

Nova Scotia Historical Review

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Nova Scotia Historical Review

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In Memoriam

George Alexander Rawlyk, 1935-1995

Rhodes Scholar, Ph.D., D.C.L.
Professor of History
Queen's University

Cover Illustration:

Houses along the Louisbourg waterfront. By 1741 the two buildings in the centre, which comprised the Grandchamp inn, were home to Asar, a Black slave, and Louis Joseph, a Panis slave. Courtesy Archives du ministère des Armées. Archives du Génie (Vincennes, France), 1731, article 14, Louisbourg tablette 22.

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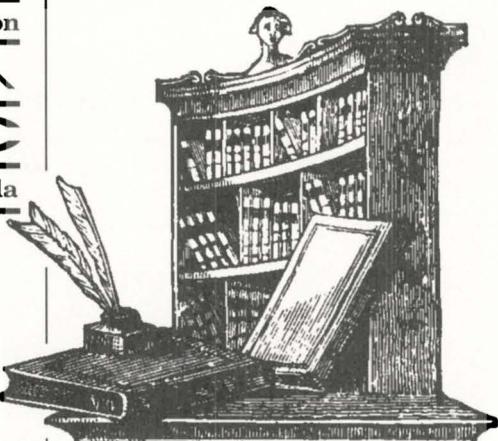
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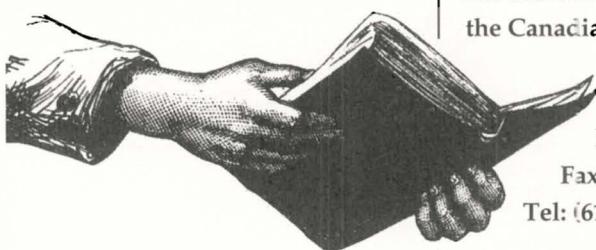
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"Graham Hodges' editing of this little known and long-needed document makes a signal contribution to the history of African Americans in the late eighteenth and early nineteenth centuries. Hodges' masterful introduction to *The Black Loyalist Directory* recaptures in rich detail the long odyssey of 3,000 black emigrants...Hodges offers fresh and original insights into any number of topics, ranging from....interracial marriages to the roots of black nationalism....a rare and compelling picture of an extraordinary people."

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—*Robert Charles Anderson*
Director,
Great Migration Study Project
Co-editor,
The American Genealogist

BLACK LOYALIST DIRECTORY

African Americans in Exile After the American Revolution

Edited by
GRAHAM HODGES,
Colgate University

with
SUSAN HAWKES COOK,
Certified Genealogist,
and **ALAN EDWARD BROWN**,
Colgate University

The Black Loyalists were escaped slaves and free Blacks who joined the British army during the American Revolution, not because they opposed the republican beliefs of the revolutionaries, but to find liberty. During peace negotiations, American leaders demanded that the British return 3,000 Blacks who had taken refuge in New York City during the war. The British commander, Sir Guy Carleton, refused, but agreed to register each departing individual, listing the person's origins, age, gender, and former owner. This document, long coveted by scholars, and previously available on microfilm in only a few archives, is now presented here in readily accessible form.

An extensive scholarly introduction examines the Black Loyalists' experiences in Nova Scotia and England, and discusses the return of over 1,000 of the Blacks to Africa, where they established the nation of Sierra Leone, uniting American republicanism with Pan-African nationalism. The book lists the 3,000 Black Americans who left New York in 1783 for Nova Scotia, offers a tabular analysis of this roster, and includes six lists of the Black Loyalists who lived in England before departing for Africa.

Co-published by the New England Historic Genealogical Society, this important volume provides the first printed transcript of the roster, along with information on American Blacks living in London in the 1780s. The transcript was created by an expert genealogist from copies of original documents in the British Public Record Office and the National Archives of the United States.

These important documents and analyses make a landmark contribution to the scholarship on the emergence of early free Black communities, African American methods of resistance to slavery, and the history of American blacks in the Age of Revolution. There are illustrations, an extensive bibliography, and a name index.

*By his Excellency the Right Honourable JOHN Earl of DUNMORE, his
Majesty's Lieutenant and Governor-General of the Colony and Dominion of
Virginia, and Vice-Admiral of the same:*

A P R O C L A M A T I O N.

AS I have ever entertained Hopes that an Accommodation might have taken Place between Great Britain and this Colony, without being compelled, by my Duty, to this most disagreeable, but now absolutely necessary Step, rendered so by a Body of armed Men, unlawfully assembled, firing on his Majesty's Tenders, and the Formation of an Army, and that Army now on their March to attack his Majesty's Troops, and destroy the well-disposed Subjects of this Colony: To defeat such treasonable Purposes, and that all such Traitors, and their Abettors, may be brought to Justice, and that the Peace and good Order of this Colony may be again restored, which the ordinary Course of the civil Law is unable to effect, I have thought fit to issue this my Proclamation, hereby declaring, that until the aforesaid good Purposes can be obtained, I do, in Virtue of the Power and Authority so me given, by his Majesty, determine to execute martial Law, and cause the same to be executed throughout this Colony; and to the End that Peace and good Order may the sooner be restored, I do require every Person capable of bearing Arms to resort to his Majesty's STANDARD, or be looked upon as Traitors to his Majesty's Crown and Government, and thereby become liable to the Penalty the Law inflicts upon such Offences, such as Forfeiture of Life, Confiscation of Lands, &c. &c. And I do hereby farther declare all indentured Servants, Negroes, or others (appertaining to Rebels) free, that are able and willing to bear Arms, they joining his Majesty's Troops, as soon as may be, for the more speedily reducing this Colony to a proper Sense of their Duty, to his Majesty's Crown and Dignity. I do further order, and require, all his Majesty's liege Subjects to retain their Quirents, or any other Taxes due, or that may become due, in their own Custody, till such Time as Peace may be again restored to this at present most unhappy Country, or demanded of them for their former voluntary Purposes, by Officers properly authorized to receive the same.

*G I V E N under my Hand, on Board the Ship William, of Norfolk,
the 7th Day of November, in the 16th Year of his Majesty's
Reign.*

D U N M O R E.

G O D S A V E T H E K I N G.

Lord Dunmore's Proclamation, Virginia, 1775. Dunmore's famous proclamation was the only signal many slaves needed to flee from their masters and join the British military service.
Courtesy of Special Collections, Alderman Library, University of Virginia

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Reflections on George A. Rawlyk's Contribution to the History of the Maritimes

Michael Boudreau

"And further, by these, my son, be admonished:
of making many books there is no end; and much
study is a weariness of the flesh."

Ecclesiastes 12:12

One thing is certain--George A. Rawlyk never grew weary of history. Whether as a writer or a teacher (first at Mount Allison, then at Dalhousie and finally at Queen's University), Rawlyk was a scholar who exuded a nearly unparalleled enthusiasm for exploring the past. His sudden death in November 1995 thus robbed the discipline, along with his friends and colleagues, of one of its most prolific practitioners. Assessments of his career will no doubt resonate from numerous quarters in an effort to gauge Rawlyk's legacy. Whatever can and will be said about his work, however, few will be able to deny that Rawlyk has left an indelible mark on the popular and academic history of Canada and of the Maritimes in particular. Rather than a full-scale historiographical analysis of Rawlyk's writings (a gargantuan task best left to 'sober second thought'), this article is a brief reflection on Rawlyk's contribution to the history of the Maritimes.

History is very much the art of interpretation. As the author and editor of a phenomenal number of books and articles, George Rawlyk placed his unmistakable stamp on Maritime history. Moreover, as both a teacher and supervisor of graduate students, he was able to disseminate widely his brand of historical inquiry, and to unravel some of the mysteries of the religious mind-set, or spirituality of the Maritimes. In so doing he uncovered and explored key aspects of the social and cultural history of this region, which is where the crux and importance of much of his scholarship lies.

In a 1969 article in the *Queen's Quarterly*, Rawlyk outlined what would prove to be the future research strategy for a rising generation of Maritime and Canadian historians. He also articulated his own outlook and approach to history, underlining the urgent need to move beyond the somewhat narrow confines of "political studies" into the broader realms of social, economic, intellectual, religious and urban history.¹ Of these fields, Rawlyk believed that social history

Michael Boudreau teaches Atlantic Canadian history at Saint Mary's University, Halifax NS. He completed part of his graduate work at Queen's University, Kingston ON, under the watchful eye of George Rawlyk.

1 George A. Rawlyk, "A New Golden Age of Maritime Historiography?" *Queen's Quarterly* LXXVI, 1 (Spring 1969), 60-1. Judith Fingard rightly points out that this article "was more of an agenda for future research than an assessment of existing interpretations." Judith Fingard, "Ideas on the Periphery or Peripheral Ideas? The Intellectual and Cultural History of Atlantic Canada," *Journal of Canadian Studies* 24, 3 (Fall 1989), 33. This fact does not, however, diminish the importance of Rawlyk's suggestions.

held the most promise for the development of Maritime history. "How people live," he began, "how they work and look at life, how and why they worship, how and why they respond in a certain way to various stimuli--this is what history is all about." By charting these waters, Rawlyk maintained, the "backwater image" of the Maritimes would be dispelled.²

To anyone familiar with Rawlyk's writings this endorsement of social history may come as something of a surprise. Was George Rawlyk not first and foremost a religious historian? Yes--insofar as the focus of his more recent work has been on the Protestant dissenting religious experience in Nova Scotia and New Brunswick. But when his earlier efforts are taken into consideration, along with a closer reading of even a late work such as *The Canada Fire*, the answer must be no. Above all, it seems, Rawlyk tried to capture the socio-economic milieu of the Maritimes and the lives of the people who made much of the region's history.³

The struggles many Maritimers faced in their daily existence formed an underlying theme throughout Rawlyk's work. In "The Guysborough Negroes" (1968) and "The Farmer-Labour Movement and the Failure of Socialism in Nova Scotia" (1971) he broke new ground in assessing how the socially and politically marginalized--Blacks and the Left, respectively--fought for survival and recognition in this province.⁴ His seminal projects, on Nova Scotia's 'rejection' of the American Revolution and the influence of Henry Alline and evangelical Christianity on the social formation of colonial British North America, underscored how individuals wrestled with and adapted to revolutionary and religious ideals.⁵ While Rawlyk's 'discovery' of Alline sparked a tremendous interest in novel approaches to the history of late-eighteenth-century Nova Scotia,

2 Rawlyk, "A New Golden Age," 64-5. This emphasis upon the experiences of individuals formed the basis of the 'new' social history that emerged in the 1970s. For an overview of the origins and agenda of this social history see Carl Berger. *The Writing of Canadian History: Aspects of English-Canadian Historical Writing since 1900*, 2nd ed. (Toronto, 1986), Chapter 11.

3 G.A. Rawlyk, *The Canada Fire: Radical Evangelicalism in British North America, 1775-1812* (Kingston and Montreal, 1994).

4 Rawlyk made a similar point in 1969 when he discussed some of the factors that shaped Maritime life: "A New Golden Age," 62; G.A. Rawlyk, "The Guysborough Negroes: A Study in Isolation," *Dalhousie Review* 48, 1 (1968-69), 24-36; "The Farmer-Labour Movement and the Failure of Socialism in Nova Scotia," in *Essays on the Left: Essays in Honour of T.C. Douglas*, Laurier LaPierre et al., eds. (Toronto, 1971), 31-41. In many respects these two articles became the touchstones of their respective topics. Though Black history in Nova Scotia has made some significant advancements, a detailed historical treatise on the Left and socialism in this province remains to be done.

5 Gordon Stewart and George Rawlyk. *A People Highly Favoured of God: The Nova Scotia Yankees and the American Revolution* (Toronto, 1972); *The Canada Fire*.

Alline's rehabilitation should not be considered the quintessential core of Rawlyk's scholarly achievement. Instead, Alline was but the starting-point from which Rawlyk expanded the scope of his research.

From Alline, Rawlyk moved on to the larger realm of the Maritime Baptists. Once there, he immersed himself in the world of New Light and Free Will Baptists and their encounters with revivalism, fundamentalism and modernism.⁶ Along the way, he helped to bridge the chasm between academic and popular historians. The multi-volume *Baptist Heritage in Atlantic Canada* series provided a forum for the publication of primary documents and articles by professional and non-professional historians and students relating to the history of the Baptist denomination in the Maritimes.⁷ The fact that the Baptist heritage remains a central component of the region's historiography is a tribute to Rawlyk and to those who shared his fascination with this aspect of Maritime religious history.

This concentration on the Baptists, however, hampered the diversification of the religious history of the Maritimes; the spectre of Henry Alline literally haunts the historical canon. Alline's presence and work, while important, overshadowed the lives and religious practices of other Protestant and non-Protestant sects throughout the region. Moreover, attention to Alline and his followers, whether by Rawlyk or others, kept too much of the focus on the eighteenth and nineteenth centuries. Consequently, the twentieth century has been largely ignored and the idea that secularization transformed this part of Canada has gone unchallenged. This has led to an implicit assumption that religion pervaded much of Maritime and Canadian society in the nineteenth century but went into retreat in the twentieth. In either context the assumption is wrong, and Rawlyk was perhaps one of the first scholars to acknowledge this fact.

In the two books which he completed shortly before his death, Rawlyk re-

6 G.A. Rawlyk, *Ravished by the Spirit: Religious Revivals, Baptists, and Henry Alline* (Kingston and Montreal, 1984); *Champions of the Truth: Fundamentalism, Modernism, and the Maritime Baptists* (Montreal and Kingston, 1990).

7 Rawlyk sat on the Editorial Committee for this series. The first volume to appear was George E. Levy, ed., *The Diary and Related Writings of the Reverend Joseph Dimock (1768-1846)* (Windsor, NS, 1979). Some of the others include D.G. Bell, ed., *The Newlight Baptist Journals of James Manning and James Innis* (Windsor, NS, 1984); George A. Rawlyk, ed., *The Sermons of Henry Alline* (Windsor, NS, 1986). The most recent publication in the series is David Priestley, ed., *A Fragile Stability: Definition and Redefinition of the Maritime Baptist Identity* (Windsor, NS, 1994).

evaluated portions of his previous work and incorporated a more varied range of material. By arguing that "Evangelicalism has always...been a complex kaleidoscope," he captured the richness of 'radical' evangelicalism as both a religious and a cultural expression.⁸ Indeed, it is the latter point that holds the most significance for Canadian and Atlantic Canadian history. Rawlyk contributed to the process of coming to terms with the cultural meaning of Christianity and evangelicalism. With this in hand, a nuanced understanding of how religion shaped peoples' lives, social reform movements and popular culture, will emerge.⁹ Furthermore, *The Canada Fire* has--with all due respect to the "Allinite tradition"--highlighted the key role played by the Methodists and Presbyterians in the articulation of and adherence to evangelical Christianity. While there is still more to learn about the Baptists, Rawlyk has helped to widen the denominational spectrum for immediate and long-term consideration.

Rawlyk also used *The Canada Fire* as a forum to diversify his analytical skills. Class and gender, as theoretical and organizational concepts, can provide unique and penetrating insights into human social relations. They also form the stuff and substance of social history. Rawlyk stayed true to form in *The Canada Fire* through his emphasis on the personal trials and tribulations of British North Americans with regard to 'radical' evangelicalism. The difference, however, was Rawlyk's explicit, albeit crude, use of class and gender. By looking at the dissemination of 'radical' evangelicalism 'from the bottom up', Rawlyk tried to encompass the class dimensions of religious experience. His greater sensitivity to gender has also brought into sharper focus the central involvement of women in religion and how they articulated their own spirituality.¹⁰ While by no means on the cutting edge of uniting historical theory and the social history of religion, Rawlyk demonstrated the relevance of weaving both into the fabric of conventional religious history, while putting denominational bias into its proper intellectual perspective.

8 Rawlyk, *The Canada Fire*, xv.

9 This point is elaborated in Michael Gauvreau, "Beyond the Half-Way House: Evangelicalism and the Shaping of English-Canadian Culture," *Acadiensis* XX, 2 (Spring 1991), 158-77.

10 For more on the importance of incorporating gender into religious history and religion into the history of women see Ruth Compton Brouwer, "Transcending the 'unacknowledged quarantine': Putting Religion into English-Canadian Women's History," *Journal of Canadian Studies* 27, 3 (Fall 1992), 47-61.

The posthumously published, *Is Jesus Your Personal Saviour?*, marks what may be considered the pinnacle of Rawlyk's thinking on evangelical Christianity. Based in part on a 1993 survey conducted in conjunction with *Maclean's* magazine, this book raises some important points to ponder for current and future research agendas.¹¹ In a general sense Rawlyk has opened up to scrutiny the spread of grass-roots Christianity in the twentieth century. In addition, the forgotten, perhaps even denied, presence of Catholic evangelicalism is acknowledged in this study. The inclusion of Catholics paints a more complete picture of 'Canadian' evangelical fervour. It may also break down the false dichotomy of 'French' and 'English' Canada that has characterized much of the writing of Canadian history. Rawlyk's shift into the late twentieth century provides a means of tackling the thorny question of secularization. While Rawlyk forcibly argues that Canadians still accord religion a definitive place in their lives, other scholars can begin to assess whether Canadian society drifted away from organized religion following the onslaught of modernity at the turn of the century. Moreover, Rawlyk's initiative may finally bring the Maritimes into the emerging debate over the causes and implications of secularization. If this happens, then Rawlyk will have made yet another crucial contribution to the history of Maritime Canada.

Maritime historiography has come of age since the early 1980s. Talk of a "New Golden Age" has subsided because work on, and interest in the region has reached a new level of sophistication.¹² Historiographical assessments will and should continue to be written, but self-justification need not be the *raison d'être* for such reflections. This is not to say that every theme and subject has been exhausted; nor that the history of the Maritimes has been fully integrated within the 'national' history of Canada. In each instance this is definitely not so.¹³ What it does point to,

11 G.A. Rawlyk, *Is Jesus Your Personal Saviour?: In Search of Canadian Evangelicalism in the 1990s* (Montreal and Kingston, 1996); "God Is Alive: Canada is a nation of believers," *Maclean's* (12 April 1993), 32-50.

12 For one scholar's assessment of this trend see W.G. Godfrey, "'A New Golden Age': Recent Historical Writing on the Maritimes," *Queen's Quarterly* 91, 2 (Summer 1984), 350-82; "'A Vision Beyond Reach': Some Recent Atlantic Canadian Studies," *Journal of Canadian Studies* 28, 4 (Winter 1993-94), 160-69.

13 Indeed, Atlantic Canada as a whole has yet to be given equal billing with the rest of the country, especially Ontario, in textbooks and 'national' studies: John Herd Thompson, "Integrating Regional Patterns into a National Canadian History," *Acadiensis* XX, 1 (Autumn 1990), 174-84; J.E. Belliveau, "Canadian History, New Yet Familiar," *Acadiensis* XXII, 2 (Spring 1993), 161-8; Ramsay Cook, "The New History of Atlantic Canada," *Acadiensis* XXIII, 1 (Autumn 1993), 146-52; Malcom MacLeod, "A Second Opinion on the Atlantic Provinces in Confederation," *Acadiensis* XXIII, 2 (Spring 1994), 191-7.

however, is the profound impact which George Rawlyk has had on Maritime history. Besides solidifying the place of religion in Maritime and Canadian history, Rawlyk has helped immeasurably to ensure that the social history of the region and the people who lived it now comprise a central focus of historical inquiry. In one sense the “making [of] many books” has come to an end for George Rawlyk. But his work and devotion to his craft will go a long way towards keeping the history of the Maritimes vibrant and diversified.

The *Nujinen* of the Mi'kmaq People and the Construction of their Chapel at Bear River, Nova Scotia

Gérald C. Boudreau

Hordes of Mi'kmaq gather with their children, during certain seasons at my church, some from as far away as 300 miles. But this distance is nothing for a Mi'kmaq family trekking through the woods: the mother with her papoose tightly secured in a type of open box with two straps on her back..., the father, holding his gun and carrying in back of him a kind of pouch on his belt. On his head he balances a birch-bark canoe, large enough for his wife and five or six children, who also carry a share of their belongings such as the cooking pot. When encountering waterways, such as lakes of which there are many, rivers or such, they embark into the canoe, cross onto the other side where they unload again and continue camping along the way, fishing and hunting freely to feed themselves.¹

This brief but vivid description of the Mi'kmaq family in transit is taken from a letter written nearly two hundred years ago, in August 1816, by a great friend of the Mi'kmaq nation, one who knew and loved its members well, namely the Abbé Jean Mandé Sigogne. It is said that the Mi'kmaq in Nova Scotia called him their *Nujinen*, a word which means 'father'.² And indeed Sigogne was, in the deepest sense of the word, a father to the First Nations people, as he was to everyone who called upon his generosity.

Jean Mandé Sigogne willingly accepted in 1799 a call to the challenging service offered in the vineyard of the Lord, as rooted in the remote and undeveloped mission field of Nova Scotia. Sigogne had been born in 1763 in the small French village of Beaulieu-lès-Loches, just east of Tours. Customary in France as it was here not so long ago, promising boys were encouraged by their priests to pursue studies so that one day they too might join the clergy; such was likely the case for Sigogne, who undoubtedly showed above-average intelligence. He went on to study theology at the

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1 Sigogne to Gallicher, 19 Aug. 1816, in CN-2-19, Centre d'études acadiennes, Moncton, NB [hereafter CEA]. Although only part of the original has survived, an early handwritten transcription by the genealogist Placide Gaudet provides some additional access to the contents. Translation from French to English, throughout the article, provided by the author.

2 "Manifestation en l'honneur du P. Sigogne," in *L'Évangéline* (Weymouth, NS), 26 May 1892. The article in this weekly newspaper proclaims that the term *Noutchinen* [sic], more precisely spelt today *Nujinen*, was used by the Mi'kmaq to refer to their earthly spiritual father, Sigogne. According to Murdena Marshall, Assistant Professor at the University College of Cape Breton, Sydney, NS, this term is used in an exclusive form when those referring to their *Nujinen* are not all Mi'kmaq; the word *Jujinen* is used in an all-inclusive situation: consultation with Marshall, March 1996.

Grand Séminaire in Tours, and at the age of 24 was ordained to the priesthood within that diocese. Sent as curate to the parish of Manthelan, several miles from Beaulieu, he was quite happily exercising his ministry when an upheaval of immense and far-reaching significance overtook the country: the French Revolution.

For Sigogne, this was a time of great personal distress, not only because his father adopted the republican philosophy--thus further complicating the son's life--but also because he personally had to choose between the conservative politics of the Church of Rome and the radical ideology of the Republicans. His staunch fidelity to the Pope and to the Church was tested, but not denied. For that reason, in 1791 Sigogne was divested of his priestly functions within his parish and for some time practised his ministry in hiding, for fear of being imprisoned--or even worse, of being beheaded, as were many of his confrères. Faced with unrelenting turmoil and personal danger, Sigogne chose to escape secretly to England in the summer of 1792--as did a great number of the French clergy.

Like many of his compatriots, Sigogne no doubt surmised that his exile in England would be short, lasting only until law and order prevailed once more in France. It has since been alleged that during these years Sigogne returned for a time to his homeland;³ the available evidence, however, indicates that he instead remained in London until his departure for Nova Scotia in 1799.⁴ While in England, Sigogne learned to speak and write English fluently, as evidenced by his correspondence in that language. English was his sixth tongue; in Nova Scotia he would acquire a seventh, namely Mi'kmaq, in order to serve better the people who were dear to his heart. He later acknowledged that his struggle to learn their dialect was unique, the most difficult linguistic challenge he had yet encountered. His accomplishment was such, however, that he could eventually preach and hear confession in three languages--French, English and Mi'kmaq--very often on the same day.⁵

3 Pierre-Marie Dagnaud, *Les Français du sud-ouest de la Nouvelle-Écosse* (Besançon, France, 1905), p. 62.

4 Gérald C. Boudreau, *Le père Sigogne et les Acadiens du sud-ouest de la Nouvelle-Écosse* (Montreal, 1992), pp. 34, 45-46.

5 Sigogne to Gallicher, 19 Aug. 1816, in CN-2-19, CEA, clearly identifies Mi'kmaq as his seventh language. At the time of his arrival in NS, Sigogne was fluent in French, Latin, Greek, Hebrew, English and one other as yet unidentified language.

After seven years in exile, the chief ambition of this remarkable man, refined and well-educated, was to resume his priestly duties. Details of the negotiations which led to his selection for the pastoral mission in southwest Nova Scotia remain unclear.⁶ What we do know is that Sigogne left England on 14 April 1799 and arrived in Halifax on 12 June after 59 days at sea, including a close call during a storm encountered off Halifax harbour.⁷

From the day of his arrival in southwest Nova Scotia on 4 July, Sigogne spent the remaining 45 years of his life--he died in November 1844--tirelessly serving the Acadian and Mi'kmaq peoples. His mission field encompassed two large parishes: his base at Sainte-Marie (Pointe-de-l'Église/Church Point) in the District of Clare, and Sainte-Anne-du-Ruisseau, some eighty kilometres south in the District of Argyle. The heartland of Acadian resettlement in Nova Scotia, this region had been without a permanent resident priest since the return of the exiles during the late 1760s.

Within two years of his arrival, Sigogne had identified an important component of his missionary work: he began appeals to his bishop in Quebec, requesting suitable books in order to learn the Mi'kmaq language; he particularly wished to be able to hear the confessions of his Indian parishioners without an interpreter. His request proved fruitful; the books were provided, he mastered the language, and his personal determination was rewarded by the large numbers of Mi'kmaq who visited him at Sainte-Marie and who attended his services at regular intervals during the year.⁸ A bilingual Mi'kmaq-French catechism used by Sigogne has survived and is now held by the National Archives of Canada; it includes a rudimentary Mi'kmaq grammar containing verbs and other basic phrases. Although the last few pages of the grammar are in Sigogne's hand, these two documents are most likely the work of Father Pierre Maillard, the famed eighteenth-century missionary and Mi'kmaq linguist. The catechism was undoubtedly used by both clerics for communicating the basics of the Catholic faith to

6 Boudreau, *Sigogne*, pp. 59-65.

7 "Journal de l'Abbé J.M. Sigogne. De Londres à Halifax sur le brig Stag, en 1799," in *L'Évangeline*, 30 Oct. 1890, pp. 1-2; a detailed and revealing account of Sigogne's transatlantic voyage.

8 Sigogne to Denaut, 24 Aug. 1801, in 312 CN, *Nouvelle-Écosse*, V:36, Archives de l'archidiocèse de Québec [hereafter AAQ]; Sigogne to Plessis, 3 Nov. 1815, in *ibid.*, V:71; and again, after the great fire of 1820 had destroyed some of his Mi'kmaq papers, Sigogne to Plessis, 22 Jan. 1821, in *ibid.*, V:79.

young children and potential converts, in preparation for First Communion.⁹

Three centuries of contact with Europeans had not served the Mi'kmaq nation well. Neglected by government and treated as inferiors by the European settlers, their position in the early nineteenth century was truly ambiguous. On the one hand, they no longer posed a threat to the security of the colony, but they were now unemployed and poor, they suffered from the white man's diseases, and there was widespread alcohol abuse among them. On the other hand, the Mi'kmaq wished to preserve with dignity their culture and their timeless rights to live, fish and hunt freely; they also desired to remain faithful to their adopted and firmly-established Catholic religion.

During this period, the Mi'kmaq population was scattered throughout Nova Scotia among various locations corresponding to traditional encampment sites, although seasonal migration still remained part of the annual cycle; in the Digby-Annapolis area, there was a tribal encampment at Bear River (the old Acadian 'Rivière Imbert'). Each tribe was an autonomous unit within its own specific locale.

For those interested in Sigogne's dealings with the Mi'kmaq and his attitudes towards them, there is abundant evidence of his humanitarian nature. Surviving documents reveal that he frequently gave or loaned money to the local chief and to various members of his tribe.¹⁰ This is not surprising; he regularly did the same for other destitute people, regardless of their ethnic background. One is reminded here of various acts of compassion and generosity: to an orphan girl while he was in exile in London, England; to the boys of his boarding school within the rectory at Sainte-Marie; and to a deaf-mute child whom he taught during 1815.¹¹ His heart knew no boundary when it came to give of himself, in kind or in kindness.

9 Mi'kmaq Catechism, in MG 19 F 30, National Archives of Canada, Ottawa, ON. The following inscription appears on the front page: "Given to Placide Gaudet by Marie Therriau Bonnenfant, wife of François Louis Bonnenfant whose mother was Luce Sigogne, sister of Abbé J.M. Sigogne." The catechism is in manuscript format with questions and answers in Mi'kmaq on the left-hand page and in French on the other. It is followed by a sort of grammar in the same format to guide the student in learning the idioms of the Mi'kmaq language. The last four pages, in Sigogne's handwriting, are in Mi'kmaq.

10 Various accounts, 1814 and 1815, in CN-2-103 and CN-2-97, CEA. These documents indicate specific sums of money given or loaned to various individuals, e.g., Kenini; his wife; Pierre Barriau, etc.

11 Sigogne to Douglass, 19 Mar. 1799, in A/50/VII/B, No. 37, p. 129, Westminster Diocesan Archives [London, England]; Dagnaud, *Les François*, chapter 9; and Sigogne to Plessis, 3 Nov. 1815, in 312 CN, Nouvelle-Écosse, V:71, AAQ.

Sigogne's efforts were not confined to small, isolated acts of compassion. Just as he repeatedly did for the Acadians, the priest used his contacts with influential people in government and elsewhere to intervene in favour of the Mi'kmaq, and not only to obtain for them the necessities of life. For instance, in 1813 he wrote to the government on behalf of a Mi'kmaq named Pierre Bernard, requesting for him a piece of land. The reply from the Secretary of the Council was very encouraging.¹² A few years later, in 1818, he wrote a successful letter of recommendation supporting Andrew James Meuse as chief of the local Mi'kmaq tribe.¹³

In a letter to his bishop in 1815, the priest deplored the desperate state which prevailed among the local Mi'kmaq, describing them as being "like sheep without a shepherd" and noting, with regret, the advantage which other people often took of them.¹⁴ He further observed that many more than usual had come to the recent Christmas celebrations, during which time he had instructed them from the catechism; he was pleased to observe their great desire to hear and learn the teachings of the Catholic faith. In spite of his personal efforts and good will, however, Sigogne still required regular outside assistance to meet even their basic needs. This time he was able to report to the bishop that through his (Sigogne's) intervention, the governor of the province, Sir John Coape Sherbrooke, had provided some 10,000 pounds of biscuits and several barrels of meat towards sustaining the more needy of the Mi'kmaq people.¹⁵ Again in 1819, Sigogne sent a petition to the new governor, George Ramsay, Earl of Dalhousie, requesting the necessities of life for the "great quantities of unfortunate beings" who were drawn to the priest "to fulfil the duties of their religion."¹⁶

12 Cogswell to Sigogne, 27 Nov. 1813, in Ethnic Collections, MG 15, Vol. 17, No. 2, Public Archives of Nova Scotia [hereafter PANS].

13 "To whom it may concern," 14 Sept. 1818, in CN-2-20, CEA. Election of the chief was strictly a tribal concern, but appears to have required 'recognition' (for official purposes) from the colonial administration. Meuse may have intended to use the letter to gain support both within the tribe and from government. In 1814, Sigogne had similarly supported Louis-Benjamin Peminuit Paul in the latter's attempt to have the colonial government confirm him as chief of the Shubenacadie tribe. See L.F.S. Upton, "Meuse, Andrew James," in *Dictionary of Canadian Biography*, VII (1988), 608-610; and L.F.S. Upton, "Peminuit Paul, Louis-Benjamin," in *ibid.*, 684-685.

14 Sigogne to Plessis, 16 Feb. 1815, in 312 CN, Nouvelle-Écosse, V:70.

15 *Ibid.*: "10 à 11 mille livres [sic?]."

16 "Memorial and Petition of J.M. Sigogne in behalf of the Indians, to His Excellency Lieutenant-General, the Right Honourable George, Earl of Dalhousie," 1 Feb. 1819, in CN-2-66, CEA.

Sigogne was not alone in his efforts to promote the welfare of the Mi'kmaq. In the early 1820s, he began to correspond regularly with Judge Peleg Wiswall in Digby, concerning the deplorable conditions within the local tribe. Together the two men worked to develop contacts with influential people, both in Halifax and in southwestern Nova Scotia, in order "to bring these unfortunate beings to a better mode of life."¹⁷ Initially--and often at their own personal expense--they focused on obtaining for the destitute Mi'kmaq blankets and warm clothing.¹⁸ Writing to Wiswall in 1823, Sigogne noted that, pursuant to a recent petition to the governor of the province, goods received from the latter had been "faithfully delivered...and distributed to those it was intended for"--but not without difficulty: some "malevolent person or persons," unhappy with their share of the goods, had complained that either the priest (Sigogne) or the chief (Meuse) had held back on some of these, thus causing unrest among the Mi'kmaq. Sigogne wanted Wiswall to use "the enclosed Inventory and the Bill of Lading to undceive and satisfy them."¹⁹

This early correspondence with Judge Wiswall developed into a lasting collaboration and friendship between the two, in their efforts to improve the welfare of the Mi'kmaq. None other than Thomas Chandler Haliburton once remarked in a letter to Sigogne on the priest's generosity, noting particularly "the expense [you have] incurred on behalf of the Indians, by far too much for any individual."²⁰ Indeed, all these people intervened in their own way during these years, in order to improve the material and spiritual well-being of the Mi'kmaq, to promote their development through education and to preserve their pride in their language and culture.

