recognised the state, the municipality and various private corporations (such as guilds) as corporate bodies."

6 Tom Hadden et al., *Canadian Business Organizations Law*, (Toronto, 1984), p. 9.

7 L.C.B. Gower et al., *Principles of Modern Company Law* (4th ed., London, 1979), p. 24; and Wegenast, *The Law of Canadian Companies*, p. 17.

8 Gower, *Modern Company Law*, p. 28; and Hadden, *Canadian Business Law*, pp. 10-11.



The most infamous of these bogus firms was the South Sea Company; when it collapsed in 1720, in a fiasco immortalized as the "South Sea Bubble," the British Parliament passed *An Act for better serving certain Powers and Privileges intended to be granted by his Majesty by two Charters for Assurance of Ships and Merchandise at Sea, and for lending Money upon Bottomry; and for restraining several extravagant and unwarrantable Practices therein mentioned*.<sup>9</sup> Ironically, the main purpose of this piece of legislation, colloquially known as the "Bubble Act," was to incorporate and give a monopoly to, two marine insurance companies.<sup>10</sup> Only the latter sections of the act (ss. 18 to 21) concerned general incorporation provisions; Section 19, for example, prohibited the companies from "acting as a corporate body and the raising of transferable stock or the transfer of any shares therein," on penalty of their being convicted as a public nuisance, and unless special permission had been granted by an act of Parliament. The Bubble Act further provided that the exchange of "any Share or Interest in any of the Undertakings by this Act declared to be unlawful" would cause the broker or agent involved to forfeit his licence and be subject to a £500 fine.<sup>11</sup> While its stated purpose was to restrict the creation of fraudulent companies, the ultimate effect of this legislation was generally to destroy public confidence in the corporate form; and, more particularly, effectively to freeze legal developments in this area for over a century until the act was repealed in 1825.<sup>12</sup>

In the absence of general statutory incorporation provisions, British companies of all kinds that desired the corporate form were now forced to rely upon private legislative enactments--a process that was both expensive and time-consuming, as well as generally restricted to public undertakings such as canals and bridges.<sup>13</sup> For example, the first such private statute concerned the construction of the

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9 6 Geo I, c. 18 (1720). The spelling has been modernized but the original capitalization has been retained.

10 Neither is named specifically in the act. A modern statute index lists them as the Royal Exchange and the London Assurance Corporation.

11 Bubble Act, s. 21. Hadden, *Canadian Business*, p. 13, argues that this provision was "part of a final effort to shore up the market for South Sea shares by suppressing some of its competitors."

12 Bruce Welling, *Corporate Law in Canada: The Governing Principles* (2nd ed., Toronto, 1991), p. 44, n. 17.

13 Ziegel, *Partnerships*, p. 98. There does not appear to have been any legal requirement that statutory incorporations be limited to public undertakings. It appears to have arisen purely by convention.

Bridgewater Canal in 1759.<sup>14</sup> Although it was also possible to apply directly to the crown for a charter, this method was not commonly used--no doubt because of the high cost.<sup>15</sup> As a consequence, many businesses existed merely as unincorporated partnerships or employed legal creativity to circumvent the stipulations of the Bubble Act. Nevertheless, by prohibiting joint stock companies, "the net effect of the statute was...to discourage the aggregation of capital on a large scale," and thus to retard development in various sectors of the economy.<sup>16</sup> Indeed, the unincorporated partnership gradually became the standard form of business organization in England.

This necessary reliance on private incorporation acts was also the situation in Nova Scotia before the passage of the first general incorporation act in 1883.<sup>17</sup> As there was initial uncertainty concerning the applicability of the Bubble Act to the colonies, the provisions of the act were explicitly and formally extended by imperial statute in 1741.<sup>18</sup> Consequently, those entrepreneurs in Nova Scotia who wished the protection provided by the corporate company form were forced to rely upon special private acts passed by the legislature; between 1836 and 1883, approximately 420 companies were incorporated in this way.<sup>19</sup>

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14 F.W. Wegenast, "Memorandum *RE* Uniformity in Company Law" (1917), 37 *Canadian Law Times* 105, p. 125; the author does not cite a specific statute in support of this point. He repeats this assertion in *The Law of Canadian Companies*, p. 17, n. 6, again without citing a source.

15 F.E. Labrie and E.E. Palmer, "Pre-Confederation History of Corporations in Canada," in J.S. Ziegel, *Studies in Canadian Company Law*, I (Toronto, 1967), p. 37, where they note that during the latter part of the seventeenth century applications to the crown for charters for business organizations declined; but fail to provide any information on the relative importance of this method of incorporation over the entire period. Wegenast, "Memorandum," p. 126 discusses the cost of crown charters.

16 Hadden, *Canadian Business Law*, p. 13.

17 *Joint Stock Companies' Act*, in *Statutes of Nova Scotia* [S.N.S.] 1883, c. 24, as amended. See below for greater detail. Wegenast, "Memorandum," p. 128, states: "In Nova Scotia companies were incorporated by letters patent from 1844 to 1900 when that province adopted the automatic plan of incorporation by registration of a memorandum of association." As usual, he does not cite any source for this proposition and is clearly in error. Indeed, it is not clear what legislation he is referring to, irrespective of time period.

18 14 Geo. II c. 37; for a discussion of this point, see Labrie and Palmer, "Pre-Confederation History of Corporations," p. 37.

19 There were a few companies incorporated before 1836 (see Murdoch's comments, *infra*), but nothing significant. Some firms also continued to be incorporated by special act after 1884; approximately 130 such statutes were passed between 1885 and 1890. An incorporated company protects investors because it is a separate and distinct legal entity from the individual. Thus if the business were to fail, the shareholders' liability would be limited to the amount of their investment in the company and not for the whole extent of their personal assets.

*The Act to Incorporate the Halifax Cotton Manufacturing Company, Limited* (1870) is fairly typical of the general form of act employed. The text of the statute is brief, containing only seven sections; the initial shareholders are named and established into a body corporate for a specified purpose; the amount of capital stock and the number of shares are specified; liability of shareholders is limited to the value of the stock they hold; and that liability ends once the shares are transferred. Other provisions within the legislation limit the company's real estate holdings and specify a minimum capital requirement.<sup>20</sup>

The first such private statute in Nova Scotia was passed in 1796, namely an "Act to encourage the building of a Bridge across the Harbour of Halifax," incorporating Jonathan Tremain and others as "The Halifax Bridge Company" for ninety-nine years, after which time its property would revert to the provincial government.<sup>21</sup> Rather than incorporating the firm directly, the act authorised the governor-in-council to grant letters patent to the specified parties. Notably, the statute did not address either the liability of the stockholders or the powers of the corporation to initiate or defend against lawsuits. As The Halifax Bridge Company was the very first incorporation by private act in Nova Scotia, it is to be expected that the terms of incorporation would be different from those used in later years. The expectations and requirements of investors would evolve as the century progressed. In the meantime, there is no evidence that this firm ever came into existence, its objective perhaps defeated by the state of technology in the eighteenth century, which was simply inadequate for such an endeavour.<sup>22</sup>

Bruce Welling's research has shown that there were also a few firms incorporated by the British Parliament with the sole purpose of undertaking business ventures in the North American colonies.<sup>23</sup> Probably the best known example of such a firm in Nova Scotia is the General Mining Association. The

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20 S.N.S. 1870, c. 53; contrast the liability provisions with the 1862 legislation that provided for double liability for shareholders.

21 S.N.S. 1796, c. 7.

22 Alternatively, Tremain may have been attempting to forestall competition, for some years later, in 1815, he was among the founders of the Halifax Steamboat Company which operated a ferry across the harbour. The first harbour bridge was not built until almost a century later, in the 1890s.

23 Welling, *Corporate Law in Canada*, p. 45. He gives several examples for Upper and Lower Canada and a weak example for New Brunswick (the evidence in support of his point is purely negative). A search of the British statutes for acts incorporating indigenous Nova Scotian companies is beyond the scope of this article.



GMA was formed in 1825 and in the following year was granted a virtual monopoly on the extraction of mineral resources in the province.<sup>24</sup> It should be noted that the status of the GMA was also recognised by provincial legislation in 1836 and again in 1841.<sup>25</sup>

Commenting on the situation in Nova Scotia in 1832, Beamish Murdoch noted that

Insurance, mining, canal, steam boat, and other companies of a trading character, have been incorporated in this country.... In this Province incorporations are few in number, and of recent origin, and all are grounded upon clearly expressed enactments of the Provincial legislature, wherein provision is made for the rights and immunities they are to enjoy.<sup>26</sup>

Some evidence of the relative unimportance of the company form for business in Nova Scotia in this period can be gleaned from the fact that within the eight pages Murdoch devoted to "Societies Incorporated,"<sup>27</sup> only a passing reference directly concerns the commercial company as a form of business enterprise: "Incorporation is desirable...in commercial associations for banks, mining, &c. and in canal and bridge speculations."<sup>28</sup> This apparent situation is supported by quantitative analysis; between 1796 and 1830, there were only seven business incorporation acts *per se* passed by the provincial legislature.<sup>29</sup>

Incorporation during this period was largely reserved for churches, benevolent and charitable organizations, and other not-for-profit purposes. The few businesses that were incorporated were, as previously noted, primarily involved with the construction of canals and bridges. This reinforces the contention that in Nova Scotia, as in England, the company form was viewed as being more

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24 Marilyn Gerriets, "The Rise and Fall of a Free Standing Company in Nova Scotia: The General Mining Association," in *Business History*, 34:3 (1992), 18.

25 S.N.S. 1836, c. 87; S.N.S. 1841, c. 14.

26 Beamish Murdoch, *Epitome of the Laws of Nova-Scotia*, II (Halifax: Joseph Howe, 1832), pp. 49, 50. Unfortunately, Murdoch's final volume, wherein he promised to discuss the specifics of provincial incorporation acts and mercantile law, was never published.

27 *Ibid.*, p. 49; this is the chapter heading.

28 *Ibid.* p. 53. This is in keeping with Murdoch's generally limited coverage of business and commercial matters in the *Epitome*: Philip Girard, "Theme and Variations in Early Canadian Legal Culture: Beamish Murdoch and his *Epitome of the Laws of Nova-Scotia*" (1993) 11 *Law and History Review* 101, 128-9.

29 Patton, "Emergence of the Business Corporation," p. 15, Table 1.

appropriate for quasi-public enterprises and undertakings than as a more general business structure.<sup>30</sup>

While the Bubble Act prevented the formation of incorporated companies, it did nothing to halt the growth of business enterprises or stem the tide of industrial development. Rather than forming an incorporated company, the business community, as noted above, simply fell back upon unincorporated partnerships. Eventually, the Bubble Act came to be largely disregarded:

As the century progressed...and commercial concerns grew larger and more numerous, the prohibitions on claims to corporate status and on the free transferability of shares became more and more inconvenient. The Bubble Act was in consequence increasingly ignored, and full scale companies began to spring up again in the main commercial centres.<sup>31</sup>

The costs and the difficulty of obtaining a crown charter or a special act of Parliament to incorporate were too great for the ordinary commercial venture. Simply put, the Bubble Act did not "hinder the formation of joint-stock companies in industries where the scale of operations made them particularly valuable."<sup>32</sup>

Even the courts began to disregard the intransigent statute. In the 1808 case of *R. v. Dodd*, Lord Ellenborough dismissed charges against a company that purportedly contravened the Bubble Act, citing the lapse of 87 years since the statute had previously been invoked.<sup>33</sup> Having long outlived its usefulness, the legislation was finally repealed in 1825.<sup>34</sup> Nothing was done to replace the old act, however, and this vacuum led to a dramatic growth in the number of fraudulent company flotations and similar dishonest practices throughout Great Britain. Consequently, in 1844 legislation in the form of the first general incorporation act was passed, in order to regulate this potentially disastrous

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30 On this point, see *ibid.*, pp. 15-16.

31 Hadden, *Canadian Business Law*, p. 14.

32 P. Deane, *The First Industrial Revolution* (Cambridge, 1965), p. 205.

33 9 East 516; and Gower, *Modern Company Law*, p. 36. Several years later, a company endeavouring to raise funds by selling shares was, however, indicted as a public nuisance: (1811) *R. v. Webb*, 14 East 406.

34 6 Geo. 4, c. 91 (UK).

situation.<sup>35</sup> This act allowed a minimum of seven people to incorporate, upon the filing of appropriate documentation and the payment of a fee; it obviated the need to apply for either a charter or a special act of Parliament.<sup>36</sup> Several further pieces of legislation were passed in the 1850s amidst much debate over the granting of the privilege of limited liability.<sup>37</sup> Finally in 1862, the various enactments and amendments were consolidated into the *Companies Act*, which remained in force until its replacement in 1908.<sup>38</sup>

Thus for most of the eighteenth and nineteenth centuries, British government policy was concerned with reacting to the changes wrought by industrialization, rather than with being a proactive force in guiding those changes.<sup>39</sup> The Bubble Act had proven completely inappropriate for an industrial economy, but the government nevertheless failed to make any changes until the statute became an acute embarrassment; and another twenty years would elapse after the act's repeal before any new legislation was implemented.

A similar situation obtained in Nova Scotia, with respect to government policy regarding the evolution of business law. The provincial government was initially most reluctant to introduce general incorporation legislation of any kind, and then only did so on an as-needed, piecemeal basis. In the early part of the nineteenth century, industrial development in the province was virtually negligible. The economy was focused upon agriculture, fishing, the coastal trade and shipbuilding. There was rapid growth in the latter throughout the Maritimes from the 1820s to the 1850s; the industry, however, was highly decentralized, with many small ports involved in the construction of wooden ships: "wherever there was water, vessels were built."<sup>40</sup> This decentralization and the relatively small size of the firms involved meant that legal formalities, particularly incorporation

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35 *An Act for the Registration, Incorporation and Regulation of Joint Stock Companies, and an Act for facilitating the winding up the Affairs of joint Stock Companies unable to meet their pecuniary Engagements*, 7 & 8 Vict., cc. 110 & 111 (UK).

36 The process is described in Hadden, *Canadian Business Law*, pp. 16-17.

37 This issue is beyond the scope of this article.

38 Gower, *Modern Company Law*, p. 50; and 25 & 26 Vic. c. 89.

39 See generally Deane, *The First Industrial Revolution*, Chapter 13.

40 Stanley T. Spicer, *Masters of Sail* (Toronto, 1968), p. 15.



by special act of the legislature, were unnecessary for most businesses.<sup>41</sup> On the other hand, some fourteen marine insurance firms, an important adjunct to the shipbuilding and shipping industries, were incorporated by the legislature during the years 1835 to 1886. They were located throughout the province in such major shipping centres as Windsor, Halifax, Maitland and New Glasgow.<sup>42</sup>

41 Between 1837 and 1883, nine fishing and two whaling firms were incorporated by the provincial legislature. Patton, "Emergence of the Business Corporation," p. 18, states there were three firms incorporated in the shipbuilding industry. I have been able to identify only two; ironically, they came into existence towards the end of the proverbial 'Golden Age' for Maritime shipbuilding.

Year	Cap.	Title
1837	52	Halifax Whaling Company
1838	15	Nova Scotia Whaling Company
1850	24	Pictou Fishery and Trading Company
1852	46	Mutual Fishing and Trading Company of Pictou
1852	33	Louisbo[ur]g Fishing Company
1853	68	Halifax Fishery Company
1853	71	Northumberland Straits Fishing Company
1857	67	Margaretsville Fishing Company
1859	85	Digby Fishing Company
1876	82	Nova Scotia Fishing Company, Ltd.
1883	70	Chebucto Fishery Company, Ltd.
1872	180	Pictou Ship Building Company
1873	72	Wallace Ship Building Company

42 The annual *Statutes of Nova Scotia* list the following firms:

Year	Cap	Title
1835	7	Halifax Marine Insurance
1838	3	Union Marine Insurance Company of Nova Scotia
1849	38	Chebucto Marine Insurance Company
1850	26	Avon Marine Insurance Company
1854	68	Nova Scotia Mutual Marine Insurance Company
1858	88	Cape Breton Marine Insurance Company
1863	72	Windsor Marine Insurance Company
1864	32	Cobequid Marine Insurance Company
1865	47	New Glasgow Marine Insurance
1867	76	Merchants Marine Insurance Company
1875	78	Maitland Marine Insurance Company
1875	76	Globe Marine Insurance Company
1877	68	Shipowners Marine Insurance Company of Windsor, Ltd.
1877	67	Truro Marine Insurance Company

Understandably, there was no need for incorporation in the case of purely agricultural pursuits.<sup>43</sup>

In the latter half of the nineteenth century, Nova Scotia experienced its own Industrial Revolution of sorts. Unlike the situation in Great Britain, however, development in Nova Scotia was largely encouraged and fostered by federal government policy. One of the main forces driving this was Prime Minister Sir John A. Macdonald's National Policy, adopted in 1879 after a failed attempt to secure reciprocity with the United States. The National Policy has been described as "a three-cornered scheme of nation building," consisting of an industrial base in the east, an agricultural western frontier, and a railway transportation network to connect the two regions.<sup>44</sup> Industrial development was encouraged by protectionism: high tariffs kept cheap American goods out of the fledgling domestic Canadian markets.

While the long-term effects on Maritime economic development were less than positive or enduring,<sup>45</sup> there is no question that there was considerable short-term growth in the years immediately following the implementation of the National Policy. Indeed, one study claims that "in the 1880's, Nova Scotia surpassed Ontario in *per capita* industrial growth and the following two decades saw the emergence of a major iron and steel industry."<sup>46</sup> Over this same period, the annual growth rate in the Maritimes was higher than that of central Canada: 5.4 per cent against 4.9 per cent.<sup>47</sup> In other terms, during the decade from 1881 to

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43 Patton, "Emergence of the Business Corporation," p. 17. Nevertheless, Chapter 88 of the *Revised Statutes* of 1851, "Of Agricultural Corporations," provided that "whenever twenty persons or more shall raise ten pounds per annum...to be applied for the improvement of agriculture, they shall thereupon become a corporate body...with all the privileges and obligations in chapter eighty-seven [the general act respecting corporations] (s. 1)." It was stipulated that the corporation would exist only as long as it met the requirements of the act. As there was no provision for registration, it is doubtful that the number of groups which took advantage of this legislation could be determined.

44 J.M.S. Careless, *Canada: A Story of Challenge* (Toronto, 1963), p. 278.

45 See, e.g., Kris Inwood and John Chamard, "Regional Industrial Growth during the 1890's: The Case of the Missing Artisans," *Acadiensis*, 16 (1976), who argue against the popular conception that industry declined during the 1890s. Rather, they conclude that federal census measurements changed to exclude the smaller firms that dominated the Maritimes, thus giving the impression of decline when there was, in fact, none.

46 Kenneth Gary Jones, "Responses to Regional Disparity in the Maritime Provinces, 1926-1942: A Study in Canadian Intergovernmental Relations," unpublished MA thesis, University of New Brunswick, 1980, p. 3.

47 David G. Alexander, "Economic Growth in the Atlantic Region: 1880-1940," in *Atlantic Canada and Confederation: Essays in Canadian Political Economy*, Eric W. Sager et al. (Toronto, 1983), p. 68.

1891, Nova Scotia's industrial output increased by 66 per cent, substantially greater than the 51 per cent experienced in Ontario and Quebec.<sup>48</sup>

The impact of the National Policy on industrial development was felt almost immediately. As early as May 1879, a group of Halifax merchants organised a sugar refinery and by 1883, textile mills, iron foundries and other industrial plants had sprung up around the province.<sup>49</sup> This rapid industrial growth placed a great demand upon the provincial legislature to pass private incorporation acts, as the increasing scale and complexity of industrial enterprise--and also the increasing degree of 'foreign' investment--began to require more formal arrangements than had been previously necessary for small-scale, locally owned businesses.

Indeed, it was this increasing growth and structural complexity that led to the demise of the indigenously-owned industrial base. Maritime capitalists and would-be industrialists lacked both the financial resources and experience with complex machinery and production techniques, "which knowledge was essential for developing a competitive edge in a highly volatile market."<sup>50</sup> As a result, the industries which did develop did so from a comparatively weak position and were thus more susceptible to economic fluctuations and downturns.<sup>51</sup> Not surprisingly, the early 1880s witnessed a rash of business failures; in 1884 alone, the Bank of Nova Scotia's assets declined by \$1.1 million.<sup>52</sup> It is probable that the volatility and high degree of risk associated with industrial investment combined into yet another force driving the demand for more practical legislation; investors were understandably reluctant to risk all their personal assets on business ventures which might or might not be successful. The corporate structure also provided an attractive alternative to the costly--and sometimes unavailable--method of raising capital through bank loans.<sup>53</sup>

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48 John G. Reid, *Six Crucial Decades: Times of Change in the History of the Maritimes* (Halifax, 1987), p. 130.