The correspondence between Sigogne and Wiswall, and with others sharing similar humanitarian concerns, suggests an intricate web of collaboration throughout the region, devoted to improving the situation of the

17 Sigogne to Wiswall, 30 Jan. 1826, in Peleg Wiswall fonds, MG 1, Vol. 979, F8/3, PANS.

18 Sigogne to Dr. Muffet [at Saint John, NB], 2 Dec. 1830, in CN-2-33, CEA; and Sigogne to Wiswall, 1 Jan. 1831, in MG 1, Vol. 979, F8/19, PANS.

19 Sigogne to Wiswall, 10 Jan. 1823, in *ibid.*, F8/1.

20 Haliburton to Sigogne, 23 Jan. 1827, in MG 15, Vol. 17, No. 5, PANS.

Mi'kmaq. A predominant theme among influential native and European leaders alike became the securing of permanent grants of land upon which to settle the Mi'kmaq: "it certainly shall be a comfort to them and a means of fixing their wandering dispositions."²¹

Sigogne's particular wish for the Digby-Annapolis tribe was for them

to have sufficient quantity of land to form a settlement of themselves only, 1500 or 2000 acres, if possible, [provided for them] in [such] a manner that they could not dispose of any part of it but amongst themselves. And in order to fix them the better to the spot, [and to] make them plant and sow, to allow them a small house of worship and burial-ground for themselves chiefly.²²

In the closing remarks of this letter to Judge Wiswall, Sigogne freely acknowledged that the remedy to "the most wretched condition they now live in" would be arduous, requiring much time; Haliburton would add a year later, "The subject is replete with difficulties."²³

In pursuing this objective, Sigogne and his colleagues soon encountered Walter Bromley, the humanitarian and educator who had emerged as a leader in promoting Mi'kmaq welfare during the first part of the nineteenth century.²⁴ His Halifax-based North American Indian Institution was specifically directed towards the same goal: obtaining from the colonial government, land and agricultural tools for various Mi'kmaq encampments throughout mainland Nova Scotia. In 1822, Bromley began a collaboration with Andrew Meuse, chief of the Digby-Annapolis Mi'kmaq, to obtain a 1000-acre grant at Bear River for the local tribe.²⁵

The colonial government was reluctant here, as elsewhere, to grant land outright to the Mi'kmaq. Bromley and Meuse's request to gain a freehold tract was refused, but when Sigogne and Wiswall began concerted efforts to obtain a reserve instead, the government acquiesced and set aside the requested acreage, placing Meuse in charge. The land was surveyed in 1827 and first occupied in 1828. It has been said that born leaders are themselves resistant to being led; Meuse would appear to have been no exception to this

21 Sigogne to Wiswall, 27 Dec. 1828, in MG 1, Vol. 979, F8/13, PANS.

22 Sigogne to Wiswall, 30 Jan. 1826, in *ibid.*, F8/3.

23 Haliburton to Sigogne, 23 Jan. 1827, in MG 15, Vol. 17, No. 5, PANS.

24 See Judith Fingard, "Bromley, Walter," in *Dictionary of Canadian Biography*, VII (1988), 107-110.

25 Upton, "Meuse."

general observation. He was an impressive figure and an eloquent speaker who, during two visits to England in 1825 and 1831/32, met with "some of the leading Quaker philanthropists"--not the least of whom was the distinguished Elizabeth Fry. Their money, plus provincial government assistance, helped to establish the Bear River reserve in its first years.²⁶

Meuse nevertheless had his weaknesses. It is not certain if he was directly involved in the "quarrels and discord among the Indians" at their Bear River encampment during the summer of 1828,²⁷ but in 1831 Sigogne was expressing displeasure with the chief's "indifference for religion." The priest feared the "consequences of that nonchalance[,] for [Meuse], his family and his neighbours by the bad example, which is always contagious."²⁸ Sigogne was particularly concerned that Meuse's ongoing contact with the Quakers would undermine the local tribe's staunch Catholicism.²⁹

Again in 1833, Sigogne alluded to "some troubles in [Meuse's] family,"³⁰ likely the result of the chief's recurring alcohol dependence; at about this time and for the same reason, Meuse was also replaced as chief of the local tribe.³¹ Nevertheless, Sigogne never despaired of the Mi'kmaq leader, and his determination and patience eventually paid off. Meuse remained the most prominent of the Bear River Mi'kmaq, and a staunch ally in the continuing relief endeavours spearheaded by Sigogne and Wiswall; additionally, he would be instrumental in collecting much of the subscription money raised to pay for a chapel on the reserve.³²

Considered in its historical context, Sigogne and his colleagues had a twofold purpose in collaborating on the establishment of a reserve for the

26 *Ibid.*

27 Sigogne to Wiswall, 27 Dec. 1828, in MG 1, Vol. 979, F8/13, PANS.

28 Sigogne to Wiswall, 29 Mar. 1831, in *ibid.*, F8/21.

29 Upton, "Meuse."

30 Sigogne to Wiswall, 30 Dec. 1833, in MG 15, Vol. 17, No. 4, PANS. As late as 1835, Meuse was still being remunerated for his work on the chapel.

31 Upton, "Meuse."

32 Sigogne to Wiswall, 17 Jan. 1835, in MG 1, Vol. 979, F8/22, PANS. See also expenses paid to Meuse regarding the Halifax subscription, in "Accounts," *ibid.*, F8/25.

Mi'kmaq. Firstly, their own land would encourage a settled existence and would further protect them from the "vices borrowed from the whites," as Haliburton bluntly expressed it: "We owe them much for they have derived many misfortunes, but very little benefit from any intercourse with us."³³ Sigogne deplored the exploitation of the Mi'kmaq by the European settlers, especially in the way alcohol was sold or traded to them³⁴--a practice which led to serious problems not only within the tribe, but also within individual Mi'kmaq families. Sigogne and the Mi'kmaq elders held each other in high esteem and affection;³⁵ this in turn allowed him to work progressively with other influential Europeans towards the establishment of what he described as "a mode of life more convenient or better adapted to their present wants, being deprived as they say themselves, of their native resources by the more and more rapid increase of white people's settlements."³⁶

The second purpose in these efforts was to preserve the Catholic religion of the Mi'kmaq. Sigogne was vehemently opposed to the "meddlers of the present day," those zealots from other denominations who tried to intervene and "draw the Indians from their religious principles and native manners."³⁷ He particularly railed against Bromley's activities, accusing him of attempting, through "mischievous intentions," to cajole the Mi'kmaq to his own Protestant beliefs.³⁸ Years later, Sigogne interpreted Bromley's proselytising in the following manner:

[Bromley] thought it a duty to try to corrupt the religion of the Indians. He, by subscription, collected the sum of £500 to help him in his undertaking for the *civilization* of Indians and for their *conversion*, which [sum] he employed to his profit and to disturb their peace and mine, though he tried to make me in his mistaken zeal his coadjutor, my name being a favourable means to deceive my children. He met with them, read his Bible, tried to teach some to read, dispersed some tracts, and left these forlorn ignorant beings to understand his mischievous intentions.³⁹

33 Haliburton to Sigogne, 23 Jan. 1827, in MG 15, Vol. 17, No. 5, PANS.

34 Sigogne to John Thonson [Thompson?], 9 June 1813, in MG 1, Vol. 2616, No. 33, PANS.

35 "Memorial...in behalf of the Indians," in CN-2-66, CEA.

36 Sigogne to Wiswall, 30 Jan. 1826, in MG 1, Vol. 979, F8/3, PANS.

37 *Ibid.*

38 Sigogne to Rt. Rev. Dr. William Walsh, 17 Aug. 1843, in CN-2-38, CEA.

39 *Ibid.* The words in italics were underlined by Sigogne in the original.

The reaction of the Mi'kmaq, as reported by Sigogne, is noteworthy:

A great alarm was then spread amongst them. The chief Indians gathered around me immediately to oppose and put a stop, if possible, to the threatening mischief. They desired me to appoint a chief. (They were of Shubenacadie.) I chose Benjamin Peminouit [sic], a man of piety, then they made me draw [up] an address and a petition to Sir John Sherbrooke, the Governor, a most liberal and noble heart. In the address, they professed most respectfully their sincere allegiance to the English Dynasty, protested an entire submission to the representative of His Britannic Majesty, begged earnestly the confirmation of their choice, [and] supplicated most humbly no new ways to be introduced amongst them....⁴⁰

Looking back on his long career of assistance to the Mi'kmaq, Sigogne recalled how he had repeatedly intervened on their behalf,

that they might and would enjoy the free exercise of the religion of their Ancestors; and be assisted in multiplying amongst themselves the books they had in their own language and [in] characters peculiar to them, which books were still numerous enough and most excellent... . I spared neither expense nor pain to render myself capable of serving them as missionary. They relied much upon me.⁴¹

Sigogne's opposition to Bromley's humanitarian efforts provides an interesting study in contrasts. First, there is no doubt that both intended in their own way to do good. The main obstacle as expressed by Sigogne was Bromley's efforts to lead them away from the Catholic faith, an activity which he could not and would not condone. Second--and what is more remarkable in Sigogne's pastoral undertakings--was his personal willingness to preach to and even to baptise Anglo-Protestants who invited him to do so, lacking their own resident clergy.⁴² He preached to them from his own pulpit, and requested permission from his bishop to do the same in their own churches. This Bishop Plessis flatly refused, however, saying that proselytising was disallowed and carried grave consequences.⁴³ It would

40 *Ibid.* Cf. Upton, "Peminouit Paul."

41 Sigogne to Walsh, 17 Aug. 1843, in CN-2-38, CEA. Sigogne concluded this long letter by expressing regrets that the Mi'kmaq had been ordered "to apply for their confessions to the priest in their quarters [i.e., within their own parish, rather than travelling to Sigogne's]." He hoped that "Father Vincent [would] preserve their books and language"; if not, Sigogne feared, they would "forget the Mi'kmaq tongue and with it the faith."

42 Sigogne to Denaut, 24 Aug. 1801, in 312 CN, *Nouvelle-Ecosse*, V:36, and 24 Oct. 1802, in V:42, AAQ.

43 Plessis to Sigogne, 1 Apr. 1803, in 211A, Vol. 4, pp. 136-137, AAQ.

therefore seem that Sigogne favoured ecumenical humanitarianism as it applied to him and to his faith--but strongly opposed it when it infringed upon his jurisdiction.

Many references in Sigogne's writings testify to his great affection for his "dear children," and include various descriptions of their visits to his church at Sainte-Marie, especially on the feast day of Sainte-Anne on 26 July. Among all his letters regarding the Mi'kmaq, however, one stands out most eloquently. Written in 1844 when he was eighty, and just ten months before his death, Sigogne recalled officiating at the dedication of the Mi'kmaq chapel at Bear River; his words are a timeless expression of his admiration and love for them:

At the beginning of my mission in this then very wild country, a great number of the Mi'kmaq, old and young, men and women, sang before me with the greatest attention, unction and devotion, the high Mass, *De beata gaudeamus*. (I believe they know no other, except the mass of *Requiem* for the dead.) I never heard such affecting and beautiful music, even in the old cathedral of Tours, where I assisted on St. Gatien's the patronal [saint], Christmas days and other great solemnities, the archbishop officiating. Amongst these Indian Mi'kmaq, good choristers, there was especially a man named Daniel Tony (i.e., Antoine, son of Antoine) [marginal note by Sigogne], well informed in the Indian sciences, with the most charming voice possible. He knew by heart all the office and many spiritual songs which were also dogmatical upon the chief truths of religion, for Christmas, Easter and Corpus Christi [*fête-Dieu*]. I have seen this man, then blind, on the day of the dedication of St. Francis-Xavier's church at Bear River sing high Mass and the whole vespers for Sunday, the five psalms with long antiphons, the hymn of the Paris breviary, *O luce qui mortalibus*, [the] Magnificat, [the] suffrages, versicles and orations with an antiphon to the Blessed Virgin, all that standing leaning on his staff. I officiated that day [and] I followed the man having in hand a missal containing such an office.⁴⁴

Although Sigogne had intended as early as 1816 to build a church for the Mi'kmaq in the Digby-Annapolis Royal area,⁴⁵ it was not until the mid-1820s that the project got under way. This was not unusual for the missionary priest, since some of his churches built in the Acadian communities also took many years to launch and still more to complete; his second church in Sainte-Marie, for example, took eight years to build.⁴⁶ It was, therefore, not until the colonial government agreed in 1826 to set aside land for a reserve at Bear

44 Sigogne to Walsh, 23 Jan. 1844, in CN-2-39, CEA. This document also reveals that the chapel was dedicated to the patron saint, St. Francis-Xavier.

45 Sigogne to Gallicher, 19 Aug. 1816, in CN-2-19, CEA.

46 Boudreau, *Sigogne*, p. 140.

River that the prospect of a church became tangible: the reserved land was to include both a chapel and a burial-ground.⁴⁷

Two years later Sigogne wrote to Wiswall, expressing "heartfelt joy" at the gradual but continuing progress: the priest had requested financial assistance from the governor, as well as permission to "raise a little subscription to...build a small house of worship" at Bear River.⁴⁸ His request appears to have been answered in January 1831, when the government granted £100 to Meuse,⁴⁹ specifically towards construction of a chapel: "Thus the affair to my joy shall go on. Thanks [be to] God."⁵⁰

In July of the same year, Sigogne wrote Wiswall of his intention to visit both Bear River and the judge in late August instead of September as originally planned, because in September the Mi'kmaq traditionally departed on their annual moose hunt.⁵¹ No direct reference was made to the chapel being finished, obviously because it was still under construction--a fact of which we are certain, because of an entry in the Sainte-Marie parish register.⁵² That entry reports that the blessing and the laying of the cornerstone of the chapel at Bear River were held on 19 April 1831, in the presence of the local Mi'kmaq and others. Those in attendance were well satisfied with the choice of Saint Francis-Xavier as the patron of the church; it was also planned to name the reserve after the same saint.

Not until 1836 could Sigogne report that the chapel was built--but not completely finished:

The Indians about Annapolis with the approbation and some assistance of His Excellency and government under the auspices and superintendence of the late Judge Wiswall and mine, encouraged by some donations of well wishing people in Halifax, Annapolis, Digby, etc., have built a chapel at Bear River upon land granted them and have formed a small village upon the ground in

47 Sigogne to Wiswall, 30 Jan. 1826, in MG 1, Vol. 979, F8/3, PANS.

48 Sigogne to Wiswall, 7 Apr. 1828, in *ibid.*, F8/7.

49 Upton, "Meuse."

50 Sigogne to Wiswall, 1 Jan. 1831, in MG 1, Vol. 979, F8/19, PANS.

51 Sigogne to Wiswall, 29 July 1831, in MG 15, Vol. 17, No. 3, PANS.

52 "Régistre ou Catalogue généalogique des familles de l'ancienne paroisse de Sainte-Marie à la Baie Ste-Marie, de 1768-1893 inclusivement," in Fonds Placide Gaudet (mfm.), p. 16, CEA. The original parish register was destroyed in a fire, 1893; previous to this, however, some entries had been transcribed by Gaudet.

which already they have built framed houses, applying themselves in sowing grain and planting potatoes, etc. But as yet their chapel is unfinished, they think that with the small sum of £25 [plus] their labour and contributions, they will finish it.⁵³

Further documents found at the Public Archives of Nova Scotia provide additional interesting details.⁵⁴ For example, we learn that the chapel was completed, except for the interior finish, by November 1831. Its dimensions were 45' x 25' x 13', with a porch over the door at the west end. The chapel had windows--two of them being blind--a double door, and white-washed shingles on the outside. The contractor was William Farnham. The total bill to that date was £142.6s.1/2d, approximately \$7100 at today's conversion rates--an unbelievably small sum, until one realizes that £2.11s.4d (approximately \$125 today) bought 1286 feet of boards and 5 shillings (approximately \$12) hired a team of oxen for the construction. In reality, the amount of money raised for the project went a very long way indeed. On 1 March 1832, there were still £5.12s. (\$280 today) owed to the contractor, over and above the expense of having the interior finished. Another surviving document provides information on revenue raised for the chapel; besides the grant of £100 from the government, over £36 had been collected in subscriptions: £26 in the Halifax area (minus expenses of £8.7.6d); £11 by the intrepid Andrew Meuse; close to £7 by Sigogne and the Acadians; and what seems to have been a loan of £1 from J.C. Tobin.⁵⁵

Human frailties are accentuated and made manifest when people are under oppression; such was the case with the Mi'kmaq, deprived by the conquering Europeans of their centuries-old native rights to their land and culture. They were subjected to the European governing powers, white men's vices and diseases became their plight, and their numbers decreased dramatically.

53. Sigogne to Dr. Joseph Bond (at Yarmouth, NS), 17 Oct. 1836, in Burke Papers, Vol. 1, No. 43, AAH.

54. "Donations to the Indian Chapel at Bear River," 1831, and invoice, "William Farnham in account with Judge Wiswall and Rev. Fr. Sigogne," 1831/32, in MG 1, Vol. 979, F8/23-25, PANS. See also, MG 15, Vol. 17, *passim*, PANS.

55. "Subscriptions of the inhabitants of the Township of Clare from the Chapel to the Grosses Coques Bridge for the Annapolis Chapel," n.d., in CN-2-152, CEA.

Naturally, these events created unprecedented turmoil, disequilibrium and negative consequences in their everyday living. Not unlike others, the Mi'kmaq were forced under these circumstances to deal with various situations which were not altogether of their making; and in many instances they lacked the proper means to meet the challenges of this upheaval and to prevent encroachment by the more powerful and resourceful governing Europeans. Well-intentioned humanitarians of the time, such as Sigogne, Wiswall, Haliburton, Bromley and others, took upon themselves to repair--in some measure and within the scope of their own biases and philosophies of life--the damage which had been inflicted upon this proud and brave people.

The missionary priest, Jean Mandé Sigogne--he whom the Mi'kmaq called *Nujinen*--was one such humanitarian, very much involved in carving out for the Mi'kmaq of the Digby-Annapolis area a place of their own where they would have land to develop and exploit, a chapel in which to worship, and a burial-ground where their dead could be interred with dignity. This was the origin of the reserve at Bear River, Nova Scotia. The concept and historical value of reserves in general may today be questioned, but Sigogne's intentions were highly honourable and his concern for the Mi'kmaq people truly authentic.

From State Action to Private Profit: The Emergence of the Business Corporation in Nova Scotia, 1796-1883

Barbara A.M. Patton

In 1883 the provincial legislature passed the *Nova Scotia Joint Stock Companies Act*, which gave the automatic right of limited liability to all who applied. Incorporation provided a company with a legal personality, separate and distinct from its members, which in theory could exist indefinitely. It also conferred a special privilege on the incorporators: limited liability. This meant that if the company incurred debts it could not meet, creditors could only exact from the shareholders an amount equal to their share capital in the corporation.

In nineteenth-century Britain, limited liability as an automatic right of incorporation came in 1855 only after fierce debate. In Ontario and many American jurisdictions, on the other hand, the issue attracted little attention. Was limited liability a privilege for which Nova Scotia had to struggle, or was it of minimal concern to the public? Was the failure to have a general incorporation act with limited liability an impediment to Nova Scotia's economic development? This paper will attempt to answer the first question by looking at the nature of incorporation in nineteenth-century Nova Scotia, and by comparing it with developments elsewhere. The second question is part of the wider issue of the extent to which law can be a catalyst of economic development. Is it the fuel which fires an economy, or is it a by-product of economic and social forces?

Anglo-American Company Law in the Late Eighteenth Century

The direct ancestor of the modern business corporation was the English joint-stock company, which flourished from the latter half of the sixteenth century to the nineteenth. This method of conducting business was likely a product of both the continental *commenda* (franchises) and the English guilds, though its direct descent remains unclear.¹ It is known that, by the sixteenth century, individuals who traded abroad in the same goods banded together in what were called regulated companies. The prime purpose of these associations was trade protection,² and the regulated company was generally chartered and acquired a

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1 T. Hadden, *Company Law and Capitalism*, 2nd ed. (London, 1977), p. 10.

2 L.C.B. Gower, *Modern Company Law*, 2nd ed. (London, 1969), p. 24.

monopoly from the crown for the right to trade in a specified commodity. In the actual operation of the company, members handled trade in their 'own bottom', that is in their own vessel carrying their own stocks of wool, hides or tin.³

Over time the mutual advantages of trading in each other's goods and collecting monies on each other's behalf became apparent and led to the formation of joint-stock companies. This form of business organization was seen as particularly valuable when the trading venture took people far from home; as it was said of trade with Russia in this period, "in long and dangerous voyages...a joint stock was held necessary, for in that voyage one alone will not venture."⁴ Members of early joint-stock companies maintained the close links with the state forged through the regulated companies. In part, this was because a monopoly of trade in a particular product helped offset the risks of foreign trade. Increasingly, however, approval from the crown for trading ventures was necessary to protect oneself in troubled times from charges of criminal conspiracy with the enemy.⁵ By the Tudor period, the granting of a monopoly and the issuing of a charter of incorporation were firmly bound together, and were the prerogative of the crown.⁶ This continued until the Revolution of 1688, when the power to grant monopolies was secured by parliament, and the crown was limited to conferring charters of incorporation only.⁷ Nevertheless, in England the association of monopoly and incorporation continued despite the division of powers.

The corporations which came into existence between 1485 and 1700, e.g., the Russia Company (1554), the English East India Company (1600), the Hudson's Bay Company (1670) and the Massachusetts Bay Company (1629) were not

3 H.G. Henn and J.R. Alexander, *Laws of Corporations and Other Business Enterprises*, 3rd ed. (St. Paul MN, 1983), p. 19.

4 Cited by Hadden, *Company Law*, p. 5 from W.R. Scott, *Joint Stock Companies to 1720* (London, 1912).

5 J.W. Hurst, *The Legitimacy of the Business Corporation in the Law of the United States, 1780-1970* (Charlottesville VA, 1970), p. 4, note 2.

6 Henn and Alexander, *Laws of Corporations*, p. 18, see this as the re-emergence of the "old Roman and papal fiat theory that a corporation could only be created by proper authority--royal assent as manifested by charter or special act of Parliament." This is sometimes referred to as the 'concession theory', the corporation being thus created through a concession of the state. In contrast, Hurst sees English corporate law to be distinctly English and to owe little to either canon or civil law: Hurst, *Legitimacy*, p. 7.

7 B.C. Hunt, *The Development of the Business Corporation in England, 1800-1867* (Cambridge MA, 1936), pp. 4-5.

corporations in the modern sense, but rather crown agencies acting as instruments of British commercial and territorial expansion. They became organs of the state by "organizing the terms of trade, setting up local governments, controlling customs, and in effect, making foreign policy in their areas of operation,"⁸ and were "irreparably connected with British naval and maritime progress."⁹ Yet as the seventeenth century advanced, the commercial functions of the trading companies began to supersede the political ones. Increasingly incorporations were sought in the domestic sphere where a charter was necessary in order to work on a "patent of monopoly granted to an inventor."¹⁰ At the same time, the popularity of unincorporated joint-stock companies was increasing at a rapid rate, for where monopoly was not seen as a necessity, lawyers could effect "all the necessary provisions for the raising of a joint stock by means of a deed of association which individual parties might join simply by signature."¹¹

As the number of companies increased so too did the level of abuse, and by the early eighteenth century the business corporation had tarnished its reputation. Many companies claimed to be incorporated when they were not, and others operated under the terms of charters granted to companies which had long ago ceased to exist. The failure of the South Sea Company and the ensuing panic caused the government to pass legislation which was to discourage the corporate structure for the better part of a century.

The South Sea Company, which was founded in 1710 in order to exploit the South American trade, also proposed to relieve the government of the national debt by converting government annuities into stock in the company. The theory was that this would constitute a 'fund of credit' for the commercial trading operations of the company, so that when the company made money it would be able to cover the interest due on the converted stock. When the South Sea Company failed to prosper, however, it came to rely more and more upon sustaining the value of its stock in the marketplace. The company went so far as to bolster the price of its shares by lending its money on the security of those

8 *Ibid.* Blackstone described an overseas trading company of this period as a "little republic": 1 *Commentaries* (1765) 465; cited in Henn and Alexander, *Laws of Corporations*, p. 20, note 4.

9 Scott, *Joint Stock Companies*, cited in Hadden, *Company Law*, p. 13.

10 Gower, *Modern Company Law*, p. 27, note 4.

11 Hadden, *Company Law*, p. 5.

same shares. This led to enormous speculation and the formation of a host of new companies, including many fraudulent ones. The network collapsed in 1720. Parliament fined the directors of the South Sea Company for "notorious fraud and breach of trust,"¹² and enacted the so-called Bubble Act.¹³

The Bubble Act was a criminal statute aimed directly at the unincorporated joint-stock companies, particularly those operating under fraudulent claims. Yet the act specifically exempted the partnership, which was the legal basis under which the unincorporated joint-stock companies were organized. Under the terms of the Bubble Act it was so difficult for any group of people to obtain incorporation that, for the better part of a century after it was passed, very few bothered to seek such status.¹⁴ Instead, businessmen continued to turn to lawyers who secured rights almost equal to incorporation through deeds of settlement.¹⁵ As time would show, the imperium, in enacting the Bubble Act, abdicated its role in directing business activity and lost the ability to regulate business practices which it had so vigorously sought 200 years before.

The Bubble Act so retarded the use of incorporation in England for more than a century that in most areas of economic activity new corporations were rarely established.¹⁶ However, where large amounts of capital were required, as in canal building, businessmen were able to persuade Parliament to let statutory incorporation go forward. The first act incorporating a canal company was passed in 1766, and by 1800 more than 100 companies had received similar privileges.¹⁷ This relaxation by Parliament in one sphere provided precedents for the struggle which marked English corporate history throughout the first half of the nineteenth century.

12 *Ibid.*, pp. 15-6.

13 7 Geo. 1, c. 18.

14 Henn and Alexander, *Laws of Corporations*, state that the charters issued in this period were mostly for banks, fire and marine insurance companies, and canal and water enterprises.

15 Gower, *Modern Company Law*, pp. 33-4.

16 Hadden, *Company Law*, p. 16, argues that the impact on the major established joint-stock companies has been exaggerated and that most of them continued operations.

17 Gower, *Modern Company Law*, p. 32, note 45.

United States

In the United States there was little which could be said to have constituted corporate law before the Revolution. Because the "simple condition of the economy along the North Atlantic coast" did not require the corporate form of business association,¹⁸ there was little need to 'receive' English corporation law into the colonies. For the most part, large-scale enterprises--of which there were few--were able to flourish without recourse to charters of incorporation. Businesses were organized into unincorporated joint-stock companies, partnerships and sole proprietorships, and considerable use was made of the Tudor Statute of Uses (1535) and trusts.¹⁹ Yet the dominant means of conducting corporate business was by contract.

Beginning in the late eighteenth century, however, businessmen made increasing use of incorporation. Between 1780 and 1801 more than 350 companies were incorporated²⁰ under state law,²¹ a sharp contrast with English practice. Yet the sorts of companies incorporated in the United States in this period were the very same as were being incorporated in Britain. In both countries, incorporation was being used for long-term, expensive undertakings which were too risky or expensive for individuals to finance. Between 1780 and 1801 business incorporations in the new republic were largely public in character, as they were in Britain. They were public in the sense that we now view the development of a country's economic infrastructure as a responsibility of government. They contrasted sharply with incorporations during the early modern period of English history, when incorporation was a means of augmenting the power and influence of the English state abroad. Hurst's study of

18 Hurst, *Legitimacy*, p. 7.

19 See O. and M.F. Handlin, "Origins of the American Business Corporation," *Journal of Economic History* 5, 1 (1945), 5-6 and Hurst, *Legitimacy*, p. 14, note 2. The Handlins observe that American laws provided the "extremely flexible concepts of uses and trusts...which in the 1880s were to furnish the instruments of the widest and most intense American concentration, until the antitrust movement made necessary a reversion to the corporate structure."

20 Handlin, "Origins," p. 5, note 19. NB Joseph S. Davis tabulated a total of 171 for New England in his work, *Essays in the Earlier History of American Corporations* (Cambridge MA, 1917).

21 NB Under the Articles of Confederation (1784), Congress had no power to incorporate: Henn and Alexander, *Laws of Corporations*, p. 24.

this period of American history shows that canals, turnpikes and toll bridges comprised more than two-thirds of the incorporations. Banks and insurance companies counted for another 20 per cent and local public services, such as the provision of fresh water, an additional 10 per cent. The balance, a mere 4 per cent, denoted companies carrying out commercial operations.²²

Limited Liability

At the end of the eighteenth century, lawyers in England and America would have associated incorporation with both public activities and monopoly. They would also have said that another feature of incorporation was that it restricted the losses individual members could suffer to the interest which they held in the company. The idea that an investor's liability could be limited first found expression among the merchants of twelfth-century Pisa and Florence, who formed partnerships in which the liability of those who put up capital was limited in return for a share of the profits.²³ It was embraced in French law by 1253, while in England the *Yearbooks* of 1440 and 1441 record that the liability of the *universitas* was limited.²⁴ By Lord Coke's time, it is quite clear that incorporation automatically carried with it a right to limited liability, for it was firmly held that the monarch could not impose financial losses on a subject. Even though the 'Glorious Revolution' gave Parliament the power to alter this, it was understood that in the absence of a specific statute providing that the shareholders were liable for the debts of the corporation, no liability could be incurred.²⁵ This presumption also existed in the corporate law of the United States in the nineteenth century.²⁶

What recourse did a creditor have if the corporation was unable to pay its bills? The courts of common law could offer no help, for the presumption there was that limited liability was an attribute of incorporation. Equity, however, did

22 Hurst, *Legitimacy*, p. 7, note 2.

23 L.R. Hepburn, *Limited Partnerships* (Don Mills ON, 1985), pp. 1-4.

24 A.B. DuBois, *The English Business Company after the Bubble Act, 1720-1800* (New York, 1938), p. 94, note 46a. See *Yearbooks* 19 Hen. VI, Pasch., pl. 1 (1440); 20 Hen. VI, Mich., p. 19 (1441). The Handlins cite Pollock and Maitland for the proposition that "early English law knew nothing of limited liability." However, they are referring to the period prior to the fifteenth century.

25 V.E. Mitchell, *A Treatise on the Law Relating to Commercial Corporations* (Montreal, 1916), p. 545, note 15.

26 Hurst, *Legitimacy*, p. 27, note 2.

provide some relief. In *Salmon v. Hamborough Company* (1671),²⁷ the personal effects of members of a corporation devoid of assets were reached through 'levitations'.²⁸ This was a provision inserted in many charters which gave the officers of the corporation express powers to make 'calls' or assessments on their members in order to pay the corporation's debts. However, when Dr. Salmon approached the officers of the Hamborough Company (which dealt in 'cloaths') for payment of the £2,000 he had lent them, they stated that they had no money and "they did pretend want of Power by their Charter to lay such Taxes" of their members. Appealing finally to the House of Lords, he obtained satisfaction for his debt when the court ruled that, unless the shareholders paid Dr. Salmon within ninety days, they would require "Levitations upon the Trade, or Members of the said Company" to cover the debt. Salmon must have been a tenacious litigant, for he first took the Hamborough Company to court in 1656 and his appeal was not heard by the House of Lords until 20 January 1670.

Thus while a creditor could force the corporation to make the levitation by a 'process resembling subrogation', as time went on, would-be incorporators learned to have such a clause excluded from their charters so that limited liability was ensured, or to have a specific clause inserted to limit the amount for which the shareholder was responsible relative to the amount subscribed.²⁹

Limited Liability in Nova Scotia

In Nova Scotia the corporation's liability was invariably prescribed by statute, whether private or public act, so that the position at common law did not need to be clarified by the courts. In only four cases was the shareholder's liability for corporate debts put before the courts.³⁰ The case which provides the most insight into the matter is *Re Nash Brick and Pottery Manufacturing Company* (1873), where a group of shareholders tried to escape responsibility for their company's debts by arguing that the directors had had no right to raise money on a mortgage.

27 1 Ch. Cas. 204; 22 E.R. 763.

28 Handlin, "Origins," p. 13, note 67.

29 See Henn and Alexander, *Laws of Corporations*, pp. 19-20.

30 In *Re Nash Brick and Pottery Manufacturing Co.*, (1873), 9 N.S.R. 254; *Church Wardens, &c. of Amherst v. Davison*, (1855) 2 N.S.R. 106; *Re Wallace Heustis Grey Stone Company*, 461; and *Re The Halifax Yacht Club*, 475 and *Scott v. Royal Halifax Yacht Club*, (1880) 13 N.S.R. 322.

The court disagreed and found that the directors of the company, incorporated under the *Act for the Incorporation and Winding Up of Joint Stock Companies* (1862),³¹ had authority to take out a mortgage, and that a shareholder had the responsibility to meet the debts to "an amount equal to double the stock held by him" as the act specified.

Sometimes shareholders tried to escape responsibility through ingenious devices such as the one employed by some members of the Wallace Huestis Grey Stone Company. In an effort to show that they no longer held any interest in the enterprise, several shareholders claimed that they had turned over their shares to the company for a small sum, at which time the company had given them a letter stating that they were no longer members of the company. The court saw through the ruse and stated that the company had no power to accept this surrender of shares, and that the shareholders must pay up to double the amount of the value of their shares--as provided in the act under which the company had been incorporated.

However, the court did not go so far as to extend the provisions of the incorporation statutes to all corporations, as *Scott v. The Royal Halifax Yacht Club* shows. Mrs Scott brought an action against the club and its executive for a debt owing her deceased husband, arguing that, as the Yacht Club was incorporated, it was bound by the chapter of the Revised Statutes entitled, *Of General Provisions Respecting Corporations*,³² which placed no limitation on the liability of shareholders. However, the court held that the legislature intended this statute to apply only to "trading corporations and not to clubs for the promotion of sport." Furthermore, while s. 13 of that act stated that members should not be relieved of the liability that would have accrued to them as partners, the members of the RHYC were not partners and thus the section could not apply to them.

The earliest recorded case is unfortunately so brief that we can learn little from it of the attitudes of the courts. *Church-wardens, &c. Amherst v. Davison* (1853) appears to state that a person can sue either the corporation or the members of the corporation, but not both. One can therefore conclude that in Nova Scotia, where the statute under which a business was incorporated often did not fully limit the liability of the shareholders, the courts would insist that they meet the demands of

³¹ S.N.S., 1862, c. 2.

³² R.S.N.S., 1851, c. 87.

the creditors to the extent stipulated in the act.³³ There is no record of a business corporation, incorporated without a specific clause limiting its liability, being brought before the courts on the issue of liability. So we do not know whether the courts would have upheld the common-law presumption of limited liability. Chief Justice Sir William Young, presiding in the Supreme Court of Nova Scotia in Banco (court of appeal) in 1873, certainly made his view of the subject clear in *Re Nash Brick and Pottery Manufacturing Company*. Referring to "the principle of limited liability established in 1855 and 1856" in England, he declared that he "would deprecate its introduction into this Province."³⁴

Incorporation in Nova Scotia

The North American experience left its mark on the legal structure of Nova Scotia from the start. While Nova Scotia adopted English common and much statute law, it was selective with regard to the latter; as Beamish Murdoch observed, English law was "suited to the Great Empire...[and was not] as a whole, suited to our situation as a colony." Thus Nova Scotia borrowed from the mother country only points "as were found applicable to our situation and conformable to general principles." The law of Nova Scotia comprised appropriate English law, borrowings from "older provinces of North America," acts of the general assemblies of the province, and "the decisions and practice of our own courts, and the general usages of the people at large."³⁵

Murdoch's reading list for "young students of the law" included three English authorities who wrote on the corporation--Coke, Blackstone and Kyd--though some have argued that the latter two only repeated what Coke had set down in *Sutton Hospital* (1612) and the *Institutes* (1628-44).³⁶ Coke stated that the corporation existed with the consent of the state at common law, by prescription, by royal charter and by act of Parliament. Its purpose was to serve the "advantage

33. This is reinforced by Beamish Murdoch's statement that the presumption which he would expect the courts to make was that the extent of privileges was fully specified in the chartering act and the court would not presume any others: 2 *Epitome* 50.

34. *Re Nash Brick and Pottery Manufacturing Company*, 256.

35. Murdoch, 1 *Epitome*, 33-4.

36. *Sutton's Hospital Case*, (1612) 77 E.R. 960 (Ex. Ch.).

of the public [as in] the advancement of religion, of learning, and of commerce," and its most salient feature was that it could "take in succession." In this it was distinguished from human beings who had but limited life-spans. The 'life' of the body corporate, in contrast, could be indefinite for it was not tied to the lives of the original members of the association.

A corporate body had to possess a corporate name in which it could "sue or be sued, plead or be impleaded, grant or receive." It had to 'act and speak' through the use of a common seal, and because the corporation and its members were entirely different entities, "the debts of a corporation, either to or from it, are totally extinguished by its dissolution; so that the members thereof cannot recover, or be charged with them in their natural capacities."³⁷

In Coke's day, the corporation was most commonly associated with ecclesiastical and municipal corporations. Surprisingly, when Stewart Kyd published *A Treatise on the Law of Corporations*³⁸ in 1793-94, he included but a handful of references to the business corporation, though in actual fact--and despite the difficulties posed by the Bubble Act--there were at that time in England almost 100 companies, and in America more than 350, "grasping at the advantages of corporateness."³⁹

Murdoch saw differences between the law of corporations as it existed in Nova Scotia and as the English authorities described it. First, while alluding to earlier times when incorporations were granted by the crown, he stated that "in this province incorporations are few in number, and of recent origin, and are all grounded upon clearly expressed enactments of the Provincial legislature." This was in sharp contrast to the English situation, where the claim of some business associations to corporate status was based upon prescription.⁴⁰

Nova Scotia's reliance on legislative authority parallels the method of incorporation in the United States. In Hurst's view, American legislators, most of

37 See J.P. Davis, *Corporations: A Study of the Origin and Development of Great Combinations and of their Relation to the Authority of the State* (New York, 1971 [reprint of 1897 ed.]), v. 1.

38 Stewart Kyd, *A Treatise on the Law of Corporations* (London, 1793-4).

39 DuBois, *English Business Company*, p. 85.

40 Murdoch, 2 *Epitome* 50. The theory of prescription is that, where a body has acted as a corporation for a long period of time but cannot produce evidence of a royal or parliamentary charter, it will be assumed that one such was granted in the distant past but lost--thus legitimizing the body's corporate status.

whom were lawyers and certainly conversant with Blackstone and his reiteration of Coke, did not dispense with the notion that the authority of the sovereign was requisite in the creation of a corporation. Instead they reinterpreted it. This concept took expression in the public nature of the corporations which were formed in the late eighteenth and early nineteenth centuries. Hurst writes that the public character of the corporation in this period "implied that incorporation was inherently of such public concern that the public authority must confer it." This led to the conclusion that only the legislature could grant corporate status. Furthermore, the fact that the "scope and content of corporate organization" were spelled out in the legislative act emphasized the nature of the process. In his view, this contrasted dramatically with the English experience of the same period, when the Bubble Act forced businessmen to form joint-stock companies by private agreement using the deed of settlement.⁴¹

The second characteristic which Murdoch believed distinguished the Nova Scotian corporation from the English one was the fact that corporations in Nova Scotia could both purchase land and receive it through gift or devise. In Britain, corporations were barred from owning land through statutes of mortmain. Given this significant difference, Murdoch queried whether he could fully agree with Blackstone's statement that the process of incorporation, as noted above, could indeed be "inseparably incident" to every corporation.⁴²

Though Murdoch saw Nova Scotia law as being in a "state of transition," other members of the legal profession were not always so conversant as he with the distinctions between English and Nova Scotia law. In a judgment rendered almost forty years after Murdoch's *Epitome* was published, Chief Justice Sir William Young was critical of counsel who introduced in Nova Scotia courts arguments based on the English corporate experience. He stated, "Most of the cases cited at the argument are founded upon deeds of settlement or proceed on principles familiar to the *English Courts*, but with little bearing upon ours"⁴³ [emphasis in original]. Furthermore, the chief justice asserted, the imperial incorporation statutes bore little connection to Nova Scotia's.

41 Hurst, *Legitimacy*, p. 15. The corporations which were incorporated in England at this period also had a public character. Furthermore, only parliament could really confer corporate status. Yet there were still many corporations in existence whose 'corporateness' had its origin in prescription or royal charter.

42 Murdoch, 2 *Epitome* 51. British corporations could hold land if they sought and received royal permission to do so. On mortmain generally see A.H. Oosterhoff, "The Law of Mortmain: An Historical and Comparative Study," *University of Toronto Law Journal* 27 (1977) 257.

43 *Re Nash Brick and Pottery Manufacturing Company*, 256.

'Public' and 'Private' Aspects of Incorporation

The first business incorporation in Nova Scotia was that of the Halifax Bridge Company in 1796. Jonathan Tremain and others were given a right of incorporation for 99 years provided that they would complete a bridge across Halifax Harbour within ten. Thirty-four years later, only seven additional acts incorporating businesses had been passed, and by 1850 less than fifty more had been granted. However, by 1883, a total of 492 businesses had been incorporated, more than 75 per cent of the incorporations taking place after 1860. In addition, nearly 300 incorporations occurred in non-business sectors, such as charitable organizations, temperance halls, masonic lodges and cemetery companies. Of these almost 800 incorporations, nearly all were enacted by private members' bills. **Table 1** indicates the total number and percentage of business incorporations in selected time periods:

Table 1
Nova Scotia: Business Incorporations by Selected Time Periods

Range	Number	Percentage
1796-1830	7	1
1831-1840	24	5
1841-1850	23	4
1851-1860	63	13
1861-1870	173	35
1871-1883	202	41
Total	492	99

Source: *Statutes of Nova Scotia, 1796-1883*

These acts of incorporation were for bridge, canal, harbour, gas, water, railway, telegraph, banking, insurance, mining, steamship, manufacturing, fishing, pier construction and land companies. A miscellaneous category covers once-only types of incorporation, such as those dealing with a mercantile exchange (1855), contracting companies (1871 and 1872), hotels (1865 and 1876), an ice company (1875), and a skating rink (1878). In Nova Scotia, the building of roads was seen as a direct responsibility of the House of Assembly, so incorporations for road construction companies did not occur as in Ontario.

The public nature of incorporations, which characterized both the early English and the American experience, is also documented in the first period of Nova Scotia's corporate law. For example, of the seven acts of incorporation issued between 1796 and 1830, three were for bridges and a fourth was an application to build the Shubenacadie Canal. Incorporation for public works was also common in the 1840s, where thirteen out of twenty-three incorporations, or 57 per cent, fall into this category. **Table 2** shows the number and percentage of incorporations in nineteenth-century Nova Scotia in what would today be considered public-sector ventures.

Table 2
Public Sector Incorporations, 1796-1883

	Canals, Bridges, Harbours Gas & Water; Piers		Canals, Bridges etc., with Railways added	
	No. of Inc.	% of total Inc.	No. of Inc.	% of total Inc.
1796-1830	4	57	1}	
1831-1840	7	26	1}	same
1841-1850	13	57	1}	
1851-1860	23	38	29	48
1861-1870	14	8	27	16
1871-1883	16	8	33	16

Source: *Statutes of Nova Scotia, 1796-1883*

Overall 113 incorporations, or 23 per cent of the companies incorporated before 1883, can be categorized as public in nature, each contributing to development of the province's infrastructure. Before 1850, most petitions for incorporation involved *public* activities. After 1860, private-sector activities, notably mining and manufacturing, burgeoned.

Railway construction in Nova Scotia had both a public and a private aspect. Railways were seen as a means of putting the Maritimes 'on the map', but they were exceedingly expensive undertakings and the provinces could not afford to build them on their own. In the twenty years prior to Confederation, New Brunswick and Nova Scotia had both been unsuccessful in their efforts to connect the winter ports of Halifax and Saint John with Upper and Lower Canada by rail.

Politicians and capitalists were unable to agree on the terms under which the connecting lines should be built, and both the planned Intercolonial and the European & North American Railway "failed of fruition." Yet while they could not afford to build these railways themselves, each province did lay sections of the line within its own jurisdiction, so that by 1867 there existed a total of 610 km of railway. This construction alone augmented the public debt of the two provinces by more than \$10.5 million.⁴⁴ In pre-Confederation Nova Scotia, fourteen separate railway companies were incorporated, the majority involved in building sections of the line in order to link the major Nova Scotian centres. The remainder were for special uses associated with shipping, such as the construction of marine slips, or for operational use in mining.

Nineteenth-century Nova Scotia was an agricultural society, with only a very small proportion of its population engaged in manufacturing. In 1871, of an estimated male workforce of approximately 75,000, more than 46,000 were engaged in agriculture and 17,000 in the fishery. Manufacturing included sawmills, a few iron-ore-smelting furnaces, and shipbuilding. About 2 per cent of the population was employed in the mines.⁴⁵

When we turn to incorporation in the private sector, it is immediately apparent that the device was not applied to those activities which really drove the economy. One would not expect to find incorporations among agricultural ventures during this period, but it is interesting to note that there are only ten legislative acts concerned with fishing and only three of these are for shipbuilding.⁴⁶ The only hint that the sea was important to Nova Scotia is the fact that there were some thirty-five incorporations for pier-construction companies in various ports throughout the province. Furthermore, though lumbering was an important

44 *The Rowell-Sirois Report: An Abridgement of Book I of the Royal Commission Report on Dominion-Provincial Relations*, D.V. Smiley, ed. (Toronto, 1963), pp. 20-1. The original three-volume report was released in 1940.

45 R.C. Harris and J. Warkentin, *Canada Before Confederation: A Study in Historical Geography* (Toronto, 1974), pp. 180-216. (The estimate of male workers is the author's.) See also Smiley, *Rowell-Sirois Report*, pp. 15-8.

46 Sager and Panting's study of shipbuilding in Nova Scotia shows that shipowners were important investors in companies in the period 1850-1890, and that investment peaked in the 1870s. Significantly, these men sank their money into railways and financial institutions and not into the construction of steamships. As Sager and Panting observe, investors turned their attention inland and away from the sea-to Canada and away from trade: E.W. Sager and G. Panting, "Staple Economies and the Rise and Decline of the Shipping Industry in Atlantic Canada, 1820-1914," in *Change and Adaptation in Maritime History: The North Atlantic Fleets in the Nineteenth Century*, L.R. Fischer and G.E. Panting, eds. (St. John's NF, 1985), pp. 3-45.

activity, only five companies sought incorporation, and this was in 1875-6. Incorporation in Nova Scotia proliferated nowhere else but in the mining industry.

Table 3
Percentage of Incorporations by Sector, 1796-1883

Private Sector		Public Sector	
Mining	39%	Piers	7%
Manufacturing	15%	Gas & Water	5%
Railways	7%	Bridges, Harbours & Canals	3%
Steamships	6%		
Insurance	6%		
Fishing & Shipbuilding	3%		
Banking	2%		
Miscellaneous	5%		
Totals: <i>Private</i>	83%	<i>Public</i> 15% <i>where railways are treated as private sector</i>	
<i>Private</i>	76%	<i>Public</i> 22% <i>where railways are treated as public sector</i>	

Source: *Statutes of Nova Scotia, 1796-1883*

The distinction between public-sector and private-sector incorporations in Nova Scotia mirrors patterns of incorporation found in New England and Ontario. In economies dependent on agriculture, incorporation was used largely in public-sector activities. Indeed, Chandler argues that the business practices of fourteenth-century Venetians remained adequate for most aspects of the American economy until about 1840.⁴⁷ As industries requiring large sums of capital began to develop, the number of incorporations increased. Public-sector activities declined, Kessler finding that in New England between 1800 and 1875, only slightly more than 30 per cent of incorporations could be classified in that category.⁴⁸

For a roughly comparable period in Upper Canada/Canada West, 1819-67, public-sector activities comprised 50 per cent of all incorporations--if road-building and railway construction are included--but 21 per cent if they are not.⁴⁹ Here the tendency

47 A.O. Chandler, *The Visible Hand: The Managerial Revolution in American Business* (Cambridge MA, 1977), p.10.

48 W.C. Kessler, "Incorporation in New England: A Statistical Study, 1800-1875," *Journal of Economic History*, 8 (1948) 43, 46-7.

towards incorporation came after 1850. In Nova Scotia, because road-building was a responsibility assumed by the provincial government, only 27 per cent of incorporations can be said to have been in the public sector for the entire period, 1796-1883. In this province, business incorporations were most sought after in the 1860s, a decade later than Ontario, and twenty years after New England. *Table 4* displays the percentage of incorporations by sector.

In the United States, as the demands of capital-intensive industries brought an increase in the number of private-sector incorporations, the number of public-sector activities being undertaken by the private sector declined. This paralleled a growing awareness by state legislatures that they should assume the burden of major infrastructural projects, such as canals, for in practical terms only the state legislatures had the means of raising--through taxation--the required funds to pay for them.⁵⁰

Table 4
Incorporations by Sector

New England, Ontario and Nova Scotia⁵¹

	New England	Ontario	Nova Scotia
Mining	24%	39%	
	}	56%	
Manufacturing	13%	18%*	
Public Utilities	27%	21%**	20%***
Roads	---	16%	0
Railroads	---	13%	7%
Banks & Insurance	13%	6%	8%
Other	4%	7%	8%

Sources: Kessler (New England); Risk (Ontario); *Statutes of Nova Scotia, 1796-1883*

* Includes shipbuilding and fishing.

** Combines harbours, canals, bridges, gas and water, telegraph and transportation from Risk's table.

*** Combines harbours, canals, bridges, gas and water, telegraph companies, piers and steamship companies.

49 R.C.B. Risk, "The Nineteenth Century Foundations of the Business Corporation in Ontario," *University of Toronto Law Journal* 23 (1973), Table 1.

50 Chandler, *Visible Hand*, p. 34. L.M. Friedman, *A History of American Law* (New York, 1973), p. 160 also provides examples, such as the Erie Canal--built by the state of New York between 1817 and 1825--and the Baltimore & Ohio Railroad, funded by the city of Baltimore.

51 This table must be read with caution because the assignment of categories by each researcher is unlikely to be consistent.

The distinction between private-sector and public types of incorporation has been made in order to show the extent to which private individuals, particularly in the early part of the nineteenth century, were engaged in activities which we today would consider the responsibility of the state. At the same time, because this distinction has never been hard-and-fast, Nova Scotian businessmen did not hesitate to seek contributions from the House of Assembly in aid of ventures for which they could not hope to raise sufficient 'private' capital. Examples in the early period would include the Halifax Steam Boat Company (1815), the Shubenacadie Canal Company (1824) and the Cornwallis Bridge Company (1834).⁵²

Monopoly and Incorporation

In England, incorporation was identified with monopoly well into the nineteenth century. The association was indeed a long one, beginning with the monopolies awarded by the monarch to trading companies in the sixteenth and seventeenth centuries and continuing into the eighteenth, when incorporation was sought to develop particular patents. Public opinion was against monopolies in Britain and America, and even in the early seventeenth century Coke had stated that monopolies were against God, reason and the common law. According to Friedman, "Monopoly was in bad odor by 1776, except for the special case of the patent, felt to serve as incentive for technical innovation."⁵³

In Nova Scotia this virtual correspondence between monopoly and incorporation did not pertain, for legislative acts providing for 'exclusive privilege' were very few in number. They were granted to the Halifax Steam Boat Company in 1815 and 1829, and to the Halifax Fire Insurance Company in 1819 (but not in 1833, when the company's charter was extended). The only other monopoly in Nova Scotia during this period was granted to the General Mining Association (1826-1858).⁵⁴ Yet this too must be qualified, for the monopoly was not granted by Nova Scotia legislators, but rather was an instance of royal patronage. In 1826, King George IV granted his brother, the Duke of York, exclusive rights to all the mines in Nova Scotia except those already in operation. Finding himself in financial difficulty, the duke assigned his rights to a

52 S.N.S., 1815, c. 19; 1824, c. 3; 1834, c. 55.

53 Friedman, *History*, pp. 224-5.

54 Harris and Warkentin, *Canada before Confederation*, p. 207.

firm of jewellers in London who were his creditors. Through this firm, the General Mining Association was "formed to develop the mines of Nova Scotia." Their initial interest was in gold, but it "soon turned to coal, and their monopoly was in fact, significant only in regard to this mineral."⁵⁵

Many members of the House of Assembly resented that they had no control over the Association, and that revenues which should have entered the provincial coffers were going directly to the company. The General Mining Association failed on its first bid for incorporation in 1836, but was successful five years later. Yet even with the charter the company never did very well. Some scholars have suggested that its monopoly position "greatly retarded mineral development," though Harris and Warkentin believe the failure was due to the paucity of existing markets and the fact that the Association spent "considerable sums on developing the mines."⁵⁶

The eighteenth-century statutes reveal that Nova Scotians were concerned about individuals monopolizing the sale of particular foodstuffs in local marketplaces. Indeed, before Halifax was a decade old, the Assembly had passed an act to prevent the "forestalling, regrading, and monopolizing of the market."⁵⁷ Similar acts aimed at speculative hoarders followed in 1766, 1778 and 1798,⁵⁸ though this legislation was suspended at regular intervals from the 1820s to the 1840s. The general unwillingness of colonial legislators in the Maritimes to accept the notion of monopoly was indicative of their belief that privilege should be curtailed.⁵⁹

Monopoly was a central issue in the debate over chartering the Bank of Nova Scotia. When a proposal for a bank came before the Assembly in 1819--for only the second time in nearly twenty years--many members were wary of authorizing

55 J.A. Maxwell, "A Financial History of Nova Scotia, 1838-1899" (Ph.D. thesis, Harvard University, [1930-]), pp. 21-2.

56 Harris and Warkentin, *Canada before Confederation*, p. 207.

57 S.N.S., 1758, c. 10.

58 S.N.S., 1766, c. 6 (forestalling and regrading of 'victuals'); S.N.S., 1778, c. 5 and 1798, c. 4 (monopolizing cordwood).

59 For a description of the political climate of the day, see W.S. MacNutt, *The Atlantic Provinces: The Emergence of Colonial Society, 1712-1857* (Toronto, 1965).

a charter. Lawyer W.H.O. Haliburton argued that he feared the proposed bill would give the bank powers which would be "injurious to the community," and cited as an example the Halifax Steam Boat Company, which had been chartered with a monopoly and had never amounted to anything. He felt that the bank should be chartered for no more than seven years, for "corporations should be looked on with jealousy, particularly when their charter was of long duration, for it might be attended with the worst of consequences."⁶⁰

When the Assembly proposed a supervisory board to which the board of directors of the bank could report--comprising the lieutenant-governor, council and fourteen assemblymen--the Legislative Council rejected it. While this decision reveals the council's reluctance to share decision-making with the elective body, it also is a good example of the notion that corporations in this period were clearly thought of as public entities, not private ones.⁶¹ Six years later, in 1825, The Bank of Nova Scotia Bill was placed before the Assembly. As a proponent described the ensuing furore, the bill was "twice presented to the House--once the country gentlemen took a sudden panic, and threw it out; and on another occasion, it was opposed by Her Majesty's Council."⁶²

The men who were denied incorporation in 1825 nonetheless prospered by forming a bank under partnership laws (the Halifax Banking Company). However, when a new group came forward in 1832 desiring a charter, many argued that it would be patently unfair to consider such a thing when the first proponents had been refused only seven years earlier. However, supporters of the bill in 1832 emphasized that there was only one bank in the province and that it was run by eight members of the "monied powers" (i.e., the Council). Incorporating a new bank would end the "monopoly which at present exists," William Lawson asserted in the House of Assembly, "and monopolies are at all times odious things."⁶³ Lawson distinguished between monopoly and incorporation and assured the members that the petitioners sought only

60 *Acadian Recorder* (Halifax), 17 Apr. 1819.

61 See David A. Sutherland, "The Merchants of Halifax, 1815-1850: A Commercial Class in Pursuit of Metropolitan Status" (Ph.D. thesis, University of Toronto, 1975), p. 111.

62 C.R. Fairbanks, cited in the *Novascotian* (Halifax), 6 Feb. 1832.

63 *Novascotian*, 13 Feb. 1832.

incorporation and not an exclusive privilege:

I have heard allusions made to the Steam Boat charter, the evil of that was, that it was an exclusive one; if it had not been, there would be now upon the harbor [an operating steam boat company]—the charter this bill asks for is not exclusive—if they are required, a dozen more may be given.⁶⁴

In contrast, some members of the community, like the editor of the *Novascotian* in 1825, believed that the handing out of monopolies was a necessary condition of economic growth. Commenting on a bill to incorporate the Cornwallis Bridge Company with an exclusive concession for ten years, George Renny Young applauded that the 'system' which had long been followed in Canada had been introduced in Nova Scotia. In his opinion, the granting of such privileges was "the only way, in which in young colonies, with a small revenue, public works of this kind can be carried on."⁶⁵

Similar attitudes were expressed in 1856, when the House of Assembly granted an exclusive, 25-year concession to the Atlantic Telegraph Company. This company did not seek incorporation in Nova Scotia, but only the right to lay the sole cable to connect Newfoundland with Nova Scotia. The bill nevertheless engendered fierce debate in the Assembly. The company first applied for a fifty-year concession, which made Joseph Howe sceptical that the province could exercise sufficient control over such a long period. In addition, he voiced the opinion that such privileges discouraged the efforts of "enterprising men" and were rarely beneficial to the public, citing the problem-laden Halifax Steam Boat Company as an example.⁶⁶

Perhaps the willingness to grant a privilege in the case of this telegraph company can be linked to an expressed fear that Nova Scotians might be 'left behind' if they failed to accede to the company's wish. It was said that Maine had already issued exclusive terminal rights to the same company. Would Nova Scotia be passed by?

64 *Ibid.*

65 *Ibid.*, 2 Apr. 1825.

66 *Assembly Debates*, 25 Feb. 1857. Curiously, Howe neglected to comment on the continuing privileges accorded the Steam Boat Company (1815) in 1829. He had just acquired the *Novascotian* the previous year and his political sentiments were not so explicit as they were to become. In the columns of the *Novascotian* Howe covers most of the bills that were passed in 1829, but stops at chapter 43; the *Steam Boat Company Act* formed chapter 46.

Methods of Incorporating

Until 1883, virtually all acts of incorporation passed through the Nova Scotia legislature as private members' bills. Would-be incorporators first prepared a petition which was sent to their local MLA. The member, in turn, presented the petition to the House, which in most instances gave its permission to place the contents of the petition before the House as a bill.

Between 1796 and 1826, the successful petitioner was granted letters patent. Afterwards they were issued only once, in 1838, to the Cumberland Canal Company; this style of establishing corporations was not seen again until 1883, when a 'new' system of incorporation under letters patent was established. Commencing systematically in 1827, incorporations were expressed as enactments of the colony's legislature.

The practice of using private members' bills to effect business incorporations, which marks Nova Scotia's corporate history, is typical of other North American jurisdictions. According to Hurst, "the most striking institutional aspect of the growth of corporation law [in the United States] was the flow of special acts of incorporation from about 1780 to 1875." Indeed, so great was the number of these acts that "the production of such special charters stands out as one of the most conspicuous phases in the history of the legislative process in the United States--the more so in contrast to the practically total disappearance of such legislation from the last quarter of the nineteenth century on."⁶⁷

For many years private acts of incorporation coexisted with general enabling statutes. Connecticut was the first state to enact legislation to provide for incorporation ("for any lawful purpose")⁶⁸ in 1837, yet private acts of incorporation continued until 1875 when they were barred by constitutional amendment.⁶⁹ It was common in American jurisdictions to enact general laws for particular sectors of the economy, such as those enacted by the New York legislature in 1848 for mining and manufacturing.⁷⁰ While difficult to generalize,

67 Hurst, *Legitimacy*, p. 131.

68 Henn and Alexander, *Laws of Corporations*, p. 25, note 12. Some have suggested that this act served as the model for most American legislation: T.G. Frost, *A Treatise on the Incorporation and Organization of Corporations*, 4th ed. (Boston, 1913).

69 *Ibid.*, p. 132.

70 Risk, "Business Corporation in Ontario," p. 277, note 42.

it has been suggested that American company law began with individual acts of incorporation, moved to acts providing for incorporations in particular sectors of economic activity such as banking or textiles, and then culminated in general acts permitting incorporation for 'any legal purpose whatsoever'.⁷¹

For the most part, Canadian jurisdictions omitted the sector incorporation stage. This was certainly the case in Nova Scotia. An amendment concerning banking,⁷² an act pertaining to agricultural societies,⁷³ and two statutes incorporating land and agricultural companies in 1851⁷⁴ are all that can be found which would qualify as general-sector incorporation acts.

Nova Scotia 'revised' its first general statute dealing with corporations in 1851.⁷⁵ Entitled, *Of General Provisions Respecting Corporations*, it provided a set of rules which were to govern the conduct of all corporations in matters where the original act was silent. The commissioners for the Revised Statutes--William Young, Jonathan McCully, J.W. Ritchie and Joseph Whidden--were empowered to "methodize and simplify" the law, using as their guides the "one portable and convenient volume" of statutes published by Massachusetts in 1835, and by New York in 1828.⁷⁶ As to corporation law, the revisers stated they had exercised a "pretty large discretion," finding it necessary to frame an entirely new chapter with provisions "usually applied to corporations," which would in future "extend wholly or in part to every new body seeking to be invested with corporate privileges."⁷⁷

The first act setting out a method of incorporation open to five or more people was the *Act for the Incorporation and Winding Up of Joint Stock Companies* (1862).⁷⁸ However, as the act explicitly excluded "banking, insurance, or ordinary mercantile and commercial business," it can hardly be considered a

71 A.W. Currie, "The First Dominion Companies Act," *Canadian Journal of Economics and Political Science*, 28 (1962) 387, 392.

72 *S.N.S.*, 1837, c. 45.

73 *S.N.S.*, 1845, c. 49.

74 *R.S.N.S.*, 1851, c. 88; *S.N.S.*, 1851-52, c. 5.

75 *R.S.N.S.*, 1851, c. 87, entitled *Of General Provisions Respecting Corporations*.

76 *R.S.N.S.*, 1851, Report II, p. 11; Report I, p. viii.

77 *Ibid.*

78 *R.S.N.S.*, 1862, c. 2.

general incorporation statute. Furthermore, the act provided for double liability, though it was commonplace for many associations to obtain more favourable terms by means of the private member's bill.

House of Assembly debates as recorded in the *Novascotian* make clear that the principal objective of the act was to "facilitate the incorporation of Gold Mining Companies." The solicitor-general, presenting the legislation to the House, is reported to have commented that "should it become law, a great deal of time of the legislature will be saved."⁷⁹ From 1826 to 1883 ninety gold-mining companies were incorporated in Nova Scotia, not one of which used the provisions of the 1862 act; all sought and received private acts of incorporation.⁸⁰ As Sir William Young was to comment a decade later, "This Act of 1862 has been rarely acted upon, and I doubt the wisdom of leaving it upon the Statute Book."⁸¹

The House of Assembly spent more and more time considering private members' bills as the years went on, and the vast majority of those seeking incorporation had their applications received and passed by the House. While the "memorialists" who applied to incorporate a "public bank" in 1822 were turned down, few others were. Indeed, as Charles Tupper observed during the debate over the 1862 act, the House "had never refused to grant corporate powers to companies applying for them."⁸²

Petitions tended to be concise, most often little more than a paragraph in length, greater detail being required only when a contentious issue was at stake.⁸³ Nor was formal language necessary for petitioners to be successful, as the request

79 *Novascotian*, 24 Feb. 1862.

80 This statement is based on a thorough examination of the provincial secretary's records for the years 1863-1873: Public Archives of Nova Scotia [hereafter PANS] RG 7, Vols. 48-73. (The act required that all incorporators file copies of the incorporating documents with the provincial secretary's office.) In 1862-63, for example, the following corporations did so: Halifax Skating Rink Company, The Colonial Market Company, Petite Rivière Tanning Company, Horton Hide and Leather Manufacturing Company, the Nova Scotia Ice Company, and the Halifax Club Building Company (RG 7, vol. 48). No other examples were found in the other boxes examined. However, the records may not be complete because there are no documents for the Nash Brick and Pottery Company, which was incorporated under the act according to *Re Nash Brick*, *supra* note 30.

81 *Re Nash Brick and Pottery Manufacturing Company*, (1873) 9 N.S.R. 254, at 255-6.

82 *Novascotian*, 24 Mar. 1862, reporting debate of the 17th inst.

83 This statement is based on an examination of the petitions of incorporation held by PANS. There is no specific finding aid for petitions of incorporation. Some can be found under 'Trade and Industry', but many more references are provided within the 'Miscellaneous' category. The petitions are classified as RG 5, Series P; boxes consulted include: 7, 15, 17, 19, 20, 57, 120, 121, 122, 125, 126. A sampling of the 'Unpassed Bills' (RG 5, Series U) was also undertaken.

of the Trout Cove Pier Company of 1857 reveals. A poorly-punctuated document, addressed only to MLA John C. Wade, it nonetheless achieved the desired result of incorporation:

I inClose this to you
to let you know We Want
A Charter if you please
I wish you to see how We
Must performe [sic] to have
Power to Collect sinments [sic]
I send you the Names of all the
Share holders of the Warf....⁸⁴

In addition to drafting a petition, a fee had to be paid by the petitioners to the government; at the time of Confederation it was \$20.00.⁸⁵ There is no evidence to suggest that excessive fees were demanded in Nova Scotia for the passage of a private member's bill, as they had been a century earlier in England.⁸⁶ However, the fee for private members' bills did become an issue in the spring of 1875, when the government decided to raise it from \$20.00 to \$50.00 in order to cover printing costs and to discourage those who sought incorporation on a whim. The Assembly had just experienced the most active decade in its existence as far as private members' bills were concerned. In the years 1864 to 1874, 261 business corporations were established, of which 144 concerned mining. The commissioner for mines and works supported a fee raise, observing that in recent years

not more than one third of the incorporation acts passed were taken advantage of [and further]...that notwithstanding the existence of a general incorporation act two-thirds of the time of the house was taken up in passing private acts. He thought therefore that \$50 was little enough.⁸⁷

The provincial secretary confirmed these figures, while Duncan Campbell noted that the new fee would be "only a fourth of that charged in the Dominion Parliament."⁸⁸

84 Trout Cove Pier Company (petition). RG 5, Series P, v. 125, no. 105, PANS: S.N.S., (1857) 20 Vic., c. 68.

85 *Assembly Debates*, 3 Apr. 1867.