49 T.W. Acheson, "The National Policy and the Industrialization of the Maritimes, 1880-1910," in P.A. Buckner and D. Frank, eds., *The Acadiensis Reader*, II (2nd ed., Fredericton, 1988), p. 168; S.A. Saunders, *The Economic History of the Maritime Provinces* (1939; repr. Fredericton, 1984), p. 30.

50 Judith Fingard, "The 1880s: The Paradoxes of Progress," in E.R. Forbes and D.A. Muise, eds., *The Atlantic Provinces in Confederation* (Toronto, 1993), p. 84.

51 Reid, *Six Crucial Decades*, p. 134; Fingard, "The 1880s," p. 97.

52 Reid, *Six Crucial Decades*, p. 134.

53 Acheson, "The National Policy," p. 168, argues that the Maritimes both "entirely lacked the financial structures to support any large corporate industrial entity" and that Maritimers were not willing to invest in anything more risky than the local savings bank.



The first general legislation concerning commercial companies in Nova Scotia was, ironically, enacted to regulate them rather than to assist in their incorporation. In 1832, the provincial legislature passed "An Act concerning Suits against Foreign Bodies, Politic or Corporate."<sup>54</sup> It was replaced three years later by a new act with the same title. This act was apparently legislated in response to difficulties encountered in Great Britain, where bringing an action against an unincorporated body required that all the individual 'partners' be sued together<sup>55</sup>--a stipulation used by the unscrupulous to gain a crude form of de facto limited liability protection: few people would have the tenacity or the funds to undertake such a lengthy and complicated action against a large corporate group of individuals.<sup>56</sup> The legislation provided that "any Body, Politic or Corporate, not Incorporated by any Law, Statute, Act, Charter or Ordinance of this Province" and doing business in Nova Scotia, could be sued by bringing an action against its resident agent. Further sections of the act detailed specific procedures to be followed in initiating such an action, although the provisions explicitly excluded bodies incorporated by royal charter.<sup>57</sup>

In 1850, this legislation was supplemented by *An Act to facilitate Legal Proceedings against Companies doing business by Agents in this Province*.<sup>58</sup> It does not appear to add much to the previous statute, except the provision that businesses operating in, but not incorporated in Nova Scotia, could be sued under their corporate name. The act also made provision for an attachment against corporate assets in satisfaction of any judgement that might be awarded. Since there are no reported cases based upon these enactments, it is not possible to determine how effective they were or how often recourse was had to them. Apparently they were later subsumed into the civil procedure rules.<sup>59</sup>

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54 S.N.S. 1832, c. 12, as amended S.N.S. 1833, c. 53.; repealed and replaced by S.N.S. 1834-35, c. 27. The irony is intensified when these enactments are juxtaposed against the Bubble Act, notorious for just such restrictions but finally repealed in 1825.

55 Hadden, *Canadian Business*, pp. 9, 13. This is typified by the case of *Von Sandau v. Moore* (1825), 1 Russ. 441, 36 E.R. 171 (Ch.) which involved over 300 different parties and took several decades to reach a conclusion.

56 Gower, *Modern Company Law*, p. 36.

57 s. 1; s. 4.

58 S.N.S. 1850, c. 10.

59 *Nova Scotia Civil Procedure Rules*, Rule 10.04. The Civil Procedure rules regulate the conduct of civil litigation, in particular they determine who has the standing (or capacity) to bring an action before the court. The present rules recognize a corporation as an entity with the same legal capacity as a natural person.

Finally, in 1851, as part of the first series of revised statutes, the Nova Scotia House of Assembly enacted the first provincial legislation specifically formalizing what may be identified as modern business law. The initial statute was entitled, *Of General Provisions Respecting Corporations*.<sup>60</sup> The purpose of the 1851 legislation was clearly expressed in the report of the commissioners responsible for drafting these *Revised Statutes*: as there was no previous legislation to draw upon, it became necessary to "[frame] a new chapter containing all the provisions that have been usually applied to corporations, and which will extend wholly or in part to every new body seeking to be invested with corporate privileges."<sup>61</sup> Rather than providing any means of incorporation *per se*, the new act merely specified the rights, powers and duties of already existing incorporated businesses. The legislation thus "provided a set of rules which were to govern the conduct of all corporations where the original act was silent."<sup>62</sup> A company wishing to incorporate still had to request a special legislative enactment.<sup>63</sup> This new legislation pertaining to company law was a small component of a larger effort to consolidate and codify the provincial statute law into a single volume, following the models established in New York and Massachusetts.<sup>64</sup> It is important to note that this particular statute was the product of a genuine, top-down, law reform movement rather than a response to demand from below. That fact alone distinguishes the first general business legislation from that which followed it.

Finally, in 1862, the legislature passed the first general business legislation, entitled *An Act for the Incorporation and Winding Up of Joint Stock*

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60 S.N.S. 1851, c. 87, as amended S.N.S. 1855, c. 47. The amendment extended the requirement of filing annual financial statements from only insurance companies to all joint stock companies doing business in the province.

61 "Final Report of the Commissioners," R.S.N.S. 1851, xi.

62 Patton, "Emergence of the Business Corporation," p. 27.

63 There was one small move towards a general incorporation statute: in the same session, the legislature passed *An Act for the Incorporation of Land Companies*, S.N.S. 1851, c. 5. This act was fairly restrictive in that it only applied to British subjects who "desire to form an association for the purchase and improvement of crown lands on the lines of the contemplated trunk line of the Railroad from Halifax to Quebec" (s. 1). The act details the means of formation of the company and how the land was to be allocated.

64 *Ibid.*, "First Report," viii.

*Companies*.<sup>65</sup> This statute allowed any five or more people who wished to incorporate a company to do so, upon the filing of appropriate documentation with the Provincial Secretary's office and the payment of a nominal fee. The act was restricted in application, however, as it could not be used for firms engaged in "banking, insurance, or *ordinary mercantile and commercial business* [author's emphasis]," nor could it be applied to gas or water companies in the City of Halifax.<sup>66</sup> It has been suggested that the reason for these restrictions was that "Legislators were afraid that a company might purchase excessive amounts of merchandise on credit and so take unfair advantage of its creditors, as individual traders often did during the nineteenth century."<sup>67</sup> This concern was echoed by John Brown, member for Kings County South, during debates on the bill conducted in the Legislative Council:

He thought that the Bill should not be made applicable to every kind of lawful business. That was not the condition of the Canadian Act. He thought that the Bill should not be extended to general business. In Canada the limited liability did not extend to general business--in England it did; but who did not remember the enormous inequity that had resulted from those co-partnerships, carrying ruin to hundreds and thousands in that country.<sup>68</sup>

Further, companies incorporated under the act could not continue operations past 1875. The reason for this unusual limitation was never specified, although the original purpose of the legislation had been to facilitate the incorporation of gold mining companies.<sup>69</sup>

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65 S.N.S. 1862, c. 2. See **Appendix 2** for a partial list of the firms incorporated under this act. Coincidentally, 1862 was the same year the British Parliament passed the *Companies Act* consolidating the previous acts and amendments. As it was not done until several months after the Nova Scotia bill was passed, it was obviously not an influence on the shape of the legislation. See: *In Re Nash Brick and Pottery Manufacturing Co*, 9 NSR 256.

66 Ss. 1, 20. Some of these restrictions appear to have been added as later amendments, since the draft bill published in the *Novascotian*, 25 Feb. 1862, p. 1, only excluded insurance and banking companies. The original draft bill is missing from PANS RG 5, Series B, Vol. 36, No. 67; all that remains is an undated draft of the amendment to s. 6.

67 A.W. Currie, "The First Dominion Companies Act," (1962) 28 *Canadian Journal of Economics and Political Science* 387. This issue was not reflected, however, in newspaper editorial comment on the legislation.

68 *Morning Chronicle* (Halifax), 1 Mar. 1862.

69 S. 5; and *Novascotian*, 24 Feb. 1862, p. 1.



During its legislative progression from bill to statute, the 1862 enactment generated remarkably little heated debate in either the Council or the Assembly. It was supported in principle by both sides of the House.<sup>70</sup> The draft was modeled, in large part, after the Canadian legislation of 1854 and one argument made in its favour was that it provided better protection for creditors than did the provisions of the private incorporation acts.<sup>71</sup> The Leader of the Opposition suggested that the bill be changed to apply only to mining companies, but this proposal received little support from either side in the House.<sup>72</sup>

The most contentious part of the legislation was section 6, the double-liability provision. During the course of the debates, it was added to, subtracted from and changed several times before the final form was agreed upon.<sup>73</sup> This provision stipulated that "Every stockholder shall be liable in his person and separate estate, during membership, to an amount equal to *double* the stock held by him [author's emphasis]."<sup>74</sup> A further provision extended the shareholder's liability for a period of six months after the transfer of his/her shares. The intent of this provision was to prevent 'insider trading', in that a wealthy shareholder aware of a company's financial problems could sell his/her interest and be personally free of liability before the firm became insolvent.

It is virtually impossible to determine contemporary legal or even popular corporate reaction to the 1862 legislation. There were no published Canadian law reviews in existence during this time and the boom in Nova Scotian business periodicals would not come until the mid-1890s. Indeed, this period has been described as something of a 'dark age' for legal culture in the Maritime provinces.<sup>75</sup> Judging by newspaper accounts alone, the legislation did not attract much popular attention. It was first introduced in the Legislative Council, where

70 Currie, "The First Dominion Companies Act," p. 404. This is very different from the experience both in the Province of Canada (1850) and in the passage of the first federal legislation. There was general opposition or, at best, apathy to the need for general incorporation legislation in Canada.

71 *Novascotian*, 3 Mar. 1862, per the bill's sponsor, Solicitor General Jonathan McCully.

72 *Morning Chronicle*, 3 Mar. 1862, p. 4.

73 *Ibid*, 31 Mar. 1862, p. 5.

74 S.N.S. 1862, c. 2, s. 6.

75 A brief review of indexes to nineteenth-century British, American and Commonwealth law periodicals reveals nothing written on either the 1862 or 1883 companies legislation. See also, Philip Girard, "The Roots of a Professional Renaissance: Lawyers in Nova Scotia 1850-1910," (1991) 20 *Man L.J.* 148, p. 151.

it underwent a few minor amendments and was consequently passed by the Assembly with another, unspecified amendment.<sup>76</sup> The *Novascotian* modestly suggested that "should it become law, a great deal of time will be saved."<sup>77</sup> There was no further editorial comment in that or any of the other major Halifax newspapers, which limited themselves to reprinting the legislative debates without elaboration.

The 1862 act, when proclaimed, operated in tandem with the earlier 1851 legislation, the provisions of which it incorporated by direct reference.<sup>78</sup> The limit of a company's chronological duration to 1875 was eventually repealed with the consolidation effected by the Revised Statutes of 1873.<sup>79</sup> The legislation, however, was not successful in reducing the legislative workload. As shown in **Appendix 1** (below), there was a dramatic increase provincially in special incorporation acts after the mid-1860s. Furthermore, only one of the approximately twenty firms for which records exist and which are known to have been incorporated under the provisions of the 1862 act, was incorporated for the purposes of gold mining.<sup>80</sup>

There are no published studies examining the structure of the gold-mining industry in Nova Scotia during the latter nineteenth century. It appears that during the first gold-rush, from approximately 1861 to 1868, the industry was completely dominated by foreign-owned firms, primarily from Boston and New

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76 *Journals of the Legislative Council*, 4 Mar. 1862; *Journals of the House of Assembly* [hereafter *JHA*], 31 Mar. 1862. While the *JHA* does not give details, the amendment was no doubt a further restriction on the types of business that could use the bill to incorporate. Unfortunately, committee minutes were not published.

77 *Novascotian*, 25 Feb. 1862, p. 1.

78 The Schedule attached to the act specifies that the newly-formed company was to be formed in accordance with the provisions of both acts.

79 R.S.N.S. 1873, c. 54: "Of Certain Joint Stock Companies." I have been unable to find any legislation before the enactment of the revised statutes repealing this provision, so I assume it was done as part of the statutory consolidation. There was also a provision added (s. 15) giving paramountcy to federal bankruptcy laws. The 1862 Act in its original form was reprinted as an appendix to the *Revised Statutes*.

80 Patton, "Emergence of the Business Corporation," p. 28, states that not one gold-mining company used the provisions of the act, but she seems to have missed the Nova Scotia Gold Concentrating Company (incorporated 1882); see PANS RG 7, Vol. 367, No. 3. There is insufficient information to determine the purposes of the Chegogin Point Mining Company (also incorporated 1882); see PANS RG 7, Vol. 366, No. 9.

York, although there was some British and Montreal-based investment as well.<sup>81</sup> This outside impetus was due primarily to the large capital investment required and to the economic risks associated with speculative mining ventures. This same investment pattern would be repeated in future with regard to large-scale industrial development in the province. The American domination of the gold-mining industry also helps to explain why the legal provisions for statutory incorporation were not used; investors would naturally prefer to use the same method as they did at home--incorporation by special act, which remained the dominant American model during this period.<sup>82</sup>

In the only reported case on this act, *In Re Nash Brick and Pottery Manufacturing Company* (1873), Chief Justice Sir William Young's statements appear inconsistent. He first speaks of "the large numbers of these companies" and the fact that consequently "the precedent we are about to establish is of very extensive application," a statement which implies that the legislation was commonly used. If not, the precedent would be of little value. However, a few pages later he notes that "This Act of 1862 has been rarely acted upon, and I doubt the wisdom of leaving it upon the Statute Book";<sup>83</sup> nevertheless, it remained active until 1883, when it was made redundant and consequently repealed by the *Joint Stock Companies Act*.<sup>84</sup>

Based upon the available statistics, it would appear that the 1862 legislation was not, in fact, overly important. There was no noticeable decrease in the volume of companies seeking incorporation by private acts, although without more information it would be mere speculation to attempt to determine how popular an alternative this act provided over traditional means of incorporation--at least for firms *not* involved in the mining industry.

A similar situation obtained in England after company law was finally reformed in the 1840s and 1850s, in that "no enormous rush to incorporate followed the general availability of incorporation and limited liability by

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81 John Hartlen, "Nova Scotia's Four Great Gold Rushes," in *Collections of the Nova Scotia Historical Society*, 41 (1981), 66. One study has found that 93 per cent of the capital investment in gold mines was from foreign sources; see George R. Evans, "Gold Mining in Nova Scotia during the Nineteenth Century," unpublished MA thesis, Dalhousie, 1938, p. 73.

82 Patton, "Emergence of the Business Corporation," p. 26.

83 9 NSR 254. The case concerned the power of directors to mortgage a company's assets and the amount of liability of the shareholders.

84 S.N.S. 1883, c. 24, s. 88.



registration.”<sup>85</sup> It was not until late in the century that corporations became the dominant form of business enterprise.

Another possible reason the 1862 legislation was not commonly used by industrial sectors other than gold mining may have been concern over the abuse of the act's limited liability provisions. It was not until the 1880s that debtors would be provided with reasonable protection from their creditors. Indeed, legislation to provide bankruptcy protection for merchants was rejected by the provincial legislature in 1862 and again in 1863.<sup>86</sup>

Meanwhile, in 1869 the Canadian Parliament passed a number of pieces of federal legislation regulating and facilitating the incorporation of companies. The first was entitled *The Canada Joint Stock Companies Clauses Act*.<sup>87</sup> It served a function analogous to the 1851 legislation in Nova Scotia; i.e., it did not provide a means of incorporation *per se*, but rather a series of provisions to be applied to any company incorporated by “Special Act” of Parliament.<sup>88</sup> The other, more important statute was the *Canada Joint Stock Companies Letters Patent Act*,<sup>89</sup> which established letters patent as the means of incorporation for companies formed “for any purpose to which the legislative authority of the Parliament of Canada extended”<sup>90</sup>--except railways, banking, and insurance concerns. Unfortunately there are no reported statistics on how many companies in Nova Scotia (or in any other jurisdiction) sought federal incorporation under this act.<sup>91</sup>

The main differences between the *Letters Patent Act* and the indigenous Nova Scotia legislation were the absence of restrictions on what areas of business a company incorporated thereunder could engage in, and the stipulation that the

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85 D. Sugarman and G.R. Rubin, “Towards a New History of Law and Material Society in England, 1750-1914,” in Rubin and Sugarman, eds., *Law, Economy and Society, 1750-1914: Essays in the History of English Law* (London, 1984), p. 6.

86 Girard and Veinott, “Married Women's Property Law,” p. 81; Girard, “Law Reform,” pp. 104-105.

87 S.C. 1869, c. 12.

88 S. 3.

89 S.C. 1869, c. 13.

90 Currie, “The First Dominion Companies Act,” p. 401.

91 Census returns for the period give aggregate numbers by broad industrial sector, not distinguishing between incorporated and unincorporated companies. A variety of other sources have been searched without success.

majority of incorporators had to be resident in Canada.<sup>92</sup> This latter provision was significant, in view of the extensive foreign investment in Nova Scotian industry. Both federal statutes provided limited liability for the shareholders, with no restrictions such as were found in the Nova Scotia act.<sup>93</sup>

No further progress towards the reform of company law in Nova Scotia was achieved until 1883, when the *Joint Stock Companies Act* was passed. Like its predecessor in 1862, it was driven by the demands of a rapidly expanding industrial economy which required a simple means of creating an incorporated company. While there do not appear to be any published empirical studies on the degree of foreign investment in Nova Scotia during this period, even a cursory examination of the lists of principle shareholders involved in many of the major industrial corporations reveals large numbers of non-resident investors, mostly from Montreal and New England.<sup>94</sup> This is clearly evidenced even by the corporate names of many of the new firms: the Boston Coal Mining Company, the Montreal Exploration Company, and the New York and Nova Scotia Iron and Railway Company, to name only a few.<sup>95</sup> With increasing foreign investment and the growth of larger enterprises, the corporate form became a virtual necessity and the system then still obtaining—that of granting special legislative acts—simply became too inefficient.

In addition, though it was not mentioned during any debates on the *Joint Stock Companies Act*, the Private and Local Bills Committee had previously commented on the volume of legislation it normally reviewed during a legislative session. In April 1879, Charles J. Macdonald and Nathaniel W. White responded to opposition criticism that their committee took too long to review pending legislation by stating that “[it] was the hardest worked committee of the House,

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92 Currie, “The First Dominion Companies Act,” pp. 402-403.

93 C. 12, s. 34 and c. 13, s. 43 respectively.

94 Although he focuses upon a later period, see David Frank, “The Cape Breton Coal Industry and the Rise and Fall of the British Empire Steel Corporation,” in Buckner and Frank, *The Acadiensis Reader*, p. 204. Note especially Table II (p. 222), where he shows that of 35 members of Besco's board of directors between 1921 and 1930, only one was a resident Nova Scotian! A case study of American investment in Nova Scotia can be found in Don MacGillivray, “Henry Melville Witney Comes to Cape Breton: The Saga of a Gilded Age Entrepreneur,” in *Acadiensis* 9, 1 (1979-80), 44.

95 These companies were incorporated by S.N.S. 1865, c. 81; S.N.S. 1868, c. 93; S.N.S. 1888, c. 131 respectively.

and had sat nearly every day during the session.”<sup>96</sup> While the demand for statutory incorporation was not great, over the period from 1863 to 1883 almost twenty per cent of the total statutes passed by the legislature were to incorporate companies. The data in **Table 1** presents the proportion of business incorporation acts passed, relative to the total legislative volume.<sup>97</sup>

**Table 1: Volume of Incorporation Acts**

Year	Proportion
1863	4.49%
1864	20.99%
1865	18.18%
1866	13.79%
1867	14.41%
1868	80.60%
1869	8.00%
1870	19.19%
1871	18.75%
1872	24.37%
1873	30.53%
1874	14.56%
1875	17.24%
1876	4.04%
1877	10.23%
1878	11.54%
1879	3.30%
1880	7.79%
1881	20.00%
1882	21.11%
1883	11.49%
Average	17.84%

Source: S.N.S., 1863-1883

96 Nova Scotia House of Assembly *Debates*, 16 Apr. 1879, p. 211. In 1877, the Provincial Secretary noted that in 1875, 71 per cent of all bills tabled had been private ones and in 1876 the figure was 69 per cent. Cited in Patton, “Emergence of the Business Corporation,” p. 30. This is a misleading figure, however, as the local acts included a great variety of items other than just incorporations.

97 These figures are necessarily low, as they do not take into account the several amending and/or repealing acts passed during each session, relating to the private incorporation statutes. See the notes in **Appendix 1** for a discussion of the types of companies considered in this study.