86 At that time, it was common practice to 'sweeten' a petition of incorporation with a hefty donation to the treasury. For example, when the Royal Exchange and the London Assurance companies sought incorporation after the South Sea Bubble crisis, they each offered £300,000 as a quid pro quo for a charter.

87 *Assembly Debates*, 5 May 1875.

88 *Ibid.*

The matter came up briefly again in February 1876, when a member endeavoured to have the fee lowered to the former \$20.00 in the interests of small companies. This time the provincial secretary reminded the House that New Brunswick already charged \$100.00 for a similar service; as there was a general incorporation act under which persons could incorporate for one dollar, "it seemed hardly wise to undo so soon the previous decision of the House."

Three years later, the workload engendered by these private members' bills prompted lawyers C.J. MacDonald (Halifax County) and N.W. White (Shelburne County) to state that the "Private and Local Bills Committee was the hardest worked committee of the House, and had sat nearly every day during the session and forwarded as many bills as possible."⁸⁹ Concern was expressed in March 1880 that private rights were at risk because there was little public awareness of the contents of many of the "crudely proposed" petitions. In the opinion of Mr. Ford, a member of the Private and Local Bills Committee, "if such bills were published in the newspapers there would, in many instances, be valid objections made to their passage."⁹⁰

By the late 1870s, moreover, it is evident that the legislature was overburdened by the task of considering these private members' bills. In 1875, 71 per cent of all bills were private, and in 1876 the figure was 69 per cent.⁹¹ In this respect too Nova Scotia parallels the American experience, in which private and local acts greatly outnumbered the general statutes of the period. One might ask why nineteenth-century legislators were willing to spend so much time on private legislation. Was it because the legislators themselves largely lacked experience in public life? Was it because they were insufficiently skilled to focus on policy? Hurst suggests that answers to such questions may in part explain the reason why private-act incorporation persisted for such a long time. In his view, besides that would-be incorporators could frequently obtain greater benefits by dealing directly with the legislature than they could by accepting the broad terms of general or sectoral acts, the critical factor was that people continued to value the traditional legal concept of incorporation as royal fiat, which in North America was realized as the individual legislative act.⁹²

89 *Ibid.*, 16 Apr. 1879.

90 *Ibid.*, 4 Mar. 1880.

91 Figures reported by the provincial secretary in *Assembly Debates*, 23 Feb. 1877, were as follows: (in 1875) 85 of 119 incorporation acts were private member's bills, and (in 1876) 68 of 99.

92 See Hurst, *Legitimacy*, pp. 133-8.

Attitudes Towards Limited Liability

Limited liability was a right which accrued with incorporation at common law. While commentators⁹³ of the late nineteenth century placed great value on this aspect of incorporation, it was of minimal interest to Coke, Blackstone and Kyd. Blackstone focused on the distinctions between lay and ecclesiastical corporations, and spent time distinguishing the corporation aggregate from the corporation sole. Writing over fifty years after Blackstone, the American jurist, James Kent,⁹⁴ did exactly the same thing--even though the corporate law, as it was evolving around him, was considerably different from the old English law which he chose to delineate.

Beamish Murdoch saw great value in limited liability, because without it “under our laws of partnership [the shareholders would] be collectively and individually responsible for all the claims and debts that might arise against an undertaking in which their share was very small.”⁹⁵ Murdoch was writing in 1832, by which time Nova Scotian legislators had granted only a handful of incorporations and all had limited liability. However, in succeeding decades, the Nova Scotia House of Assembly varied the shareholder’s liability provisions to include limited, double and absolute liability. Legislators in other jurisdictions also sought to place constraints on limited liability. This was particularly true in Britain, where a fierce debate on the issue occurred in the 1840s.

Before the passage of the *Joint Stock Companies Act*, 1883 which included a limited liability provision, Nova Scotian incorporators might qualify for one of three categories of liability: *limited liability*, where shareholders were liable only to the extent of the value of the shares they held in the company; *unlimited liability*, whereby all the personal assets of a shareholder could be seized in

93 In the early twentieth century Harvard’s Charles W. Eliot regarded stockholders’ limited liability as the ‘corporation’s most precious characteristic’ and ‘by far the most effective legal invention...made in the nineteenth century’. Columbia’s Nicholas Murray Butler was ponderously confident: ‘I weigh my words when I say that in my judgment the limited liability corporation is the greatest single discovery of modern times....Even steam and electricity are far less important than the limited liability corporation, and they would be reduced to comparative impotence without it’.

Hurst, *Legitimacy*, p. 9, where he cites B.F. Cataldo, “Limited Liability with One-Man Companies and Subsidiary Corporations,” *Law and Contemporary Problems*, 18 (1953), p. 473.

94 James Kent, *Commentaries on American Law*, 3rd ed. (New York, 1836), pp. 272-3.

95 Murdoch, 2 *Epitome* 53. Concerning Murdoch see above all Philip Girard’s prize-winning essay, “Themes and Variations in Early Canadian Legal Culture: Beamish Murdoch and his *Epitome of the Laws of Nova-Scotia*,” in *Law and History Review*, 11, 1 (Spring 1993), pp. 101-144.

payment of a corporate debt; and *double liability*, a provision which made shareholders responsible for company losses equal to twice the value of the shares they held in the company. Not uncommonly, the liability provision was qualified by a further condition that the liability itself did not cease until six months after the shares had been sold to another party. While it is possible to discern certain tendencies of the legislature in particular periods, one has to agree with Sir William Young, who said of the liability provisions, "In the charters which the Legislature have frequently granted, no uniform policy has been observed."⁹⁶

Between 1796 and 1883, 67 per cent of incorporation statutes granted limited liability, 9 per cent made the shareholders liable to the extent of their personal fortunes, and 23 per cent specified 'double liability'. *Table 5* gives the proportion of the respective liability provisions by selected time periods.

Table 5
Liability Provisions: Percentage of Total in Selected Periods

	Limited Liability	Unlimited Liability	Double Liability	Number of Incorporations
1796-1830	100%	0	0	7
1831-1840	65%	27%	7%	24
1841-1850	26%	65%	8%	23
1851-1860	19%	30%	50%	63
1861-1870	86%	0	14%	173
1871-1880	63%	0	36%	156
1881-1883	100%	0	0	46

Source: *Statutes of Nova Scotia, 1796-1883*

The table shows that limited liability was preferred by the legislative body in all but the twenty years between 1841 and 1860. Unlimited liability, which had frequent application before 1860, was not used after that year. During the 1850s, its application declined as it was replaced by the less onerous double-liability provision. The latter was extensively utilized in the 1850s, then seemingly put

aside for a decade--only to reappear in more than a third of the incorporations in the 1870s.

The 1840s marked the peak of the use of unlimited-liability provisions. The types of companies incorporating in this period were similar to those of the previous decades, yet only the insurance companies were able to hold on to the limited-liability provision. Since only twenty-three incorporations occurred in the 1840s, there is a paucity of evidence about the reason for such a dramatic move away from limited liability;⁹⁷ but it is known that the members of what was largely a rural-based Assembly distrusted entrepreneurs who were not prepared to make good their debts.⁹⁸ For example, in February 1846, farmer John Ross (MLA for Colchester County) introduced a bill to incorporate the Londonderry Mining Company, which contained a clause limiting liability. A number of key figures in the House, including the speaker, argued that this company should have no "greater privileges" than others which had been incorporated in recent years, that is, that it should be subject to the unlimited-liability provision. Early in the debate several Reform members, including Joseph Howe, George R. Young and the speaker, William Young stated that "they were prepared to amend by increasing the liability of the Shareholders to double the amount of stock subscribed." At this suggestion, however,

Mr. Ross took fire, and launched out into a violent philippic, in the course of which he imputed all sorts of motives to these gentlemen--that the Opposition arose from personal feeling towards himself--that if the clause was amended he would abandon the Bill--and go to the foot of the Throne for a Royal Charter.⁹⁹

97 The dominant issue in the House of Assembly in the 1840s was that of 'responsible' government; the statute-books yield only 23 business incorporations. Perhaps it is not surprising to find that the legislative reports of the day were little concerned with the issue of incorporation. The report of the debates of the House of Assembly for 24 Mar. 1845 states simply that bills incorporating the Marshall Cove Pier Company and the Atlantic Marine Insurance Company had been passed. To determine the liability status of each company it is necessary to refer to the individual acts, where it is found that the pier company was incorporated with 'unlimited liability'--like all the pier companies before it--while the insurance company received limited liability, as too was customary. Such brief references are typical of the way most incorporation bills were covered in the printed official *Debates* of the House of Assembly, available after 1851.

98 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: Volume III: Nova Scotia* (Toronto, 1990), p. 115.

99 *Novascotian*, 24 Feb. 1846.

So fierce was the argument that Ross decided to drop the bill altogether.¹⁰⁰ Yet the statute book shows that the Londonderry Mining Company of Nova Scotia was incorporated a year later, the act limiting shareholders' liability "to the extent of their shares respectively in the Capital of the Company, not...[just to those] paid up."¹⁰¹ To those who opposed the bill in 1846, limited liability encouraged flippancy and carelessness. In their view, "the man who has his all at stake, will be careful how he expends his means, while the members of Joint Stock Companies will be willing to incur large risks with the chance of large profits, if protected by the Legislature from excessive loss."¹⁰² The argument that such enterprises were needed "for developing the resources of the country" was answered by the exploits of the Shubenacadie Canal Company and the Annapolis Mining Company, which had failed miserably.

Similar sentiments had been expressed in the 1832 debate over the Bank of Nova Scotia by reformers such as Joseph Howe and William Young. The latter reminded the House of Assembly that the legislatures of both New York and Massachusetts had found it necessary of recent years to make shareholders "accountable to the community in their private and individual capacities."¹⁰³ A series of essays signed "Rothschild" in the *Novascotian* enabled Joseph Howe to express his opinion of the bank and of incorporations in general. The fifth essay, entitled "Public and Private Banking Considered," squarely addressed the issue of the shareholder's liability:

It ought not to be forgotten that the grand use of a Charter is not for the protection of public rights, or to give greater or more unquestionable security to the Province in the management of the concern, but to circumscribe and to diminish the liability of the adventurers, and to guard them from risk beyond a certain prescribed amount in their private capacities. Its advocates have been anxious to palm themselves off as the leaders of a chivalrous struggle for the advancement of public interests--while those who could penetrate the flimsy veil cast over their schemes, saw that they were only attempting to secure a selfish and ungracious protection.¹⁰⁴

100 It was reported in the *Novascotian*, 23 Mar. 1846, that "Mr. Ross, the [Tory] Attorney-General [James W. Johnston], and others warmly opposed the amendment, notwithstanding a Bill to incorporate the Western Steamboat Company, embodying the same principle, passed the day before."

101 *S.N.S.*, 1847, c. 5.

102 *Novascotian*, 23 Mar. 1846.

103 *Ibid.*, 8 Feb. 1832.

104 *Ibid.*, 7 Apr. 1832.

Those who shared Howe's views failed to carry the day, for the Bank of Nova Scotia had many influential supporters. Lawyer William Blowers Bliss eloquently argued before the House of Assembly that "unlimited liability" in and of itself did not really provide the protection which its proponents thought. While the absence of limited liability meant that a creditor could claim against the shareholder's personal fortune, Bliss reminded his listeners that many shareholders "are extensively engaged in commerce, and the tempest of a night might scatter their argosies, and sweep their wealth away. Besides, Sirs, they are all liable to that common calamity--death, which pays as little respect to Bankers as to other men...."¹⁰⁵

Howe's distrust for the bank appears to have been based more on a dislike of the power which would accrue to the bankers themselves rather than on a concern with incorporation. It is known that he intensely disliked the largest monopoly in the province, the General Mining Association, as did William Young.¹⁰⁶ At the same time, it must be noted that unlimited liability was extensively used in the 1840s, which was the period when Joseph Howe and the Reform Party acquired great influence in the House of Assembly--though they did not form the government until February 1848.

Of no small interest is the fact, reported by Howe's biographer, that in 1848 a measure "which won his unstinting praise, the co-partners bill, permitted partnerships to have a new type of contributor, called special partners, who would not be liable for the debts of the partnership."¹⁰⁷ Howe was convinced that New England had become wealthy because of such "sleeping partners." This bill became law in 1851,¹⁰⁸ the same year as the statute law revision, specifying the general rules for corporations, stipulated that unlimited liability was assumed to apply where the incorporating act was silent. The idea of a limited partnership in which the shareholder was "liable only to the extent of his capital contribution,"¹⁰⁹ is believed to have come to Nova Scotia either from Ontario or

105 *Ibid.*, 6 Feb. 1832.

106 J.M. Beck, *Joseph Howe*, II (Kingston & Montreal, 1983), 124-5.

107 *Ibid.*, 9.

108 R.S.N.S., 1851, c. 79, ss. 12-15.

109 Hepburn, *Partnership*, pp. 1-2.

from New York.¹¹⁰ Further research is needed to determine the prevalence of this mechanism.

In the 1850s the number of companies seeking incorporation was almost three times that of the previous decade. Railway construction companies applied for the first time in this decade and manufacturing, which had been absent in the 1840s, reappeared on a limited basis. Mining gave only a hint of what was to come. The attitudes of Nova Scotian legislators to limited liability are apparent in the debate over the Acadian Marble Company, which applied for incorporation in March 1855. Composed of mostly English shareholders, thirty of the thirty-five members of the House supported enacting a bill granting limited liability. Attorney-General William Young did not; he opposed the bill on the grounds that the House should have a consistent policy to which it adhered: "The House ought to lay down some rule to bind all companies alike--not to apply one rule to our Insurance Companies, and another to Mining Companies."¹¹¹ Proponents of the bill argued that the United States, Canada and New Brunswick made wider use of limited liability and, as a result, their economies were in better shape. Businessman Benjamin Wier, a supporter of the bill, stated,

If New Brunswick was ahead of us in enterprise, we ought to put our shoulders to the wheel, to keep pace with her, and the first thing to do would be to sweep away those old restrictions and absurd clogs on the industry and enterprise of the people. What made New Brunswick and the United States prosperous? The numerous companies which started into life, and were not hampered by any such restriction as was attempted to be imposed here. Nova Scotians were as enterprising and able as any men in the World, and it was high time such absurd laws were swept away.¹¹²

In 1862 the House of Assembly passed the *Joint Stock Companies Act*¹¹³

¹¹⁰ It has been suggested that the limited partnership, which had been known to French law for centuries, found its way into American law through Louisiana, which received the French commercial code in 1808. New York passed legislation in 1822 which was "substantially a copy of the French Act," and other states followed suit. When Upper Canada passed a limited partnership act in 1849, so the argument goes, it was modelled on the 1822 New York statute: Hepburn, *Partnerships*, pp. 1-6. An alternative explanation is that the idea was borrowed from Lower Canada, where it had long been in use; because of the *société en commandité*, Quebec had a head start over Ontario in the industrial sector: Currie, *Dominion Companies Act*, p. 404. As England did not pass a limited partnership act until 1907, and it has been rarely used in that country, Nova Scotia must have borrowed either from Ontario or from New York.

¹¹¹ Assembly *Debates*, 28 Mar. 1855.

¹¹² *Ibid.*

¹¹³ *Act for the Incorporation and Winding Up of Joint Stock Companies (S.N.S., 1862, c. 2).*

which gave five or more shareholders an automatic right of incorporation provided they were not involved in banking, insurance, 'ordinary' mercantile and commercial business or gas and water companies. The act stipulated that shareholders would be liable for twice the value of the shares they held. The companies exempted nearly always had double liability or limited liability provided for in their private charters. They were railways, insurance companies, mining companies and banks.

Considerable debate surrounded the liability clause inserted in this act. The government favoured double liability, but for a time the House was committed to limited-liability or, as it was commonly described, 'single liability'. Benjamin Wier spoke of the merits of the recent English limited liability legislation, and linked it to economic progress.¹¹⁴ The House appears to have passed a single-liability clause on 24 March 1862, but the following day the *Novascotian* reported that the attorney-general returned to the House and asked instead for the double-liability provision. After much discussion it was passed. Premier Joseph Howe, expressing the view that was clearly held by many, "did not believe in giving foreign companies superior rights to our own countrymen, who were liable to their creditors to the full extent of their fortunes, while parties under the bill were only liable to the extent of their capital."¹¹⁵ This was the act aimed specifically at gold-mining companies, the precedent for which was reportedly the *Joint Stock Companies Act* of the united Canadas.¹¹⁶

Twenty years earlier the Assembly had been generous in its granting of incorporations with limited-liability provisions, but there had been no move to enact a law making the right automatically available to the petitioner. Though Nova Scotians would have been aware of the availability of limited liability in other jurisdictions, the Assembly presumably continued to limit use of the provision because they thought businessmen needed to be closely watched.

After 1860-1 unlimited liability was never again recognized by the legislature in Nova Scotia, which is significant because in the 1860s more companies were incorporated than in the previous sixty years. In particular, there was a massive increase in the number of petitions pertaining to mining and railways. This trend

¹¹⁴ *Novascotian*, 24 Mar. 1862, reporting debate of 18 Mar.

¹¹⁵ *Ibid.*, 31 Mar. 1862; also report of 24 Mar.

¹¹⁶ *Ibid.*, 24 Mar. 1862.

continued into the 1870s and was accompanied by a sharp rise in manufacturing-related incorporations. In the legislature, bills of incorporation were read 'clause by clause' and, if the *Debates* be a reliable record, these bills were typically presented in groups and approved *en bloc*. Limited liability was the preferred provision in the 1860s. On 12 March 1864, for example, when a Conservative government was in office, there was considerable discussion as to whether foreign-owned insurance companies should be required to invest money in Nova Scotia as a security against losses. The solicitor-general opposed the motion because he felt it would limit foreign investment. In his view, the House

should not trammel business and enterprise by any useless and vexatious restrictions, and the sooner they removed the double-liability clause from the general Incorporation Act, the better for the interest of the country. It had the effect of preventing capital from being brought into the Province.¹¹⁷

Three weeks later, when a poorly-attended House was considering incorporation bills, one member moved that "all the acts of incorporation before the committee be subject to the double liability provision." This was lost by a "very considerable majority."

It is worth noting that many of those entrepreneurs seeking incorporations for mines and railway companies were Americans, Englishmen and residents of Ontario and Quebec, who would simply have expected limited liability. Of all the 'foreigners' investing in Nova Scotia, the Americans predominated.¹¹⁸ No less a figure than John Jacob Astor was party to two incorporations in Nova Scotia: the *International Coal & Railway Act* (1864) and the *Sydney & Louisbourg Railway Company Act* (1865). During one three-year period, 1864-66, incorporations of companies with American shareholders included (in 1864) the Louisbourg Railway Company, the Block House Mining Company, the Sea Coal Bay Mining Company and the Broad Cove Mining Company; (in 1865) the Caledonia Coal Mining Company, the Clyde Coal Mining Company, the Boston and Acadia Coal Mining Company, the Cape Breton Coal Mining Co., the Mabou Coal Mining Company and the Waverley Gold Mining Company; and (in 1866) the Richmond Coal Mining Company, the St. Lawrence Coal Company and the Cape Breton Coal Co.

¹¹⁷ *Assembly Debates*, 12 Mar. 1864.

¹¹⁸ Acts of incorporation state the names of the shareholders and frequently also their place of residence.

English investors were fewer in number. One can identify overseas capital in the Windsor & Annapolis Railway Company, the East River Coal Mining Company, the Montreal & Pictou Coal Company (in 1866) and the Intercolonial Iron & Steel Company (in 1868), but there was no surfeit of investment from England as from the United States. In the gold-rush of the late 1860s, scores of hungry incorporators from the United States, Quebec and Ontario can be identified.

After making wide use of limited-liability provisions in the 1860s, the legislature did an about-turn in the 1870s and included double-liability provisions in more than one-third of the acts of incorporation. The use of double liability, which had been formalized in 1862,¹¹⁹ was repeated in the *Joint Stock Companies Act* (1873), though the *General Provisions Respecting Corporations* contained in the Revised Statutes of that year retained the unlimited liability clause.

The *Debates* suggest that certain members of the Legislative Council disapproved of the limited-liability exemptions to the *Joint Stock Companies Act* and returned bills to the House which were at variance with it. As Murray Beck observes,

After 1848 the Council tended to adopt a course of slavish concurrence or factious opposition depending upon whether or not its majority was sympathetic to the administration of the day. Until 1882 the second of these courses was the rule and constituted a serious embarrassment to newly instituted ministries. While fortuitous circumstances such as a heavy mortality rate at propitious moments sometimes provided a remedy, a government often found itself forced to rely on its own ingenuity to circumvent its opponents in the Council.¹²⁰

Whether the obvious difference of opinion on the issue of liability can be attributed to partisan politics requires further investigation. The Liberals were in power between 1867 and 1878, but three Conservative ministries (1863-1867) had preceded them. The double-liability measure, however, had been brought in under Joseph Howe's Liberal administration of 1860 to 1863.

The *Debates* suggest that, for the most part, the Legislative Council favoured the inclusion of a double-liability provision in acts of incorporation. Yet on many occasions the Council did not insist on this provision. In 1876, for example,

119 *Supra* note 113.

120 J.M. Beck, *The Government of Nova Scotia* (Toronto, 1957) p. 22.

discussion arose over a liability provision in the Union Furniture and Merchandise Company Act. The chairman of the private members bills committee expressed the opinion that the Legislative Council would “insist upon a double liability clause being inserted in the bill.” Proponents of the bill, such as P.C. Hill, the provincial secretary, stated that the bill should remain as drafted--that is, with a limited-liability clause--for the incorporators “might not wish to be responsible beyond the amount of their stock.”¹²¹ It was agreed to send the bill to the Council to see what sort of reception it would get. The Journals of the Legislative Council record only that the MLCs agreed to pass the act incorporating this particular company without amendment.¹²² Within a month, however, the liability provision in the Halifax Rolling Mills Company incorporation act was an issue between the two chambers, but this time the Council persisted and the bill was passed with a double-liability clause.¹²³

By 1878 the difference of opinion had yet to be resolved. The committee on private members’ bills included a double-liability provision in the bill to incorporate the Burrell, Johnson Iron Company, but the Assembly struck out the clause and replaced it with the single-liability provision. The provincial secretary made reference to a statement of the “Upper House” that they would amend every bill that did not include a double-liability clause, to which Conservative lawyer John S.D. Thompson replied that, while the Council had indeed stated this, in fact they had passed a fair number of single-liability bills in the previous session.¹²⁴ The response of the Legislative Council to this particular bill was to amend it so that the company would have to display a prominent sign attesting that it was a public ‘limited company’.¹²⁵ The House agreed to the following proviso in the act incorporating the Burrell, Johnson Iron Company Limited:

The Company shall paint and affix and keep painted and affixed their name on the outside of every office or place in which the business of the Company is carried on, in a conspicuous position in letters easily legible, and shall have their name

121 Assembly *Debates*, 22 Feb. 1876.

122 *JLC*, 25 Feb. 1876.

123 *Ibid.*, 22-31 Mar. 1876; see also Council *Debates* 21 and 30 Mar. 1876.

124 Assembly *Debates*, 4 Mar. 1878.

125 The first company to append the word *limited* to its name was the United Mining Association of Nova Scotia, which was incorporated on 18 Apr. 1870 on behalf of a consortium of English and American investors: *S.N.S.* (1870) 33 Vic., c. 64.

mentioned in legible characters in all notices, advertisements and other official publications of such Company, and in all Bills of Exchange, promissory notes and other writings used in the transaction of the business of the Company, and each of the Directors of such Company shall be liable to a penalty of twenty dollars for every neglect or omission of the name of the Company in any of the above cases.¹²⁶

In another bill passed the same day (4 April 1878), the Council required that the Inverness Oil and Pipe Line Company Limited meet the requirement of the "conspicuous sign" and also that a list of their shareholders be registered at the registry of deeds.¹²⁷ The Assembly agreed to both these provisions and by 1880 they are to be found in nearly all company acts of incorporation. Such actions suggest that the desire of the legislators to oversee each individual charter of incorporation was waning, and that they were prepared to let the public be vigilant instead. All literate persons would be alerted to the corporate structure of any company by the word 'limited' appended to its name. For those who were especially interested, the list of shareholders could be consulted at the registry office.

Juridical differences of opinion between the House of Assembly and the Legislative Council also marked the discussion of 4 March 1880, when the merits of double liability were debated for the final time. The matter under consideration was a petition for incorporation from the Acadia Powder Company. Conservative minister-without-portfolio, Charles James Townshend, objected to the single-liability provision, arguing that the public lacked "security" in dealing with limited companies.¹²⁸ Others agreed that people could be misled and added that, as the *Joint Stock Companies Act* required double liability, they should not deviate from it. Attorney-General John S.D. Thompson reviewed how, some years ago, the Legislative Council had tended to favour the double-liability clause while the Assembly preferred the single-liability provision. However, "the Legislative Council had given way and for the last three or four years there had hardly been a company organized on anything but a single liability."

126 *JHA*, 7 Mar. 1878.

127 *Ibid.*

128 Townshend was Conservative member for Cumberland County, 1878-1884, and later MP and chief justice of Nova Scotia.

129 *Assembly Debates*, 4 Mar. 1880.

Furthermore, it was the opinion of both the attorney-general and several other MLAs that the Council had been induced to change its policy, because "it was the almost invariable practice for the Dominion Parliament to incorporate companies with a single liability clause," as did other provinces.¹²⁹ Against those who feared for the common good the industrial capitalist, John F. Stairs, contended that real protection would come only when all the acts were uniform: "the true preventative was to use the word *limited* in the titles of the companies incorporated, and the public must then be educated to understand that in trusting these companies they were doing so at their own risk."¹³⁰

When the revised Joint Stock Companies Bill was introduced (on 15 February 1883) to provide limited liability as a matter of right, there was no debate at all. J.W. Longley, who introduced it, felt compelled to inform the House that the new act was required because "our own Acts contained two [sic] vague and incomplete measures in regard to the incorporation of joint stock companies." Other provinces had taken steps to bring their statute law up to date, but by Nova Scotia's failing to provide a useful general act, "every charter of incorporation had to be passed by the Legislature, and each company was governed by its own Act and by-laws." Longley stated that the bill was

designed to make the law universal, to make all joint stock companies subject to the general law of the Province. The Act was based almost entirely upon the law of Canada, and he thought that by its introduction into the legislation of this Province a great improvement would take place in relation to our laws upon the subject of joint stock companies.¹³¹

The effect of the new *Joint Stock Companies Act*¹³² was to revive incorporation by letters patent—a method of incorporation by the grant of a charter. It extended to all corporate bodies except loan companies and railways. Curiously, the Revised Statutes (1884) retained the thirty-year-old general act respecting corporations which prescribed unlimited liability. Yet by 1900 the *Interpretation Act* stipulated that "words making any association...a corporation...shall exempt the individual members of the corporation from personal liability for its debts or obligations." The obsolete general statute,

130 *Ibid.*

131 *Ibid.*, 15 Feb. 1883.

132 S.N.S., 1883, c. 24.

however, remained on the books with virtually the same wording as in 1851, when it was first introduced.

Conclusion

Incorporation became widely popular in the nineteenth century because entrepreneurs needed a method of deploying large amounts of capital for capital-intensive undertakings. Sole proprietorships and partnerships could address many aspects of business organization in a developing economy, but they were too risky for long-term and large-scale operations which needed substantial capital investment if they were to be realized.

In Nova Scotia an upsurge in incorporations took place in the 1860s, and was directly tied to the interests of those industrial entrepreneurs who wished to mine coal and gold. Many of the investors were in fact Americans and Britons whose more sophisticated and advanced economies had been using incorporation as a means to encourage capital-intensive undertakings. As mining normally required significant outlays of capital, moreover, distant investors were wary of putting money into ventures which lacked the legal guarantees so readily available in other jurisdictions.

Nova Scotians would have been well aware of the extensive use of incorporation in Britain and America, and many undoubtedly wanted to emulate developments in those two countries. In Ontario especially there was a real desire to copy what was going on in the United States, for it was hoped that doing so would guarantee similar economic prosperity. Furthermore, incorporation seems to have imputed a certain prestige, particularly in the case of special, or private acts.¹³³

Given the large number of incorporations of religious and charitable institutions in Nova Scotia, people throughout the province clearly had some familiarity with the notion of 'corporateness'.¹³⁴ Not only was incorporation sought by churchwardens and trustees; it was also chosen by temperance halls, masonic orders, universities, medical societies and cemetery associations. Moreover, the *Debates* indicate that municipal incorporation was a hard-fought struggle in the mid-1850s.

¹³³ Kessler, "Incorporation," pp. 48-9 observes that in the United States people continued to seek private acts of incorporation even after general incorporation statutes offering limited liability were available.

¹³⁴ There were in excess of 300 religious, educational, charitable, temperance-society and cemetery-company incorporations granted between 1796 and 1883.

Assuming that Nova Scotians were also familiar with incorporation in its business context, the fact that the mechanism was not exploited by key sectors of the economy, such as shipbuilding and the fishery, is perhaps because many of these were family businesses operating in small communities, where the sole proprietorship worked well. Fathers and sons often worked together in partnership and private monies were sufficient to capitalize the venture. Moreover, a prime feature of incorporation, such as limited liability, would have little relevance in a village where everyone knew everyone else and mores dictated that debts be repaid. In practice it can be assumed that any local entrepreneur who neglected to pay his bills would soon find himself without customers.¹³⁵

As in the early years of the American republic, nineteenth-century Nova Scotia demonstrated a lack of correlation between the sites of economic vitality and the sectors where incorporation took place. Furthermore, incorporations did not occur in the areas of greatest risk.¹³⁶ This process was not a requirement in a 'wood-wind-and-sea' economy utterly dependent on trade with England and America. However, the rumblings of industrialization, combined with the influx of foreign mining investors who expected incorporation and a general awareness of practices elsewhere, led to the abandonment of unlimited liability after 1861, along with a changed perception of the advantages of incorporation and a dramatic increase in its use.

The practice of meeting business needs through individual acts of incorporation can be seen to have had a dual purpose. The first is expressed in Hurst's argument that individual acts were sought because both legislators and petitioners believed that incorporation could only be valid as an exercise of the royal prerogative. The second is that instruments of incorporation allowed the legislature to oversee the activities of the private corporate sector. Until the great upswing in investment, this practice had not overburdened the legislature. As the demand for private incorporations increased, however, it became clear that the Assembly could not tolerate indefinitely such an inefficient procedure.

The advent of a general statute granting automatic limited liability provoked neither excitement nor fanfare in Nova Scotia. This lay in sharp contrast with England, where limited liability--finally made available in 1855--was contested at

¹³⁵ This raises the question still relevant today as to the profitability of ethically and socially responsible business behaviour.

¹³⁶ Handlin, "Origins," p. 16 observed that this was true of the early period of Massachusetts corporate history.

every turn.¹³⁷ In the United States, according to Hurst, the “legislative pattern as a whole implied a steady desire to make incorporation available on terms which would foster investment by limiting commitments,” though the period 1810-1860 was marked by the “imposition of considerable explicit statutory liability on corporate shareholders.”¹³⁸ As far as Ontario was concerned, Risk tells us that “limited liability generally prevailed.”¹³⁹ However, as legislatures moved to make limited liability contingent on incorporation, they, in turn, made other demands of the corporations. For example, in some American jurisdictions corporate fiscal policy was regulated by limiting sources of dividends and regulating the retirement of shares in order to protect creditors.¹⁴⁰

Nova Scotia’s pattern of granting liability was similar to other North American jurisdictions where limited liability was always available, even though its use was sometimes restricted. In Hurst’s view, the importance of limited liability as the rationale for seeking incorporation has been overestimated. While the limitation on liability was an attractive aspect of incorporation, it was the framework incorporation offered which made it truly popular. It gave firm direction, was useful for improvisation, and provided for a quick reaction when opportunity called.¹⁴¹

In Nova Scotia limited liability was increasingly available through the 1860s and 1870s in private acts of incorporation. Given its use elsewhere, and the assumption that limited liability held out a promise of prosperity for the developing economy, legislators had little difficulty accepting the limited-liability provision in the *Joint Stock Companies Act*, 1883.

What was the role of statute law in developmental process? In his history of the business corporation in the United States, Hurst found that law always followed in the footsteps of those who were in the vanguard of the increasingly industrialized economy.¹⁴² Given that so few incorporations pertained to the central features of the province’s economic life, it would seem that company law was not the engine which drove the economy in nineteenth-century Nova Scotia.

137 See Gower, *Modern Company Law* (chapter 3), especially pp. 44-50.

138 Hurst, *Legitimacy*, p. 27.

139 Risk, “Business Corporations in Ontario,” p. 295.

140 *Ibid.*, p. 27.

141 Hurst, *Legitimacy*, p. 29. He adds, “For the small close-held corporation [which most of them were], a third-party creditor—and especially one lending working capital—would typically require the personal endorsements of shareholders on the firm’s notes.”

142 *Ibid.*, pp. 10-11.

Some Fiscal Realities of School Reform in Victorian Halifax

David Hood

This article will focus on fiscal policies implemented by the Halifax Board of School Commissioners during the Victorian era, from the institution of the *Free School Act* in 1865 through to the onset of World War I. The Victorians ardently strived for and achieved incredible progress through the development and application of science and technology. However, the public administrations necessitated by progress did not always live up to the Victorian ideal of progressive efficiency. This article is a case in point. It presents the inept and wasteful fiscal policies that supported school reform in Victorian Halifax, a program championed as the hallmark of progress, both for its intent and operation.

Until the middle of the nineteenth century, education in Nova Scotia was primarily funded by provincial revenues and denominational resources. Provincial grants contributed toward the funding of teachers' salaries, construction costs and school supplies. Property assessment for educational purposes was legal, but it was not the desired method of school funding. When a community or group wished to raise money for hiring a teacher or building a school, they preferred to rely on subscriptions or endowments. Finances were easily handled by local trustees or boards. Small school districts with low budgets and uncomplicated funding did not require professional managers able to administer complex financial portfolios. According to the literature and the school reports appearing in the *Journals* of the House of Assembly, no school district carried any long-term financial debt. In other words, at the community level education was not a priority that warranted the safeguard of minimum standards or the protracted borrowing of money. People were more concerned with keeping dollars in their pockets than children in the classroom.

Prior to 1865 schools were not 'free', meaning they were not paid for indirectly through taxes and were not formally open to all children. Officially, parents paid directly for the education of their children via subscription and tuition fees. Although many parents were unable or unwilling to pay, according to one observer at mid-century, "he never knew a case of a child being refused admittance to the school because of inability to pay the fee. Every parent who wished to send his children to school was free to do so, where they were indistinguishable from the children of those who assisted in supporting the school."¹ Many parents, of course, failed to send their children to school at all, because of an indifference towards education. Many other children attended

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1 James Bingay, *Public School Education in Nova Scotia: A History and Commentary* (Kingston, ON, 1919), p. 54.

sporadically because of distance, inclement weather or being needed at home. Others had to work to support their families. Under these circumstances the majority of children in Nova Scotia grew up lacking the benefits of a formal education. A legal process for providing such an education existed, but the law did not demand that it be provided.

Educational affairs changed dramatically in 1865 with the passage of the *Free School Act*. This act made school assessment mandatory throughout the province, and extended the *School Act* of 1864 which had formalized a provincial system of common or public schools, administered province-wide by a newly created Council of Public Instruction and directed by a Superintendent of Education. The *Free School Act* of 1865 compelled the public to support financially this new system of public education. Property assessment was to be the principal means of collecting school revenue. Residents of each county were to pay a percentage of the assessed value of their real and personal property to the county collector for the support of schools. Provincial grants would continue, but only as a secondary means and primarily for the purpose of funding teachers' salaries. The 1865 act also required parents henceforth to send their children to school. Prior to 1865 the provincial government had only described options that individual school districts might use to raise school funds, leaving individual communities free to choose how or if schools would be funded. Attendance also had remained optional. In 1865 the provincial government decreed the manner of school funding, that all communities would fund schools, and that all children would attend school, regardless of the value attached to education by and within any particular community.

The *Free School Act* was passed over loud objections in the Legislature and the press.² The loudest objections came from the Halifax City Council. The Legislature had not consulted with the city during the process of drafting the bill. Besides the seemingly dictatorial tone of the Legislature's actions, Halifax City Council was also upset by Section 49, subsection 3 of the act, which in essence maintained separate, i.e., denominational schools within Halifax--schools that would now be supported with public funds.³ City Council no doubt

2 Terrance Burns, "Public School Education of Catholics in the City of Halifax," unpub. MA thesis, Dalhousie University, Halifax, NS, 1962, pp. 35-40; and Bingay, *History*, pp. 63-64.

3 Minutes of City Council, 10 Apr. 1865, pp. 303-304; and 1 June 1866, p. 515; in Public Archives of Nova Scotia [hereafter PANS] RG 35-102, City of Halifax fonds, Series 1A (mfm.): City Council Records. The views of Council were echoed in the Legislature by Mr. Blanchard, MLA for Inverness; see *Debates and Proceedings of the House of Assembly, 1864-1865* (Halifax, 1865), p. 201. In fact, separate Catholic schools had received public funds for many years through the provincial grant. However, the *Free School Act* supported Catholic schools in a much more direct and obvious fashion. The continuance of separate Catholic schools also contradicted notions of secularism used to justify the creation of a public school system.

also disliked the prospect of taking political backlash for collecting a potentially hefty tax which it had neither enacted nor supported. Despite widespread opposition and attempted amendments, the bill passed as tabled on 12 April 1865 and became law on 2 May. However, state-administered public schools began operation in Halifax without financial support. Maintaining its opposition, City Council refused to add the estimates it received from the Halifax Board of School Commissioners to the city's annual assessment.⁴ The Board was forced to borrow operating funds in order to provide the educational services prescribed by the new act.⁵ With the Legislature pursuing legal action, Halifax City Council finally conformed to the law, instructing the city assessor on 29 November 1866 to begin collecting the school tax.⁶ Difficult fiscal relations between Council and the Board would continue for many years, despite the fact that three seats on the Board were held by Council members.

By the time City Council began collecting and paying over school tax dollars to the Board, the city's public-school system was over \$30,000 in debt. Back taxes for 1865 and 1866 were eventually collected and forwarded. However, Council did not reimburse the Board for the interest payments it was forced to make on borrowed operating funds. During the next fifteen years, City Council's payments to the Board were frequently in arrears, and as a result the Board was repeatedly in debt for its operating expenses. By 1881 the problem still had not been resolved. Until 1900 the annual amount received by the Board from the city assessment was often more or less than the amount requested. For the years in which receipts were down, the Board was forced to borrow money (overdrafts) in order to meet its operating costs. Thus from November 1881 to April 1899 the Board paid a total of \$18,984.01 in interest alone on overdrafts.⁷

In these eighteen years the Board actually received \$76,531.50 more from assessment than it had requested. However, the solvent years of high receipts

4 *Ibid.*

5 Minutes of the Halifax Board of School Commissioners, 30 Oct. 1866, p. 101; and 5 Nov. 1866, p. 104; in PANS RG 35-102, City of Halifax fonds, Series 53 (mfm.): Halifax City School Board.

6 City Council Minutes, 29 Nov. 1866, p. 613.

7 These figures are drawn from the cash accounts appearing annually in the *Report of The Board of School Commissioners for The City of Halifax, 1881-1899*.

were not strong enough to carry the Board through the lean years. This was particularly true during extended periods of low assessments. For example, between 1 May 1889 and 30 April 1890, the Board received \$580.61 more from assessment than called for in the estimate. However, the surplus was far from large enough to cover the losses incurred during the next six years. Between 1 May 1890 and 30 April 1896 the Board's total assessment receipts were down by \$24,230.03.⁸

It must also be remembered that the apparent overall surplus of assessment receipts (\$76,531.50) between 1881 and 1900 was in fact not a surplus at all. It was merely the receipt of late disbursements from Halifax City Council. Moreover, these circumstances existed throughout the period between 1865 and 1899. For 34 years the Board was forced to borrow operating funds because of nagging shortfalls in its returns from Council. As a result, tens of thousands of school tax dollars went to banks for interest and not for teachers' salaries, textbooks or some other constructive purpose.

The Board and Halifax City Council got off to a bad start in 1865 when the Council refused to assess for schools. That event and the fiscal problems it caused were beyond the Board's control. Nor could the Board control the difficulties associated with tax collection--an unsophisticated system, resistant citizens, late payments and the like. However, the Board did have control over its own budgeting process. From the time the *Free School Act* went into effect until 1899 the Halifax School Board's fiscal year ran from 1 November to 31 October. Meanwhile, the city's fiscal year ran from 1 May to 30 April. This created a needless accounting nightmare that went uncorrected for 34 years.

More importantly, discordant fiscal years also made it politically difficult to expose the shortfalls in Council's payments to the Board. For example, the amount requested in the school estimate for the year ending 30 April 1882 was \$65,733. By 30 April the City had paid over only \$63,349.41, a shortfall of \$2383.59. But, by the time the Board released its year-end figures six months later, the City had paid over \$102,222.22. Council could use the Board's figures to claim publicly that for 1882 it had provided city schools with a surplus of \$36,489.22. However, the 'surplus'--collected between May and October--was actually a portion of the receipts for the city's fiscal year ending 30 April 1883. With discordant fiscal years, Council's response to the school

8 As will be discussed below, discordant fiscal years skew any direct comparisons for periods prior to 1899. The figures given here are drawn from the *School Board Reports, 1888-1897*.

estimates could not be accurately determined without labourious calculations. The public was disinclined to perform such exercises and therefore the Board's case remained difficult to argue in the political arena. Meanwhile, the chronic shortfalls continued.

Because of the difficulties associated with tax collection, Council's receipts varied from month to month and from year to year. But, as School Board Chairman James J. Bremner pointed out in his 1880 report, shortfalls in Council's payments to the Board had less to do with the difficulties of tax collection and more to do with Council's use of school funds for its own financial and political gain:

The City Treasurer not only holds over a balance from the previous year, refusing to pay it because he has not collected it (and there seems to be no provision made for it in the following year's assessment), but he actually uses the money collected for school purposes, for other purposes of the city, and the School Board is consequently obliged to borrow money to pay the school expenses.

The [City's] financial year begins 1st May, and on 31st October, 1879, (six months) the amount due by the city was \$39,633...being over \$6000...more than the portion of the city assessment for school purposes for that period.

In other words, the city makes use of the School Board as a means of borrowing money for its necessities.⁹

Bremner was not the only Board chairman to express concern over Council's manipulation of school funds. In his report of 1894, Chairman John P. Longard accused City Council of artificially inflating the school tax as a means of reducing its own rate of taxation. Between 1884 and 1894 the total school estimate was \$756,120. To this figure the Council added 4.1 per cent or \$31,368 for short collection, making the total school assessment for that period \$787,488:

On referring to the annual reports of the city government we find that the actual loss for short collection was in the vicinity of one per cent on the total assessment, so that in the ten years the schools contributed between \$20,000 and \$25,000 to the city council's unexpended balance fund, and which was used by the council to reduce its own rate of taxation.¹⁰

Longard went on to show that the assessed value of all real and personal property within the city for the fiscal year ending 30 April 1895 was

9 Chairman's Report, in *School Board Report*, 1880, p. 63.

10 *Ibid.*, 1894, p. 10. The amount added for short collection reflects a percentage increase in the tax rate intended to offset anticipated losses caused by those who reneged or paid late.

\$22,952,237. The school rate for that year was 43 cents per hundred dollars of assessed value. According to Longard's figures, in the city's 1894-95 fiscal year, the school tax produced \$98,694.62.¹¹ The school estimate called for \$85,600. The Board actually received \$88,614.93 (within the city's fiscal year). Assuming Longard's figure of one per cent real loss, in 1894-95 Council retained \$9092.74 or 9.2 per cent of the money it collected for schools. Council does not appear to have turned that money over to the Board in the following year, for in the 1895-96 fiscal year the city paid \$80,664.68 to the Board--\$9235.32 less than the school estimate.¹²

As might be expected, City Council had a different view of school finances. During a council meeting on 5 October 1891 a letter was read from R. J. Wilson, Secretary of the School Board. This letter showed the "amount due by said board to the Bank of Nova Scotia to September 30th, 1891, the amount due for interest and the amount of school rates unpaid for years ending April 30th, 1890, and April 30th, 1891."¹³ The letter was referred to the Committee on Public Accounts. The Committee reported back on 29 October 1891 and its comments were read in Council on 31 March 1892:

Your Committee had before them a letter from the Secretary Board of School Commissioners, referred to them by the City Council on amount due by the City to the Board. Also, a letter from the City Treasurer, showing a balance due the School Board for year 1889-90 of \$2696.89, and for year 1890-91 of \$8775.54 making a total of \$11,474.43.

Your Committee found that there are no available funds in hand to make advances to the School Board, and would recommend [sic] the continuance of the present system of making payments to the Board.¹⁴

According to the Committee on Public Accounts, there were no school tax dollars being retained within Council's unexpended balance fund--or such funds had been used for other purposes, as both Bremner and Longard had suggested.

¹¹ *Ibid.*

¹² This is also the amount the Board received within the city's fiscal year. Six months later the amount had risen to only \$83,255.14--still \$6644.86 below the school estimate of \$89,900 for the year ending 30 Apr. 1896.

¹³ City Council Minutes, 5 Oct. 1891, p. 128.

¹⁴ *Ibid.*, 31 Mar. 1892, p. 303.

Longard accused City Council of increasing its own revenues by inflating the school tax. Meanwhile, the Board took the political heat for the heavy burden carried by city taxpayers. On the other hand, Council bemoaned the rising cost of education and the fact that it had no control over or responsibility for those increases. Council urged the Board to protect the taxpayers' interests, chiefly through parsimony; a typical admonition came from the Committee on Public Accounts in June 1893:

Your Committee call attention to the enormous proportion which the expenditure for Public Schools has assumed, and strange as it may appear, though the Council has to provide the money, it has no control or veto of the amount, i.e. the School Board, an independent body, not responsible to the citizens can compel the Council to assess the citizens for any amount they think necessary, upon obtaining the matter of form assent of the Governor-in-Council.... Your Committee recommend the adoption of the following resolution: *Resolved*. That while anxious to see the City Schools maintained at the highest possible state of efficiency in view of the burden of taxation resting upon our citizens, the Council call the attention of the Board to the constantly increasing expenditure for Schools, and respectfully urge that body to consider retrenchment, if any can be made, and to economize in every possible way.¹⁵

Obviously the Board and Council had a contentious relationship. In contrast, the Provincial Legislature was most cooperative with the Board. Indeed, the Superintendent of Education often attended Board meetings. If the Board requested changes in the *Education Act* or clarification on regulations under the act, the Legislature was quick to respond. For example, on 16 October 1865 the Board met and discussed City Council's refusal to assess for schools as directed by the *Free School Act*. A committee was struck to carry the matter before the provincial government. At a meeting three days later, which included the Superintendent of Education, the Board was informed

that the committee...had an interview with the Provincial Secretary, he informed the Committee that the Government were willing, during the ensuing session, to make such alteration to the Education Act relative to the City of Halifax as the Board may deem it their duty to recommend, in order to remove any difficulties and render it more easy to carry out its provisions and objects. The Provincial Secretary also informed the Committee, that the Government would advance the whole of the Provincial Grant for the City, or any portion of it, in the first half year.¹⁶

15 *Ibid.*, 9 June 1893, p. 59.

16 School Board Minutes, 19 Oct. 1865, p. 14.

The provincial government pressed the issue during the next year and eventually forced City Council to assess for schools. A review of the Board's minutes and annual reports reveals that the Board continued its positive relationship with the government through the Superintendent of Education. For example, in the face of ongoing difficulties with the City Council in 1896, the Board once again turned to its allies in the Legislature:

The custom in the past has been for the city to pay over, at the end of each week, such sums as were collected. The Board thinking this unsatisfactory (especially as the city makes provision for short collection in its annual assessment, which includes school rates, and has the power to charge interest on all taxes overdue), application was made to the City Council to change the present system to twelve monthly payments of equal amounts, for the whole assessment of the year, which application being referred to a sub-committee was reported upon unfavourably. It will be advisable, therefore, to make application to the Legislature at its next meeting to insert a clause in the School Act, recognizing the Board's authority to continue the present system of providing funds in the interim.¹⁷

The Chairman's Report of the following year shows that the Legislature not only approved the Board's overdrafts for 1896, but also forced Halifax City Council to comply with the Board's request for annual payment of the school estimate in full through equal installments:

For many years past, owing to delays in collecting taxes, the City Council was unable to keep the school tax paid up to date. In consequence of this delay the School Board was often obliged to meet its obligations by an overdraft at the bank. The interest on this constituted a very considerable item of the school expenditure. To remedy this evil, legislation was secured at the last session of the legislature, by which it became the duty of the City Council to pay the school grant in full in ten equal installments. The previous overdrafts were also legalized and an act passed requiring the School Board, when asking the City Council to assess for any sum exceeding \$90,000, to submit a detailed statement of their school estimates, so that the council might appear before the governor-in-council in relation to them when considered desirable.¹⁸

In retrospect, the *Free School Act* established the methodology of school funding and the School Board was forced to work within those limits.

17 Chairman's Report, in *School Board Report*, 1896, p. 9.

18 *Ibid.*, 1897, p. 10. Having secured annual payment of the estimate in full, it is interesting to note that the reason for Council not having also done so was now said to be "owing to the delays in collecting taxes"--and not to the direct actions of Council as the Board had maintained in the past. Perhaps the Board was feeling comfortable enough to be tactful.

Initially, City Council withheld the Board's operating revenue by refusing to assess for schools. The Board cannot be held accountable for the resultant problems of that refusal. In addition, for 34 years between 1865 and 1899 discordant fiscal years blurred the financial picture of Halifax schools. Cloaked in a fog of numbers, City Council repeatedly made short payments to the Board. In turn, these short payments forced the Board to borrow money for its operating expenses. Between 1881 and 1899 the total interest paid on borrowed operating funds amounted to \$18,984.01. Projecting that rate over the entire period from 1865 to 1899 places the total cost of borrowed operating funds in excess of \$36,000. The Board had the power to align its fiscal year with that of the city at any time; yet it waited until 1899 to do so. Its positive relations with the provincial authority suggest that the Board could have secured annual payment of the school estimate in full long before 1897. Between 1865 and 1899, therefore, the Halifax public school system lost at least \$36,000, largely because of the Board's inaction.

When the *Free School Act* was passed in 1865, approximately half of the children going to school in Halifax were attending schools built and operated by the Roman Catholic Church. At that time eight Catholic schools taught 1050 pupils, or 54 per cent of the city's common school students.¹⁹ Rather than force Halifax taxpayers to provide new schools, the so-called 'Halifax Section' was written into the act.²⁰ This provision allowed the Halifax Board of School Commissioners to make certain arrangements with the Catholic Church, by which the Board could lease existing schools at very reasonable rates and incorporate them within the new 'free' or public school system.²¹ Although some assurances were made to the Catholic Archbishop regarding teachers and denominational lessons, the leased schools themselves fell completely under the Board's jurisdiction. The 'Halifax Section' was very much a political concession essential to the passage of the legislation. However, it was also a sound fiscal decision which allowed the Board and the city's taxpayers to avoid the financial shock of having to build several schools immediately. Though unusual, this arrangement was a successful

19 Burns, "Public School Education of Catholics," p. 35. The total number of children attending common, or public schools, was 1960.

20 Statutes at Large, 1865, Chapter 29, section 49, subsection 3; quoted in Burns, "Public School Education of Catholics," p. 36.

21 Schools incorporated under the 'Halifax Section' had to be deemed free schools, i.e., owners of these schools were no longer permitted to recover any of their costs through tuition fees.

political and financial compromise which served the Board and the city well for 27 years.

Although the 'Halifax Section' eliminated the need for an immediate building program, increases in the student population caused by compulsory attendance and the structural decline of existing buildings soon required the Board to build, regardless. Section 23 of the *Free School Act* said that all money borrowed (i.e., the principal sum) for the leasing, building or renovation of schoolhouses, plus all resulting interest was to be repaid through the school assessments.²² For example, suppose the Halifax Board of School Commissioners proposed to build a school costing \$20,000. Suppose also a simple interest rate of 6 per cent annually, a repayment term of twenty years and a tax base of \$20,000,000. With interest, the total cost of the building would be \$44,000. If the building was approved, under Section 23 city property owners would pay 1.1 cents per \$100 of assessed value. A person whose real and personal property had been assessed at \$5000 would pay an additional 55 cents per year in school taxes for twenty years, or a total of \$11 toward the cost of building the school. If the existing school rate was thirty cents per \$100 at the time the building was approved, the taxpayer could expect to see his school taxes increase from \$15 to \$15.55. Of course, over a twenty-year period the tax base and school rate would vary. However, the figures quoted above were typical for the late nineteenth century and accurately illustrate how the *Free School Act* intended construction costs to be recovered.

However, Section 23 of the act did not operate as it was intended to in Halifax. City ratepayers were assessed only for interest payments and not the principal sums borrowed for construction and maintenance costs. As a result tax rates were held down. The taxpayer in the example above would actually have seen only a thirty-cent increase in his annual school taxes and would have contributed only \$6 to construction costs over twenty years. By not assessing for the principal sum, the tax rate was essentially halved. This made sense politically, but was unsound from a fiscal point of view: after twenty years of payments the principal debt of \$20,000 would remain unpaid. The folly of this practice was pointed out by Chairman Longard in his report of 1894:

22 See Bingay, *History*, pp. 67-68.

The city of Halifax is, I believe, the only school section in the province exempted from the operation of the clause in the Education Act which provides that, 'All moneys borrowed for the purchase or improvement of grounds for school purposes, or for the purchase or building of school houses, shall be paid by equal yearly installments not exceeding twelve, to be assessed upon the section'.

When trustees are allowed to create a permanent debt for school purposes, the amount borrowed should be limited to the market value of the real estate owned by the section, otherwise the burden of paying the principal...will fall upon those receiving little or no benefit from a large portion of the expenditure....²³

The 'Halifax Section' was clearly written into the *Free School Act* and openly debated in the legislature and the press. But, neither a request for nor approval of the city's exemption from Section 23 of the act appear in the minutes of the School Board or City Council. It was not written into the legislation or subsequent Education Acts either. The exemption existed and was thoroughly exercised, as Chairman Longard pointed out; yet, neither Longard nor anyone else writing in the School Board's annual reports explained why or how it had come about. The exemption may well have been a political 'bargaining chip' used to calm City Council's resistance to school assessment. Moreover, the city's Protestant population disliked the notion of separate schools. The 'Halifax Section' essentially granted separate schools for Catholic children. Perhaps the exemption was a way of easing Protestant resistance to the potential financial burden of building separate Catholic schools. Regardless of the rationale behind the exemption, it allowed the Board to accumulate a debenture debt which it had no means to repay. By 1890 that debt totaled \$216,144. And while the exemption held down the annual school rate, in the long term it greatly inflated the cost of school buildings.

The construction of the Halifax County Academy perfectly illustrates the inflationary effects of not assessing for principal debt. The Academy was built in 1878 using \$35,000 which the Board raised by issuing 25-year debentures at six per cent. By 1903 interest payments totaled \$52,500 and the \$35,000 principal had fallen due.²⁴ Using its exemption from Section 23 of

23 Chairman's Report, *School Board Report*, 1894, p. 11.

24 *School Board Report*, 1903, p. 80.

the act, the Board had not requested assessment for the repayment of the principal sum. As a result, in 1903 when the Academy's debentures fell due the Board had only \$6000 which it could put toward the repayment of the Academy's principal debt.²⁵ It was forced to raise the remaining \$29,000 through a second debenture issue. The second debentures paid interest at four per cent and matured 1 July 1928. Total interest paid on the second debentures equalled \$29,000. It thus took fifty years and \$116,500 to pay for the Academy. Half of the time and at least \$29,000 of the cost could have been saved, had Section 23 of the *Free School Act* been applied.

As well as having no means to repay mature debentures, during the 1860s the Board often sold its debentures below par. For example, on 4 May 1868 the Board issued \$3600 worth of debentures at 91 per cent of par.²⁶ The Board received \$3420, but for 25 years paid six per cent interest on a par value of \$3600. In other words, the Board made \$270 worth of interest payments on \$180 that it never received. And when these debentures matured, the Board returned their full value of \$3600--including the \$180 it never took in. Selling below par in this case increased capital costs by \$450. Between 1867 and 1869 the Board issued \$128,700 worth of debentures below par and lost \$4273.43 to increased capital costs.²⁷ Fortunately this practice was soon ended, and after 1870 all debentures appear to have been issued at par or at a premium.²⁸

By 1890 debentures issued by the School Board totalled \$216,144, although the Board had yet to establish any means for repaying this debt. Moreover, the debenture debt would have been much higher had it not been for the 'Halifax Section' of the act. In addition to its cumbrous debenture debt, during the first half of the 1890s the Board borrowed heavily to cover operating expenses due to an extended period of low assessment receipts. At

25 The \$6000 came from the sinking fund established in 1901 by the Board, in order to retire old debentures as they fell due. For general background to the fiscal operations of the Halifax School Board see William Casteller, *Public School Debt Administration* (Philadelphia, 1958).

26 School Board Minutes, 5 May 1868, p. 348.

27 *Ibid.*, 16 Sept. 1867, p. 241; 21 Oct. 1867, p. 252; 4 Nov. 1867, p. 262; 20 Jan. 1868, p. 301; 2 Feb. 1868, p. 311; and 5 May 1868, p. 348. See also, *School Board Report*, 1867, p. 34 and 1869, p. 39.

28 Debentures sold at a premium (above par) provided the Board with capital above face value, capital on which the Board paid no interest.

this point the Board was yet to realign its fiscal year or to be guaranteed full payment of its annual estimate. Therefore, despite the Board's vigorous claims to the contrary, the Halifax public school system stumbled into the 1890s on very wobbly financial legs. But instead of taking measures to steady its stride, in 1892 the Board abandoned its arrangements with the Roman Catholic Church, resolving instead henceforth to build all schools within its jurisdiction, and no longer to lease such schools from the Catholic Archdiocese.²⁹ In other words, despite its precarious financial position the School Board now resolved to increase its debt--a debt which it did not yet have any means to repay.

On 11 March 1892 the *Halifax Herald* presented the debate behind the resolution. Commissioner Wier, who moved the resolution, suggested the Board could save money by building instead of leasing. Suppose, said Wier, that the Archbishop were to build a school for \$20,000 and lease it to the Board at six per cent of cost. The Board would pay \$1,200 per year. According to Wier, the School Board could borrow at 4.5 per cent; at that rate a \$20,000 school would cost \$900 per year. The remaining \$300 formerly paid in rent could be deposited in a sinking fund which after forty years would yield over \$28,000. Moreover the land, which may also have appreciated in value, would belong to the Board.

In opposition to Wier, Commissioner Butler suggested that while these calculations were correct, the initial figures were not assured. The rate of six per cent charged by the Archbishop was not immutable. Nor were lending rates or investment returns. Moreover, there would be taxes owed on the proposed sinking fund and the school property which did not appear in Commissioner Wier's calculations. Commissioner Butler "believed that the system of erecting buildings which had existed in the past and had given such satisfaction was really the best in the interest of the citizens financially and otherwise." Agreeing with Butler, Commissioner Cragg "did not think there had been any loss from the system hitherto in vogue of renting or paying the interest on the costs."

On 31 March 1892 the *Halifax Herald* printed Archbishop O'Brien's response to both the Board's resolution and the argument of Commissioner Wier. First the Archbishop reminded the Board of the agreement reached in

29 School Board Minutes, 10 Mar. 1892, pp. 554-555.

1867. At that time Archbishop Connolly built a school on Russell Street which the School Board agreed to lease from the Episcopal Corporation. In 1871 the school on Lockman Street was built under the same agreement. The process was repeated in 1874, 1887 and 1889: "For twenty five years the compromise has worked harmoniously and...beneficially for the taxpayers."³⁰ The Archbishop went on to note that the 52 classrooms which the Board rented from the Episcopal Corporation cost \$5,128 or \$98.60 per room per year. Most of the remaining 64 classrooms were owned outright by the Board. According to the Archbishop, those rooms cost \$10,079 or \$157.48 per room per year. The rooms rented from the Corporation were \$60 cheaper: "In other words a saving of \$3,000 a year to the City." The Archbishop also listed the total cost of the last four schools built by the Corporation at \$87,839 and the rent for those schools paid by the School Board at \$4,220 or 4.5 per cent. This is much lower than the six per cent rate used by Commissioner Wier to produce the great saving which would see the School Board "not only practically get its buildings for nothing, but [also] have a large surplus."³¹

From the arguments presented in the Board minutes and the newspapers of March 1892, it is difficult to know which method of procurement made the more economic and political sense. In Commissioner Wier's example a sinking fund would replace borrowed building capital and would return more than \$8000 to the Board. However, that process would take forty years. Typically the Board raised building capital through 25-year debentures. In Wier's example, annual debenture interest would be $\$900 \times 25 \text{ years} = \$22,500$. At the end of the 25 years the \$20,000 principal would also be due. And as we have already seen, the principal sum would not have been covered by assessment. The Board could re-issue debentures for the entire \$20,000 or it could pay a portion of the principal with a premature withdrawal from the sinking fund and re-issue debentures for the remainder. Either way there would be no surplus as Wier had suggested and the actual cost of his scenario

30 The agreement referred to by the Archbishop is of course the 'Halifax Section' of the *Free School Act*. The date 1867 does not denote a separate conciliation, but rather indicates the first time a school was constructed under the provisions of the 'Halifax Section'.

31 *Ibid.*, 11 Mar. 1892. It is interesting to note that if the rent figures presented here by the Archbishop are correct, the cost for rent and interest were equal and the financial gain suggested by Commisssioner Weir nonexistent.

would be at least \$37,000. Moreover, Wier failed to account for insurance, furniture or repairs. Without factoring in these costs and without presenting the full costs of financing, it was premature and inaccurate for him to present ownership as cheaper than leasing. But, whatever the cost, ownership did provide land--an appreciable asset that even the lowest rent could not offer.

The Archbishop's calculations were equally debatable. He claimed that the Board paid \$98.60 per year for each room it rented from the Episcopal Corporation--nearly \$60 less than the annual cost of each room owned by the Board. However, the Archbishop did not consider the Board's maintenance, insurance or furniture costs for the leased rooms. A special committee appointed by the Board to examine the matter conceded that rooms rented from the Corporation were indeed cheaper, but by only \$20 rather than the \$60 claimed by the Archbishop.³² Citing the Board's latest annual report, the committee claimed the total cost of rooms rented from the Corporation to be \$101.11 per room; rooms owned by the Board were calculated at \$126.30 per room.³³ However, this figure would soon be reduced by the completion of Alexandra School and a 1.5 per cent reduction in the interest paid on \$134,000 worth of debentures. The committee also went on to point out that schools built by the Board included much larger playgrounds. While this inflated the cost it provided a safer and more enjoyable environment for the children. In closing, the committee took exception to a comment purported to be the Archbishop's, who reputedly noted that "with the exception of the Alexandra school the board has no other building anything like as good as the Catholic buildings." In response, the committee observed, "we must with all due deference to his Grace's opinion, take exception to his statement, and while we will not go so far as to say that all our buildings are superior, yet we believe them to be equally as good as the best of those rented from the Episcopal Corporation."³⁴

The debate surrounding the School Board's resolution failed to identify the more fiscally responsible method of providing schools for Catholic

32 *Ibid.*, 31 Mar. 1892. Some of the calculations were loosely presented in the press. According to the Archbishop, rooms rented from the Corporation were \$58.88 cheaper. According to the Board, they were \$25.19 cheaper.

33 *The Evening Mail* (Halifax), 6 May 1892.

34 *Ibid.*

children. The debate also failed to consider the Board's overall financial position. Costly overdrafts caused by low assessment receipts were never mentioned. Nor did anyone question the wisdom of increasing the Board's debenture debt, a debt still without a repayment plan. The Board and the Archbishop vigilantly presented their own versions of fiscal reality, but neither was able to present a truth undeniable to the other--or to the ledgers.

By 1892 the Board's debenture debt had climbed to \$234,700. This debt reflected the costs of construction, repairs and furnishings prior to that year.³⁵ It also reflected the consequences of not assessing for principal sums. The Board knew it had never been forced to assess for principal debt. It was also aware of the large debt already accumulated through that exemption. Despite this knowledge the Board chose to expand its building program, a decision which increased the debenture debt by \$102,082, or 43.5 per cent. According to newspaper reports of March 1892, the Board discussed the establishment of a sinking fund to pay off the principal debt resulting from the expanded building program. The Chairman's report, appearing in the annual *Report of the Board of School Commissioners*, also called for a sinking fund in 1894, 1895 and 1896--but for some inexplicable reason, the Board did not pass the necessary resolution until 1900, clearly imprudent from a fiscal standpoint.³⁶ Enactment of the fund also required provincial legislation. This was obtained in 1901 and a sinking fund was finally created.³⁷ By this time the total debt had reached \$311,000. According to the Chairman's report of 1907 the fund had in its first six years generated \$21,091.67.³⁸ Clearly if it had been created in 1892, the sinking fund would have repaid much, if not all, of the principal debt incurred from the expanded building program.

35 This figure is drawn from the *School Board Reports*, 1892-1907 and *The Annual Report on The Public Schools of Nova Scotia* 1892-1907. Figures in these reports sometimes differed, likely because they were published at different times of the year. Handwritten corrections also appeared, presumably entered by officials of the day. These differences or corrections did not represent large amounts and thus do not contradict the overall summaries presented in the reports. The total debenture debt presented here is consistent with other information presented in the reports.