Nevertheless, efficiency did not appear to be an overwhelming concern when the new company legislation was introduced in 1883. Instead, the Legislative Assembly seemed finally cognizant that provincial laws respecting the structure of business were badly outdated and in need of revision. Upon introducing the bill on 15 February, James W. Longley summarized the situation as it then stood:

Our own Acts contained two vague and incomplete measures in regard to the incorporation of joint stock companies, and that the Legislature of this Province had taken no steps to place itself in the same position as the legislatures of the other provinces in relation to the law on this subject.... The effect of our system in Nova Scotia was that every charter of incorporation had to be passed by the Legislature, and each company was governed by its own Acts and its own by-laws....<sup>98</sup>

Nova Scotia was indeed lagging behind the other provinces in adopting general incorporation legislation. The province of Canada [i.e., Canada West and Canada East] had been the first to adopt a general incorporation act in 1850. It applied to "any kind of Manufacturing, Ship Building, Mining, Mechanical or Chemical Business"; any five or more persons could form a company and incorporation was by means of registration.<sup>99</sup> The act was gradually amended to cover additional areas of business and industry and in 1864, the method of incorporation was changed to that of letters patent. After Confederation, the statute was adopted by the legislatures of both Ontario and Quebec, virtually without change.<sup>100</sup>

Most other provinces had also adopted general incorporation legislation before Nova Scotia. New Brunswick's statute, passed in 1862, was modeled after the Ontario/Canadian act, and both British Columbia and Manitoba adopted provisions based directly upon British legislation, in 1869 and 1874 respectively.<sup>101</sup> Only Prince Edward Island lagged further behind, finally passing general incorporation legislation only in 1888.<sup>102</sup>

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98 *Debates*, 15 Feb. 1883, p. 20.

99 13 & 14 Vict., c. 28 (Can., 1850); see also, R.D. Francis et al., *Origins: Canadian History to Confederation* (Toronto, 1988), p. 263.

100 Currie, "The First Dominion Companies Act," pp. 391, 394-395.

101 Wegenast, "Memorandum," pp. 129-30.

102 Wegenast, *The Law of Canadian Companies*, p. 25. This also supports the thesis that development of company law was driven by economic pressure. There was virtually no industrial development on the Island, hence no pressing demand to change outmoded laws; see Reid, *Six Crucial Decades*, p. 135.

Upon second reading, on 16 February, Longley discussed in detail the provisions of the proposed act, touching upon the issue of efficiency when he briefly argued that the present system "had the disadvantage of improperly and unnecessarily encumbering the Legislature."<sup>103</sup> As with the 1862 act, there was no debate in the House. Indeed, no opposition comments whatever were made in response to the second reading; the legislation passed third reading, was approved by the Legislative Council without fanfare and received royal assent on 19 April 1883.<sup>104</sup> And as with the previous *Companies Act*, it also passed without editorial comment in the Halifax newspapers.

The provisions of the new legislation were basically similar to those of the 1862 act, in that a charter would be granted to any five or more persons who filed the appropriate documents. Unlike the previous statute, however, there was no restriction as to the nature of the company that could be formed, "except the construction and working of railways and loan companies."<sup>105</sup> In response to numerous criticisms that most people were not aware of the powers and objectives of companies incorporated by statute, there was also a requirement that one month's notice be provided in the *Royal Gazette* advertising that information.

This article has shown that the evolution of business law in Nova Scotia, as in Great Britain, was driven by the pressure of economic development. In the latter jurisdiction, the Bubble Act remained on the statute-book long after it had served its original purpose and consequently became a hindrance to economic growth. General incorporation legislation was passed relatively late in the century, after pressure from industrial interests made it impossible to resist their demands any longer. In Nova Scotia, rather than anticipating the need for a general incorporation act as the provincial economy gradually shifted from wood, wind and water to coal, iron and steel--with accompanying changes in business structures--the provincial government waited until the existing system became so utterly inefficient as to be virtually unworkable, before it made the necessary changes. While private incorporation acts were adequate for the pre-industrial period when most firms were small and locally owned, after the rapid industrial growth of the 1880s, such mechanisms only served to clog the legislative

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103 *Debates*, 16 Feb. 1883, p. 26.

104 *JHA*, 1883, p. 123. As with the 1862 legislation, this act was modeled after the contemporary Ontario statute. Wegenast, *The Law of Canadian Companies*, p. 24.

105 S. 3. Matters *ultra vires* of the provincial legislature were also, necessarily, excluded.

system.<sup>106</sup> Nova Scotia lagged behind almost all the other provinces in instituting reforms of company law.

While there was admittedly less demand for statutory incorporations before the institution of the National Policy, these requirements grew rapidly thereafter, from constituting only 3.3 per cent of the legislature's workload in 1879 to over 21 per cent in 1882.<sup>107</sup> This increase in demand is directly related to the growth of industry and to the changes in capital structure these developments necessitated--the transition from small, locally owned firms to large enterprises dominated by foreign ownership. Thus the protracted development of modern incorporation law in the second half of the nineteenth century can be seen as part of the larger scheme of legal reform exhibited in many different areas of law and society; rather than originating with government initiative, however, these changes came as a response to the demands of industry and the forces of economic development. Reform of business law was not used as a proactive tool to stimulate economic growth in Nova Scotia, but came about only as a delayed reaction to industrial development.

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106 A parallel can be drawn with the situation in Lower Canada, where incorporation by judicial decree was once available. This system collapsed under the strain of the mining boom of the mid-1860s. The difficulty and complexity of the system made it unworkable when confronted with large volumes of requests for incorporations; see Currie, "The First Dominion Companies Act," p. 399.

107 See Table 1. Ziegel et al., *Partnership and Corporations*, p. 28; Currie, "The First Dominion Companies Act," p. 58.



## Appendix 1

## Selected Statutory Incorporations by Type of Business, 1836-1890

Years	Trans.	Man.	Foundry	Mining	Misc.	Total
1836	1	3		1	4	9
1837					2	2
1838					2	2
1839		1			1	2
1840	2				1	3
1841				1		1
1842						0
1843						0
1844						0
1845						0
1846	1					1
1847						0
1848	1				2	3
1849	0					
1850	2	1			1	4
1851	2				1	3
1852		1		1	3	5
1853	5			1	2	8
1854	3					3
1855		1	1		1	3
1856	2					2
1857	2			1	3	6
1858		1	1		1	3
1859				1	1	2
1860	1			2	1	4
1861	2			1		3
1862				1		1
1863	2			1		3
1864	2			9	2	13
1865	2	1		12	2	17
1866	3			12	1	16
1867	2	1		10	1	14

### Appendix 1 (cont'd)

#### Selected Statutory Incorporations by Type of Business, 1836-1890

Year	Trans.	Manu.	Foundry	Mining	Misc.	Total
1868	1	1	1	48	2	53
1869		1		9	2	12
1870	3	4		9	3	19
1871		3	1	6	7	17
1872	9	3	2	3	9	26
1873	2	4	1	7	14	28
1874	5			2	7	14
1875	1	2		3	11	17
1876		1	1		1	3
1877	1			3	1	5
1878			2		6	8
1879				2		2
1880	1			1	4	6
1881		1	1	1	9	12
1882		4	1	1	7	13
1883	2	1		4	3	10
1884	3				1	4
1885	1		3	1	4	9
1886	4			2	6	12
1887	11	2		1	3	17
1888	1	1		1	8	11
1889	5	2		6	11	24
1890	2	3		5	9	19
Total	87	43	15	169	160	474

Source: S.N.S., 1836-1890

Notes: "Trans." = transportation; "Manu." = manufacturing; "Misc." includes firms involved in more than one industrial sector (e.g., mining, smelting and railways). Non-business entities, such as pier/wharf and cemetery companies, are not included in the totals. Banking, insurance and utility companies have also not been included. The classification of type of business was made on the basis of the corporate name specified in the statute.

**Appendix 2****Known Companies Incorporated under the 1862 Legislation**

<b>Name</b>	<b>Year</b>
Barrington Woolen Mill Company	1882
Barton Fish Trap Company	1879
Bridgewater Knitting Company	1883
Bridgewater Fishing Company	1879
Chegogin Point Mining Company	1882
Colonial Market Company	1863
Halifax Skating Rink Company	1863
Halifax Club Building Company	1863
Horton Hide and Leather Mfg. Company	1863
MacDonald Manufacturing Company	1881
Milton Trap Company	1879
Nash Brick and Pottery Company	1866
Nova Scotia Evaporating Company	1882
Nova Scotia Gold Concentrating Company	1882
Nova Scotia Ice Company	1863
Parrsboro Skating Rink Company	1879
Petite Riviere Tanning Company	1863
Truro Condensed Milk Company	1882
Windsor Cheese and Butter Mfg. Co.	1883
Yarmouth Gas Light Company	1863

Sources: See notes.



Notes: Patton has identified seven companies that incorporated using the provisions of the 1862 legislation.<sup>108</sup> A thorough search of the Provincial Secretary's records and the Nova Scotia Reports for the period 1862 to 1883 has revealed thirteen more. This list includes only those firms known to have used the provisions of the *Joint Stock Companies Act*.<sup>109</sup> The records are obviously incomplete<sup>110</sup> because neither the Nash Brick and Pottery Manufacturing Company nor the Yarmouth Gas Light Company is listed, though the headnotes in N.S.R. clearly indicate that these firms had been incorporated under the act.<sup>111</sup>

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108 Patton apparently missed the series contained in PANS RG 7, Vols. 366 and 367, entitled "Corporations and Firms, 1879-1890." It includes both filing documents required under the 1862 act and other material relating to firms incorporated by statute, non-profit organizations and municipalities.

109 There are two other possibilities: Nova Scotia Land and Gold Crushing and Amalgamating Company, Ltd. (1865) 5 N.S.R. 723, and Halifax Steamboat Company (1873) 9 N.S.R. 336. Neither of these firms was incorporated by statute nor does the case indicate (as it did with Nash Brick and Yarmouth Gas) that they incorporated under the 1862 legislation. It is not germane to the argument, however, so they can be safely disregarded.

110 There exists a contemporary index for PANS RG 7, Vols. 366 and 367, which shows that no files are missing, so the records must have been lost in antiquity.

111 The Yarmouth Gas Light Company was also 're-incorporated' by legislative enactment in 1882 (c. 29) and again in 1888 (c. 127).

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# The Mathematical Legacy of Fort Massey United Church, Halifax

Atila Arpat

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It is uncertain whether the rich architectural heritage of this province has much weight and meaning in the minds of the majority of Nova Scotians. Various indicators point to an obvious and continuing lack of appreciation for the architectural values of past centuries. For example, only fifty some churches have been registered in Nova Scotia since the proclamation of the *Heritage Property Act* in 1980. The fire which destroyed Halifax's most beautiful church--St. George's Anglican, built in 1800--in June 1994 does not seem to have created any significant ground-swell reaction on the part of the community or within the provincial press. But what is perhaps most regrettable is the fact that no law exists at present to protect a non-registered church or any other significant building against demolition, if the community or the owner decides to tear it down.

The purpose of this article is not, however, to dwell at length on this unfortunate aspect of the heritage issue. The concern here is rather to draw the reader's attention once more to an invisible heritage, that of the numerology and geometry frequently incorporated in the architectural design of Nova Scotia's older churches--this time by presenting an analysis of one such structure, Fort Massey United Church in Halifax (Fig. 1).

My previous article argued the presence of numerology and of the Pythagorean triangle in the design process of fifteen Nova Scotian churches.<sup>1</sup> It also stressed the importance of the relationship between the master builders of ancient times and the Masonic Brotherhood, and the consequences thereof. The reader will find the same numerology and geometry in the plan of Fort Massey Church. This structure was designed by the Masonic architect David Stirling (1822-1887) and the cornerstone was laid in 1870 by the Honourable William J. Stairs, prominent financier and politician, who pronounced it "well and truly laid."<sup>2</sup> Elizabeth Pacey describes Fort Massey as the "very essence of Gothic styling," although it should rather be classified as an attempt at a neo-English Gothic creation.

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1 Atila Arpat, "Secret Numerology and Geometry in the Churches of Nova Scotia," in *Nova Scotia Historical Review*, Vol. 14, No. 1 (1994), pp. 79-134; in which please note the following erratum, page 88, last sentence: "as well as the windows" should read "as well as the window glasses" [ed. note].

2 Elizabeth Pacey, George Rogers and Andrew Duffus, *More Stately Mansions, Churches of Nova Scotia, 1830-1910* (Halifax, 1984), pp. 96-101. Stirling was also the architect of the original Masonic Hall of 1875 on Salter Street in Halifax, which building was later extended in 1924 up to Barrington Street, with new façades.

Let us examine now, in a step-by-step fashion, the geometry and numerology applied by Stirling in the design process. It must also be mentioned that the number 318 was the numerical symbol of Jesus Christ;<sup>3</sup> that 3, 5 and 7 (the 'male' numbers) were also those most cherished by Operative Masons; and--as they did not yet possess calculators--all ratios had to be created by using the Pythagorean triangle, and therefore with a compass. The thickness of the plaster on the interior walls was normally assumed to be approximately 1.5 inches and had also to be added to the measured distances from wall-to-wall.

Step 1: Draw five equal squares, as shown in **Fig. 2**, each measuring 318" x 318" (using a convenient scale).

Step 2: Connect B and C and draw a circle around B with  $r = BC$ . Mark point D.

$AD = \sqrt{5} \times (\sqrt{5}-1) \times 318 = 878 \frac{7,5}{8}' = D = \text{diagonal of five equal bays between A and C, shown in Fig. 1.}$

Step 3: Draw a circle around this diagonal and divide it into  $4 + 5 = 9$  equal sections (**Fig. 3**). Mark point E.

Step 4: Draw a vertical to AD, from point E, until intersection F.  $AF = 585 \frac{7,5}{8}"$  is the interior width of the church and  $FD = 655 \frac{1}{8}"$  is the length of the five equal bays. The ratio of these two distances =  $DF/FA = \sqrt{5}/2$ . Each bay will have a width of 131" (or more precisely, 131.0232").

Step 5: The entire interior length of the church is

$FD + \sqrt{2}/5 \times FD = 655 \frac{1}{8} + 414 \frac{1}{3}" = 1069 \frac{3,5}{8}"$ .

How this length was produced, using geometry, is shown in **Fig. 4**: draw line

$FD' = FD + DD' = 655 \frac{1}{8}" + (655 \frac{1}{8}"/2,5$ ; circle around  $FD'$ .

$DG = \sqrt{655 \frac{1}{8}" \times (655 \frac{1}{8}"/2,5} = 414 \frac{1}{3}"$ .

Circle around D with  $r = h = 414 \frac{1}{3}"$  until intersection H.

$FH = FD + DH = 1069 \frac{3,5}{8}"$ .

Step 6: Draw a line  $DG = 414 \frac{1}{3}"$  and divide it into  $2 + 5 = 7$  equal

<sup>3</sup> *The Apostolic Fathers: The Epistles of SS Clement of Rome and Barnabas, and the Shepherd of Hermas*, I (London, 1875), 135-136. These *Epistles* may be regarded as a connecting link between the time of revelation and the time of tradition, and as a very important witness to the Christian faith; see Johannes Quasten, *Patrology*, I (Utrecht, 1966), p. 40. That the number 318 was accepted as the symbol of Christ is also substantiated by the details of an extremely significant event: to attend the famous Council of Nicaea, convened in 325 AD to determine the nature of Christ, the Emperor Constantine commissioned 318 bishops.



sections (**Fig. 5**).

$DG' = 118 \frac{3}{8}"$ , equal to the distance between the entrance wall (on the west side) and the first column,  $G'G = 295 \frac{7}{8}"$ , equal to the width of the last bay on the opposite side ( $AA'$  and  $CC'$  in **Fig. 1**).

Step 7: The diagonal length of the bays between columns was again determined by using Christ's symbol:  $d = 318/4 + 318" = 397 \frac{1}{2}"$  (**Fig. 6**). The resulting width of the nave is equal to  $375 \frac{1}{4}"$  because:  $\sqrt{397 \frac{1}{2}^2 - 131^2} = 375 \frac{1}{4}"$  ( $DE$  in **Fig. 1**).

Step 8: The dimensions of the complex columns were also derived from Christ's symbol. The square area around them is equal to  $318$  sq. in. (**Fig. 7**).

$AB = 26,5'$  and  $BC = 12"$ ;  $BE = BD = \sqrt{26,5'' \times 12''} = \sqrt{318''} = 17 \frac{6}{8}"$ .

The differences between measured and calculated dimensions (after having taken into consideration the thickness of the plaster, as already mentioned) vary only from  $.5"$  to  $1.5"$  and should prove the correctness of the theory as well as the accuracy of the construction (compare with **Fig. 1**).

The numerical symbol of Jesus Christ, coupled with  $\sqrt{5}$ , has also been identified in the following churches:

- the Cathedral Church of All Saints in Derby, England (1725) has an interior diagonal  $d = 12 \times 318/\sqrt{5}$  inches.
- the width of the nave of St. Mary's Roman Catholic Basilica in Halifax (1820) is equal to  $\sqrt{5} \times 318/2$  inches.
- the length of the five bays of Christ Church Anglican, Dartmouth (1826) is equal to  $\sqrt{5} \times 318$  inches.
- the diagonal of the interior space of St. Matthew's United Church, Halifax (1859) is equal to  $8 \times 318/\sqrt{5}$  inches.

The last phase of this present research has been dedicated to examining the portals of Fort Massey Church (**Fig. 8**). The sum of all three doors was derived from the diagonal of the bays, thus containing again the numerical symbol of Jesus Christ:

$$397.5'' - 159'' = 3/4 \times 318'' = 238.5''$$

$$(3/4 \times 318'')/\sqrt{2} = 168.645''$$

168.645" is the sum of the width of the three doors ( $2b + a$ ). How the dimensions were calculated and created, is shown in detail on the drawing. The width of the entire portal is equal to:

$$a + 2b + 2c + 2d = 287.894"$$

The measured total width: 288" (difference: 1/10 inch). The depth  $e$  of the portal measures 42.35" and was developed from the width  $b$  and the predetermined diagonal  $f$  ( $= 4/3 \times b$ ):

$$e^2 + b^2 = f^2$$

$$f = \sqrt{(42.35^2 + 48.184^2)} = 64.15"; 64.15" = 1.3314 \times 48.184"$$

As  $4/3 \times 48.184" = 64.245"$ ,  $e$  should be 42.5" long.

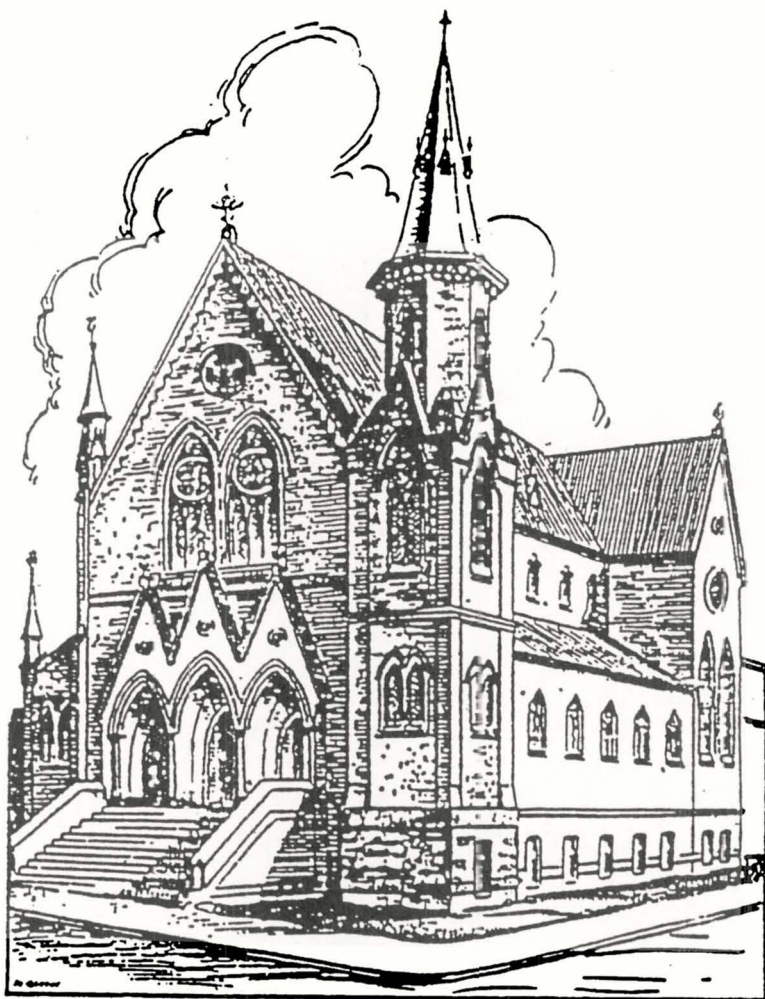
The diagonal  $D$ , which can be drawn between the two central columns (**Fig. 9**), is again a numerical symbol of Christ:

$$\text{Measured } h \text{ of columns} = 83.35"; 1 = 72.276" + 28.85" = 96.126".$$

$$D = \sqrt{(83.35^2 + 96.126^2)} = 127.276" = 318/2.5".$$

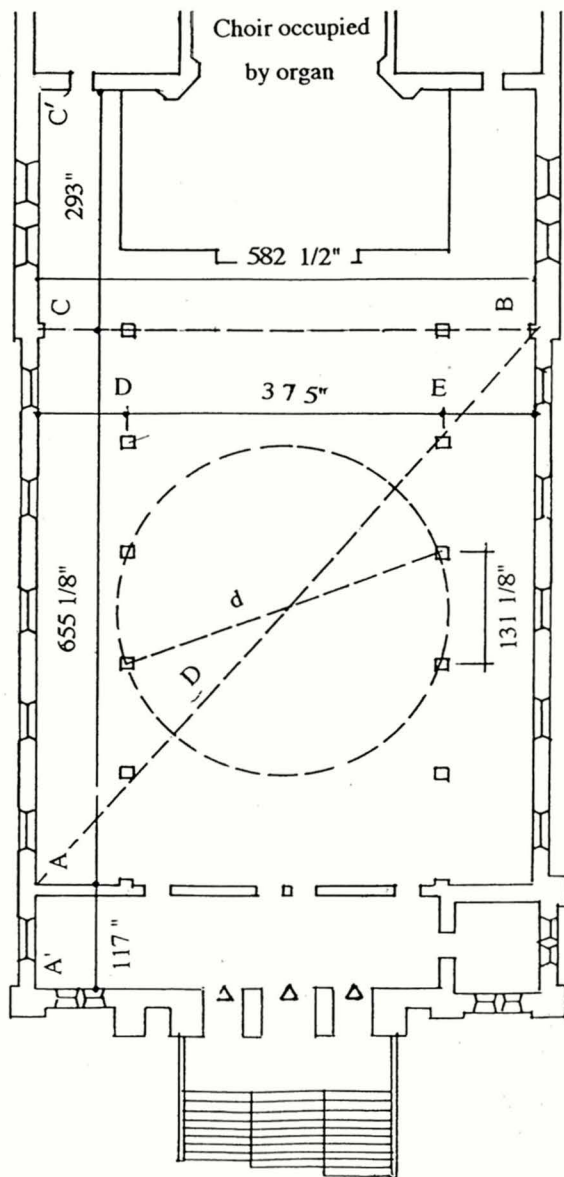
The height  $h$  of the columns should be 83.304" and the diagonal  $D = 318/2.5" = 127.2"$ .