36 Chairman's Report, *School Board Report*, 1904, p.135.

37 *Ibid.*

38 *Ibid.*, 1907, p.11.

However, the corollary question remains unanswered: what were the fiscal implications of continuing to lease schools from the Catholic Church? Between 1892 and 1907 the Halifax School Board built three schools that were attended primarily by Catholic students. The Church would have built these schools had the resolution not been passed.³⁹ The total construction cost of these schools was \$63,207,⁴⁰ which represented 61.92 per cent of the construction debt accumulated between 1892 and 1907. The Young Street School, the first built after the resolution, was completed in 1894 at a cost of \$21,817. A closer look at this particular project further illustrates the financial distinctions between ownership and leasing.

The annual operating costs of the Young Street School included \$981 for interest on debentures, \$100 for insurance, and structural maintenance costs as required.⁴¹ Assuming the rate of six per cent previously charged by the Episcopal Corporation, rent for this building would have been \$1309 per year. In the old lease agreements, the Board would have also been responsible for insurance and maintenance; later agreements saw the Corporation assume responsibility for these costs, thus relieving the Board from having to raise capital for repairs, thereby enlarging its debt. But regardless of the leasing terms, the difference between ownership and leasing appears to generate a small saving in favour of ownership--provided annual repair and administrative costs remained below \$228. However, to gain that small saving the School Board assumed a debt of \$21,817 for the Young Street School and \$41,390 for two later schools. Moreover, the debt was assumed without a means of repaying the principal. Any saving secured through ownership was thus eclipsed by the parallel increase in debt--all of which suggests that carefully negotiated leases made greater fiscal sense.

The Board knew that leasing was cheaper. A committee struck to audit and respond to the claims made by the Archbishop in March 1892 confirmed that rooms leased from the Episcopal Corporation were in fact cheaper, but

39 The three schools were St. Joseph's, Young Street and St. Patrick's Girls' High School.

40 This figure comes from the Debentures-Construction-Account tables in the *School Board Report*, 1894, 1906 and 1907.

41 The figure for insurance is based on the average rate paid, 1892-1907, according to the *School Board Reports* for those years.

by only \$20--and not the \$60 declared by His Grace.⁴² The findings of the committee led Commissioner Cragg to put the following motion at the Board meeting of 19 May:

Whereas the disclosures submitted by a report of a special committee show that the present arrangements existing between this Board and the R.C. Episcopal Corporation are in the interests of harmony and economy, *Therefore Resolved* that the motion passed at the meeting of 10 March offering the principle that this Board should own all its own buildings be and is hereby rescinded and that plans and specification be forthwith prepared for the proposed new building on Campbell Road known as the Russell St. School and that the same be submitted to His Grace the Archbishop with the request that he tender for same giving full particulars as to site.⁴³

Commissioner Cragg's motion was defeated. The Board was obviously determined to stand by its earlier decision, despite the knowledge that leasing schools would have been cheaper than building them. The motivation to build was clearly not financial. But, regardless of the reason, the decision to build was not inherently bad. The evil lay instead in bungled debt financing and the Board's ongoing financial weakness.

The resolution of 10 March 1892 did not by itself create the large debt load that had accumulated by 1907. It did, however, expand the Board's building program, while failing to address the repayment of construction costs, either through increased taxes or the provision of a sinking fund. Yet, there are signs that the large debenture debt eventually curtailed the Board's fiscal independence. In 1904 the lease on St. Mary's Boys' School expired and the building was deemed to be unfit. As a result, "negotiations were entered into with His Grace the Archbishop, with whom arrangements were made for the erection and lease of a modern and commodious new brick building at an annual rent of \$2740.00."⁴⁴ This was a complete reversal of the 10 March 1892 resolution and was likely necessitated by the Board's inability to gain approval for the financing of another building. Then in 1907, City Council requested the following amendment to the City Charter:

42 *The Evening Mail*, 6 May 1892.

43 School Board Minutes, 19 May 1892, p. 585; and 7 Apr. 1892, p. 569.

44 Chairman's Report, *School Board Report*, 1904, p. 10.

at the request of the City Council the right to issue all school debentures was thereafter vested in the City, and the act amended accordingly. Whenever the Board requires money that is a debenture charge, the Governor-in-Council after a hearing directs the city to issue such debentures. In the event of any such direction not being carried out, the Board may issue debentures to the amount required. This clause conserves the City's educational interests. As school debentures mature, they will be paid off or re-issued by the City.⁴⁵

This action did not completely remove the Board's ability to freely issue debentures.⁴⁶ But, it did regulate the process and suggests that both the provincial legislature and the Halifax City Council were concerned over the School Board's financial affairs. In 1907 the city also took over the management of the sinking fund, a further indication of concern.⁴⁷

The resolution of 10 March 1892 was the most talked-about and scrutinized fiscal decision made by the School Board prior to World War I. This was because of the resolution's links to the controversial 'Halifax Section' of the *Free School Act* and because of the broader and always heated debate surrounding the question of separate schools. Yet, despite all the attention paid to school finances in 1892, the overall financial weakness of the city's public school system went unattended: the resolution was shown to be imprudent from a fiscal standpoint, yet in keeping with its history the Board refused to waver.

The focus of this article has been the management of school funds in Victorian Halifax. As we have seen, ill-advised fiscal policies implemented by the Halifax Board of School Commissioners resulted in the needless loss of thousands of dollars. Between 1865 and 1913 the School Board wasted at least \$238,000 of the taxpayers' money and accumulated a debt of \$336,782. The Board's financial management is surely open to criticism. However, it is also true that much of the debt and incurred losses after 1890 might have been avoided had the Board been less dependent upon deficit financing. In other words, if the Board's annual receipts had been higher, the volume and cost of long term borrowing might have been reduced. Education was a

45 *Ibid.*, 1907, pp. 10-11.

46 *Ibid.*, 1922-23, p. 40. In 1923 the accounting firm of Price, Waterhouse and Co. were hired to audit the financial position of the School Board. Their report identifies the only instance of the Board issuing its own debentures after 1907; a note confirms that the 1907 amendment did not completely remove the Board's ability to issue debentures. However, the Board has issued its own debentures only once since 1915.

47 *Ibid.*, 1907, p. 10.

priority for late nineteenth-century reformers. But, was the funding methodology established in 1865 sufficient to support the ambitious program that lay ahead? This question does not seem to have been raised by the School Board, Halifax City Council, the Provincial Legislature or the press.

Did the quality of education in Victorian Halifax suffer because of the Board's fiscal mismanagement? Relative to the rest of the province, probably not. Despite the Board's fiscal problems the city's children had access to more schools than children in rural Nova Scotia, while teachers in Halifax tended to have higher qualifications. However, there were potential benefits to better money management. For example, both the lay-offs and the ten per cent salary cut which teachers were forced to take in 1880 could have been avoided.⁴⁸ Based on 1891 costs, the money wasted by the Board could have funded 25 first-class female teachers for 25 years. This would have lowered the pupil-teacher ratio from an average of approximately 55/1 to 45/1.⁴⁹ Had that money been available for construction costs, the Board could have built and paid for six schools equivalent to the Halifax Academy, or eleven schools like the Young St. facility which opened in 1894. That money would also have bought a wealth of laboratory apparatus, books or athletic equipment. The common perception is that better equipped schools with more teachers provide a better education. Public education was and is supposed to provide a healthier economy and community. Yet, there is very little hard research data to support these claims. Nor are there any studies confirming the relationship between sound fiscal management and the positive effects of schooling. Without such data it is difficult to argue that the children of Victorian Halifax would have received a better education had the School Commissioners been better financial managers. However, students certainly did not receive any benefit from the money which the Board wasted.

This article has presented the fiscal reality of school reform in Victorian Halifax, a reality that challenges the image of progressive efficiency put forth by Victorian reformers. This article attempts to help clarify the historical record. It also hopes to encourage further research into the area of public school finance in Nova Scotia, both past and present. Further research in this area is crucial to any serious attempt at addressing the contemporary problems of public school finance, problems that are to some extent a legacy of Victorian school reform.

48 *School Board Report*, 1880, p. 1.

49 *The Annual Report on The Public Schools of Nova Scotia, 1890-91*, p. 31; and Chairman's Report, *School Board Report*, 1904, p. 41.

Nova Scotia at the Jamestown Tercentennial Exposition, 1907: Excerpts from the Diary of Harry Piers

Eileen D. Mak

Harry Piers is a name well-known to many Haligonians.¹ A man of varied interests and talents, he was a prolific author and correspondent on a wide range of topics--from geology and ornithology to art history.² Piers is probably best known as the Curator of the Provincial Museum from 1899 to 1940, but he was also, during that time, Librarian of the Provincial Science Library, Deputy Keeper of the Public Records, and 'man-in-charge' of the Provincial Exhibition Mines Building. The extent and variety of his public roles meant that Piers's life was rarely dull and that his ingenuity and patience were repeatedly challenged. His diaries, which he kept from 1907 to 1938, demonstrate this well.³

Indeed, the very first extensive entries in his diaries for 1907 describe an incident which, as it unfolded during the ensuing weeks, may well have been Piers's most frustrating experience. His cultural and scholarly leanings meant that he was never entirely a 'man of the world', but at the Jamestown Tercentennial Exposition of 1907, he met head-on with that wider world, in all of its crass and unpleasant trappings. The diary excerpts which follow in this article illustrate some of the more difficult aspects of the life of a curator/director, as well as the frustrations of being a Victorian gentleman in an increasingly un-Victorian, and American world.

Harry Piers was sent by the Government of Nova Scotia to the 1907 Jamestown Tercentennial Exposition in Norfolk, Virginia, in order to accompany an exhibit of economically significant minerals found in Nova Scotia. Piers's predecessor at the museum, the Reverend Dr David Honeyman, had often acted as exhibit agent for the Nova Scotia Government, but this was the first time that

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1 For a brief sketch of the life and career of Harry Piers, see Lou Collins, "Piers was a devoted historian," in *The 4th Estate* (Halifax), 21 Apr. 1977, p. 13.

2 For a fairly complete bibliography, see Phyllis R. Blakeley, "Bibliography of the Works of Harry Piers," in Harry Piers, *The Evolution of the Halifax Fortress, 1749-1928*, ed. G.M. Self and Phyllis Blakeley (Halifax, 1947).

3 The Piers *fonds d'archives* is divided between the Nova Scotia Museum of Natural History, where those papers directly relevant to the history of the museum itself are housed, and the Public Archives of Nova Scotia, which holds his personal papers, including his diaries. The latter are found in MG 1, Vols. 1046-1051, Public Archives of Nova Scotia [hereafter PANS].

Piers had been asked to accompany a promotional exhibit outside the province. Given his knowledge of the natural history of Nova Scotia--and especially its geology--Piers was the logical choice to accompany the exhibit; for the government he had the added attraction of already being on the province's payroll, thus requiring of them no added expense.

The Jamestown Tercentennial was organized to celebrate the three hundredth anniversary of the founding of the first English settlement in the New World.⁴ Since the Great Exhibition of the Works of Industry of All Nations--held in London in 1851 and more popularly known as the Crystal Palace Exhibition--the international trade and industrial exhibition had become a regular and popular format for advertising the wonders and abilities of the participating countries. The World's Columbian Fair at Chicago in 1893 had additionally shown that such occasions could be useful in marking the anniversary of a great event.⁵ The organizers of the Jamestown Exposition thus had two objectives in mind: they hoped to celebrate an anniversary and thereby to promote the state of Virginia. Launched on 26 April 1907--the date the first settlers were supposed to have landed--the fair remained open until the end of November.

From the beginning, there were problems. The buildings and grounds were incomplete on opening day and attendance throughout the year suffered because many of the exhibits were consequently delayed in their opening. Among the schemes used by the fair organizers to boost attendance was the naming of special days. Thus, 13 May was 'Jamestown Day', again because it was considered to be the date of the founding of the first English settlement in the New World. Many of the countries and states which participated in the fair were also assigned special celebratory days. Government officials were invited as special guests and were welcomed at public ceremonies consisting largely of speech-giving. Name-day participants were also encouraged to sponsor parades on their day. Though eventually deemed a success because of its promotion of the state, the 1907 fair was nevertheless a financial failure.

4 For information on the Jamestown Tercentennial Exposition see Dwight W. Hoover, "Jamestown 1907: Jamestown Tercentennial Exposition," in John E. Findling and K.D. Pelle, eds., *Historical Dictionary of World's Fairs and Expositions, 1851-1985* (Westport, Ct., 1990), pp. 200-202; Carl Abbott, "Norfolk in the New Century: The Jamestown Tercentennial Exposition, 1907," in *Virginia Magazine of History and Biography*, 85 (1977), 86-96; and Robert Taylor, "The Jamestown Tercentennial Exposition of 1907," in *Virginia Magazine of History and Biography*, 65 (1957), 169-208.

5 See Robert Rydell, "The Literature of the Fairs," introduction to *The Book of the Fair* (Chicago, 1990); he suggests that Americans were particularly prone to the use of world's fairs and expositions to mark anniversaries.

Nova Scotia, the only Canadian province to participate at Norfolk, was among the late-comers to the exposition. Piers was not told until July, two months after the fair had opened, that he would be going and he did not actually arrive until August. Nonetheless, despite the brevity of the exposure, the Nova Scotia Government felt it worthwhile from a trade and marketing perspective to send the exhibit.⁶ Also, despite the lateness of Nova Scotia's entry, fair organizers offered the province the 24 October as 'Nova Scotia Day'. Piers was not in Virginia for that occasion, but a news article of August 1907 claimed that the Lieutenant-Governor, the Premier and Executive Council of Nova Scotia, the Governor-General of Canada, the Prime Minister and federal cabinet ministers, and the mayors of Halifax and other principal cities were all planning to attend this gala event.⁷ It is doubtful that any of them actually showed up.

Piers accompanied the exhibit to Jamestown in his capacity as Curator of the Provincial Museum; his role was to answer any questions viewers and potential investors might have about Nova Scotia's minerals, mines and mining industry. As representative of the Nova Scotia Government, Piers was to present the displays and deliver the accompanying marketing strategy both objectively and equally. However, his desire to discharge these responsibilities was repeatedly thwarted by a pair of American stock promoters, Mrs. C.N. Coleman and Mr. B.W. Lincoln, who were determined instead to push their own mining interest, the Micmac Gold Mine of Nova Scotia.

Coleman and Lincoln immediately rearranged Piers's exhibit, putting their own mine display front and centre; they published articles in the local press, advertising their role in the exhibit; and they appropriated authority for the exhibit when Piers was absent.⁸ Through it all, he remained studiously polite. He told the promoters they were impudent, and took his concerns about them to the premier; however, he did not alter their re-arrangement of his exhibit and, in the end, he candidly admitted to a friend that despite how he personally felt about them, Coleman and Lincoln probably had done much to promote Nova Scotia.⁹

6 See Nova Scotia. Commission of Public Works and Mines. *Descriptive Catalogue of Economic Minerals of Nova Scotia, Canada* (Halifax, 1907).

7 "Nova Scotia Day at Exposition October 24," in *Virginian-Pilot* (Norfolk, Va.), 25 Aug. 1907.

8 The 25 Aug. 1907 article in the *Virginian-Pilot* describing what would happen on "Nova Scotia Day" was a contribution by Mrs. Coleman.

9 Piers to E.R. Faribault, 5 Feb. 1908 (copy), in Piers Collection, III. Exhibitions, A. Correspondence, Nova Scotia Museum of Natural History [hereafter NSM].

Piers began keeping a diary in 1907 and the account of his Jamestown experience constitutes the first detailed entries:¹⁰

6 July At 10 am Premier Murray sent for me and we had a talk about the possibility and advisability of sending an exhibit of minerals of Nova Scotia to the Jamestown Ter-Centennial Exposition now being held near Norfolk, Virginia. I told him that the exhibit at our own Mines Building was available if he decided to send one. This was the first I knew that the government was seriously considering making an exhibit at Jamestown.

15 July This morning's newspaper announced that the N.S. government had decided to send an exhibit of N.S. minerals to the Jamestown Exposition...and that I had been placed in charge of this exhibit. During the morning the Commissioner of Works & Mines, Mr. Chisholm, officially informed me of this, and I immediately began to make preparations for the exhibit.

Why did the Nova Scotia Government suddenly decide to send an exhibit to a fair that had opened two-and-a-half months previously? Piers records no reasons for the decision. Even knowing that the government was considering such an exhibit, he must have been somewhat shocked to read about his appointment in the Halifax press before he was officially informed of it. His diary laconically continues:

17 July To Mines building at about 11.30 where Reardon's man was painting numbers on specimens for Jamestown Exposition. Returned to town at 2.15 p.m. From 2.30 till about 3.15 o'clock was with Premier Murray talking about matters connected with exhibit. He said I was to have absolute control of the exhibit at Jamestown, in order that no others should interfere.¹¹

On 18 July, Piers began the job of packing up the exhibit for shipping. On 31 July, he and his exhibit sailed on the SS *Halifax* for Boston, New York and Norfolk, where he arrived on 6 August. During his absence, his wife Constance and his sister Bessie took care of the museum. The first two weeks at Jamestown were spent preparing the exhibit space and viewing the other buildings on the exposition grounds:

¹⁰ Diary entries are from PANS MG 1, Vol. 1046, Diary 1907; Piers's spelling, grammar and punctuation have been retained. Piers commenced his diary notations on 2 Jan. 1907 and continued them regularly until his wife's death in 1939. He never explained why he began, nor did he ever reflect on the purpose of his diaries.

¹¹ Piers's careful notation that he was to have "absolute control" suggests he was aware of the trouble yet to come, which in turn suggests that these diary entries were actually written much later. Other evidence confirms that Piers often wrote up his diary entries months afterwards, from notes taken at the time.

16 Aug The stands for our exhibit are now complete enough to place the samples thereon...at 1 o'clock. Brough & I started to open boxes of minerals, etc., in presence of customs inspector (the exhibit being in bond). We then started to install the exhibit in the space assigned Nova Scotia....

19 Aug ...I began in the morning to label and finally arrange the N.S. collection of economic minerals...worked hard till about 5.30 p.m. Then sat in Dorsey's office, tired out and rather downhearted and homesick, till 6.15, when he and I walked down to Swiss Village Restaurant.

20 Aug After breakfast, walked up to Mines Building which reached about 9.30. Started immediately to continue my work of labelling & finally arranging the N.S. mineral collection.... In afternoon had mineral sample boxes repainted, and also put 3 British flags as a background. I worked steadily [sic] until 4 p.m.

The days went calmly by, Piers continuing to fill them with work on his exhibit, visits to the other buildings and the midway, and chats and meals with the men he met. And then...:

27 Aug Went to "The Pilot" office on the grounds to see if I could get copy of that paper of last Sunday, which is said to have had an article on the Nova Scotia exhibit doubtless written by Lincoln & Mrs. Coleman, doubtless prepared to exploit the latter in preparation for a campaign in favour of Micmac gold mining stock. These two persons have become a nuisance as I fully expected, and I have constantly to watch their tactics. They are paying for the article in the press in some way. No copies of the paper were at this branch office.¹²

...The installing of the Nova Scotia exhibit of economic minerals of the province, was finished by the afternoon and...I paid off Martin Eaton who had been working for me since 17th inst., and also paid C.W. Brough & E. Bayley for occasional assistance.

28 Aug ...Sat on verandah for a while before dinner in evening, and Lincoln & Mrs. Coleman met me there. Found that they had impertinently made a change in my arrangement [sic] of the exhibit during my absence this afternoon [because of a stomachache]. This renewed instance of their interference vexed me a good deal, but I made no remark about it at present till I saw what they had done, although I was sure they had altered my placing of the Micmac exhibit in which they are financially interested. I excused myself and went to dinner on the Inn verandah at 7 p.m. Then went to my room so as to avoid them, for they have become very troublesome....

12 This was the same article which listed all the prominent guests planning to attend Nova Scotia Day; see fn. 7. Although this is the first diary mention of Lincoln and Coleman, it is obvious that it was not the first time Piers had heard of them.

29 Aug Reached Mines Building at 11 o'clock, and found, as I had expected, that Lincoln & Mrs. Coleman had most impertinently during my absence yesterday afternoon, altered my arrangement of the Boston-Richardson and Micmac Mines exhibit so as to bring the Micmac exhibit right to the front. This destroyed my arrangement of this portion of the exhibit and gave less space for people to walk about. The Boston-Richardson, as the more important mine, I had had to the front, with the Micmac next behind it, which also brought the Micmac rich ore close to the government's exhibit of rich gold samples, so that the watchman could keep his eye on both at once. Their tampering with the exhibits changed this arrangement which I had made with forethought. Of course all they desire is to advance the sole interests of the Micmac Mine. I was much vexed and intended to immediately replace the exhibits as before. I met Lincoln & told him plainly I considered it an impertinence for an outsider to thus interfere with an exhibit of which I was in sole charge and for which I was responsible and the arrangement of which had received a good deal of thought from me. I let him understand that I would tolerate no further tampering with [the] exhibit by anyone representing a special company. Having thus settled the matter with Lincoln so as to prevent a repetition, I thought that possibly I would let things stay as they are although the arrangement far from pleased me. Did not, however, tell him this. Had I not seen him and told him my opinion of his actions, I would certainly have immediately put the exhibits in their former places.

30 Aug ...went to "Pilot" office in the town, where I got a copy of last Sunday's "Pilot" with the ridiculous self-laudatory [article] about Mrs. Coleman which had been supplied the paper through her and Lincoln. The Nova Scotia government appeared as a mere secondary thing in this article, and single reference to me made it appear as though I was an assistant to Mrs. Coleman. It was [the] first time I had seen the article. I told the editor to be more cautious about accepting such articles, and that any articles on the N.S. exhibit must give the N.S. government full credit. Also told him I was in sole charge of the exhibit and sole representative of the N.S. government. Mrs. Coleman I find has been systematically magnifying herself at the expense of everyone else, probably for the purpose of getting into the public's eye so as to lead up to an exploitation of Micmac stock in various directions. Her aims are apparent to one who has noted various indications.

31 Aug Spoke to an official [at the Press Building] about the desirability of the Nova Scotian government getting more recognition in their articles about our exhibit, and that care be exercised that the commercial aspects of any one mine in Nova Scotia be not permitted to be unduly magnified, etc. Also showed my appointment as representative of the

Government of Nova Scotia at the Exhibition. I find that Mrs. Coleman has been leaving the impression that she is the chief personage in connection with the exhibit, and I very greatly fear that the Micmac mine is making capital out of the whole affair, and turning things to its good through Mrs. Coleman, that mine's representative. From the Press Building I walked through some of the buildings on Pocohontas Street, for the shade, and so to the Mines [Building]. Found Mr. Lincoln at the N.S. exhibit with a reporter to whom he was giving information. Told Lincoln my opinion as to the very bad taste displayed in the newspaper articles on the exhibit, which were written or inspired by him & told him to exercise more judgement in such matters. Told him that I, as representative of the government in sole charge of the exhibit, and as having the technical knowledge, and as being unbiased and connected with no mining corporation, would give to news reporters any information they desired at any time. Furthermore told him to leave the present reporter to me. I then gave the reporter such information regarding our mineral resources as he desired and seemed proper. Mrs. Coleman & Lincoln have become perfect nuisances.

Piers did not remain in Virginia for the duration of the exposition, if for no other reason than that he also had to care for the Nova Scotia Government's mineral exhibit in the Provincial Exhibition at Halifax in September and October. But the Coleman and Lincoln problem meant that he had to arrange carefully for guards and a caretaker for the exhibit he would leave behind:

2 Sept Walked to Exposition offices in Auditorium to see for the second time Mr. Dixon, director of works, as to a guarantee that the guards on the N.S. exhibit being retained till the close of the exhibition. He said a letter to that effect would be sent to me by Director General Barr.

4 Sept Told C.W. Brough, janitor of the building, that I had decided to leave him in charge of our exhibit in my absence, at \$4.00 a week, & to keep it in order, & be responsible to me. Gave him key of the closets beneath the exhibit, and also gave him various instructions to guide him. Walked over to the "Landmark" newspaper office in the Service Building near the Main Entrance and saw the sub-editor in charge there & asked him to see that the N.S. Govt. got proper & full credit in articles written regarding the N.S. exhibit. The articles emanating [sic] from Mrs. Coleman & Lincoln have largely been magnifying Mrs. Coleman & otherwise seem to me to be in very bad taste.

On 5 September, Piers left Norfolk for Halifax, stopping en route in Washington, New York and Boston to visit the major museums and galleries. He arrived home on 16 September and was at work preparing for the Provincial Exhibition the next day. The Coleman and Lincoln problem nevertheless followed him home:

5 Oct ...[Saw] Premier Murray about a letter I had got today [from] Brough our agent at Jamestown Exposition, regarding further interference of Mrs. Coleman & Lincoln who had wanted the keys from Brough and stated I had no voice in the matter, &c. Mr. Murray on reading the letter expressed himself very forcibly against Mrs. C. & Lincoln and told me to send a telegram to Brough telling him I was still in entire control, that he was to take my instructions only and listen to no one else. Mr. Murray is disgusted with the way of this woman and he said that she had not the slightest authority from him, and that he would not dream of giving her authority that might conflict with mine. He said he had early judged that she would prove a nuisance. I also found by my conversation with the Premier that she had told untruths at Jamestown. This interview with the Premier was most reassuring to me, and let me see that he recognized the style of woman we were dealing with. I accordingly sent a telegram to Brough with the authority, submitting the same to the Deputy Prov. Secy. before dispatching it.

15 Oct About this date, met B.W. Lincoln in the Chronicle office, he having arrived from Jamestown, and I told him plainly what I thought of him and his various operations.

25 Oct Got letter today from Brough who I had left in charge of Nova Scotian exhibit at Jamestown Exposition, in regard to him being denied access to the locked cupboards of the exhibit of which I had given him the key. This is doubtless more of the work of those two outrageous people, Mrs. Coleman and Lincoln.

6 Nov This morning from 11.30 to 1.30 o'clock. I had a long conference with Premier Murray and Com. of Mines Chisholm, and also Mr. Donkin [Deputy Commissioner of Mines], relative to the actions of Lincoln & Coleman at Jamestown. I told them my conviction that they were exploiting the N.S. exhibit solely for their own purposes, and told of their intolerable interference.

Piers returned to Virginia in order to oversee the packing up of the exhibit for its trip home. Leaving Halifax on 3 December, he arrived in Norfolk four days later. From 8 to 11 December he was kept busy packing, filling in forms for the customs inspectors and generally dealing with the final details:

11 Dec Took out of sealed jar the gold from Micmac Mine that I had received from B.W. Lincoln, and packed and sealed it in person of Mr. Dorsey and another (there were 8 pieces). Got the negro packer, Jackson, to carry the box to the Adams Express where I shipped it to the Commissioner of Mines at Halifax.... To office of Powhatan Guard in Service Building and saw Major Keeling, commandant, to put matters right for Brough about the trouble Mrs. Coleman and B.W. Lincoln had

made for him. Had long talk with Keeling and one of his aides, from which it was evident that Mrs. Coleman had without warrant made it understood that she was in charge of the exhibit. The trouble caused by these interfering stock promoters has been very great, & their tampering with exhibit and interference with its concerns, without the slightest warrant whatsoever is most regrettable & has made them a nuisance if not worse. At about 5.20 o'clock, I got a copy of a report made on the subject, which contained evidence of ways they had interfered and taken control.

On 12 December, Harry Piers left the Jamestown Exposition Grounds for the last time. The next day, en route to Richmond, he encountered a Captain Doyle who had been one of the guards in charge of the exhibit. Doyle explained that he had reported the trouble Coleman and Lincoln were making for Brough, and that he himself had been reasonably convinced that Piers was in charge of the exhibit; nevertheless, he had stuck by "the woman." Doyle did, however, express doubts about Lincoln, whom he felt was no doubt being paid by Mrs. Coleman in order to make trouble. Piers's comment on this final exchange was predictably acerbic:

13 Dec I could easily see how Mrs. C. and Lincoln had striven for their own ends to make people think they represented the NS government and had control of our exhibit. No wonder I was so bothered by the abominable interference of this pair who were in the service of a New York broker and promoting stock-jobbing operations with a Nova Scotia mine. No doubt many people have been victimized.

Piers arrived home at last on 21 December. On 23 June 1908, he received a gold medal from the Nova Scotia Government for his work on the Jamestown exhibit. From 22 August to 30 September 1908, he again accompanied the same exhibit to the Canadian National Exhibition in Toronto. Mrs. Coleman and Mr. Lincoln did not make an appearance.

These diary excerpts reveal the sort of man Harry Piers was. Throughout the incident, he remained the 'perfect gentleman'. Despite the vulgar tactics to which Coleman and Lincoln resorted, Piers retained his Victorian gentility and good manners,¹³ never publicly denouncing the couple, and never striking out in anger--either physically or verbally--regardless of how troublesome the pair became.

13 Elsewhere I argue that Harry Piers, raised and schooled in upper middle-class Victorian Halifax, remained a Victorian throughout his life. His inability to break out of that particular understanding of the world, despite his obvious talents and achievements, had a profound effect on the development of the Provincial Museum during his years as curator/director. See Eileen D. Mak, "Ward of the Government, Child of the Institute": The Provincial Museum of Nova Scotia (1868-1951)," in Peter E. Rider, ed., *Studies in History and Museums*. History Division, Mercury Series Paper 47 (Ottawa: Canadian Museum of Civilization, 1994), pp. 7-32.

The excerpts also provide an excellent example of both the responsibilities and the predicaments which Piers could expect to encounter in his many public roles. Curator/director of a small, underfunded and under-appreciated museum, Piers was habitually ignored by the Nova Scotia Government--except, of course, when his knowledge and expertise could serve the government's purposes, as when he accompanied an exhibit of economic minerals to an international exposition. While the trip provided Piers with an opportunity to serve his own needs as curator--namely by allowing him the chance to visit other museums--the failure of the government to fully consult with him before sending the exhibit to Jamestown or to fund the expedition sufficiently (e.g., to provide for a legitimate assistant to care for the exhibit when Piers returned to Halifax), points to the problems he experienced throughout his career in museums, archives and exhibitions.

The epilogue to the Jamestown story is documented in a letter from E.R. Faribault of the Geological Survey of Canada and in a reply from Piers. Coleman and Lincoln, realizing their unpopularity in Halifax circles, turned to the GSC--and Faribault in particular--to request an article on gold mining in Nova Scotia for a special edition of a New York newspaper. Unfortunately for them, Faribault, a friend and regular correspondent of Piers, had been forewarned. Having already heard all about Piers's adventures at Norfolk, Faribault felt it prudent to refuse Coleman and Lincoln's request; Harry Piers wholeheartedly concurred with him.¹⁴

14 E.R. Faribault to Piers, 25 Jan. 1908, and Piers to Faribault, 5 Feb. 1908 (copy), in Piers Collection, III. Exhibitions. A. Correspondence, NSM.

The Development of the Homestead Property 'Oakdell' at Lochaber Lake, Antigonish County

Terry Wasson

This article briefly outlines the development of the homestead property known as 'Oakdell' at Lochaber Lake, Antigonish County. It is not only the story of the development of a thriving nineteenth-century farm, it is also the story of one line of the Manson family in Nova Scotia and their success at early pioneer industries.¹

The typical small agricultural community of today seems far removed from what it was a century ago. One needs only to drive the backroads of rural Nova Scotia to appreciate how the early pioneers struggled to build communities that would sustain a population. Nevertheless, the story of these endeavours remains difficult to imagine. Problems such as geographic isolation, the whims of nature and weather, sickness and premature death are far removed from our late twentieth-century sensibilities. Yet there were still times for celebration in these early communities. The spirit of partnership and common purpose brought people together at weddings, funerals, barnraisings, dances and the many other small but regular events in the life of these communities.

Lochaber Lake in Antigonish County is one such typical rural community. Situated between two rolling hills, the six-mile-long lake lured pioneers with the promise of fertile land, undeveloped forests and a plentiful source of water. The lake is situated fourteen miles from Antigonish, on the No. 7 Highway leading to Sherbrooke in Guysborough County. Although narrow in parts, the lake also has wide expanses which enable a variety of water activities. Water from the lake flows southerly into Two Mile Lake, on to Saint Mary's River, and then to the Atlantic. The lake has been known by several names in the past, including Saint Mary's Lake and College Lake. The local Scottish influence accounts for its present name.

Settlement at Lochaber first occurred in 1810. The first pioneers were from Lochaber, Scotland, and received crown land grants shortly after their arrival. During the 1830s they were joined by an influx of Irish immigrants. The settlement did not go unnoticed by outside visitors. Joseph Howe, for

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¹ This article is based on information in Robin H. Wyllie, "A Property Case Study of the Manson Homestead at North Lochaber in Antigonish County" (unpub. report, 1988, for the Heritage Unit, NS Department of Tourism and Culture); and in Robert E. Inglis, "Lochaber: A Typical Rural Community," in *Collections of the Nova Scotia Historical Society*, Vol. 39, pp. 89-105.

example, passed through in 1831 and remarked: "We burst from the forest upon its eastern extremity, but look upon it from what point you please, the impression upon the mind is one of surpassing loveliness." Howe did not confine his appreciation of the area to only this comment; a passage from his poem "Acadia" also expressed the beauty he saw at Lochaber.

The first Manson to arrive in the locality was Alexander, who came in the late eighteenth century from Wick in Caithness, in the north of Scotland. Alexander Manson married Jean Watters in 1795. The marriage produced five children and the family eventually settled in Middle Lochaber, where Manson took an active role in local affairs. He was a Presbyterian and a Freemason, as well as a local justice of the peace. His death occurred in 1853 in Middle Lochaber.

Two of Alexander's offspring, John and Allan, later moved to Wisconsin, but his middle child, George (b. 1818), remained in the Lochaber area and continued the family's local prominence. George married Elizabeth MacLaughlin in the late 1830s. Their marriage produced eight children. George Manson followed in the traditions of his father, being both a Presbyterian and a Freemason. His death occurred in 1904 and he is buried in the Anglican Cemetery at Sherbrooke.

It is with George's oldest son Alexander that the story of 'Oakdell' begins. Alexander Manson was born in 1841 and was apprenticed at age 15 to John A. Stewart, a carriage-maker. After a period of time as a journeyman, Alexander was able to set up his own business. His first move was the purchase of an 8.75-acre homestead lot, 'Oak Dell' [sic] in November 1864. The purchase was from Dougal and Anne Cameron. In the following year, both a house and a carriage-shop were set up on the property. The house was perhaps built in anticipation of Manson's marriage to Catherine Cameron, which took place in 1866. The residence was a traditional three-bay Cape Cod structure. On the interior of the house, some of the exposed areas reveal irregular, sawn pine boards, while others show mortise-and-tenon pine. All products used in the construction of the house are typical of the mid-nineteenth century.

Not far from the house, in the north end of the homestead lot, the carriage-shop was erected. This building was two storeys high, with the focus of activity located in the upper storey, where the assembly area and paint shop were probably located, above the woodworking shop. The nearby brook may have provided some power for the band saw; the other machines in the shop would have been operated by hand.

The quality of Manson's carriages was well known locally. For example, a prominent Antigonish businessman, Adam Kirk, once bought a carriage for \$70.00, which at the time was a high price. Manson's business ledgers, now held by the Antigonish Historical Society, further attest to the wide extent of his dealings.² Consequently, business prospered for Alexander, and in 1869 he was able to purchase an additional 54 acres from Dougal and Anne Cameron.

Manson did not limit his business interests solely to carriage-making. His father and grandfather had been successful in getting the post road rerouted to their side of the lake in the 1860s, and Alexander now served as the postal way-office keeper from 1867 to 1885. The postal system was afterwards reorganized and he was officially appointed the postmaster on 1 September 1889; at the same time, the office was formally renamed 'North Lochaber'. Manson retained this position until his death in 1925. As postmaster, he was well known throughout the region; all mail for the area came and went via 'Oakdell', making it a focal point within the community.

The stage carrying the mail also brought travellers needing rest and refreshment. Manson now added on to 'Oakdell', which became known formally as 'Fourteen Mile House', this being the distance from the property to the railway station in Antigonish. Here travellers could have a meal and relax while the horses were being changed.

Another small industry also operated on the property during these years. In the rectangle of trees at the front of the property, a small cheese factory was run by L.C. Archibald from 1890 until 1919. Given that during this time period there were no doubt always a couple of apprentices in the carriage shop, as well as hired help in the house, it is obvious that 'Oakdell' was indeed a busy and thriving family enterprise.

In monetary value, Manson's business was considered a success by the standards of the time, and in 1913, it was said to be worth between \$3000 and \$5000. Although this was the last year that Manson was listed as a carriage-maker, his equipment remained intact on the property until his death in 1925. Alexander Manson lived to be 85, and a photograph of him in later years reveals a man of dignity, clean, well-trimmed and in good health. His passing

2 Information derived from draft notes compiled by Ronald A. MacDonald [Antigonish] and in possession of the author. MacDonald places the sale to Kirk at *ca.* 1890, and describes it as a "premium price," the average being \$20-30. According to MacDonald, "Manson may have been one of the very best in the trade."

marked the end of an era, as noted in his obituary: "No family extended its hospitality more to visitors and passers-by than did this family."³

Although Alexander Manson's life corresponded with the rise of 'Oakdell'--and in part with the development of Lochaber itself as a viable community--the story of the homestead property does not end with his death. Manson had six children, and via his Last Will and Testament he divided the property among three of them, namely George, Charles and Mary Lee, with the homestead itself passing to the youngest, Charles (b. 1879). The latter lived for a time at Lochaber, marrying Jessie Mabel Inglis and producing three children, William, Alexander and Mary Alice. Charles also took over his father's position of postmaster, but with the approach of World War II, employment opportunities in New Glasgow caused him to leave Lochaber. He died in New Glasgow in 1969. Of his three children, Alexander died from medical difficulties at eleven years of age, and William died of tuberculosis at twenty, while a medical student at Dalhousie University in Halifax; Mary Alice is the only surviving member of the family. She spent her childhood at 'Oakdell' and subsequently attended Dalhousie University, where she met and eventually married Dr. Charles Roberts, a psychiatrist. Mary Alice and her husband spent many summers at 'Oakdell'; although Dr. Roberts practised in Ottawa, their love of the area and their strong family connections brought them back regularly.

The house and grounds under their tenure saw many changes. The barns, cheese factory and carriage shop were torn down. Various alterations were made to the interior of the house, in keeping with a more modern emphasis: time and practicality dictated such changes. Given their limited time at Lochaber, both the house and the grounds were maintained at a remarkable level of care by Dr. and Mrs. Roberts. It was not obvious that the property saw only part-time occupancy.

By the 1970s, however, the Roberts found it more difficult to maintain a regular vacation schedule at Lochaber. In 1973 they decided to sell the property, in hopes that the house would be better cared for by more regular occupants. That year, Clifford Wasson purchased 'Oakdell' from Alice Roberts and remains the owner to the present day. The Wasson family make regular use of the house during all seasons and attempt to maintain it as it was in the past.

³ *Casket* (Antigonish), 22 Jan. 1925, p.8.

Interest shown in the history of the house, both by the Wasson family and by the Antigonish Historical Society, with the support of Doris Flikke, resulted in the homestead being designated a heritage property by the county in 1988. Also in that year, Brian Cuthbertson, then Head of the Heritage Unit within the Nova Scotia Department of Tourism and Culture, expressed interest in registering the property under the Nova Scotia Heritage Property Act. Accordingly, in March 1988 Robin H. Wyllie, an historical researcher under contract to the Heritage Unit, spent time at the Lochaber property. His research resulted in 'Oakdell' becoming a registered Heritage Property.

A ceremony sponsored by the province was held on the front lawn of 'Oakdell' in June 1988. At this time, a Heritage Property plaque was unveiled by two descendants of the family, Jean Grant and Wilfred Cunningham. The ceremony marked the recognition of significant provincial history and the efforts of the people who had made that possible.

Murder Among the Planters: A Profile of Malachi Caigin of Falmouth, Nova Scotia

Linda G. Wood

Most records are bare-boned, skeletal remains of human lives that once were fleshed out and experienced in all the rich complexity of sensual being—felt with the body, thought with the mind, imagined with the fantasies of living beings now turned to dust.¹

In 1762 in Falmouth, Nova Scotia, Malachi Caigin married my widowed fourth-great-grandmother, Marie Anne (Noget) Payzant. She was then 51 years of age, a woman whose life had already been well-marked by drama and high tragedy. This was possibly a marriage of convenience which lasted only a few years; there were no children. Caigin was an Irishman, obviously named for the Old Testament prophet Malachi, “my messenger.”² He may have immigrated initially to New England, then moved with the Connecticut Planters to Cornwallis about 1760. In 1763 he became an innkeeper in Falmouth for perhaps four years, then a drover of sheep and cattle to the market in Halifax. In 1776 he was violently murdered, and to this day the identity of his murderer has remained suppressed.

Most of the surviving records pertaining to Caigin show him to have been a man repeatedly involved on the wrong side of the law in one way or another. The earliest known record concerning him tells of his appearance in court at Horton on 29 September 1761, on two different charges of disturbing the peace in Cornwallis: “Malachi Cagghorn of Cornwallis...Did on the 30th Day of June 1761 at Cornwallis...profanely Curse, Swear and threaten...[Samuel] McFarling and Jonathan Blackman both of Horton...Saying to...McFarling Damn You, I’ll Splitt you Down.”³ As good as his word, Caigin then took his crowbar and pursued Blackman. When confronted by Ebenezer Bill, “one of his Majesty’s Grand Jurors... [who] reproved & Counsellel [Caigin] to hear Reason... [Caigin]

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1 Philip Greven, “Family and Community in Early America,” in *Intimate Relations: Family and Community in Planter Nova Scotia, 1759–1800*, ed. Margaret Conrad (Fredericton, 1995), p. 2.

2 His country of origin is confirmed by the 1770 Census, Falmouth Township, in RG 1, Vol. 443, No. 11, Public Archives of Nova Scotia [hereafter PANS]. His given name appears variously throughout the surviving documentation as Meloky, Malachi or Malacky; and his surname as Cagghorn, Clagghorn, Caggan, Caggen, Caggin, Cagan, Cagen, Cazen, Caigan, Caigin, Kagen, Keagan and Kegon. For the sake of consistency, he is styled in this article as Malachi Caigin.

3 Grand jurors’ presentment re Malachi Cagghorn, 1761, in Chipman family fonds, PANS MG 1, Vol. 181, No. 11.

Seized him by the Collar and told him to be Easy or he would make him.”⁴ Caigin pleaded guilty. He shared the second charge with three other malfeasants:

Malachi Cagghorn, William Mellis, Frederick Butler & [Benjamin] Belcher all of Cornwallis...on the 13th Day of [September]...being Sunday or Lord's Day...Did ride Extravagantly, hallow & Scream greatly to the Disturbance of the People & being asked...why they So behaved on the Sabbath, answered for their Pleasure.⁵

One year later, in Falmouth, Malachi appeared again in government records, this time in a slightly more propitious fashion: “Malachi Kagen was married with the widow Mary Payzant September ye 15th Anno Domini 1762.”⁶ The ceremony was probably performed by the Reverend Thomas Wood, assistant to the Reverend Doctor John Breynton, rector of St. Paul’s Anglican in Halifax.⁷

Why would the widow Payzant marry a man of such questionable character? One suspects merely for the sake of convenience. Marie Ann (Noget) Payzant was a 51-year-old woman of property, a survivor who had lived several lifetimes in her five decades. She had escaped from Huguenot persecutions in her native Condé-sur-Noireau in Normandy, fleeing to security on the Channel Island of Jersey. There she married in 1739 the widowed Louis Payzant, a fellow Huguenot--and then lost her first three children to early death.

By 1753 she and her husband, with their surviving family, had immigrated to Nova Scotia, where they settled on a 100-acre island in Mahone Bay in the new Lunenburg Township. There in May 1756 she witnessed the scalping

4 *Ibid.*

5 Grand jurors’ presentment re Malachi Cagghorn [et al.], 1761, in PANS MG1, Vol. 181, No. 13. Another record in this file (No. 25) names four men who assisted in “Taking Malachi Clagghorn...to Horton”—possibly indicating his general reluctance to cooperate--and notes that one of the defendants named with Caigin, Benjamin Belcher, struck some of those assisting the constable.

6 Falmouth Township Book 1748-1825, PANS MG 4, Vol. 31B (mfm.).

7 “Sometime in 1762, as the S.P.G. Reports inform us, Mr. Wood visited the interior parts of Nova Scotia, going twice to East and West Falmouth, Cornwallis, and Horton, at each of which places, he was kindly received.” Arthur Wentworth Hamilton Eaton, *The History of Kings County, Nova Scotia* (Salem, Mass., 1910), p. 241.

and murder of her husband and three others, plus the looting and burning of her home, all by Malecite Indians. Pregnant, Marie was then taken on an overland canoe journey to Quebec City as a prisoner of the Indians and French. *En route*, her children were taken from her at Ste.-Anne's Jesuit Mission near present-day Fredericton, New Brunswick; two were left with the Jesuits and two were probably adopted by the Malecites. Seven months after the murder of her husband, Marie gave birth in Quebec to their daughter and was forced to renounce her Protestant faith, probably in order to have the infant baptized. After appealing directly to the Roman Catholic bishop, Marie's children were restored to her seven months later--but ahead lay the siege of Quebec in 1759, which she and her family endured as prisoners-of-war. In the aftermath of the British conquest, the Payzants were probably brought by vessel to Halifax and granted land in the new community of Falmouth--it must have seemed an oasis of calm after the turbulence of many years.⁸

At the time of her marriage to Caigin, Marie Payzant had five surviving children: Philippe 16, Marie 14, Jean (John) 13, Louis 11 and Lisette 5.⁹ We know that she possessed some capital, because on 18 August 1761 she disposed of her late husband's property, "two Island[s] and a Thirty Acre Lot...in the Township of Lunenburg thereby to raise a Sum of Money to enable her to improve and Stock certain Lands granted to her in the Township of Falmouth, and to assist in maintaining a numerous Family."¹⁰ Her granted land in Falmouth included: a 158-acre farm lot (#47); a six-acre lot (#1B) in the Second Division; a ten-acre dyke lot (#3E) in the Great Falmouth Marsh; and 100 acres in condemned lots.¹¹ Marie was thus a middle-aged woman with property and five children to raise: she needed a man to help her with the responsibility. From Caigin's perspective, marriage no doubt offered property and community status. On a practical level and according to the

8 Baptism of Louise Catherine Paisant, 27 Dec. 1756, entered in records of the Parish of Notre-Dame, Québec [City], in Archives Nationales du Québec. For other information given in this paragraph, see generally, 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.

9 Marion M. Payzant, *The Payzant and Allied Jess and Juhan Families in North America* (Braintree, Mass., 1970), p. xxiv.

10 PANS RG 1, Vol. 165, No. 175.

11 Payzant, *Payzant and Allied Families*, p. xiii.

conventions of that time, a legal union between these two made sense.

The Caigins lived together as man and wife for perhaps about eight years¹²--though the 1770 census of Falmouth still listed them as a unit, a Protestant family of five:¹³ one man (Caigin), two boys (John and Louis, 20 and 18), one woman (Marie, 59) and one girl (Lisette, 13). However, in a petition to the justices of the Supreme Court on circuit in Kings County in May 1778, Marie Caigin stated that "for some time before His Death [Caigin's, 1776] She had not Cohabited with Him."¹⁴ Whatever their living arrangements during these years, the Caigins nevertheless remained legally married, since a formal divorce was virtually impossible to obtain in Nova Scotia at that time.

The countries of origin for the family, as noted in the census, were given as "1 Irish, 4 American"--an error reflecting the New England Planter roots of most Falmouth settlers. The Caigins' "Stock and Substance" included no horses or sheep, but four oxen and bulls, three cows, five "Young neat Cattle" and two pigs. Their "Produce of the last Year" showed only four bushels of "Pease." Compared with neighbours who were producing substantial crops of wheat, peas, barley and oats, this was a poor harvest. Either Malachi was a failure as a farmer, or their effort was concentrated on livestock--or the Caigins had indeed separated and the four bushels of pease were all that Marie could muster.

To continue the chronological reconstruction of his life, in 1763 "Malachy Caigan of Cornwallis" opened a tavern at Falmouth; by October 1767, however, William Sental was also operating a local public house.¹⁵ Either there was sufficient demand to support more than one such establishment in the community--or Caigin, perhaps the proverbial rolling stone, could only sustain the entrepreneurial effort for four years. Brief though his venture into the publican's business may have been, lacklustre it was not. On the evening of 10 March 1763, an altercation took place at "the House of Mr. Malacky

12 *Ibid.*, p. 190, claims four years; circumstantial evidence implied in the 1770 Census and in Caigin's responsibilities for dyke maintenance (see fn. 27) suggests 1769-70 as the critical years.

13 PANS RG 1, Vol. 443, No. 11.

14 Petition of Mary Ann Caigin, May 1778, in Hants County, Court of Probate, estate file 2A (mfm.).

15 John V. Duncanson, *Falmouth: A New England Township in Nova Scotia* (Belleville, Ont., 1983), p. 67.

Cagan Inholder at Falmouth,"¹⁶ involving himself, (Captain) Edward Yorke, (Lieutenant) Alexander MacCulloch, Jeremiah Northup, William Shey, Stephen Akin and Constant Church.

Yorke, MacCulloch and Northup were patrons inside the tavern with others; Shey, another Irishman, was Caigin's servant. Church and Akin, who were riding by when they heard a violent argument erupt between Yorke and MacCulloch, stopped "in Order if Possible to make Peace between the Parties concerned, particularly as they were neighbours."¹⁷ Yorke, a Falmouth settler of some prominence and colourful reputation, had got into a dispute with MacCulloch when the latter threatened to have his "Negro man" kick him. MacCulloch then denied that he had said "any such thing," whereupon Yorke swore that he, MacCulloch, was a "scoundrel," a "Damned Liar" and a "Damned Lousy Rascal"¹⁸--and moreover, that once he had personally killed MacCulloch's black man, he would then kick MacCulloch when next they met.

Shey interposed himself in the argument at this juncture, warning Yorke that he had gone too far and should let the matter rest. Yorke would not quit, however, and called for a room in which he could settle the issue with MacCulloch in a fight. Caigin meanwhile, "employed in the affairs of the House did not so Minutely take notice of the Matter"¹⁹ and therefore only requested that Yorke leave the premises, threatening that otherwise he, Caigin, would report the incident to the local justice of the peace, Lieutenant-Colonel Henry Denny Denson (another Irishman). Yorke--a New Englander--replied, "Damn you and Colonel Denson, what is he more than another Man [?] Damn [you] and all that ever came out of [your] Country."²⁰ Yorke then stormed out of the tavern but, still seething with fury, remained just outside the door and proceeded to strip, preparing to do battle with Caigin.

16 Deposition of Capt. Edward Yorke, 11 March 1763, in Chipman family fonds, PANS MG 1, Vol. 181, No. 59.

17 *Ibid.*, Deposition of Mr. Constant Church, 11 May 1763.

18 *Ibid.*, Deposition of Mr. William Shey, 11 March 1763.

19 *Ibid.*, Deposition of Mr. Malachy Cagan, 12 March 1763.

20 *Ibid.*

This he did post-haste, striking Caigin on the hand with his fist and then kicking him on the left leg, leaving "both his Hand and Shin [to] bleed considerably."²¹ At this point, Shey stepped in with a stick to defend his master, and proceeded to strike Yorke on the head and hand, leaving him "disabled in one Hand, and otherwise much bruised and wounded."²² Caigin now began to strip as well, in order to defend himself more appropriately, but Northup interrupted the mêlée and dissuaded him.

Two days later, Yorke, Caigin, Shey, Northup, Church and Akin all swore depositions before Colonel Denson. Bonds were then posted for Shey, Caigin and MacCulloch to appear in court at the next General Sessions of the Peace, to be held at Horton in August. In May, before Denson and Isaac Deschamps (then a judge of the Inferior Court of Common Pleas), Yorke, Shey and Caigin "Mutually agreed to Rest the Merits of the Causes."²³

There is no further trace of Caigin until August 1766, when he signed a promissory note in Halifax,²⁴ acknowledging the sum of £5.1s.9d. owed to John Burbidge, an Englishman who represented Cornwallis in the provincial House of Assembly at Halifax and who was "revered and loved by all who knew him, for his piety, integrity, and benevolence."²⁵ Four years later, Caigin was able to repay £3. However, Burbidge did not receive full settlement (principal plus interest) until two years after Caigin's death--twelve years after the loan--when he was repaid by Abel Mitchener, executor of Caigin's estate.²⁶

In 1769 "Malachy Cazen" was listed in the "General return of the number

21 Complaint of Mal^y. Caggen, 1763, in *ibid.*, No. 54.

22 Deposition of Capt. Edward Yorke, in *ibid.*, No. 59.

23 *Ibid.* Yorke and Shey were indicted by the grand jury. In Aug. 1763 in a list of "Papers Relative to the Sessions," Caigin's name again appeared, this time as the plaintiff in a lawsuit against five defendants (James Wilson, Luke Horsewell, David Rundal, Benjamin Thurber, and Shubal Dimock); perhaps this was the result of yet another incident at the Caigin tavern. See PANS MG 1, Vol. 181, No. 63.

24 Hants County, Court of Probate, estate file 2A. Due to a lack of specie in colonial Nova Scotia, promissory notes circulated widely; Allen B. Robertson to author, 31 May 1993.

25 Eaton, *Kings County*, p. 473.

26 Receipt from Burbidge to Mitchener, June 1778, in Hants County, Court of Probate, estate file 2A.

of men and teams employed by the proprietors of the Village Marsh in Falmouth.²⁷ This list reflected the ongoing communal responsibility towards repair and upkeep of the dykes which the industrious Acadians had constructed locally, in order to reclaim additional arable land from the Minas Basin. Caigin was responsible for nine acres of marsh, at a cost of 6s.5d. per acre; 27.5 men (i.e., man-hours, or dawn-to-dusk working hours), at a cost of 4s.1d. per day; and 3.75 teams (i.e., 15 oxen), at 5s.1d. per day. Since Marie Payzant had been granted a ten-acre dyke lot in 1761, Caigin's apportioned responsibility suggests that perhaps one acre had been sold or otherwise alienated during the interim. The name of Marie's son John Payzant appears on subsequent returns for marsh maintenance from 1770 to 1777, then "John & Lewis Payzant" from 1779 to 1781; Caigin's name does not appear again after 1769, thus lending further credence to the hypothesis that 1769/70 was the critical point in the Caigins' troubled marriage.

The year 1776 was one of general unrest throughout Nova Scotia, caused by the outbreak of rebellion in New England, with its accompanying uncertainties and divided loyalties: "There was great anxiety throughout the Minas Townships caused by raids by American privateers and the threat of invasions by the American forces."²⁸ In the midst of this confusion, in mid-October 1776, Malachi Caigin was murdered.

At an inquest held on 14 October to view the body, it was concluded that he had been "willfully murdered by persons unknown."²⁹ Within days, however, a suspect had been identified and apprehended; moreover, by early November, one Peter Manning of Falmouth had been tried, found guilty and "executed...for the murder of John Payzant's stepfather."³⁰

According to one source, "Peter Manning [was] an Irishman from County Monaghan, it is said a Roman Catholic.... After coming to Falmouth, it is [also] believed, the Manning family embraced the Protestant faith."³¹ Peter and Nancy (or Ann) Manning had emigrated from Ireland to New England

27 Falmouth Township Book, PANS MG 4, Vol. 31B.

28 Duncanson, *Falmouth*, p. 69.

29 PANS MG 1, Vol. 183, No.17.

30 D.G. Bell, ed., *Newlight Baptist Journals of James Manning and James Innis* (Hantsport, NS, 1985), p. 89.

31 Eaton, *Kings County*, p. 739.

(possibly Philadelphia) in the 1760s with their children.³² In the spring of 1769 they removed to Falmouth as a family of six males and two females. In the 1770 census they were identified as one man, five boys and three women, all Irish. Manning's livestock included two horses, four oxen and bulls, six cows, four "young neat cattle" and one pig. The produce of the previous year had been twelve bushels of wheat, and six bushels each of barley and "pease."³³ Obviously they were doing better than the Caigins.

Documentation pertaining to the murder trial and to Manning's execution is generally wanting in the early court records preserved at the Public Archives of Nova Scotia. One of the few surviving documents, however, is the commission of "oyer and terminer and general gaol delivery," issued to Justice Isaac Deschamps of the Supreme Court of Nova Scotia, and either John Burbidge, *Custos Rotulorum* (chief magistrate) of the county, or Lebbeus Harris, a justice of the Inferior Court of Common Pleas, to hold a special criminal court at Horton in order to try the accused.³⁴

Another is a list of expenses drawn up on 8 November 1776 by Justice Deschamps, "relating to the Trial & Execution of Peter Manning for murder":³⁵

To Mary Palmer for her attendance ³⁶	12s.0d.
To George Miller	12s.0d.
To Mr. Edw. York	£1.10s.0d.
[ditto] for horse hire to convey	
Mary Palmer to Horton	7s.6d.
To Duncan Rice for 3 men Guarding	
the Prisoners 14 nights	£6.6s.0d.

32 Duncanson, *Falmouth*, p. 311.

33 PANS RG 1, Vol. 443, No. 11.

34 PANS RG 1, Vol. 168, pp. 478-480 (entry-book copy), 18 Oct. 1776. In addition, see Isaac Deschamps's diary for 1776, entry for 4 Nov.: "hard frost last night. [W]ent to Horton to Court of oyer & terminer"; and for 7 Nov.: "returned home [to Windsor]." The diary is held within Special Collections, Killam Memorial Library, Dalhousie University, Halifax, NS.

35 PANS MG 1, Vol. 183, No. 18; the expenses were "paid out of the money raised in Kings County, for County Charges."

36 I.e., 'attended' the victim: may have provided some sort of nursing assistance or preparation of the body for burial; Palmer would then have been called at the trial as a witness. If she provided nursing assistance, it is thus implied that Caigin briefly survived Manning's attack.

Providing them firing	£1.0s.0d.
Expenses relating to Thos. Mannings	
Evidence	15s.0d.
Making & Erecting a Gallows	£1.10s.0d.
to Robt. Westcoat Going after	
Evidences	£1. 3s.0d.
To Sam. Woodworth for Entertainment	
or Mary Palmer ³⁷	7s.6d.
To John Payzant for Conveying Executioner	
to Horton and Back and for his horse	
hire ³⁸	£1.2s.6d.
N. DeWolf for Entertainment of Mary Palmer	7s.6d.
	£15.13s.0d.

The traditional motive for Caigin's murder, according to "the wonderful old Baptist patriarch" George D. Payzant was that there was a dispute between Manning and Caigin concerning cattle. At the time of his murder Caigin was a drover, meaning that he delivered sheep and cattle to Halifax for sale there. According to local tradition, the murder "took place at the foot of Alline hill near the bridge."³⁹ Oddly enough, eight months after the murder, three Falmouth residents,

Jonathan Marsters, William Simpson, and Edward Yorke [were] appointed to inspect all droves or flocks of sheep before crossing the Avon River [i.e. fording the mud flats at low tide]. The rate of 1 penny per head was to be paid to the Falmouth inspector. Drovers were required to carry certificates with details of ear marks and numbers of the sheep sold to the drover.⁴⁰

Does this suggest that Caigin had perhaps on various occasions held back for himself, or otherwise diverted, sheep or cattle which he was supposed to be delivering to Halifax? And that the local residents wanted no repetition of these problems? If this was so, then Peter Manning was perhaps vindicated in his accusations--but not in his actions.

Even today, the identity of the murderer is only whispered in Falmouth. However, in one of the very few surviving commentaries about this most violent

37 In 1765 Woodworth was "granted a tavern license for his House of Public Entertainment at Half Way River"; Duncanson, *Falmouth*, p. 67.

38 It is interesting to note the involvement of Marie's son in this affair. One can only wonder what he felt towards the man who had killed his stepfather.

39 John V. Duncanson to the author, 11 Oct. 1986: the Alline Bridge over Alline (or French Mill) Brook, near the present-day Avon Valley Golf and Country Club, which includes the old Payzant homestead lot, #47.

40 Duncanson, *Falmouth*, p. 69.

and sensational of crimes, the Reverend J.W. Manning later observed that

Peter Manning came to an untimely end. In a controversy with a neighbour when both were angry, he, being a most powerful man, physically, struck him with a blow with a stick, and he died from the effects of it. For this crime, Peter was tried, found guilty, and executed. It was a terrible blow to the family, but they did not seem to lose caste, for the girls who married, married well and the family was much respected.⁴¹

The excuse for this cover-up appears to be that two of Peter Manning's sons later became well-known and highly-respected Baptist ministers; the Reverend James Manning (1763-1818) and the Reverend Edward Manning (1767-1851) were the second and third, respectively, of Peter Manning's five sons.⁴² Any hint of scandal would thus be regarded as reflecting adversely on their memory, their descendants and their collective status as a prominent provincial family.

James Manning was thirteen years old when his father was tried and hanged. As one recent commentator has observed, "This, rather than [religious] conversion, was the searing event of [his] adolescence."⁴³ At the age of 26, James was converted by the influence and example of the Reverend John Payzant, none other than the stepson of the man whom James's father had killed.

Edward Manning was even younger when his father was tried and hanged; born in 1767, he would have been only nine. In what must be a veiled re-creation of the horror surrounding those events, the story is told that "when Edward Manning was a lad of nine [1776], he...heard [Henry] Alline preach, and vividly remembered how the New Light evangelist stood over him with the tears streaming from his eyes as he 'exhorted him to flee from the wrath to come.'"⁴⁴ Perhaps Alline, the famous preacher, even alluded to the murder in one of his poems:

41 PANS MG 100, Vol. 185, No. 37. Rev. James William Manning (1841-1931) was a great-grandson of Peter.

42 Duncanson, *Falmouth*, p. 311.

43 Bell, *Baptist Journals*, p. 89.

44 George Edward Levy, *The Baptists of the Maritime Provinces 1753-1946* (Saint John, 1946), p. 52.

High was the crime, great was the fall,
And fatal was the daring blow.
When man, with a paradise and all,
Plung'd in a labyrinth of woe.⁴⁵

Edward grew to be a “giant of a man--over six feet tall--who, as a teenager had killed three bears in one confrontation. Manning was a man of great courage and muscular force.”⁴⁶ Edward’s physical bearing was perhaps like his father’s--large, and capable of violence. In his later Baptist ministry, Edward furthermore showed a “determined search for respectability and power”⁴⁷--perhaps a conscious effort to purge the execution from his childhood memories.

It was customary in those days for sons to pass on their father’s given name or names to their own sons, thus preserving family identity and integrity through continuity; however, not one of Peter Manning’s numerous male grandchildren bore his Christian name.⁴⁸ Furthermore, even the merest mention of the murder and its aftermath was avoided by the two men who were perhaps most deeply affected: “Edward Manning’s extensive autobiographical musings do not mention this...event. More remarkably (in view of his ample reason for bitterness towards the Manning sons) neither does John Payzant’s published memoir.”⁴⁹

Nevertheless, an oral tradition or ‘folk memory’ of these events was preserved. About 1838 Walter Bates, writing of the “rise of religious dissent” in New Brunswick, stated that in Maugerville during the late 1700s there were various religious sects who were annually visited by two travelling preachers from Nova Scotia, “one of them [a Manning], on his father’s being hanged for murder, became Converted to a new light preacher.”⁵⁰ How did congregations in New Brunswick know about Peter Manning and his

45 Thomas B. Vincent, ed., *Selected Hymns and Spiritual Songs of Henry Alline* (Kingston, ON, 1982), p. 2.

46 George A. Rawlyk, *Ravished by the Spirit: Religious Revivals, Baptists, and Henry Alline* (Kingston, ON, 1984), p. 130.

47 *Ibid.*, p. 97.

48 Duncanson, *Falmouth*, pp. 311-320.

49 Bell, *Baptist Journals*, p. 151.

50 *Ibid.*, p. 359.

misdeed? There were several Cornwallis residents who by the 1780s had moved to the Saint John River Valley, and no doubt they brought the memory of the Manning trial with them.⁵¹

In May 1778, nineteen months after the murder, the widow Caigin filed a petition with the justices of the Supreme Court on circuit, in order to receive any money accruing from debts due her late husband's estate. The petition stated that "oppressed with Age and Sickness, And for Eighteen months successively under the Doctors Care, [she] Is now reduced to Very great Straits."⁵² She furthermore claimed that she was still owed almost £16 from the estate of Peter Manning, due to a court judgment in an action initiated by Caigin against Manning sometime before her husband's death. Finally, the widow Caigin also claimed that there was money owing her as well from the sale of three cows which had been "Taken [from her] and Sold by the Coroner to Satisfy His fees, and Charges accruing on the Body of my late Husband." The sale of these cows yielded £13.5s.0d., a considerable increase from eight years previously, when an unrelated but similar sale in Newport Township had raised only £9.0s.⁵³ However, the coroner (Abel Mitchener), who was also the executor of Caigin's estate, had to pay other expenses, namely

for an Inquisition Concerning the Death of the late Maly Caggen dec'd, His Burial, & other charges arising thereon....

inquisition and burial	£1.15d.0d.
travel	5s.0d.
16 [coroner's] jurymen	£1.12s.6d.
constable and travel	5s.10d.
commission etc. for cows	£1.1s.0d.
cash to Burbidge re loan	£4.3s.0d.
to John Payzant	2s.6d.
total	£9.4s.10d.

Seven months later, the difference of £4 (the value of the three cows less the above expenses) was paid to Isaac Deschamps (judge of the Court of Probate) and passed on to "the Widow."

51 Allen B. Robertson to author, 31 May 1993.

52 Hants County, Court of Probate, estate file 2A.

53 Richard Henning Field, "The Material Lives of the Yeoman Planters of Kings County, Nova Scotia: A Preliminary Survey Based on Probate Inventories, 1761-1797," in *Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800*, ed. Margaret Conrad (Fredericton, 1991), p. 187.