All these findings should leave little doubt that the mathematics in Fort Massey Church are not coincidental and that the architect specifically designed the plans in true observance of the traditions of the Operative Masons. The detection and exploration of these principles of the past and their conveyance to coming generations as a precious part of provincial heritage, should be the concern and duty of the universities and of the churches. Only if this information reaches all levels of society and becomes a shared tradition, can these monuments be saved from disfiguration and destruction.



**Fort Massey United Church**  
Halifax, Nova Scotia





**Figure 1.** Plan of the church, with measured dimensions  
(based on the plan drawn by Matthew Dick)

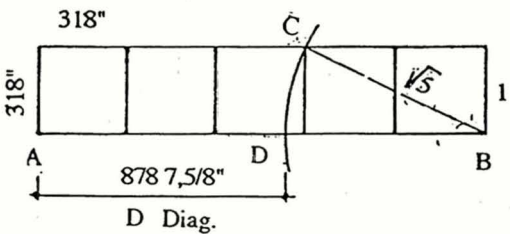


Fig.2

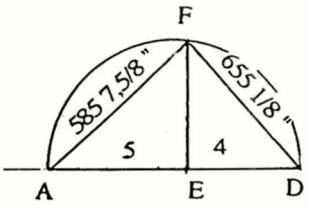


Fig.3

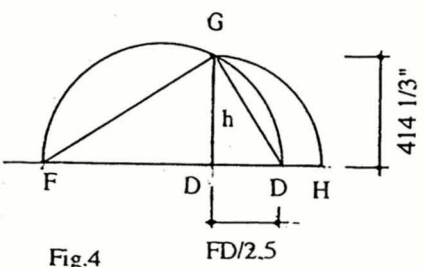


Fig.4

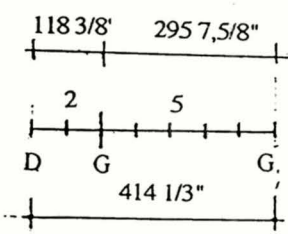


Fig.5

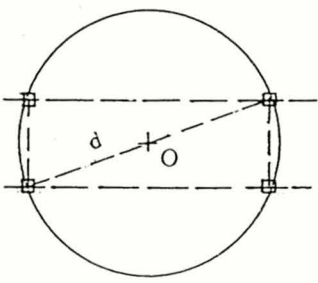


Fig.6

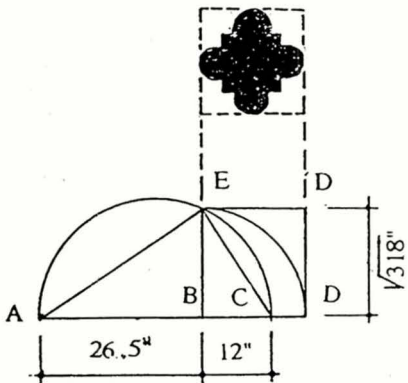


Fig.7

BDD'E = Square around columns

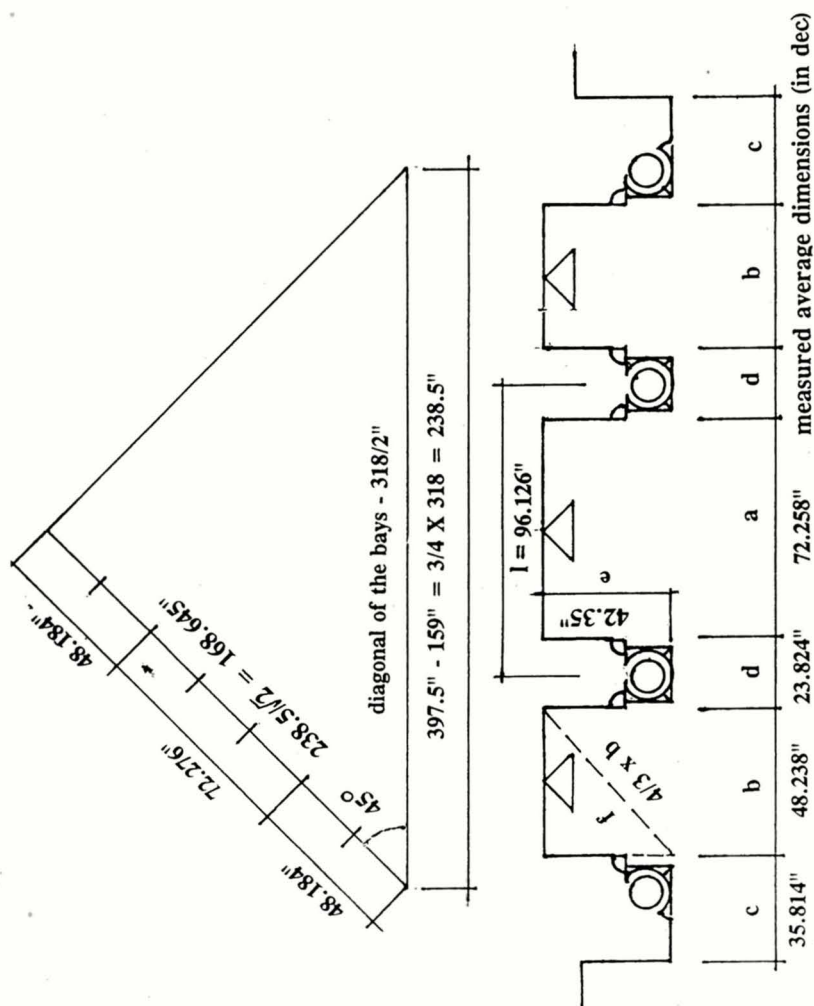


Figure 8. Portal of church

Calculations:

$$2b + a = 168.645''$$

$$3 \times (168.645''/7) = 72.276'' = a$$

$$2 \times (168.645''/7) = 48.184'' = b$$

$$a/b = 3/2$$

$$(2b + a)/\sqrt{2} = 2c + 2d = 119.25''$$

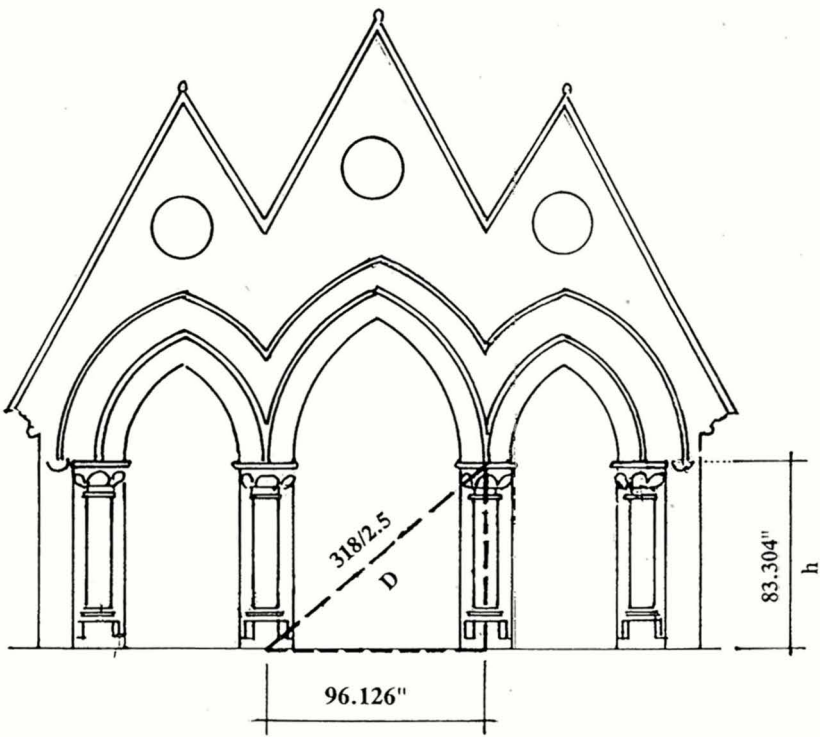
$$c/d = 3/2$$

$$c = 35.775'' \quad d = 23.85''$$

$$f = 4/3 \times 48.184'' = 64.245''$$

$$e = 42.5''$$





**Figure 9.** The portal (simplified)

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# The Heysons: A 'Foreign Protestant' Family of Lunenburg Township, 1753–1820

Kenneth S. Paulsen

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The Heysons<sup>1</sup> of Mahone Bay in Lunenburg Township, Nova Scotia, were a typical German farm family in that new community. They were among the 1,600 "foreign Protestant" settlers who were relocated from Halifax to Lunenburg in 1753 when the latter settlement was founded by decision of the British government. The Heyson family quickly established themselves at nearby Mahone Bay, where Johann Friedrich Heyson received his initial grant of a thirty-acre lot. The Heysons remained at Mahone Bay where they became one of the prominent local farm families.

In the 1750s the British Crown was recruiting settlers from the German states and principalities to come to Nova Scotia as agricultural settlers. The vast majority of these "foreign Protestants" claimed to be farmers, which was consistent with British recruitment objectives and with data information entered on the passenger lists. Friedrich Heyson was one of these farmers, but like many of these intending settlers he was not a farmer by profession; instead, and according to the parish records at Hering, Kreis Oetzberg, in the Kingdom of the Palatinate, he was a stocking weaver.<sup>2</sup> Like many others, however, he stated that he was a farmer, or that his intention was to become one upon immigration to Nova Scotia. Heyson, along with the 'real' farmers, the artisans and those claiming to be farmers, was no doubt taking advantage of the promise of free land, despite the perceived and unperceived hardships that relocation to a new, forested and remote colony would bring.

Johann Friedrich Heyson was probably born at Wenings in the Grafschaft Isenburg, about December 1708,<sup>3</sup> the son of Johannes Heyson, a clock-maker (*Tuchmacher*) and citizen of that village.<sup>4</sup> It is not known when Friedrich

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1 The surname Heyson also appeared in early township records as 'Heison' and 'Heyson'. In Wenings the name was 'Heuson', while in Hering it became 'Heison' or 'Heyson'. Today in North America the name is 'Hyson' and in Germany 'Heuson'. In this paper the spelling 'Heyson' has been retained for Friedrich, while 'Heyson' is used for Philip and his heirs; the difference reflects common usage in their lifetimes.

2 *Kirchenbuch*, Evangelisches Pfarramt, Hering-Oetzberg, Germany.

3 Wenings is located several kilometres north of the walled town of Büdingen. The church records at Hering, a community on the northern fringe of the Odenwald and southeast of Darmstadt, state that Friedrich Heyson was from Wenings, Isenburg. Friedrich's birth has not been found in the Wenings church records, although many other Heusons are entered there. The Hiltz family of Lunenburg County also has its origins in Wenings, and in the nearby town of Ortenberg.

4 *Kirchenbuch*, Hering-Oetzberg.

moved to Hering in the Palatinate; he was there, however, by 17 December 1733 when he married Anna Catharina Junckerin, the daughter of Casper Juncker, an artillery-man (*Geschützmeister*) at the nearby small fortress of Otzberg.<sup>5</sup>

Between 1735 and 1750, the Heýsons had five children--Anna Catherina, Johann Philip, Anna Elisabetha Veronica, Anna Elisabetha and Eva Margaretha--and adopted a sixth, Johannes.<sup>6</sup> When the family left Hering in 1751, however, it consisted of six people rather than eight. The passenger list for the *Murdoch* indicates that Friedrich Heýson was indebted in Dutch florins for Fl.212.12.8 and a cash loan of Fl.12.0.0. His fare was for three full freights, which covered him, his wife and two children; two children thus came over free.<sup>7</sup> Children four years and younger were not charged. Eva Margaretha was under four, but the evidence indicates that she did not accompany her parents to Nova Scotia, nor did the adopted son immigrate; instead, they either stayed in Europe or had died as infants. The only explanation left is that the two youngest daughters--Anna Elisabetha Veronica and Anna Elisabetha were treated as non-paying freights, despite their ages. Of the Heýson children who did arrive in Nova Scotia, it is clear that Johann Philip and two of his sisters came to Halifax, although confusing and contradictory evidence also indicates that all three sisters were there. The confusion lies in the Halifax victualling list of August to October 1752 and in the similarity of two of the sisters' given names. Five Heýsons rather than six appear on this list; and there is one Anna Elisabetha, rather than two. By the time the Heysons went to Lunenburg, the eldest daughter had married and the two Anna Elisabethas appear as Anna Elisabetha and Anna Veronica on the later victualling lists, therefore establishing proof that three Heýson daughters indeed came to Nova Scotia.<sup>8</sup>

In June 1753, after almost two years in Halifax, the "foreign Protestants"

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5 *Ibid.*

6 *Ibid.*

7 Ships' Passenger Lists (photostatic copies from the Public Record Office, London), in Winthrop P. Bell fonds, Public Archives of Nova Scotia [hereafter PANS], MG 1, Vol. 113, F/9, doc. 451-477; and F/11, doc. 463-464.

8 "List of Germans and Swiss Victualled between Aug. 24th and Oct. 1st 1752," in PANS MG 1, Vol. 113, F/8, doc. 505; and "List of Inhabitants Victualled at Halifax & Lunenburg in Nova Scotia Between the 24th of Jany. 1757 & the 15th May following, both days Included," in PANS MG 100, Vol. 180, doc. 28a.



were taken to Merligueche to found the new settlement of Lunenburg. Upon arrival at the site, the town plot was surveyed and lots granted to the settlers; garden and thirty-acre farm lots were also laid out and distributed. Johann Friedrich Heýson received a town lot in Strasburger's Division, Lot C-11, and a thirty-acre farm lot at Mahone Bay, Range C, Number 10.<sup>9</sup> The family did not immediately move to Mahone Bay, however; the "Return of Divisions" for Lunenburg in July 1754 indicates that they were still resident in Strasburger's Division and that their lot was improved with a house.<sup>10</sup> The most likely explanation for their remaining in town was that like many other families, the Heysons lived there while they cleared land elsewhere for cultivation and for a dwelling. The Heyson family probably moved to their thirty-acre lot in 1754 or 1755, once they had sufficiently developed the land for habitation.

Although the Heysons and many other families gradually shifted from town life to their farm lots and to cultivation of the land, the vast majority of the "foreign Protestants" remained on the victualling lists until the government cut them off in 1758. The dependence on crown 'hand-outs' was in large part due to the continuing fear of raids from the Mi'kmaq, who attacked outlying farms and islands and killed settlers in 1755, 1757 and 1758. These sporadic and deadly raids greatly alarmed the new settlers and sent many of them fleeing into Lunenburg or to the blockhouses constructed on the ranges for their protection. The external threat to the community ended only with the surrender of the French at Louisbourg in 1758 and at Québec the following year.<sup>11</sup>

While in Halifax, Friedrich Heýson's eldest child and daughter, Anna Catherina, was married on 1 December 1752<sup>12</sup> to Johann Adam Linck or

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9 "Specification of Strasburgers Division in the Town of Lunenburg, the 16th July 1754," in PANS RG 1, Vol. 382, doc. 8; "Farm Lotts in the Township of Lunenburg" [1754], in PANS RG 20, Series C, Vol. 90A, doc. 1. Greater detail concerning the establishment of the town of Lunenburg may be found in Winthrop P. Bell, *The 'Foreign Protestants' and the Settlement of Nova Scotia* (Toronto, 1961; repr. Fredericton, 1990).

10 PANS RG 1, Vol. 382, doc. 8.

11 Bell, *'Foreign Protestants'*, pp. 502-517. See also, Linda G. Wood, "The Lunenburg Indian Raids of 1756 and 1758: A New Documentary Source," in *Nova Scotia Historical Review*, 13, 1 (June 1993), 93-108. The ranges were a series of 30-acre farm lots laid out along the shores of Mahone, Lunenburg and Rose Bays, the LaHave River and inland areas adjacent to the coastal lots. The various ranges included anywhere from eight lots (First Peninsula Range A) to 55 lots (the two Northwest Ranges).

12 Parish registers, St. Paul's Anglican Church, Halifax (mfms. at PANS).

Ling, a mason from Hesse. After their removal to Lunenburg, Linck appears on the "Return of Divisions" with the notation of "soldier"; he resided with his wife in Rudolf's Division, Lot F-6, with a house and garden.<sup>13</sup> The Linck family is mentioned in various civil records of Lunenburg during the 1750s, but disappears from the community--and most likely the province--sometime after September 1757. The "Registry of 30 Acre Farm Lotts" in 1760 stated that Adam Linck had owned Common Range Lot A-7 but lost it due to his absence from the community.

The disappearance of a family such as the Lincks was not an uncommon occurrence; many left Lunenburg or other frontier settlements, preferring the more developed areas to the uncertainties of life in a new community. The Linck case, however, is further complicated by Adam Linck's military enlistment, which apparently occurred about the time of his removal from Halifax to Lunenburg in 1753. He may therefore have been transferred out of the province with his regiment. In any case, Adam Linck, his wife Anna Catherina Heyson and their two children disappeared completely from Lunenburg.

From 1760 the township became reasonably prosperous, particularly once local farmers began selling their excess produce, lumber and cordwood to Halifax. Lunenburg had an economy based upon subsistence farming, as indicated by statistics in the 1770 census. These statistics also indicate that the community was principally based on agriculture. There is very little evidence at this time that Lunenburgers were interested in the commercial fishery; indeed, of 298 households enumerated in the township, only two show any fishing activity whatever.<sup>14</sup> However, it is highly probable that Lunenburgers, including the Heysons, engaged in occasional fishing and the gathering of mollusks for household consumption.

In the early 1760s the crown granted additional 300-acre lots to all those willing and able to pay the nominal surveying fee. By granting these lots, the government was fulfilling its promise to provide a fifty-acre grant to every head of household, with additional acreage for each dependent person within a household. Together with the original town, garden and thirty-acre grants, this allotment more than fulfilled the crown's obligations to provide the "foreign Protestants" with land. By the 1760s as well, many sons of original

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13 "A Return of Rudolf's Division, 17 July 1754," in PANS RG 1, Vol. 382, doc. 5.

14 "A Return of the State of the Township of Lunenburg, the First of January 1770," in PANS RG 1, Vol. 443, docs. 19-21, 23.

settlers became eligible to receive grants and to hold land in their own right. Johann Friedrich Heÿson and his son each received a 300-acre grant in these land lotteries.

By the time of the 1770 census, Friedrich Heÿson and his wife were living alone. The census does not record the acreage owned or cleared by each household head, but nevertheless gives a picture of the economic well-being of the community and of each family. Friedrich Heÿson owned enough livestock to satisfy his and his wife's needs: one ox/bull, one cow, one "young neat cattle" and one swine. His farm, in the previous year, had produced ten bushels of rye, one of peas, ten of barley and five of oats.<sup>15</sup> By 1770 Lunenburg was a fairly well established and stable community, and the statistics for Friedrich Heÿson place him above average in relationship to his neighbours, when variables such as family size are taken into account—even though his farm produced less grain than the average.

A comparison of Lunenburg's agricultural production with that of other similar communities in Nova Scotia or in British North America is difficult but possible. The average farmer in Lunenburg, based upon the 1770 census, produced about 35 bushels of grain per household in 1769 and maintained

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15 *Ibid.* Other grains and crops were not recorded, except for wheat, which was grown by only a few Lunenburgers.

16 "General Return of the Several Townships in the Province of Nova Scotia, the first day of January 1767," in PANS RG 1, Vol. 443, doc. 1; 1770 Census, in PANS RG 1, Vol. 443, docs. 19-21, 23.

17 Friedrich Arenburg was a trader, Henry Ernst a shoemaker, William Kedy a sawmill owner and Philip Rothenhauser a baker; the others were all farmers. Occupations given here are based upon the deed records and ship passenger lists noted elsewhere.

18 In 1767 there were 44 horses and 218 oxen and bulls in Lunenburg; in 1770 there were 46 horses and 266 oxen and bulls. Arenburg and Rothenhauser each owned two horses.

19 The full term should probably be "young neat cattle"; *The Concise Oxford Dictionary* defines "neat" as an archaic term for "bovine animal," and in the plural sense, for "cattle."



1767 Aggregate Census and 1770 Nominal Census with Household Examples<sup>16</sup>

Name <sup>17</sup>	No.	Oxen/ horses <sup>18</sup>	Cows	Young cattle <sup>19</sup>	Sheep	Swine	Rye bu.	Pease bu.	Barley bu.	Oats bu.
1767 totals	1468	262	610	527	224	443	3486	683	5315	2990
families	c. 295									
1767 average	5	0.9	2	1.8	0.75	1.5	11.8	2.3	18	10.1
1770 totals	1493	312	631	486	108	533	2537	483	4826	3188
families	298									
1770 average	5	1	2.1	1.6	0.4	1.8	8.5	1.6	16.2	10.7
Eisenhauer, Adam	4	2	3	-	-	4	20	5	50	25
Emoneau, Frederic	5	4	4	3	8	4	30	8	50	30
Heyson, Friedrich	2	1	1	1	-	1	10	1	10	5
Heyson, Philip	6	2	2	2	-	2	10	4	12	4
Hiltz, Daniel	6	2	2	1	-	3	10	1	10	10
Kedy, William	2	-	-	-	-	-	--	-	--	--
Kraus, Jacob	9	2	3	3	-	3	20	6	30	20
Pennell, Matthew	5	2	6	6	-	3	6	-	20	10
Ramigen, Conrad	6	2	2	4	-	3	20	3	40	10
Rothenhauser, Phil.	5	4	3	1	8	2	10	3	20	10
Veinot, Jacques	4	2	3	1	-	1	20	8	10	10
Veinot, Christophe	5	2	4	2	-	1	20	8	10	10
Wambold, Peter	2	2	3	3	-	3	20	5	40	20
Weynacht, John	3	-	2	1	-	1	2	1	10	15
Zwicker, Peter, Sr.	4	2	3	3	-	3	15	2	20	5
Zwicker, Peter, Jr.	7	2	2	1	-	2	10	3	16	4

2.1 cows, 1.6 neat cattle, 0.4 sheep and 1.8 pigs. Based upon Bettye Pruitt's estimates for colonial Massachusetts, many of Lunenburg's households were either self-sufficient or close to it. Pruitt has estimated that the average family in Massachusetts--based upon population figures from the 1764 poll tax and the minimum requirements for military provisioning in the eighteenth century--required about sixteen to twenty bushels of grain per year for a family of four to cover the most basic human needs, with an additional ten bushels per year for livestock maintenance.<sup>20</sup> In September 1777 the Reverend Ezra Stiles, residing then in Portsmouth, New Hampshire, wrote in his diary that "there may be 150 Th[ousand] Famys in N. England consuming 30 Bush. each annually for the p[eo]ple & Cattle."<sup>21</sup> The average Lunenburg household contained five people and produced 39.9 bushels of grain (rye, barley and oats).<sup>22</sup> At roughly four to five bushels per capita, a family of five in Lunenburg was doing reasonably well at almost forty bushels per year on average. The average household production of grain in Lunenburg thus comes close to Stiles's eighteenth-century estimate for per capita grain consumption and Pruitt's twentieth-century estimate for the late colonial

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20 Bettye Hobbs Pruitt, "Self-Sufficiency and the Agricultural Economy of Eighteenth-Century Massachusetts," in *William and Mary Quarterly*, 3rd series, 41:3 (July 1984), 358-359. She provides an elaborate formula to transform the minimum military requirement of six bushels per year for adult males to the basic household requirements per capita. The formula pegs women at two-thirds the requirement of men and children at half as much as adults. The formula varies, depending upon the ratio of men to women to children. For Massachusetts in 1764, it was 25% men, 27% women and 48% children. The Lunenburg ratio in 1770 was 19.5% women and 61% children. Based on this formula, Massachusetts required 3.8 bushels of grain per capita while Lunenburg required 3.5. The slightly lower Lunenburg requirement may be the result of its younger population and recent settlement, compared to the more established Massachusetts population. The formula was borrowed from Robert E. Gallman, "The Statistical Approach: Fundamental Concepts as Applied to History," in George Rogers Taylor and Lucius F. Ellsworth, eds., *Approaches to American Economic History* (Charlottesville, Va., 1971), 75n. The formula for Lunenburg would be:

$$\begin{aligned}
 &6 \left( .195 + .667 \times .195 + \left( \frac{.195 + .667 \times .195}{2} \right) \times .61 \right) \\
 &= 6(.195 + .667 \times .195 + .415 \times .61) \\
 &= 6(.195 + .13 + .253) \\
 &= 6(.578) \\
 &= 3.468 \text{ (or 3.5) bushels of grain.}
 \end{aligned}$$

21 Franklin Bowditch Dexter, ed., *The Literary Diary of Ezra Stiles, D.D., LL.D.* (New York, 1901), II, 210. Stiles wrote this on 22 Sept. 1777, while speculating about the possibility of making molasses from corn tops as a way for New England to lessen its dependence upon the West Indies for rum, molasses and sugar.

22 Wheat was grown in small quantities at Lunenburg. The 1770 census records 75 bushels, scarcely enough to measure. The Montbéliard settlers grew much of this crop.

period.

Friedrich Heyson remained at Mahone Bay until his death in June 1792. His wife Anna Catherina had died of a stroke ten years previously in April 1782.<sup>23</sup> In his will, dated 11 April 1789, Heyson bequeathed half his 300-acre lot at Second Division, Letter G, Number 2 to his son-in-law, Heinrich Koch, and the other half to his eldest grandson and namesake, Johann Friedrich Heyson.<sup>24</sup> His son Philip received his share in life and had considerable landholdings of his own. The manner in which Friedrich Heyson conveyed his land to his heirs was common among the "foreign Protestants." The provisions of his will indicate that partible inheritance was practised in Lunenburg as was common in the Rheinland.<sup>25</sup> Many settlers sold or gave outright a portion of land in life to their heirs, as well as bequeathing property to their legatees through wills. Others sold or gave all their land to their heirs before death, while some left it to their heirs only after death.

The transferral of this property by a will written in 1789 contradicts the 1784 township grant, which does not list Friedrich Heyson as a property owner. The 300-acre lot described in the will was, however, the same one which he had drawn in the 1763 lottery. Two possibilities exist for this oversight: perhaps Heyson was inadvertently omitted from the grant; or his son held nominal ownership of the property. The first is more likely, since most of Philip's land in the 1784 township grant can be accounted for. In 1789, Friedrich resided at Mahone Bay, Lot C-10, which by then had been transferred to his son Philip as a gift in 1782.<sup>26</sup> The poll tax for 1792 indirectly confirms the transferral and indicates that Heyson Sr. no longer actively farmed, because the tax assessment was for only one shilling.<sup>27</sup> Such a levy was normally paid by persons who were single and not in possession of livestock and/or other property.

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23 Parish registers, Dutch Reformed Church, Lunenburg, PANS MG 4, Vol. 86.

24 Court of Probate, Lunenburg County, Will Book, Vol. 1, doc. 58; the will was presented for probate, 3 June 1793.

25 Partible inheritance refers to the division of an estate among some or all of the heirs of a deceased person; this is in contrast to primogeniture, ultimogeniture and unigeniture, where an estate is devised to, respectively, the eldest or youngest male heir, or to one heir without regard to birth order.

26 Lunenburg County Registry of Deeds, Book 3, doc. 19; registered 10 Aug. 1792.

27 "Assessment Roll of the Township of Lunenburg," 1792, in PANS RG 1, Vol. 444, doc. 49.



While Anna Catherina and her husband Adam Linck disappeared from the Lunenburg records before 1760, the remaining three children of Johann Friedrich and Anna Catherina Heÿson stayed in Lunenburg and married local people. Anna Elisabetha Veronica was the first to wed, on 2 January 1759.<sup>28</sup> She married Heinrich (Henry) Koch, who became a successful sawmiller after his father and ultimately the largest landowner in Lunenburg; at the time of the township grant in 1784, he held 2,000 acres. Koch had come to Nova Scotia with his parents in 1750 on the *Ann*, from Weldenbach, Kreis Höchstenbach, Grafschaft Sayn.

By the time of the 1760 registry of town lots and thirty-acre farm lots, Henry Koch had acquired three house lots and two farm lots at South Range B. During the 1760s and 1770s, he expanded his holdings by acquiring several thirty-acre farm lots and 300-acre lots; he also acquired land through inheritance from his father-in-law. The 1770 census is a good indication that Koch was well established in Lunenburg. The return states that he owned a grist mill as well as a sawmill, and his activities as a miller suggest that he was not an active farmer: the only produce recorded for the Koch family on the census was six bushels of peas, which would not necessarily require his attention to cultivate, but likely that of his wife.<sup>29</sup> As a miller showing little agricultural production, Koch and his family would be dependent on an exchange of labour or upon the cash income of the mill to obtain what was needed in the way of food stuffs. The census also indicated that Koch owned six oxen or bulls, which may have been used in connection with his sawmill operations.

Henry Koch probably resided within the town of Lunenburg and because of his wealth perhaps socialized among the local élite. The deed records and poll taxes refer to him as either a "saw miller," an "esquire" or a "gentleman"; the latter two designations may be seen as an indication of status within the community. Further evidence that the Koch family were among the 'upwardly mobile' was the marriage of Anna Elizabeth Koch, daughter of Henry and Elizabeth, to John Christopher Rudolf, the son of Leonard Christopher Rudolf, a high-ranking government official in Lunenburg.

The youngest daughter of Friedrich and Anna Catherina Heÿson, Anna Elisabetha, was married on 25 November 1766 to Wilhelm Gorkum, who

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28 Parish registers, St. John's Anglican Church, Lunenburg, in PANS MG 4, Vol. 91.

29 1770 Census, in PANS RG 1, Vol. 443, docs. 19-21, 23.

30 Parish registers, St. John's Anglican Church, in PANS MG 4, Vol. 91.

came from Westhofen, in the Palatinate;<sup>30</sup> he was the son of Wilhelm and Sophia Catherine Gorkum. The Gorkum connection with the Heyson family was brief. William and Elizabetha had only one child, a son born in November 1767<sup>31</sup>--who probably died shortly thereafter, as he never again appears in the local records. Between 1767 and her death in 1775, Elizabetha had no other children but may, of course, have had pregnancies which never came to term.

Johann Philip Heyson was the only son of Friedrich and Anna Catherina Heyson. He was born on 20 October 1737 at Hering and married Maria Magdalena Zwicker at Lunenburg on 6 March 1759.<sup>32</sup> Maria Magdalena, a native of Zeiskam in the Palatinate was born 4 August 1739, one of five children of Peter and Maria Magdalena Zwicker.<sup>33</sup> The family came to Nova Scotia in 1752. They were neighbours of the Heysons at Mahone Bay, settling on an adjacent lot. The Zwicker family became prominent, producing politicians and boat builders in later generations; the family also became wide-spread throughout Nova Scotia, Canada and the United States. Maria Magdalena's brothers were all substantial landowners and played prominent roles in the community. Peter, for example, became a tavern/innkeeper at Mahone Bay and along with his brothers Georg and Melchior, a sawmiller.

Philip Heyson and his future brother-in-law, Peter Zwicker Jr., were granted in 1755 a sixty-acre tract of land adjacent to properties at Oakland owned by Henry Becker and Benjamin Green.<sup>34</sup> The joint Heyson-Zwicker grant was equally divided and recorded in the 1760 registry as two unspecified thirty-acre lots.<sup>35</sup> This sixty-acre tract later became a bone of contention, when in November 1774 Philip Heyson annexed a portion of Zwicker's land; the dispute was settled only when Zwicker petitioned

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31 *Ibid.*

32 *Kirchenbuch*, Hering-Otzberg; and Parish registers, St. John's Anglican Church, in PANS MG 4, Vol. 91.

33 *Kirchenbuch für Zeiskam*, Evangelische Kirche der Pfalz, Landeskirchenrat, Speyer, Germany.

34 PANS RG 20, Series C, Vol. 90, doc. 17.

35 "Lunenburg: Registry of 30 Acre [Farm] Lotts, finished 12th Day of June 1760" in Registry of Deeds, Lunenburg Co., Allotment Books, Vol. 1, 1753-1760. No court records exist for this case or from this time period in Lunenburg County.

36 PANS RG 20, Series C, Vol. 90, doc. 17.

Governor Francis Legge for redress. The case was handled by the local magistrates, who recommended a court settlement.<sup>36</sup>

In contrast with this dispute, Philip Heyson also received a crown grant to sixty acres at Oakland, again adjacent to Benjamin Green. This grant was dated February 1773 and may actually be the same sixty acres allotted in 1755. The 1773 grant, when accompanied by a separately documented map, shows a lot of sixty acres for Heyson and one for 69 acres for Zwicker.<sup>37</sup> The documentary evidence regarding the Heyson and Zwicker land at Oakland is unclear and contradictory in terms of the acreage.

Philip Heyson, along with William and Alexander Kedy, and Peter, George and Melchior Zwicker, was among the largest landowners in the Mahone Bay area of Lunenburg township. During the 1760s, Philip Heyson started to accumulate land beyond his grant at Oakland. He purchased a thirty-acre farm lot in Mahone Bay and, as previously noted, acquired a 300-acre lot in the land lotteries of 1763/64. Later, in the 1770s, Philip bought ten of the 32 lots in the Clearland ranges, as well as various parcels in Mahone Bay. When Joshua Mauger sold his mill grant at Mushamush (Mahone Bay) to George Zwicker, for example, Philip bought several pieces of the mill land when Zwicker divided it.

The 1770 census gives the first clear indication of Philip Heyson's economic well-being as a farmer. His agricultural production of the previous year was similar to that of his father, but he owned twice the livestock--which in turn placed him above average for the number of oxen, neat cattle and swine, and at average for cows. In 1770 the Philip Heyson family was young and consisted of six people, four of whom were children under ten years of age. Other nutritional needs of the household were likely met from the garden, hunting and shore fishing. While Philip's farm produced 26 bushels of grain for a family of six, his father's farm produced an equal amount for only two people. Friedrich's 26 bushels amounted to a surplus, which he may have sold or shared with his son in return for labour to harvest the grain. Given such variables as family size and age, the statistics for Philip in 1770 place him about average in terms of agricultural production and above average for livestock ownership (see table).

Other Lunenburgers such as Adam Eisenhauer, Peter Wambold, Frederic

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37 1st Plan of Hyson's Point, in Deeds, Lunenburg Co., 1760-1876, Canon E.A. Harris fonds (supplement; mfm. at PANS); Hyson family land records, National Archives of Canada, MG 24, I146; Crown Grant to Philip Heyson for 60 Acres [Hyson's Point], 17 Feb. 1773, in Nova Scotia Department of Lands and Forests fonds, Liber 9, folio 45.



Emoneau and Jacob Kraus grew considerably more grain than necessary for their respective families. Eisenhauer had a family of four in 1770 and cultivated 95 bushels while Emoneau, with a family of five, grew 110 bushels. Clearly, these families were producing a surplus which could then be marketed either in Lunenburg or in Halifax. Furthermore, all of the crown officials, merchants, traders and labourers in Lunenburg, as well as some of the artisans and craftsmen, showed no agricultural production whatever in 1770, although they usually owned livestock.<sup>38</sup> These people would therefore have to rely on the barter system or on an exchange of labour or cash in order to obtain and meet their household needs. The surplus of grain in Lunenburg was sufficient, however, to supply the entire community, with an average of forty bushels per household.<sup>39</sup>

The poll tax records of the 1790s are a further indication of Philip Heyson's success as a farmer. In 1793 he was assessed at one poll and for owning nine neat cattle and eighteen sheep, while the next year his assessment was for seven neat cattle and 28 sheep.<sup>40</sup> Here is another means by which to assess Heyson's wealth relative to that of his neighbours who owned livestock. Considering just his nineteen fellow settlers at Oakland, he was above average in terms of livestock ownership in 1793, the average for cattle being 5.7 and sheep twelve. His ownership of a larger number of farm animals in comparison to his neighbours may in turn have been a function of such variables as his age, family size, the amount of cleared acreage he owned, and his general economic situation relative to these neighbours.

By the 1780s, Philip Heyson was financially secure. Evidence for this lies in the deed records, which show that in the late 1780s he held the mortgages for four pieces of property owned by various neighbours. In other words, Heyson was sufficiently prosperous to act as a mortgage broker, a common practice in Lunenburg since no banks existed. Loans through friends,

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38 The crown officials were John Creighton, L. Christopher Rudolf, D. Christopher Jessen and Benjamin Bridge. The merchants and traders were John Donig, Sebastian Zouerbühler, Philip Knaut and Gotlieb Köhler. Most of the artisans, craftsmen and tradesman were George Unstatt (shoemaker), Friedrich Rhuland (tanner), William and Alexander Kedy (sawmillers), Martin Kaulbach (miller/baker), Georg Böhner (butcher), Frederic Rigulo (Butcher) and Adam Heb (carpenter). There was also Gottlieb Neuman, the schoolmaster.

39 The forty bushels per household average for Lunenburg is based on the 295 households enumerated on the 1770 census, regardless of whether they cultivated grain or not.

40 "Assessment on the Inhabitants of the Township of Lunenburg," 1793 and 1794, in PANS RG 1, Vol. 4441/2, docs. 2-6 and 32-34.

neighbours or town merchants/traders were the only means by which people were able to secure the cash needed to buy property. In all cases in which Heyson held a mortgaged property, the mortgage was duly paid and the land legally returned to the owner.

Regardless of his position, Heyson was not immune to land disputes, as witnessed in his difficulties with Peter Zwicker Jr. In 1788 Heyson was the defendant in a case brought to court by his neighbour Philip Andrews. The latter accused him of enclosing his [Andrews's] land between 1 May and 1 November 1787, grazing cattle upon it and cutting £20 worth of grass. Andrews was seeking damages to his land, to which Heyson also laid claim. Heyson, however, was found not guilty, because the land in question actually did belong to him and not to Andrews—who was ordered to pay the court costs.<sup>41</sup>

A few years later, in 1793, Heyson was again involved in a property dispute; this time it was with his brother-in-law, Melchior Zwicker, over a piece of property leased by Zwicker to one Richard Den. The latter was evicted from the property by Heyson, who claimed the land was his and that the lease was invalid. This time the court found for Zwicker, who recovered £6.16s.0d. from Heyson for trespass and illegal eviction.<sup>42</sup> Cases such as these were fairly common in Lunenburg and it is not surprising to find Philip Heyson in such circumstances. Many of the recorded land disputes and trespasses were settled outside court; however, the Heyson cases were settled by jury after the evidence had been presented in court by a local lawyer, Voster Lombard.

In the 1790s and the early 1800s, Philip still owned a vast amount of land. At the same time, this was a period of transition during which Heyson was preparing his sons for their eventual acquisition of his property holdings. Heyson and his wife Maria Magdalena lived well into the nineteenth century. To the end, he continued to have large landholdings, most of which he disposed of through his will, dated 11 July 1812. During his lifetime, Philip's seven surviving children married and established families. The sons, including Johann Friedrich who died in 1806 and Johannes who died in 1811, resided in independent households scattered over Philip's properties

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41 Andrews vs. Heyson, Inferior Court of Common Pleas, Lunenburg, Oct. 1788, in PANS RG 37 [LU], Vol. 2, file 67.

42 Heyson vs. Zwicker, Easter Term 1793, in *ibid.*, Vol. 4, file 76.

43 Poll Tax lists, 1793 and 1794, in PANS RG 1, Vol. 4441/2, docs. 2-6 and 32-34.

throughout Mahone Bay, Oakland and Indian Point.<sup>43</sup> His will divided the land among his three surviving sons and made monetary provisions for his two daughters, as well as his granddaughters by his deceased son, Johannes. The will also stipulated the future disposal of land bequeathed to his son Johann Jacob; it was to be divided between his [i.e., Johann Jacob's] nephews, the eldest two sons of his brothers Johann Wilhelm and Johann Heinrich, should he (Johann Jacob) die without surviving issue, which he did in February 1815.<sup>44</sup> A superseded will from 1808 also survives, which when compared to the final document of 1812, indicates that Philip also sold or gave some land to his sons before he died.<sup>45</sup> An example was Indian Point Lot Number 6, which was acquired by William in 1812. Again, as was common in Lunenburg and reflecting old German practices, partible inheritance was employed along with the disposal of property in life.

Philip Heyson died on 1 January 1813, leaving his wife Maria Magdalena who died fifteen years later, on 26 March 1828.<sup>46</sup> Philip was survived by five adult children, while his wife was survived by three of those offspring. Not all the adult children of Philip and Magdalena produced heirs; of the seven who survived to adulthood, three sons and two daughters had children of their own. The two daughters, Anna Elizabeth (Heyson) Ernst and Anna Elizabeth Veronica (Heyson) Oxner each produced large families of seven and nine children respectively. Sons William and Henry also had large families of ten and thirteen, while Johannes had an illegitimate daughter before he married and then three by his marriage to a different woman. The lack of male heirs for Philip Heyson in 1813 prevented the early division of the family property into small, non-viable holdings. William and Henry or their sons inherited all Philip's real estate, either upon his death in 1813 or upon Jacob's death in 1815. William died young in 1818, leaving his real estate to his sons while providing cash settlements to his daughters.

The Heyson family experience in the eighteenth and early nineteenth centuries was typical of many Lunenburg families. They quickly established

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44 Court of Probate, Lunenburg County, Will Books, Vol. 1, No. 149; Dutch Reformed Church, PANS MG 4, Vol. 86.

45 Unpublished and voided Last Will and Testament of John Philip Heyson, in Canon E.A. Harris fonds, PANS MG 4, Vol. 98, No. 16.

46 Dutch Reformed Church, in PANS MG 4, Vol. 86.



themselves upon the fertile land with which the township was endowed; indeed, this area boasted the only good arable soil along the entire South Shore of Nova Scotia. There was more than enough farm land in Lunenburg so that fathers could be generous with their children for inheritance purposes. The situation was analogous to that of early New England or to the post-Thirty Years' War German states, where the availability of land allowed for reasonable partible inheritance. In other words, the Heyson family was able to provide for its heirs.

When Friedrich Heyson arrived in Lunenburg, he was a weaver with the intention of becoming a farmer. He successfully made the transition, as evidenced by the continuation of the family in the township when many other families left, including that of his daughter.<sup>47</sup> Philip Heyson, the son, was also a successful member of the community, able to prosper on the new land. Despite the occasional property dispute, he rarely shows up in the official records other than the 1770 census and the poll lists of the 1790s. His heirs, in turn, were fortunate enough to inherit viable legacies in terms of land. The Heysons had a shared experience with the other Lunenburg pioneers, in terms of settling in a new land, becoming established there and prospering.

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47 Lieut. Leonard Christopher Rudolf maintained a running 'census' of the community, May 1753 to Jan. 1758. This census shows fluctuations in Lunenburg's population, indicating an overall decline in numbers. This decline is further supported by the land allotment books for 1753 and 1760. The 1760 registry of 30-acre lots, e.g., shows fewer names than the 1753 registry. See "A Return of the Settlers at Lunenburg...from...May 1753...", in PANS RG 1, Vol. 382, No. 31; and Registry of Deeds, Lunenburg Co., Allotment Books, Vol. 1, 1753-1760.

### THE HEYSON FAMILY TO THE FOURTH GENERATION

- 1 Johann Friedrich<sup>1</sup> Heison/Heyson was born Dec. 1708 or Jan. 1709 at Wenings, Grafschaft Isenburg [Germany] and died at Mahone Bay, NS, 11 June 1792 (D.R.L.). He m. at Hering, Kreis Oetzberg, in the Palatinate, 17 Feb. 1733, Anna Catherine **Junckerin**, d/o Caspar Juncker; she was possibly b. at Hering, ca. July 1712 and d. of a stroke at Mahone Bay, 30 Apr. 1782 (Z.L.L., 69 years, 9 months).

Issue of Johann Friedrich and Anna Catherine (Junckerin) Heyson:

- i. Anna Maria Catherine, 2 b. at Hering, 1 Mar. 1735; m. at Halifax, 1 Dec. 1752 (Bell's Register), Johann Adam Linck/Ling, who was b. at Hesse ca. 1732.  
Issue, surname Linck: 1. Johann Philip, bp. at Lunenburg, 27 Oct. 1753 (S.J.A.L.); d. at Lunenburg, bef. Sept. 1755; 2. John Philip, bp. at Lunenburg, 3 Sept. 1755 (S.J.A.L.); 3. Anna Margaret, bp. at Lunenburg, 18 Sept. 1757 (S.J.A.L.).
- 2 ii. Johann Philip, b. at Hering, 20 Oct. 1737; d. at either Oakland or Mahone Bay, 1 Jan. 1813 (D.R.L.); m. at Lunenburg, 6 Mar. 1759 (S.J.A.L.), Maria Magdalena Zwicker, d/o Peter and Maria Magdalena (Haffner) Zwicker.
- ii. Johann[?], b. at Hering, 21 July 1740. [The Hering parish records appear to state that he was adopted; however, the transcriber was uncertain, because the old German script was difficult to read; Johann apparently remained in Germany.]
- iii. Elizabeth Veronica (Euphronia), b. at Hering, 29 July 1743; d. probably at Lunenburg; m. at Lunenburg 2 Jan. 1759 (S.J.A.L.), Heinrich **Koch**, s/o Anton and Gertrude (Hulbusch) Koch; he was b. at Weldenbach, Höchstenbach, Grafschaft Sayn, 1734; d. probably at Lunenburg, 4 Oct. 1813 (D.R.L./H.C.L.).  
Issue, all born at Lunenburg, surname **Koch**: 1. John Philip, bp. at Lunenburg, 15 Mar. 1761 (S.J.A.L.); m. (1) at Lunenburg, 15 Feb. 1784 (D.R.L.), Mary Elizabeth **Herman**, d/o Philip and Elizabeth Herman; she was bp. at Lunenburg 28 Aug. 1764 (S.J.A.L.) and d. at Lunenburg, 3 Jan. 1802 (D.R.L.); m. (2) at Lunenburg, 2 May 1803 (D.R.L.), Anna Gertraud **Gorkum**, d/o William and Catherine (Reinhard) Gorkum; she was b. 1 Feb. 1783 (D.R.L.); 2. Anna Elizabeth, bp. at Lunenburg, 30 Aug. 1763 (S.J.A.L.) and d. bef. Feb. 1769; 3. John Frederick, bp. at Lunenburg, 13 Mar. 1766 (S.J.A.L.); 4. Anna Elizabeth, b. 17

Feb. 1769 (S.J.A.L.); m. at Lunenburg, 24/27 Dec. 1781 (S.J.A.L./Rudolf Diary), John Christopher **Rudolf**, s/o Leonard Christopher and Dorothea Catherine (DeBreen?) Rudolf; he was b. at Lunenburg, 5 July 1758 (Rudolf Diary) and d. at Lunenburg, 11 Sept. 1803 (Rudolf Diary); **5.** John Henry, bp. at Lunenburg, 30 Dec. 1771 (D.R.L.); d. 14 May 1842 (D.R.L.); m. at Lunenburg, 28 Apr. 1795 (D.R.L.), Magdalena **Moser**, d/o Samuel and Anna Margaret (Keltzer) Moser; she was bp. at Lunenburg, 31 May 1773 (D.R.L.); **6.** Anna Magdalene, bp. at Lunenburg, 4 May 1774 (D.R.L.); m. at Lunenburg, 9 July 1793 (S.J.A.L.), John **Tumbleson**; **7.** John, b. 6 Aug. 1777 (D.R.L.); **8.** Anna Catherine, bp. at Lunenburg, 6 June 1780 (D.R.L.); **9.** Anna Elizabeth Veronica, b. 9 Mar. 1783 (D.R.L.); (D.R.L.); **11.** John Frederick Bruin, b. 4 Feb. 1786 (D.R.L.) and d. at Lunenburg, 9 Aug. 1786 (D.R.L.); **12.** Anna Christianna, b. 23 Jan. 1791 (D.R.L.).

- iv. Anna Elizabeth, b. at Hering, 21 June 1746 (Hering); d. probably at Mahone Bay, 2 Jan. 1775 (D.R.L.); m. at Lunenburg, 25 Nov. 1766 (S.J.A.L.), Wilhelm **Gorkum/Corkum**, s/o Wilhelm and Sophia Catherine Gorkum; he was b. at Westhofen, the Palatinate. Issue, surname **Corkum**: John Henry, bp. at Lunenburg, 15 Nov. 1767 (S.J.A.L.); d. young.
- v. Eva[?] Margaretha, b. at Hering, 21 June 1750 (Hering); probably remained in Europe.

- 2 Johann Philip<sup>2</sup> Heyson (Johann Friedrich<sup>1</sup>), b. at Hering, 20 Oct. 1737 (Hering) and d. at either Oakland or Mahone Bay, 1 Jan. 1813 (D.R.L.). He m. at Lunenburg, 6 Mar. 1759 (S.J.A.L.), Maria Magdalena **Zwicker**, d/o Peter and Maria Magdalena (Haffner) Zwicker, who was b. at Zeiskam, the Palatinate, ca. 4 Aug. 1739 (Reformierte Gemeinde, Zeiskam) and d. at either Oakland or Mahone Bay, 26 Mar. 1828, aged 88 years, [9] months, 22 days (D.R.L.).

Issue of Johann Philip and Maria Magdalena (Zwicker) Heyson (all born at Mahone Bay):

- i. Johann Friedrich<sup>3</sup> (Frederick) (twin), b. 19 Mar. 1760 (S.J.A.L.); d. at Mahone Bay, 19 May 1806 (S.J.A.L.); m. at Lunenburg, 20 May 1783 (D.R.L.), Catherine Barbara **Mader**, d/o Ulrich and Barbara Mader; she was b. prob. at Northwest, bp. at Lunenburg, 14 Oct. 1756 (S.J.A.L.) and d. at Mahone Bay, after Sept. 1807. She had m. previously, at Lunenburg, 12 June 1780 (D.R.L.), Jacob **Schweinheimer**. No issue.



- ii. Peter (twin), b. 19 Mar. 1760 (S.J.A.L.); d. at Mahone Bay bef. 1770.
- iii. Anna Elizabeth, b. 11 Sept. 1762 (S.J.A.L.); d. at Mahone Bay, 2 Mar. 1824 (S.J.A.L., age 61 y., 5 m., 21 d.); m. at Lunenburg, 21 Apr. 1789 (Z.L.L.), George Frederick **Ernst**, s/o Christian and Regina Barbara (Hirtle) Ernst; he was b. at Mahone Bay, bp. at Lunenburg, 25 Apr. 1762 (S.J.A.L.) and d. at Mahone Bay, bef. 1832.  
 Issue, born at Clearland, surname **Ernst**: **1.** John Philip, b. 7 Apr. 1790; d. 29 June 1831 (D.R.L.); m., as her second husband, at Lunenburg, 10 Apr. 1814 (Z.L.L.), Anna Maria Elizabeth **Bourgogne Heyson**, d/o John David and Barbara (Klettenburg) Bourgogne; she was b. at Oakland, 13 Sept. 1786 (Z.L.L.); **2.** Johann William, b. 30 Dec. 1792 (Z.L.L.); m. at Lunenburg, 2 May 1815 (Z.L.L.), Hannah **Langille**, d/o James and Anna Barbara (Boehner) Langille; she was b. 29 Apr. 1793 (Z.L.L.); **3.** Johannes Peter, b. 7 Aug. 1793 (Z.L.L.); m. at Lunenburg, 10 Jan. 1816 (S.J.A.L.), Catherine Ann **Martin** of Petite Riviere; **4.** Ann Elizabeth, b. 17 Apr. 1796 (Z.L.L.) and d. unm.; **5.** Regina, b. 6 Mar. 1799 (Z.L.L.); m. at Lunenburg, 2 Aug. 1820 (Z.L.L.), John George **Schlagenweit**, s/o Friedrich Schlagenweit; he was b. 14 Sept. 1793 and d. at Mahone Bay, 15 July 1881 (M.B.B.C.); **6.** Johannes David, b. 26 Apr. 1802 (Z.L.L.); d. at Mahone Bay, 2 Dec. 1866 (M.B.B.C.); m. at Lunenburg, 2 Mar. 1824 (Z.L.L.), Catherine Elizabeth **Beck**, d/o Johann Georg and Anna Margaret Beck; she was b. 9 Feb. 1803 (Z.L.L.) and d. at Mahone Bay, 2 Feb. 1898 (M.B.B.C.); **7.** Catherina, b. 20 Sept. 1806 (Z.L.L.); m. at Lunenburg, 1828, John Nicholas **Weinacht/Weinot**, s/o John Peter and Catherine Barbara (Kroft) Weinacht/Weinot; he was b. at Clearland, 31 Dec. 1802 (D.R.L.).
- iv. John Philip Wendell, bp. at Lunenburg, 22 Apr. 1765 (S.J.A.L.); d. at Mahone Bay, unm., Jan. 1784 (D.R.L.).
- v. Melchior, bp. at Lunenburg, 4 Sept. 1767 (S.J.A.L.); d. at Mahone Bay, bef. 1770.
- 3 i. John William Gorkum, b. at Mahone Bay, [Aug.] 1768; bp. at Lunenburg, 28 Aug. 1768 (S.J.A.L.); d. at Indian Point, 29 Oct. 1818 (D.R.L.); m. at Lunenburg, 19 Mar. 1793 (D.R.L.), Joanna Judith **Kedy**, d/o Alexander and Ursula (Tanner) Kedy.

- vi. Anna Elizabeth Veronica, bp. at Lunenburg, 28 July 1771 (D.R.L.); d. at Five Houses, 4 Feb. 1843 (D.R.L./F.H.C.); m. at Lunenburg, 4 May 1790 (D.R.L.), John Michael **Oxner/Ochsner**, s/o Heinrich and Susanna Elizabeth Oxner/Ochsner; he was bp. at Lunenburg, 20 Apr. 1763 (S.J.A.L.).  
Issue, surname **Oxner**: **1.** John Michael, b. 13 Apr. 1791 (D.R.L.) and d. 1801; **2.** John Frederick, b. 3 Aug. 1793 (D.R.L.); m. at Lunenburg, Anna Barbara [**Oxner**], who was b. ca. 1791; d. at Lower LaHave, 20 Apr. 1885 (L.L.H.C.); **3.** Heinrich (Henry), b. 13 Aug. 1795 (D.R.L.); d. 27 Mar. 1828 (D.R.L.); m. at Lunenburg, Anna Margaret **Moser**; **4.** John Nicholas, b. 16 June 1798 (D.R.L.); d. at Dublin Shore, 6 Apr. 1860 (K.P.C.); m. Anna M. \_\_\_\_\_; she was b. ca. 1798 and d. at Dublin Shore, 14 Nov. 1881 (K.P.C.); **5.** Regina Elizabeth, b. 27 Feb. 1801 (D.R.L.) and d. May 1801 (D.R.L., 3 months, 15 days); **6.** John M., b. 4/10 Dec. 1803 (L.L.H.C./D.R.L.); bp. at Lunenburg, 13 Jan. 1804 (D.R.L., 5 weeks); d. at Lower LaHave, 20 July 1884 (L.L.H.C.); m. at Lunenburg, 1829, Margaret A. **Schmidt**; she was b. 8 Nov. 1809 (L.L.H.C.) and d. at Lower LaHave, 21 July 1888 (L.L.H.C.); **7.** Jacob, b. 19 Dec. 1807 (D.R.L.) and d. at Five Houses, 13 Feb. 1845 (D.R.L./F.H.C.; drowned); m. at Lunenburg, 18 Jan. 1838 (D.R.L.), Mary Ann **Moser**; **8.** Frederick Benjamin, b. 28 Oct. 1810 (D.R.L.); d. at Five Houses, 13 Dec. 1845 (D.R.L./F.H.C.; drowned); **9.** Lucy, b. 14 Apr. 1813 (D.R.L.).
- vii. John Jacob, bp. at Lunenburg, 8 Nov. 1773 (D.R.L.); d. at Mahone Bay or Clearland, 25 Feb. 1815 (D.R.L.); m. at Lunenburg, 7 Mar. 1797 (D.R.L.), Maria Gertrude **Weinacht**, d/o Johannes and Mary Catherine (Loht/Lott) Weinacht, who was b. at South [Range], 3 July 1773 (S.J.A.L.). No issue.
- 4 i. John Henry, bp. at Lunenburg, 28 July 1776 (D.R.L.); d. at Mahone Bay, 13 Sept. 1847 (D.R.L.); m. (1) at Lunenburg, 8 Apr. 1798 (D.R.L.), Ann Elizabeth **Mason**, d/o Peter and Mary Eve (Wambolt) Mason; m. (2) at Lunenburg, 18 Oct. 1808 (S.J.A.L.), Catherine Elizabeth **Smith**, possibly d/o John Thomas and Christina (Wurth) Smith/Schmidt.
- 5 ii. Johannes (John), b. 30 May 1779 (D.R.L.); d. at Mahone Bay, and bur. 21 July 1811 (D.R.L.); m. at Lunenburg, 22 Oct. 1807 (D.R.L.), Anna Maria Elizabeth **Bourgogne**, d/o John David and Anna Barbara (Klettenburg) Bourgogne.

- 3 John William Gorkum<sup>3</sup> Heyson (Johann Philip<sup>2</sup>, Johann Friedrich<sup>1</sup>) was b. at Mahone Bay, [Aug.] 1768, was bp. at Lunenburg, 28 Aug. 1768 (S.J.A.L.), and d. at Indian Point, 29 Oct. 1818 (D.R.L.; 50 years, 2 months, 8 days). He m. at Lunenburg, 19 Mar. 1793 (D.R.L.), Joanna Judith **Kedy**, d/o Alexander and Ursula (Tanner) Kedy, who was b. at Mahone Bay, 13 Oct. 1772 (S.J.A.L.), and d. prob. at Indian Point, after 1861.

Issue of John William Gorkum and Joanna Judith (Kedy) Heyson (all probably born at either Oakland or Indian Point):

- i. Mary Ursula<sup>4</sup>, b. 23 Feb. 1794 (D.R.L.); m. at Lunenburg, 8 Oct. 1811 (Z.L.L.), John David **Bourgogne**, s/o John David and Anna Barbara (Klettenburg) Bourgogne; she was b. at Oakland, 6 June 1780 (Z.L.L.) and d. at Oakland.  
Issue, all born at Oakland, surname **Bourgogne**: 1. Sarah, b. 2 Mar. 1812 (Z.L.L.); 2. Louise, b. 4 Oct. 1813 (Z.L.L.); 3. Christine, b. 2 Dec. 1815 (Z.L.L.); 4. Johannes, b. 4 Oct. 1816 (Z.L.L.) and d. unm.; 5. Anna Elizabeth, b. 2 Nov. 1819 (Z.L.L.), d. 1892 and m. 1843 Emanuel **Eisenhauer**, s/o Georg and Anna Barbara (Lantz) Eisenhauer; he was b. 3 Nov. 1816 (D.R.L.) and d. 1899; 6. George Wilhelm, b. 2 Mar. 1822 (Z.L.L.); m. Susan **Munroe**; 7. James, b. 1827; m. \_\_\_\_\_ **Zwicker**; 8. Benjamin.
- ii. John Philip, b. 19 Jan. and d. 25 Jan. 1797 (D.R.L.).
- iii. Mary Magdalena, b. 10 Apr. 1798 (D.R.L.); d. at Indian Point, 17 Oct. 1802 (D.R.L.).
- iv. Catherine Barbara, b. 11 Apr. 1800 (D.R.L.); m. at Lunenburg, 14 Nov. 1820 (D.R.L.), John Georg **Eisenhauer**, s/o Michael and Mary Ann Elizabeth (Strum) Eisenhauer; he was b. at Indian Point, 29 June 1794 (D.R.L.) and d. by falling through ice and drowning. Issue, surname **Eisenhauer**.
- v. John Frederick, b. 19 Aug. 1802 (D.R.L.); d. at Oakland, 26 Mar. 1855 (S.J.A.M.); m. at Lunenburg, 21 Dec. 1825 (D.R.L.), Catherine **Hall**, d/o James and Mary (Andrews) Hall, who was b. at Oakland, 25 June 1803. Issue.
- vi. Catherine, b. 21 June 1804 (D.R.L.); m. at Chester, 28 Aug. 1824 (N.S. Marriage Bonds), John Peter **Zwicker** (identity uncertain; there were three John Peter Zwickers b. between 1799 and 1802). Issue, surname **Zwicker**.
- vii. John, b. 13 Nov. 1806 (D.R.L.); m. at Lunenburg, 4 Jan. 1827 (D.R.L.), Susannah Elizabeth **Hiltz**, d/o Johann Heinrich and



Susannah Margaret (Knickel) Hiltz, who was b. at Martin's River, 25 Jan. 1806 (Z.L.L.). Issue.

- viii. Benjamin William, b. 24 May 1809 (D.R.L.); d. at Indian Point, 14 Mar. 1896 (Rhoda Gertrude<sup>7</sup> Hyson Boehner, source); m. at Lunenburg, 9 July 1829, Elizabeth **Lantz**, d/o Johann Heinrich and Margaretha (Langille) Lantz; she was b. at Oakland, 26 Aug. 1805 (Z.L.L.) and d. at Indian Point, 7 May 1896 (Rhoda Gertrude<sup>7</sup> Hyson Boehner, source). Issue.
- ix. Caroline, b. 7 Aug. 1810 (D.R.L.); d. at Martin's River (S.M.A.C.); m. at Lunenburg, 10 Feb. 1831 (D.R.L.), John George **Hiltz**, s/o John Heinrich and Susannah (Knickel) Hiltz; he was b. at Martin's River, 12 Sept. 1801 (Z.L.L.) and d. at Martin's River. Issue, surname **Hiltz**.
- x. John Philip, b. 1 Feb. 1814 (D.R.L.); m. at Lunenburg, 16 Dec. 1837 (Z.L.L.), Augusta Mary **Temme**, d/o Reverend Ferdinand Conrad and Marie Barbara (Schmeisser) Temme; she was b. 17 Sept. 1812 (Z.L.L.). Issue.

- 4 John Henry<sup>3</sup> Heyson (Johann Philip<sup>2</sup>, Johann Friedrich<sup>1</sup>) was b. at Mahone Bay and bp. at Lunenburg, 28 July 1776 (D.R.L.) and d. at Mahone Bay, 13 Sept. 1847 (D.R.L.). He m. (1) at Lunenburg, 8 Apr. 1798 (D.R.L.), Ann Elizabeth **Mason**, d/o Peter and Mary Eve (Wambolt) Mason, who was b. at Lunenburg, 23 July 1779 (S.J.A.L.) and d. at Mahone Bay, 11 Aug. 1808 (S.J.A.L.). He m. (2) at Lunenburg, 18 Oct. 1808 (S.J.A.L.), Catherine Elizabeth **Smith**, possibly d/o John Thomas and Christina (Wurth) Smith/Schmidt, who was b. at Lunenburg, 2 July 1777 (Z.L.L.) and d. at Mahone Bay, 29 July 1858 (Z.L.L.).

Issue of John Henry and Ann Elizabeth (Mason) Heyson (all born at Mahone Bay):

- i. John Philip<sup>4</sup>, b. 20 Mar. 1799 (D.R.L.); d. at Mahone Bay, Nov. 1801 (D.R.L.).
- ii. Mary Elizabeth, b. 13 Feb. 1801 (D.R.L.); d. at Pine Grove, 28 Mar. 1874 (P.G.C.); m. as his second wife, at Lunenburg, 1835, Jacob **Diel/Deal**, s/o John Jacob and Margaret (Lohnes) Diel; he was b. 12 Oct. 1790 (Z.L.L.) and d. at Pine Grove, 10 Dec. 1880 (P.G.C.). Issue, surname **Diel/Deal**.
- iii. Catherine Barbara, b. 10 Apr. 1803 (D.R.L.); m. 29 Jan. 1818 (N.S. Marriage Bonds), John Peter **Zwicker** (identity uncertain; there were three John Peter Zwickers b. between 1799 and 1802).

- iv. Anna Mary Sarah, b. 3 Apr. 1805 (D.R.L.); d. 18 May 1883; m. at Lunenburg, 19 Dec. 1826 (D.R.L.), George Henry **Bell**, s/o Samuel and Anna Catherine (Becker) Bell; he was b. at Vogler's Cove, 24 Jan. 1802 (D.R.L.) and d. 25 Jan. 1854, killed by a falling tree. Issue, surname **Bell**.
- v. John William, b. 22 May 1807 (D.R.L.); d. at Mahone Bay, bef. 1812.  
Issue of John Henry and Catherine Elizabeth (Smith) Heyson (all born at Mahone Bay):
- vi. John, b. 11 Oct. 1809 (D.R.L.); d. prob. at Bridgewater; m. at Lunenburg, 24 Mar. 1836 (D.R.L.), Anna Mary **Robart/Robert**, d/o James and Anna Maria (Lowe) Robert; she was b. at Fauxbourg, 27 Feb. 1816 (D.R.L.) and d. prob. at Bridgewater, ca. 1886. Issue.
- vii. John Henry, b. 27 Sept. 1810 (D.R.L.); m. as her second husband, at Lunenburg, 22 Dec. 1846 (D.R.L.), Mary Ann **Whitman Westhaver**, d/o Valentin Whitman; she was b. 1804 and d. 19 Apr. 1886. No issue.
- viii. Joseph, b. 24 Nov. 1811 (D.R.L.); d. at Mader's Cove, 30 Mar. 1885 (*Presbyterian Witness*); m. Anna Mary **Mader**, d/o John Adam and Mary Magdalena (Ham) Mader/Mehder; she was b. prob. at Mader's Cove, 26 Dec. 1814 (D.R.L.). Issue.
- ix. Jacob, b. 7 Mar. 1813 (D.R.L.); d. at Mahone Bay, 7 Dec. 1884 (M.B.B.C.); m. at Mahone Bay, 29 Sept. 1842 (S.J.A.L.), Amelia (Emilie) **Veinot**, d/o John George and Maria Sophia (Moser Robar) Veinot, b. Feb. 1819; she d. prob. at Mahone Bay, 27 Dec. 1903 (M.B.B.C.). Issue.
- x. John Melchior, b. 12 Jan. 1815 (D.R.L.); d. of apoplexy at Fauxbourg, 1 Jan. 1879 (S.J.P.M.); m. Anne **Robar**, b. ca. 1815. No issue.
- xi. Elizabeth Sophia, b. 14 Mar. 1816 (D.R.L.); d. at Mahone Bay, 28 Nov. 1884 (M.B.P.C.); m. at Lunenburg, 14 May 1842 (D.R.L.), Benjamin **Varling/Werling**, s/o John Werling of H.M. Naval Yard, Halifax; she was b. prob. at Halifax, 1804 and d. at Mahone Bay, 8 June 1876 (M.B.P.C.). No issue.
- xii. Johann Caspar, b. 29 Mar. 1819 (D.R.L.); d. at Mahone Bay, 4 Jan. 1889; m. at Lunenburg, 5 May 1848 (D.R.L.), Delilah **Ernst**, d/o Johann Peter and Catherine Ann (Martin) Ernst; she was b. at Clearland, 12 Sept. 1817 (Z.L.L.). No issue.

- 5 Johannes (John<sup>3</sup>) Heyson (Johann Philip<sup>2</sup>, Johann Friedrich<sup>1</sup>) was b. at Mahone Bay, 1779 (D.R.L.) and d. at Mahone Bay, July 1811 (D.R.L., bur. 21 July 1811). He m. at Lunenburg, 22 Oct. 1807 (D.R.L.), Anna Maria Elizabeth **Bourgogne**, d/o John David and Anna Barbara (Klettenburg) Bourgogne, who was b. at Oakland, 13 Sept. 1786 (Z.L.L.), and d. prob. at Clearland. She m. (2) at Lunenburg, 10 Apr. 1814 (Z.L.L.), John Philip Ernst, s/o George Frederick and Anna Elizabeth<sup>3</sup> (Heyson) Ernst.

Issue (illegitimate) by Rebecca Magdalena **Hiltz**, d/o Johannes and Susannah Margaret (Knickel) Hiltz:

- i. Hanna Barbara<sup>4</sup>, b. at Martin's River, 14 Oct. 1805 (Z.L.L.); m. at Lunenburg, 17 Sept. 1822 (S.J.A.L.), Anthony **Townshend** of Martin's River, s/o John and Mary Townshend; he was b. at Halifax, [Sept.] 1800 and bp. there, 12 Sept. 1800 (S.P.A.H.). Issue of John and Anna Maria Elizabeth (Bourgogne) Heyson (all probably born at Mahone Bay):
- ii. John Benjamin, b. 17 Oct. 1808 (D.R.L.); d. at Mahone Bay, bef. 1812.
- iii. Sophia Elizabeth, b. 22 Oct. 1809 (D.R.L.); m. as his second wife, at Chester, 9 Oct. 1834 or Nov. 1833, Francis Crompton **Millett**, s/o Francis and Elizabeth (Ulsche) Millett; he was b. at Chester, Nov. 1803 (D.R.L.). Issue, surname **Millett**.
- iv. Mary Ann, b. 28 Aug. 1810 (D.R.L.); d. at Mahone Bay, 10 Oct. 1901 (M.B.B.C.); m. at Mahone Bay, 23 Apr. 1829 (S.J.A.L.), Johannes (John) **Bl[e]ysteiner**, illegitimate s/o Georg Bleysteiner and Christina Silber; he was b. at Mahone Bay, 23 Feb. (Z.L.L.) and d. prob. at Mahone Bay, 13 Mar. 1861 (M.B.B.C.). Issue, surname **Bl[e]ysteiner**.



## Sources/Abbreviations

Bell's Register	Bell's Register of Lunenburg Families, in Winthrop P. Bell fonds, PANS MG 1, Vols. 109-111.
D.R.L.	Dutch (German) Reformed Church, Lunenburg (typed transcript in PANS MG 4, Vol. 86).
F.H.C.	Five Houses Cemetery, Five Houses.*
fl.	florin, eighteenth-century Dutch currency.
H.C.L.	Hillcrest Cemetery, Lunenburg.*
K.P.C.	Knox Presbyterian Church Cemetery, Dublin Shore.*
L.L.H.C.	Lower LaHave Cemetery, Lower LaHave.*
M.B.B.C.	Bayview Cemetery, Mahone Bay.*
M.B.P.C.	Park Cemetery, Mahone Bay.*
N.S. Marriage Bonds	Nova Scotia. Registrar General of Vital Statistics. Marriage Bonds (PANS Series 1253).
P.G.C.	Pine Grove Cemetery, Pine Grove.*
Rudolf Diary	"Diary and Records of L[eonard] Chr[istopher] Rudolph, 1760-1784," in PANS MG 4, Vol. 92.
S.J.A.L.	St. John's Anglican Church, Lunenburg (typed transcript in PANS MG 4, Vol. 91).
S.J.A.M.	St. James' Anglican Church, Mahone Bay (PANS mfm.).
S.J.P.M.	St. James' Presbyterian (now Trinity United) Church, Mahone Bay (originals at Trinity United Church, Mahone Bay).
S.M.A.C.	St. Martin's Anglican Cemetery, Martin's River.*
S.P.A.H.	St. Paul's Anglican Church, Halifax (PANS mfm.).
Z.L.L.	Zion Lutheran Church, Lunenburg (typed transcript in PANS MG 4, Vol. 88).

\* All gravestone information cited in this article has been extracted from [South Shore Genealogical Society], *Cemetery Inscriptions for Lunenburg and Queens Counties*, I, III and IV (Lunenburg, 1985- ).

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# Book Reviews

Allen B. Robertson

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*British Army Pensioners Abroad, 1772-1899*, by Norman K. Crowder. ISBN 0-8063-1460-5. Genealogical Publishing, Baltimore, MD, 1995. ix + 351 pp., cloth, \$35.00 US.

*Canada Dry: Temperance Crusades before Confederation*, by Jan Noel. ISBN 0-8020-6976-2. University of Toronto Press, 1995. xxiv + 311 pp., illustrated, paper, \$19.95.

*The Horses of Sable Island*, by Barbara J. Christie with postscript by Zoe Lucas. ISBN 0-919001-92-0. Pottersfield Press, Lawrencetown Beach, NS, 1995. 112 pp., illustrated, paper, \$13.95.

*Ideal Surroundings: Domestic Life in a Working-Class Suburb in the 1920s*, by Suzanne Morton. ISBN 0-8020-7575-4. University of Toronto Press, 1995. xii + 201 pp., illustrated, paper, \$17.95.

*A Little Booze Story*, by Eddy Sutton. ISBN 0-921785-00-3. E. Sutton Enterprises, Yarmouth, NS, 1995. 80 pp., illustrated, paper, \$9.95.

*Northern Sandlots: A Social History of Maritime Baseball*, by Colin D. Howell. ISBN 0-8020-6942-8. University of Toronto Press, 1995. xxxii + 285 pp., illustrated, paper, \$18.95.

*Pre-1701 Imprints in Nova Scotia Collections*, compiled by Mark C. Bartlett, with research team of Karen E.M. Smith et al. ISBN 0-7703-9755-7. Technical University of Nova Scotia, Halifax, NS, 1994. x + 231 pp., paper, \$30.00.

*The River That Isn't: A Tale of Survival and Prosperity: River Bourgeois, Cape Breton 1714 to 1994*, by Garvie Samson. ISBN 0-9699105-0-9. Gervais (Garvie) Samson, Dartmouth, NS, 1995. 260 pp., illustrated, \$19.95.

*Running the Gauntlet: An Oral History of Canadian Merchant Seamen in World War II*, by Mike Parker. ISBN 1-55109-068-6. Nimbus, Halifax, NS, 1994. xii + 344 pp., illustrated, paper, \$24.95.

*The Town that Died: A Chronicle of the Halifax Disaster*, by Michael J. Bird. ISBN 1-55109-126-7. Nimbus, Halifax, NS, 1995. [Originally pub. McGraw-Hill Ryerson, Toronto, 1967] 192 pp., illustrated, paper, \$12.95.

*The Voyages of Joshua Slocum*, edited with commentaries by Walter Magne Teller. ISBN 0-911378-55-3. Sheridan House, Dobbs Ferry, NY, 1995. ix + 401 pp., illustrated, cloth, \$40.00.

An important and ongoing debate among contemporary historians is the validity of deconstructionism. In its philosophic and ideological expressions, the non-specialist will soon relegate this subject to that category of tedious argumentation concerning how many angels can sit on the head of a pin. Such a blanket dismissal, however, would obscure one crucial aspect of deconstructionism, namely the intrinsic significance of vocabulary, especially text, and the infinite possibilities of interpretation. The principal information source used by historians to study the past is the written word—documents that have survived as relics of yesterdays, oral memories captured on paper in interviews, and the ‘readings’ of the past already mediated for us by other historians. Whereas traditional historians tend to be conservative in the types of documentation used, their more innovative deconstructionist colleagues look equally to court depositions, business ledgers, sermons, fictional literature, cookery books and mythology in their efforts to recreate and analyse the past.

The book reviewer, in fashioning an article from widely divergent texts, implicitly acknowledges the potential of deconstructionism. Few of the authors of the books herein treated knew each other or the projected themes to be covered. Nonetheless, all pursued that alluring and elusive goal of committing to paper the mystery of things past. Even purportedly factual bibliographic guides or listings are open to interpretations as varied as the readers who peruse the texts. Consequently, this book-review article, covering pre-1700 literary remains in Nova Scotian libraries on through to recollections of Canadian merchant seamen of the Second World War, looks to the unifying threads of remembrance and education. Each author and compiler, by the very act of putting ideas into words, seeks to impart a form of knowledge, in effect to inform the reader about one way to ‘read the text of the past’.

Mark Bartlett’s compilation, *Pre-1701 Imprints in Nova Scotia Collections* is the end result of several researchers’ interest in the history of the book. These individuals realized that it would be a valuable aid to their work to have in hand a collocation listing extant examples of early imprints (1400s-1600s) held within the province. The resulting survey of ten provincial repositories has revealed a rich and varied representation of the Western canon. Out of this examination came *Pre-1701 Imprints*. Regrettably, Mount Saint Vincent University’s rare books have not been included, nor are there entries for those volumes held in



larger private collections (including ecclesiastical libraries in provincial monasteries). Nonetheless, the current publication alerts the researcher to the rich variety of textual material available for consultation.

It should be noted that in one sense *Pre-1701 Imprints* is a history of Nova Scotian library collections, not only for this century but for the past two hundred years. The books acquired reflect the concerns of the day: religion, philosophy, law, history, inspirational poetry and prose, and biography. Particularly obvious is the influence of the ancient classical tradition and its resurrection during the Renaissance. Beryl Anderson, in her article entitled "List of Books for a Public Library in Halifax, 1793" [*NSHR*, Vol. 12, No. 1 (1992): 119-50], traced the origins of a book purchase-order for what would have been the basis for a part of King's College Library. Several of those texts can be located in *Pre-1701 Imprints*. While some of those volumes were contemporary standards, any advanced library of the time would also have included other items which can be identified as well with the 1793 list of books.

The modern reader of *Pre-1701 Imprints* will have at hand a guide to 2,223 records. Two texts at Acadia University are by the early Nova Scotian visitor, Marc Lescarbot, including a 1618 third-edition copy of his *Histoire de la Nouvelle-France*. Other books included in the listing have influenced generations of Nova Scotians who followed the classical education path: the writings of Juvenal, Valerius Maximus and Ovid were required reading, alongside Christian scholars such as Tertullian and Saint Augustine of Hippo. Both Roman Catholic and Protestant authors are well represented. Among the former are copies of books by Saint Robert Bellarmine (1542-1621) and published in his lifetime [Saint Mary's University]. There are several references to Judaica in this bibliographic list as well, including the *Order of prayers for festivals according to the use of the Sephardic Jews...* (Venice: Qayon [1614?]) held at the University of King's College Library, and *Dibre ha-yamin shel Mosheh*, on the life and death of Moses and translated into Latin from the Hebrew at Paris in 1629.

The guide is divided into chronological sections by publication date (e.g., 1400-1499, 1500-49), so that the researcher may readily go to the time period of interest. Unfortunately there is no author or title index as an overall tool to use with the text. This makes for awkwardness in tracking down references such as extant versions of Elizabethan and earlier English Bibles (or translations of parts thereof). A subject index is wanting as well. Without the latter, the researcher will only by chance locate Morgan Godwin's 1681 treatise on the admission of Blacks and First Nations people into the Church of England.

Additionally, it would be useful to have included information concerning the access policies of each surveyed repository, since the guide is meant as a vademecum for using the texts in question. For example, one rare-book library included in *Pre-1701 Imprints* requires a record of individual identification before access can be granted, even though the researcher may be personally known to the librarian-in-charge. Here the deconstructionist would interpret the requirement of 'separable texts' [i.e., request slips and ID] as part of the power-control variable determining access to knowledge. At the least, *Pre-1701 Imprints* offers a key to the pursuit of our early Western heritage without leaving this province.

Accessibility is of prime concern to researchers in reading the past. The general public loses out, for example, when books of special interest are no longer available on bookstore shelves. Fortunately, the reprinting of perennial favourites in hard copy has not ceased. Locally, both Nimbus Press and Pottersfield Press have recently released books which continue to shape very particular views of the past. The former has reprinted the 1967 classic by Michael Bird, *The Town that Died: A Chronicle of the Halifax Disaster*. Following last year's release under the Nimbus banner of *Ground Zero*, collected essays on the 1917 Halifax Harbour Explosion, one finds that there is a resurgent interest in earlier books covering the same topic. Now analytical and humane treatment can be compared side by side.

In *The Town that Died*, Bird tried to piece together the events of December 1917 in a diary fashion, replete with letters, reminiscences, interviews and official reports. The reader is carried along through the shattering of Halifax and Dartmouth seventy-eight years ago, as well as the aftermath which faced the survivors. It is Bird's evocative literary style which captures the impressions of the past, altering forever our perceptions of the city; his word painting of the blast grips the reader to each sentence:

When the wave had gone, and the air wall and the earth tremor had fled out into the Province to set church bells swinging and booming in towns more than sixty miles distant, a widening column of smoke and burnt-out gases rose for three miles into the sky above the North End. It hung there for many minutes, turning from black to grey and then to cotton-wool white, and it looked for all the world like some enormous, mutated mushroom. [p. 65]

Bird's desire to turn the Explosion into personal experience underscores the reason for the success of his book. While there are some who would say that he has over-dramatized his accounts--as with the story of Edith O'Connell (pp. 66-

67)--it can be well argued that even those recountings which verge on Victorian melodrama only touch the edges of the actual truth and horror of what transpired on 6 December 1917 and the days following. Historical reconstruction is informed by imagination and by the need to counteract the influence of visual media--especially television--in order to draw people into the text so that they may conceptualize in their own minds' eye what occurred when 'the town died'.

The republishing and expansion/revision of Barbara J. Christie's *The Horses of Sable Island* (1980), undertaken by Zoe Lucas and Pottersfield Press (1995), takes one to both the distant and near past. There is an ongoing fascination with the concept that any wildlife can survive on the windswept dunes of that constantly shifting island of sand. Perhaps more than any other animal roaming over those dunes, the Sable Island ponies are synonymous with the untrammelled spirit of nature in a setting seemingly devoid of technology, industry and the imprint of civilization. Such mythologizing, however, says a lot about our own discomfort with invasive modernity. In truth, the ponies were introduced by humans, and today are often sustained through harsh winters via human intervention in the form of feed-drops: how soon is natural beauty tempered with the challenge of bare survival.

Christie has provided the reader with material on the eighteenth-century origins of the pony stock, whose subsequent history is contrasted with the need of mariners to have a life-saving station located on the island. Working horses imported for the latter purpose did not run wild. Here Christie offers a balance to the popular concept of the ponies as the only large livestock present: there were, in addition, horses in the service of government, working side by side with the men and families who kept the life-saving station. The line of equine civil servants started in 1801 with Jolly, who was brought to Sable Island from Halifax, along with animals shipped from the Windsor and Falmouth areas. Christie has also provided extensive background information on the various breeds and pedigrees imported over time to Sable Island. For her part, Zoe Lucas offers now an up-date of current literature on Sable Island ponies, with particular emphasis on conservation concerns. Christie and Lucas, both passionately interested in horses, bring that enthusiasm to their subject, to the benefit of all readers who encounter their engrossing account of Sable Island.

Local histories often suffer from the unorganized and cluttered antiquarianism of an amateur compiler, or when taken on by a more knowledgeable author, must be curtailed in the material covered. Either way, the text is necessarily informed by the vision the writer has in his or her mind's eye, about the home community. In part this is due of course to the necessity of



writing about what the individual knows best--or has been curious enough to research further. Garvie Samson in his book, *The River That Isn't: A Tale of Survival and Prosperity: River Bourgeois, Cape Breton 1714 to 1994*, brings his love of people and home to this account. Much of his work, as he acknowledges in the preface, has been based on interviews with River Bourgeois residents, in addition to his own research at various archives, libraries and museums. To a large extent, then, the book is a collection of biographical sketches interfiled with background details on industry, religion, education and architecture.

The history of River Bourgeois begins with the Acadian families who were granted permission to domicile there in 1714. Using topographic maps, official census returns and land grants, Samson quickly surveys the arrival of settlers and the introduction of other surnames to the area. For the genealogist, this is of particular interest. Not to be overlooked is the author's coverage of local industry, notably shipbuilding, which is well described and illustrated. Indeed, this section is one of the strongest in the book: the earning of a livelihood, mundane as it may seem to be, is too often overlooked in local histories. Samson shows that this frequent omission can be turned instead to a fascinating glimpse into a community's economic and social dynamics.

In producing this book, Samson has answered a need in himself and among his acquaintances in River Bourgeois to put on paper something of what together and separately each remembers or wishes to reveal about the past. *The River That Isn't* is essentially a community scrapbook, capturing sections of the past lives of River Bourgeois natives. It is not a cohesive organic work, nor does it possess an overt ideological direction. Yet it can be argued from the text that what is contained in the pages of Samson's volume is a particular version of history firmly rooted in an Acadian and Catholic enclosure. Indeed, there is suggestive material here from which to mould an in-depth study of local development in an Acadian collective setting. If Samson can be faulted for not discussing the gender division of employment, or the reason for little non-Acadian presence in the area, it can be given in rebuttal that since no professional researcher has ever taken an interest in River Bourgeois, the residents themselves have by-passed the latter to do as they and Samson please.

In a similar fashion we encounter Eddy Sutton's *A Little Booze Story*. Histories of taverns in this province are few and far between. Inns and stagecoach stops make for colourful and romantic treatment; on the other hand, taverns--unlike the image of convivial English country pubs--conjure up pictures of rowdiness and dens of iniquity. The latter mind-set is a legacy of the strong temperance movement of the nineteenth century, which in turn is the subject of

*Canada Dry*, by Jan Noel. Sutton, with a background in Canadian history and sociology, has fashioned a tale with connections to colonial drinking establishments and laws. Context is extended with reference to temperance, prohibition and the persistence of the anti-alcohol conscience to the present.

It is to Sutton's credit that he does not belittle the concerns of the anti-drinking community: he permits them to be heard, in spite of his own support of licenced drinking establishments. In so doing, Sutton has in a few pages opened to our view a portion of the Nova Scotian outlook on freedom of choice versus moral concern. The latter has long been intimately bound up with a legacy of evangelical religious zeal now two centuries old in the province, and with the inheritance of Victorian values which sought universal answers to very personal problems. These issues are, however, minimally discussed by Sutton, who has as his primary goal the celebration of the tavern as an agent of business and community bonding. His message, encapsulated in the story of the Clipper Ship Tavern in Yarmouth is, as a consequence of his deft handling, far more than a promotional booklet or private indulgence. Sutton has taken the substance of everyday life and filtered it, in order to place taverns in the historical consciousness of at least one Nova Scotian town.

The approach taken in Jan Noel's *Canada Dry: Temperance Crusades before Confederation* is on a different tack altogether from Sutton's endeavour. It is as social phenomenon that temperance is examined from a British North American perspective. Readers will be particularly interested in Noel's discussion of the adoption of temperance--soon converted into total abstinence--by Protestants in the Maritimes. In this, the author has been informed by the earlier graduate work of Sandra Barry on the subject, while at Acadia and the University of New Brunswick. It is prime debating material itself for deconstruction to examine how Noel's response to past evidence has been prefigured by Barry's MA thesis, "Shades of Vice and Moral Glory: The Temperance Movement in Nova Scotia 1828-48" (1986). In this case, the textual reading is largely harmonious between the two scholars.

As the title suggests, Noel does not confine the matter of *Canada Dry* exclusively to Nova Scotia. She has portrayed the temperance factor in colonial settings from Nova Scotia to Red River, as well as in both rural and urban contexts. Behind the speeches and organizations which flourished in Canada East and Canada West, Newfoundland and the prairie settlements, Noel has found that the religious impetus to temperance was a matter of essence rather than convenience. Readers may not be aware, for example, that temperance was strongly endorsed by many Roman Catholic dioceses in pre-Confederation

Canada. It was total abstinence which ultimately divided the camps of reformers. Unfortunately, Noel does not address the problem of communion wine, which caused no little amount of discussion among Baptists, Methodists and Church of England adherents. From a doctrinal perspective, this was a non-issue for Catholics. Among Protestants who did not adhere to transubstantiation, however, the move to substitute wine with unfermented beverages was rocky yet inevitable.

The secularist approach to the past tends to view things from the perspective of power relationships. Just as neo-Marxists have seen Wesleyan Methodism in late eighteenth-century England and in nineteenth-century Nova Scotia as a means to control the working classes to prevent revolutionary upheaval, so too Canadian historians have--in a hostile stance--seen temperance as a tool to boost economic productivity. Sober workers meant a dependable labour force, better products and higher profits for middle-class entrepreneurs who employed labourers and specialist artisans. Noel attacks this reading, with support from Barry, Michael Gauvreau and J.W. Grant. A comparative analysis of temperance indicates that high industrialization was not an overriding element in the spread of the anti-drink crusade. Despite periodic recessions, Canada in the 1830s and 1840s was moving to greater economic stability and an ever-growing middle class. That setting favoured the adoption of a moderate life-style, which in itself protected families from the ills of intemperance--wife-beating, child abuse and property crime. Temperance society stories of the horrors of alcohol abuse were not wholly groundless. Religion provided the moral framework within which to promote a collective set of life values fueled by temperance pledges. The current cynicism in regard to the role of religion has too often warped the interpretation of historians toward spirituality as a relevant factor in Canadian society. Noel has persuasively argued that such an inherently biased stance seriously needs to be reevaluated.

The introduction of new ideas and habits into Canadian society can be traced to the influence both of published tracts--as in the case of temperance--and of individuals who brought a different mind-set in their own persons. An analysis of these immigrants and their ideological baggage could be potentially valuable in understanding how we today possess the identity which many of us do as 'Canadians'. Norman Crowder's *British Army Pensioners Abroad, 1772-1899* is a possible path to follow in such a study. This book is aimed at genealogists who face the difficult task of tracking military relatives. To that end it is highly recommended. The every-name index facilitates ease of use, while offering a quick filtering system for particular names. Arrangement by regiment is the logical way to handle this extensive listing, and an appendix giving regiments



and page locations has been provided. The reader is advised as well by the author, concerning the nature of the sources utilized to generate the extracts.

The listings provided in *British Army Pensioners* are geographically broad, covering men who settled or were mustered-out in the Maritimes, central Canada and Newfoundland, as well as in India, Ceylon and Malta, to name just a few. To the compiler's credit, he has provided an appendix of ultimate destinations which circle the globe--or as far as the British Empire stretched. The historian who is familiar with the various postings of a regiment can now trace the eventual civilian homes of men who quite literally had had 'a view of the world'. Those who came to Nova Scotia with the 64th Regiment, for example, had seen service in India; the question is whether they brought food preferences, ideas of architecture or tolerance of different religions with them from the sub-continent. The peregrinations of these military personnel in turn coincided with the rise of the missionary movement to India and Burma among Maritime Baptists and Presbyterians. Crowder's book thus offers one more tool to match foreign influences in Nova Scotia to contemporary military, missionary and print media sources.

Ideas relating to gender roles, geographic setting and visionary planning come together in Suzanne Morton's account of post-1917 Explosion, north-end Halifax. In her suggestive study, *Ideal Surroundings: Domestic Life in a Working-Class Suburb in the 1920s*, Morton explores what she sees as a preconceived and traditionally male-dominated urban environment, within which women were expected to fulfil the role of middle-class, stay-at-home wives and mothers. By the same token, men were to provide and maintain a stable home base from their broader perspective of working, out in the world. Morton is at pains to show that the urban planners responsible for the Hydrostone district, or Richmond Heights, in creating the ideal garden city tried to fit blue-collar families into middle-class moulds. The economic stresses of the late 1920s and 1930s would profoundly affect this ideal picture, when women were driven by necessity to take in paying jobs (e.g., laundry) or else to enter the labour market outside their north-end homes.

Class, gender and age are the three gauges by which Morton seeks to plumb the depths of the working-class experience by way of a community study. As she correctly observes, the Explosion itself led to an unprecedented amount of documentation generated by the Relief Commission. Here was an excellent means to study the recreation of a neighbourhood, and the adaptation of its residents to the shift from primary manufacturing to a service and trade-based economy. The question for readers to grapple with is whether Morton's

comments bear any relationship to how individuals of the period actually conceived of themselves and their world. Here vocabulary--that instrument of deconstructionist analysis--is crucial.

The dichotomy of wage-earner husband and dependant housewife, as enshrined in both government and union thinking, paints the portrait of women as chained to a severely restricted social role. It is important to determine if there was a high or low percentage of women who wished to remain in the home, where control of the immediate environment was paramount. By the use of negative connotations, Morton delivers the message that as picturesque as the garden-city homes and rental units were in Richmond Heights, they were nonetheless patriarchal constructs designed to confine one gender, while at the same time rendering the working classes as 'satisfied' with their lot in life. Women who expressed acceptance of the status quo are shown as co-opting with the other side in gender power relations; although Morton does not use that expression as such, her message is clear. That stance, however, is a far too facile way to dismiss anyone who does not adhere to the revisionist feminist-historiographic approach.

Morton is at her best in bringing to our attention the need to consider the marginalized or the under-represented, in reconstructing the past. Her analysis, for example, of the survival strategy of a Stairs Street widowed mother with seven children--operating a boarding house--points out the dearth of research yet done on single female heads of household, whether widows or abandoned spouses. Similarly, Morton's use of male bonding associations (lodges, unions, sporting events, etc.) deserves careful reading. While her response to traditional religious beliefs is at best ambivalent, Morton does integrate the role of the churches in Richmond Heights into her monograph. The final result is that *Ideal Surroundings* takes the reader into a special local history which can serve as a model for an understanding of working-class Canadian culture in the 1920s.

Garvie Samson and Suzanne Morton have both utilized the ordinary in order to generate two very different types of community history. Another historian, Colin Howell, has taken a very different approach, by using a popular past-time to explore the construction of community values and roles. *Northern Sandlots: A Social History of Maritime Baseball* takes the reader into the history of sports as social phenomenon to study gender roles, class and ethnicity. In a vein very similar to Morton, Howell is at pains to discern power relationships, i.e., 'dominant group' to 'subordinate group', for which read 'capitalists' and 'workers'. He follows the change in baseball from a nineteenth-century avenue of social control to a twentieth-century expression of both individual and locality

self-identification, before the sport yielded to the greater mass culture which destroyed professional and semi-professional teams by the 1950s.

Howell has tried to appeal to the sports enthusiast as well as to his academic colleagues. Certainly for anyone interested in the rise of baseball as a popular sport and in the succession of regional teams, such as the Middleton Cardinals, the Halifax Coloured Diamonds or the Halifax Crescents, then *Northern Sandlots* is the book to choose. It is particularly intriguing to follow the shift in local team membership, from having numbers of American players to the predominance of Maritime-born participants. Yet it was mass culture superimposed on a large-scale business base which drew professional teams away from the northeast to central Canada and the United States: numbers and revenue overtook skill, local support and pride.

Howell carefully delineates the rise of a particular northeastern mind-set and sports culture which stretched from New England to the Maritimes. The mass migrations to the Boston States after the 1870s resulted in a reverse trend in the importation of American past-times, leading, for example, to the eclipse of cricket as an expression of the area's British ties. In many ways this phenomenon foreshadowed the later flood of American entertainment, political outlook and historical assimilation which has since washed over the Maritimes. When Black History Month is celebrated in Nova Scotia, for example, it is Martin Luther King and Malcolm X who appear on the posters, not Viola Desmond, Carrie Best, the Reverend William Oliver or Victoria Cross recipient William Hall. Through Howell's seemingly innocuous and straightforward study of baseball, the careful reader will thus be rewarded with a much wider view of Maritime cultural identity.

Stepping back into the nineteenth century, to the age of wood and sail, Walter Teller has gathered between two covers a compendium of the writings and adventures of Nova Scotia-born Joshua Slocum (1844-1909). *The Voyages of Joshua Slocum* includes the still popular *Sailing Alone Around the World* --which, since its initial publication in 1900 has never been out of print--in addition to various of his lesser known works. Originally published in 1958, Teller's volume includes a fine account of Slocum's career and the no less remarkable life of his first wife Virginia (an expert shot, and mother of a sea-born family). It is to Teller's credit that he interviewed Slocum's second wife and other living relatives, in addition to tracking down documentation to supplement Slocum's own printed works. The result is an enduring historical record encompassing what is now a lost way of life, and highlighted by Slocum's solo circumnavigation of the globe.



Born during the Age of Sail, Slocum deliberately created his own special maritime persona. Unlike many Nova Scotian sailors and master mariners who maintained home bases in the province, he forsook the land for a life spent almost entirely at sea. Even his children were born on board ship. What is so compelling about Slocum is the mystique of a man who dared to share certain images of the sea-going life with readers who could vicariously sail the world with him, without ever leaving the comforts of home. Our concept of maritime life, and in particular that aspect which addresses man's relationship with the sea, has been in part moulded by the act of Slocum's committing to paper his own identification with that larger experience. Teller has captured something of that essence in Slocum's own words: "I was born in the breezes, and I had studied the sea as perhaps few men have studied it, neglecting all else..." (p. 199). The reader readily grasps that this is the world as Joshua Slocum saw it --and accordingly permits him his hyperbole and self-praise. Teller tempers that exaggeration with finely crafted observations and helpful commentary. One thing is certain: the original Joshua Slocum would never have permitted himself to be confined like his namesake ferry, which today endlessly plies the short and monotonous run between Brier and Long Islands in Digby County.

The deconstructionist case for history as text interacting with text meets a curious cross-over when it is oral history intermixed with historical contextualization. Mike Parker's *Running the Gauntlet: An Oral History of Canadian Merchant Seamen in World War II* provides us with the personal memories of men who served during those dangerous crossings, in order to bolster the efforts of the Allied cause. In this fiftieth anniversary year marking the end of World War II, it is fitting to bring to readers' attention this effort to remember the sacrifices of civilians in service.

Parker does not present here bare transcriptions of his interviews. A commendable introduction discussing the merchant navy and Halifax's role in the convoy mission is connected to editorial observations inserted before each reminiscence. It has been said that history is reconstruction based on documentation which has survived the vagaries of chance and the deliberate culling of manuscripts at private or official whim--the 'archaeology of the past', so to speak. Readers are forcefully reminded of this haphazard aspect of what survives when they read that less than fifty per cent of merchant seamen outlived the Atlantic convoy crossings. *Running the Gauntlet*, then, represents a few precious fragments of that remnant who did survive. Prisoners of war, men rescued from sinking vessels, and men who saw their comrades die in cold Atlantic waters speak to us now because Mike Parker has taken the time to listen.

Personal memory of the past and learned history are often at odds, especially when the latter is imbibed without an appreciation of context or past conditions. There are schoolchildren today for whom World War II is as remote in their consciousness as Caesar's march through Gaul. It is the personal lever of remembrance which translates the impersonal past into a palpable reality. Magnus Teller and Mike Parker have served the present well by allowing that intimate contact with the past, via the individual voices of Joshua Slocum and merchant mariners like Adrian Blinn and George Evans. The deconstructionist approach gains validity with the general public when its interest in the minutiae of details, graffiti and army songs pokes holes in the broad fabric of historical interpretation to let down the barriers of time. How we read the past and react to the literary remains are a vital part of that process.

### Book Notes

*Cemetery Records of Shelburne County: Vol. 5*, compiled by the Shelburne Genealogical Society. ISBN 1-895991-05-6. Shelburne Genealogical Society, Shelburne, NS, 1995. 105 pp., paper, \$15.00. Available from the Society at Box 248, Shelburne, NS, BOT 1W0 + \$2.00 postage.

Another in a continuing series of cemetery surveys by the energetic members of this genealogical society. A full name-index by cemetery key is located at the end of the book. Records have been collected from stones in Churchover, Port Saxon, Ingomar, Birchtown, North East Harbour, North West Harbour, Roseway and Carleton Village. These publications continue to be useful resources for family historians.

*Seven Cemeteries of Shelburne: Vol. 7*, compiled by the Shelburne Genealogical Society. ISBN 1-895991-07-2. Shelburne Genealogical Society, Shelburne, NS, 1995. xii + 131 pp., paper, \$15.00. Available as above.

As with Volume 5 of this series, the public is presented with another useful tool for genealogical studies. Shelburne itself is particularly noteworthy as the valiant but brief Loyalist bastion, following the American Revolution. The stones recorded here reveal the fate of eighteenth-century colonists and their nineteenth-century descendants. A database for sociologist and historian alike.

*Prophet of the Wilderness: Abraham Gesner*, by Allison Mitcham. ISBN 0-88999-581-8. Lancelot Press, Hantsport, NS, 1995. 208 pp., illustrated, paper, \$11.95.

The author of several biographies to date, Mitcham has taken on the enigmatic and turbulent career of Abraham Gesner, acknowledged in Canada as the discoverer of kerosene. Mitcham explores his Loyalist origins, his life in Kings County, Nova Scotia, and his growth as a true Victorian, one who absorbed the discoveries and science of the age to make in turn his own bold contributions. A necessary companion to understanding the business side of Maritime industrialization.

*The Best of Abraham Gesner*, selected and edited by Allison Mitcham. ISBN 0-88999-585-0. Lancelot Press, Hantsport, NS, 1995. 132 pp., illustrated, paper, \$8.95.

Mitcham has chosen passages which she believes best illustrate the keen descriptive powers of Victorian geologist, inventor and author, Abraham Gesner of Nova Scotia. The discoverer of kerosene was a man of many more talents than historical markers and brochures suggest. Here one can read his comments on the natural world of the Maritime provinces, the Mi'kmaq and the industrial potential of the region. An opportunity to encounter Gesner in his own writings.





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