By this time Marie Caigin was 67 years old and probably living with her son Louis and his family in Falmouth. Of her children, Philippe was 31, a soldier in Massachusetts and married to Martha Hood for four years. Mary, 30, married to John James Juhani and possibly living in Charleston or Philadelphia, was the mother of twins. John, 28, married to Henry Alline's sister Mary, was a minister in Canard (Cornwallis Township) and had two children. Louis, 26, married a local girl, Grace Davison, had two sons and was a farmer and minister in Falmouth. Lisette, 21, married to George Jess, was probably living in the same community and also had two children.⁵⁴

Malachi Caigin's personality no doubt displayed his Irish temper. It put him on the wrong side of the law several times in Cornwallis, though on the right side in connection with his tavern in Falmouth. It quite possibly contributed to his murder. Without doubt he was a violent, unpredictable and rough individual. It can only be speculated as to why he married the widow Payzant: for her money, her property, the respectability and stability she would bring--and perhaps for companionship.

We are left with numerous unanswered questions concerning his business activities and his marriage. We know, for example, that Marie Payzant "sold lands to Col. Denson in the early days of the settlement [of Falmouth] and probably to others."⁵⁵ Had Caigin exploited the profit she made from the sale of her valuable Lunenburg property, thus forcing the sale of additional acreage?⁵⁶ Was money needed to pay off Caigin's debts or to float his business schemes? Why did he have to borrow money in Halifax in 1766? Did he do something dishonest as a drover--and pay for it with his life? Why were measures taken eight months after the murder for drovers to carry certificates? In 1778, why was the 67-year-old widow of two husbands "reduced to Very great Straits"? Had Caigin squandered her assets, or was her piteous statement to the justices of the Supreme Court merely a bid to reclaim any monies owing to her? So many questions, so few answers; such a faint documentary trail.

54 Payzant, *Payzant and Allied Families*, pp. xxviii, 31, 189, 261, 325.

55 *Ibid.*, p. 190.

56 See Hants County, Registry of Deeds, Vol. 3, p. 143 (mfm.), Caggen to Jeremiah Northup, 17 Apr. 1767: quit-claim deed of Payzant's right to share of township land voted her 12 June 1762, sale amounting to one-quarter part of six lots, for £12.0.0.

“There is...no pernicious dualism between sacred and secular”: Nova Scotia Baptists and the Social Gospel, 1880-1914

Michael Boudreau

The Baptists of Nova Scotia seem to be something of an anomaly with regard to the social gospel movement. Their reluctance to address such burning issues as strikes, socialism and rural decay, which captured the attention of various leaders of the Presbyterian and Methodist Churches, has relegated them to the margins of social gospel scholarship. Moreover, fervent Baptist support for--and, according to some, leadership of--the campaign for prohibition in Nova Scotia, overshadows the denomination's concern with social problems other than those caused by the 'demon rum'.¹ Contrary to its image, however, of the three principal Protestant denominations in Nova Scotia (Presbyterians, Methodists and Baptists), the Baptist Church possessed the richest tradition of social concern. This tradition in turn formed the basis upon which certain ministers within the denomination, notably the Reverend H.F. Waring of Halifax and the Reverend Perry J. Stackhouse of Amherst, articulated their remedies for Nova Scotia's social malaise in the period from 1880 to 1914.

The Baptist social gospel expression was primarily urban. Around the turn of the century several urban ministers began to respond to the harsh social conditions endured by Nova Scotia's working class. At the crux of the Baptist debate over social reform was the relationship between the sacred and the secular. For those ministers who advocated a more active role for the church in solving social problems, the sacred did not have to be sacrificed in order to ensure that the church remained a relevant institution in society. The church could have the best of both worlds: a message inspired by secular reform ideology, entailed by the social gospel and which addressed the social issues of the day, while retaining an emphasis on the necessity of the Gospel for the salvation of society.

Social concern within the Baptist communion had its roots in the church's

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¹ Ernest R. Forbes, "Prohibition and the Social Gospel in Nova Scotia," in *Challenging the Regional Stereotype: Essays on the 20th Century Maritimes* (Fredericton, 1989), pp. 13-40.

largely rural character. As the second-largest Protestant denomination in the province from 1880 to 1914, the Baptists relied heavily on their rural congregations to furnish the bulk of their financial and spiritual leadership.² Throughout the period from 1880 to 1905 the denomination in Nova Scotia consisted of two main groups: the Regular, or Calvinistic, and the Free Baptists. The Regular Baptists represented the larger of the two groups and thus will be the main focus of this article until 1905, when the two factions united into a single organization with one official voice.³

At the core of Baptist concern for the welfare of society lay an evangelical tradition which emphasized the conversion of the individual and the regeneration of the community.⁴ Once converted, many Baptists felt the need to transform society into a 'New Jerusalem' and thus to advance God's kingdom on earth.⁵ From 1880 to 1914 this tradition thrived within the rural segment of the church, as it battled the forces of 'materialism'. From an

2 This can be clearly seen in the organizational make-up of the church. Within the province the Baptists were divided into four "Associations": Central, Eastern, Southern and Western. Each association merged the churches within its area in a common front to deal with all matters concerning the welfare of the church and its members. The vast majority of the more than 200 congregations represented by these associations were located in rural areas. More information concerning these associations can be gleaned from their minutes in Acadia University Archives, Wolfville [hereafter AUA].

3 From 1881 to 1901 the Free Baptists accounted for an average of 2.2 percent of the total Baptist population in Nova Scotia. From 1880 to 1914 Baptists averaged 18.1 percent of Nova Scotia's total population. *Census of Canada, 1880-81, Volume I* (Ottawa, 1882), pp. 114-5; *Census of Canada, 1890-91, Volume I* (Ottawa, 1893), pp. 236-51; *Fourth Census of Canada, 1901, Volume I, Population* (Ottawa, 1902), p. 144; *Fifth Census of Canada, 1911, Volume II* (Ottawa, 1913), pp. 156-7. For more on Baptist church union see F.H. Sinnott, "The Union of the Regular and Free Will Baptists of the Maritimes, 1905 and 1906," in Barry M. Moody, ed., *Repent and Believe: The Baptist Experience in Maritime Canada* (Hantsport NS, 1980), pp. 138-50. The Reformed Baptists, having become a denomination in 1888-9, did not join this union and thus will not be considered here. For the schism which created this sect see George A. Rawlyk, "The Holiness Movement and Canadian Maritime Baptists," in George A. Rawlyk and Mark A. Noll, eds., *Amazing Grace: Evangelicalism in Australia, Britain, Canada, and the United States* (Kingston and Montreal, 1994), pp. 293-316.

4 George A. Rawlyk, "The Champions of the Oppressed?: Canadian Baptists and Social, Political and Economic Realities," in Robert E. VanderVennen, ed., *Church and Canadian Culture* (Lanham MD, 1991), pp. 105 and 113-4. For an overview of the Baptists' evangelical heritage see George A. Rawlyk, *The Canada Fire: Radical Evangelicalism in British North America, 1775-1812* (Kingston and Montreal, 1994).

5 *Ibid.*, p. 114; Edward Manning Saunders, *History of the Baptists of the Maritime Provinces* (Halifax, 1902), p. 467.

urban perspective, however, this tradition was not enough to address the mounting socio-economic problems that accompanied urbanization and industrialization at the turn of the century. In order to demonstrate the relevance of the church to the lives of its followers, notably the working class who bore the brunt of social dislocation, several key leaders of the urban Baptist Church deemed it necessary to unite the sacred and the secular. This signalled the rise of conservative and progressive streams of the social gospel in Nova Scotia's Baptist Church well before 1929, the year in which, according to Richard Allen, Baptists in Atlantic Canada began to articulate this reform ethos.⁶ The foresight of the Baptist urban leadership, together with an established tradition of social concern, helped the Baptists meet the challenge posed by the proliferation of social ills in Nova Scotia.

Nevertheless, Baptists in Nova Scotia lagged considerably behind the social gospel trend set by Baptists in central Canada. Led by the *Canadian Baptist*, Ontario Baptists advocated a conservative social gospel position as early as 1884. In particular, the *Canadian Baptist* called for the improvement of the social environment in order to destroy the roots of social evil. It also emphasized the need for Christian cooperation between capital and labour to prevent the outbreak of social anarchy.⁷ Among Nova Scotia Baptists social gospel expressions did not begin to emerge until after 1900. However, the years from 1880 to 1900 did not see Baptists neglect the province's social problems. On the contrary, many Baptists voiced a sincere interest in both the spiritual salvation and the physical well-being of the individual. From the late eighteenth century, mainstream Maritime Baptists had placed more emphasis upon "promoting a good Work" than upon theological "Principles."⁸ Moreover, this tradition easily merged with the social gospel principle of social salvation as a means to improve society. This occurred just as Nova Scotia began to feel the adverse effects of modernity at the turn of the twentieth century. The joining of the sacred and the secular by a few Baptist

6 Richard Allen, *The Social Passion: Religion and Social Reform in Canada, 1914-28* (Toronto, 1973), p. 70.

7 John S. Moir, "The Canadian Baptist and the Social Gospel Movement, 1879-1914," in Jarold K. Zeman, ed., *Baptists in Canada: Search for Identity Amidst Diversity* (Burlington ON, 1980), pp. 149-50.

8 George A. Rawlyk, "Fundamentalism, Modernism and the Maritime Baptists in the 1920s and 1930s," *Acadiensis*, XVII, 1 (Autumn 1987), 30.

leaders prior to 1914 helped usher the social gospel into the ranks of the denomination and lay the groundwork for a more active involvement in social reform in the post-First World War era.⁹

The Regular Baptists were a closely-knit group. In their concern for the poor, they never lost sight of the fact that they must maintain their unity in order to carry forth their mission to advance God's kingdom in the world. The Regular Maritime Baptist Convention in 1881, meeting in Yarmouth, noted the growing interest in denominational work among its members. As the convention delegates declared, "Let us remember that by this work the stronger are assisting the weak in bearing their burdens; the gospel is being preached to the poor; and the springs that feed both the ministry and the stronger churches are being cared for."¹⁰ A spirit of cooperation distinguished the convention's approach to accomplishing its assigned tasks and in tackling whatever social difficulties might arise.

Benevolence also became an important theme in Baptist thought. At the 1882 convention, when surveying the "State of the Denomination," it was strongly emphasized that "As our churches live in the spirit of Christ, they must be aggressive and full of self-denial. Benevolence in giving is a fruitage of this spirit, and a source of power. In each member of the church it ought to be found."¹¹ The circular sent to all congregations in the Central Baptist Association of Nova Scotia in 1882 echoed this sentiment. Entitling his letter "Holiness Unto the Lord," the Reverend E.M. Saunders insisted that

Christian Benevolence and Holiness are inseparable, and no man can be personally holy without being correspondingly generous; our purses need consecrating as well as our hearts, for this is an unmistakable evidence of personal holiness that with earnestness in christian work, we unite liberally in supporting the cause of Christ.¹²

Baptists were not only compelled to demonstrate a concern for the spiritual welfare of the poor; they also had to be prepared to ensure their physical well-being. To do otherwise would be to deny their Baptist heritage.

9 For an analysis of Maritime Baptist involvement in social reform and the social gospel after 1914 see Rawlyk, "The Champions of the Oppressed?," pp. 105-23.

10 *Baptist Yearbook of the Maritime Provinces of the Dominion of Canada 1881* (Halifax, 1881), p. 55.

11 *Baptist Yearbook of the Maritime Provinces of Canada 1882* (Saint John, 1882), p. xxvii.

12 *Nova Scotia Central Baptist Association Minutes. Thirty-Second Annual Session 1882*, p. 13.

The sense of concern for the spiritual and physical welfare of the poor would be marshalled by the Baptists as they faced the combined threat of 'worldliness' and 'materialism' in their midst. From 1880 to 1900, the Regular Baptists focused their attention on fighting the prevailing attitudes which lay at the core, or so it was thought, of various social evils in Nova Scotia. Many Regular Baptists felt that a healthy diet of revivalism and Christian benevolence could combat these attitudes and their consequences. Above all, however, the spiritual well-being of the individual and of society took precedence over the improvement of one's physical state. The Regular Baptists firmly believed that the spiritual uplifting of an individual could lead her or him out of despair long before the reform of their social environment would have the same effect. Equal emphasis would not be given to these two reformist endeavours until the turn of the century, when the urban leadership of the church felt it necessary to do so in order to help overcome the mounting social hardships resulting from urbanization/industrialization. Once this balance had been struck, the sacred united with the secular in an attempt to preserve the church's importance in society. Until then, however, the Baptists, guided by their rural outlook, felt confident that their efforts to reverse the downward spiral of society into godlessness--through spiritual regeneration--would succeed.

The Maritime Baptist Convention of 1885 expressed concern over the materialistic attitude of contemporary society. "The most serious ground for alarm," the convention's Report on the State of the Denomination argued,

is in the growing worldliness of the times. It is to be feared that our people, in some places, are being more and more affected by it. Its effect is seen in a license in things questionable, and a less interest in things spiritual. The fact that such efforts are needed to gain funds to carry on our work, is an ill omen.¹³

To remedy this situation, the convention in 1886 proposed that the "practical side" inherent in all Baptists be cultivated. To accomplish this, a system would have to be put in place to help secure "general activity and beneficence, and to get our people into confirmed habits of doing and giving." With this system established, progress could then be made towards attaining a "higher type of Christian character."¹⁴ While it attempted to

13 *Baptist Yearbook of the Maritime Provinces of Canada* 1885 (Halifax, 1885), p. 39.

14 *Baptist Yearbook of the Maritime Provinces of Canada* 1886 (Halifax, 1886), p. 19.

overcome the secularizing tendencies of worldliness, the ultimate aim of the church remained the spiritual improvement of society.

An editorial in the *Messenger and Visitor* in 1885 reiterated the convention's condemnation of worldliness. Casting its eye across the province, the *Messenger and Visitor*--the principal organ of the Regular Baptists--suggested that a "revival in trade" would ease the strain placed on charities, lift the burden of unemployment, and silence the cries of discontent arising throughout society.¹⁵ Condemning those who "walk our streets and crowd our places of amusement, and engage in the eager race for wealth and preferment," for fuelling the trend towards sin and sorrow, the editorial called upon the "Spirit of God" to

come into our souls; to enlighten our minds as to the full condition in which all men are who are Christians; to kindle up a love for these souls all precious...to purge out our lower and conflicting aims, and leave us free to make this work for the everlasting of men's souls our chief object in living, and not a mere spasm; to make our lives pure and shining so that they may glow with a light which lures towards God and heaven; and to give such dependence upon God as shall abase self and self-trust utterly, and bring a courage which will not falter before hearts as hard as adamant.¹⁶

The Free Baptists of Nova Scotia repeated this cry in 1890. Gathered together at Centreville for their annual conference, the delegates reaffirmed their commitment to individual regeneration by declaring that,

As God is a holy being, and heaven a holy place, man must be regenerated before he can enter a state of happiness. This change is a renovation of the soul by the grace and Spirit of God whereby the penitent sinner receives new life, becomes a child of God, and is enabled to perform spiritual service. It is being called born again, born of the Spirit.¹⁷

A spiritual revival to save the day was indeed the Baptists' preferred solution to the trying times facing many Nova Scotians.

Institutionally, the Regular Baptists also felt the disruptive influences of this onslaught of modernity. In 1888 the Committee on the State of the Denomination conducted a survey of congregations in New Brunswick, Nova

15. *The Messenger and Visitor* (Halifax), 28 Jan. 1885.

16. *Ibid.*

17. *Minutes of the Twenty-Fifth Annual Session of the Free Baptist Conference of Nova Scotia*, 1890, p. 62.

Scotia and Prince Edward Island. While only 73 of the reported 378 churches responded to the survey, the results convey much about the state of affairs within the denomination. Less than half of the members from the churches that responded attended prayer meetings with any regularity. A little more than a quarter of the membership engaged actively in Christian work, while family worship was sustained by only half of the churches for which results were available.¹⁸ The committee thus concluded that the hindrance to greater success in church work and worship originated from “worldliness, and want of consecration, on the part of the membership, while some churches are rent by dissensions.”¹⁹ This lack of dedication to Evangelical Christianity also became apparent in the decreasing financial generosity of its members. The Central Baptist Association of Nova Scotia in 1893 lamented the fact that money “is poured out in instinctive measure” for the “support of the theatre, horse race, liquor interest and the various forms of worldly amusements...but when wanted for the purposes of religion and Christian charities it is doled out in a way altogether inadequate to the demand.”²⁰ The denomination faced a serious challenge from secularism, which touched upon nearly every aspect of its existence.²¹

To undo the damage wrought by this secularizing trend, both Baptist groups attempted to reach those who had been lured away from the church. Their main target was the working class. The Baptists had a great deal of respect for the common labourer. In 1884 the *Christian Messenger*, forerunner of the *Messenger and Visitor*, praised workers, but subtly reminded them not to forget that they too needed the presence of God in their lives to guide their actions. As the *Christian Messenger* declared, “We stand behind the worker and defend him, he is the hope of the future, but we take the liberty of warning him that if he would drive the chariot of the sun he must know how to manage and control the horses.”²² The *Christian*

18 “Family worship” meant that the family unit would worship together at home on a daily basis: *Baptist Yearbook of the Maritime Provinces of Canada 1888* (Halifax, 1888), p. 44.

19 *Ibid.*, pp. 44-45.

20 See “Report on Benevolent Funds,” in *Nova Scotia Central Baptist Association Minutes, Forty-Third Annual Session 1893*, n.p.

21 For the drift towards secularization in the early part of the twentieth century and the response from Canada’s Protestant churches, see David B. Marshall, *Secularizing the Faith: Canadian Protestant Clergy and the Crisis of Belief, 1850-1940* (Toronto, 1992).

22 *The Christian Messenger* (Halifax), 23 July 1884.

Messenger attempted to forge a close link with the working class, but soon realized that maintaining such a link would be a complex task.

In 1886 the *Messenger and Visitor* sounded a note of alarm over the growing number of people who did not attend church. Surveying the province, the paper observed that, especially within urban centres, the number of those who did not darken the doors was increasing steadily.²³ The first step in reaching those people, most of whom the paper felt to be the working class and the poor, was to become fully acquainted with their desperate situation. They were lost, the paper declared, "in the saddest and most terrible sense without the Gospel in their lives." Baptists had to double their efforts at proselytizing among these people to bring them back in touch with God and to increase church attendance. As the *Messenger and Visitor* argued, "In all work, let the aim be, not merely to secure attendance at church, but to lead to Christ."²⁴ Experiencing the power of God's love, many Baptists felt, would help to relieve the poor of their burdens. The spiritual reform of the individual remained a dominant concern for the Baptists as they attempted to grapple with Nova Scotia's social problems in the closing decades of the nineteenth century.

As the conflict between labour and capital in Nova Scotia intensified in the 1890s, producing a plethora of strikes, the Baptists felt compelled to enter the fray. Conceding that the recent unrest reflected many workers' dissatisfaction with their lot, the *Messenger and Visitor* nevertheless did not wholeheartedly support labour's position. The paper admitted that most of the striking workers' demands were well-founded; it felt, however, that some of their requests were excessive, the product of attitudes fostered by worldliness. As the *Messenger and Visitor* insisted in 1894,

we should be sorry to deny to any man or class of men the right to improve their condition by all legitimate means. But it is to be feared that many of the demands that are thus made are irrational and impossible of fulfilment, and it is certain that nothing that can possibly be given to men will make them contented with their lot in life apart from the gospel and the law of Christ.²⁵

23 *The Messenger and Visitor*, 3 Feb. 1886.

24 *Ibid.*

25 *Ibid.*, 3 Oct. 1894.

While the Regular Baptists sided with labour, they did so only to the point where workers' demands did not overshadow the importance of the gospel to the enrichment of their lives.²⁶ The Regular Baptists thus clung to the goal of improving the spiritual quality of peoples' lives at the expense of offering concrete solutions to alleviate their physical hardship.

The efforts made by the Regular Baptists to cement close ties with the working class and to battle the evil plague of worldliness, failed to place the denomination in a prosperous or advantageous position by the end of the nineteenth century. At their annual convention in 1898, after considering the statistics for the year, delegates described the state of religion in the congregations as regrettable. A marginal increase in membership, the closure of some rural churches due to lack of members and funding, and a general uninterestedness in church affairs, predicted a bleak future for the denomination in the Maritimes.²⁶

One reason why the church found itself in such a situation was the increased urbanization of the province and the rising tide of 'worldliness' which threatened to engulf Nova Scotia and the church along with it. Yet the Baptists' response to these crises had been somewhat lethargic. From 1880 to 1900 the Regular Baptists, while expressing a genuine concern for the physical welfare of the poor and the working class, did little to eradicate the causes of social misery. Nevertheless, the evangelical origins of the social gospel--the quest for spiritual perfection combined with compassion for the poor and needy--had been firmly established within the Baptist Church in Nova Scotia.²⁷ Only with the spread of socio-economic problems after the turn of the century would a few Baptist ministers attempt to combine their commitment to evangelical Christianity with a more active involvement in social reform to rid the province and the church of secular evils.

26 *Baptist Yearbook of the Maritime Provinces of Canada 1898* (Halifax, 1898), p. 214. In Nova Scotia from 1891 to 1901 the total number of Baptists, including the Free Baptists, increased by only 125, from 83,108 in 1891 to 83,233 in 1901. *Fourth Census of Canada, 1901, Volume I, Population*, pp. 146-7. This is indicative of weak population growth in the province as a whole; during this period Nova Scotia's total population expanded by only 9178, from 450,396 to 459,574. *Fourth Census of Canada, 1901, Bulletin III*, p. 3.

27 For American Protestantism these origins date back to the ante-bellum period; see Timothy L. Smith, *Revivalism and Social Reform: American Protestantism on the Eve of the Civil War* (Baltimore MD, 1980), p. 149.

The birth of a new century did not bring with it a reprieve from the Baptists' sagging fortunes. In Amherst, a stronghold of the Regular Baptist Church, the local press reported in 1902, "It is generally a conceded fact that the organized church is not reaching the masses. The young men are slipping gradually from the fold."²⁸ Condemning the congregations for spending vast sums of money to build elaborate churches which had yet to serve a useful purpose in peoples' lives, the *Amherst Daily News* argued that for many individuals the church "is not an active or dominant factor in their lives, and they feel no sense of gratitude towards it, nor have they any particular interest to labor in its behalf."²⁹ In Amherst itself, the *News* continued, an urgent need existed for reading and games rooms, night schools and social centres "to act as an offset to the evil tendencies of the day." Yet the Christian Church had failed to reach out to the masses and offer them a haven from their hardship. The initiative required to bridge the chasm that had developed between the church and the people had to come from the former.³⁰ The time had thus arrived for the church to play a more active role in helping to remove the physical disabilities associated with Nova Scotia's social turmoil.

The Regular Baptists' own estimate of their situation did not do much to counter the arguments made by the Amherst press. At their annual convention in 1903, delegates looked to the growing industrial development in Cape Breton as an excellent opportunity for the church to expand. As the representatives of the Home Mission Board affirmed,

There are such openings in Nova Scotia at this hour, some points in Cape Breton especially, where new industries are springing up, with the concentration of large numbers of people about them. This industrial activity is bound to continue and increase, and so points for the planting of new industries will multiply. Not to be prepared to enter these opening doors is to commit denominational suicide and to prove ourselves unworthy of our heritage as Baptists.³¹

28 *Amherst Daily News*, 15 Nov. 1902. According to the 1901 census, Baptists were the largest denomination in Amherst. They numbered 1,151, followed closely by the Roman Catholics (1,145) and the Methodists (1,111). In Cumberland County the Baptists constituted the second-largest Protestant denomination (8,048), after the Methodists (11,152). *Fourth Census of Canada 1901, Volume I. Population*, p. 170.

29 *Amherst Daily News*, 15 Nov. 1902.

30 *Ibid.*

31 *Baptist Yearbook of the Maritime Provinces of Canada 1903* (Amherst, 1903), p. 84.

Regardless of the consequences at stake, the Regular Baptists were not yet prepared to take up this challenge. As the Home Mission Board itself revealed, it would not be able to continue its present support of new congregations such as the one opened in Sydney Mines in 1903, if more "liberal" provisions were not forthcoming. If not, then the work of the church would continue to languish as it had over the previous years.³² Moreover, the denomination was undergoing a serious loss of ministers. Many young men attended American theological colleges and after receiving their degrees remained south of the border because of the higher salaries offered them.³³ To offset the further loss of ministers the Home Mission Board pleaded for an increase in its annual budget. The strain felt within the denomination was clearly emerging.

The Regular Baptists were not caught completely off guard by the worsening socio-economic conditions in Nova Scotia. In 1888 the *Messenger and Visitor* had predicted that Canada's day of reckoning would come when it discovered itself gripped by the shock of social problems and strife between capital and labour.³⁴ Arguing that the church must be prepared to study these questions from a Christian standpoint--for whatever concerned man concerned Christ--the *Messenger and Visitor* felt confident that Christianity, thought to be a social force of great power, could change the relations between people from hostility to love. According to the *Messenger and Visitor*, "Christian thinkers are discerning the connection between things secular and things sacred, and that Christian life must go in to all life."³⁵ Several urban-based Baptist ministers in Nova Scotia adopted this union of the sacred and the secular as the basis of their approach to solving the social problems of society.

The *Maritime Baptist*, the organ of the United Baptist Church in the Maritimes after the union of the Regular and Free Baptists in 1905 and 1906, set the tone for the denomination's new approach to battling social problems. In 1907, declaring that the "church has an undoubted mission to perform in

32 *Ibid.*, pp. 82-3.

33 *Ibid.*, p. 85.

34 *Messenger and Visitor*, 7 Nov. 1888.

35 *Ibid.*

ameliorating and revolutionizing social conditions," the *Maritime Baptist* stressed that this mission could be completed by combining physical relief with spiritual leadership.³⁶ For the Christian, the *Maritime Baptist* argued, there can be "no pernicious dualism between sacred and secular. All is sacred because all may be in accordance with the divine purpose."³⁷ Thus social reform could encompass not only mere spiritual reform, but also such secular measures as a 'living wage' for workers, without diminishing the importance of the gospel in peoples' lives. In order for the church both to maintain its stature within society and to retain its working-class membership, it would have to make its message more relevant to the social realities of early twentieth-century life among Nova Scotia's working-class population.³⁸ As the *Maritime Baptist* noted, "The spiritual possessions of a church are vital only in so far as they enter into the personal experience of its members."³⁹ The rise of the social gospel within the ranks of the denomination's urban leadership manifested that very union of sacred and secular which the *Maritime Baptist* had advocated.

One of the first disciples of what may be regarded as the conservative social gospel in the Baptist Church in Nova Scotia was the Reverend Henry F. Waring of First Baptist Church, Halifax. Keenly aware--as the result of his pastoral work--of the devastating impact of urbanization/industrialization upon the working class, notably the proliferation of poor housing and disease, Waring understood the need to eliminate not only the symptoms, but also the root cause of social ills. Waring, who had graduated from Acadia University in 1890 and the University of Chicago in 1896, was also well acquainted with the prevailing social reform ideologies of the day, especially the social gospel. His work in Halifax, while ministering at First Baptist Church from 1903 to 1910, set a trend for other ministers of his denomination to follow as they tackled the problem of social and moral decay in Nova Scotia.

Waring devoted most of his efforts to addressing the social problems confronting the working class. In the first of a series of sermons in 1908 on

36 *Maritime Baptist* (Halifax), 18 Sept. 1907.

37 *Ibid.*

38 For more on this theme see Ramsay Cook, "Ambiguous Heritage: Wesley College and the Social Gospel Re-considered," *Manitoba History*, 19 (Spring 1990), 2-11.

39 *Maritime Baptist*, 18 Sept. 1907.

the relation of the church to social problems, Waring, before a large congregation at Halifax's First Baptist Church, insisted that the church had begun to awaken to the importance of social questions and to the changing nature of society. Citing the frequency of industrial strife in Nova Scotia, Waring pointed out that the church had a duty to help capital and labour settle their differences to the advantage of both.⁴⁰ A few weeks later his sermon concentrated on answering the question, "Was Jesus Socially A Revolutionary?" Replying in the affirmative, Waring emphasized Jesus's desire to preach the gospel to the poor and to relieve their physical burdens. For Waring, this was a perfect example for the church to emulate in order to make a "mighty change" in socio-economic conditions.⁴¹

Waring's sermons drew heavily upon the Baptist tradition of concern for the welfare of the poor. Noting the rise in the number of unemployed and labouring poor in the United States, Britain and Halifax, Waring called upon his audience to make it their duty to organize charities to aid the poor. Similarly, his belief that "degeneracy," in both a physical and a spiritual sense, "was as much, if not more, the result of unemployment than unemployment was the result of degeneracy," underscores his belief in the importance of environmental factors to the existence of poverty.⁴² As a result, spiritual reform would no longer be enough to improve peoples' lives. The enhancement of their physical surroundings, which Waring advocated through his emphasis on social welfare for the poor, represented an expression of the conservative social gospel as a means of arresting socio-economic decay.

Waring reiterated his support for the social gospel in an article in the April 1910 issue of the *Athenaeum*. A student publication at Acadia University, the pillar of Baptist higher education in the Maritime provinces, the *Athenaeum* reserved space for Acadia alumni to express their opinions on contemporary issues. Entitling his article "Christian Sociology," Waring argued forcefully for the church to come to grips with the causes of social problems. Though

40 *Halifax Herald*, 6 Oct. 1908.

41 *Ibid.*, 19 Oct. 1908.

42 *Ibid.*, 16 Nov. 1908.

the church could save every individual trapped in the slums of Nova Scotia, he argued, if society continued to "damn" them with deplorable living conditions the work of the church would be in vain.⁴³ The best means to assist the church in fighting social evils was Christian social science: "If Christianity is to do her best work in society to-day she must have a good grip of social science."⁴⁴ Social science, and sociology in particular--defined by Waring as "a science that treats of fundamental principles underlying all social phenomena"--served as a crucial element in his attempt to understand the world. Once the church and its members obtained a better grasp of the social forces opposing it, then and only then could it help people individually and collectively.⁴⁵ Waring was without doubt on the cutting-edge of social gospelism among Nova Scotia's Baptists. His career demonstrates amply that the movement towards social Christianity emerged after 1900 within the ranks of the urban Baptist leadership in Nova Scotia.

Waring did not by any means stand alone as the only Baptist minister who preached the social gospel. The Reverend Perry James Stackhouse, pastor of First Baptist Church, Amherst (1910-1914), was instrumental in introducing elements of the progressive social gospel into his pastorate. Likewise educated at Acadia (1899) and the University of Chicago (1904) Stackhouse was no stranger to the ideals of the social gospel. His term as pastor of the Austin Avenue Baptist Church in Chicago (1901-1904) also familiarized him with the complexities of social problems endemic to an urban environment.⁴⁶ His stay in Amherst enriched both himself and the church in general, since they each acquired a better understanding of the pressing social problems which plagued the heavily industrialized "Busy Amherst" in the early part of the twentieth century.

A closer examination of the Men's Bible and Social Class at First Baptist in Amherst strikingly illustrates Stackhouse's relationship with the social gospel. The class served as the main vehicle through which the pastor

43 *Acadia Athenaeum* (Wolfville), 36, 6 (Apr. 1910), 190-1.

44 *Ibid.*, p. 192.

45 *Ibid.*, p. 193. For more on the relationship between the social sciences and Baptist Christianity see Michael Gauvreau, "Baptist Religion and the Social Science of Harold Innis," *Canadian Historical Review*, LXXVI, 2 (June 1995), 161-204.

46 For biographical information on Stackhouse, see *Acadia Record 1838-1953* (Wolfville, 1953), p. 68.

addressed Amherst's burgeoning social disparities. Organized in 1904 by Reverend S.W. Cummings, the class heightened the church's awareness of the social problems in its midst and made its members more socially active.⁴⁷ The arrival of Stackhouse in 1910 and the modernization of Amherst forced the class to broaden its scope in an effort to keep pace with the growing hardship of daily life for the poor and working class.

During Stackhouse's sojourn at First Baptist Church the congregation formed the largest Protestant denomination in Amherst. In 1911 the Baptist population stood at 1987, followed closely by the Methodists at 1866 and the Presbyterians at 1441. The Baptists comprised 22.1 percent of Amherst's population.⁴⁸ Within Cumberland County, at least according to the *Maritime Baptist* of 1907, the Baptist Church in Amherst presided as the central congregation, guiding the actions of the rest of the churches in the county.⁴⁹ It may be argued that, given its position of importance within Cumberland County, the ideas which emanated from First Baptist Church helped to shape the thinking of the other Baptist congregations in the county. At the very least, the ideas of Stackhouse and the activities of the Men's Bible and Social Class represent the increasing presence of the social gospel among Nova Scotia Baptists prior to 1914.

The Men's Bible and Social Class touched upon a number of topics concerned with the pressing social problems of the day. Meeting every Sunday afternoon in the church, the class had an average attendance of thirty-five to forty members. Most of these men were prominent figures in the community. In particular, Botsford Black was the manager of Amherst Laundry and Heating, Alexander Christie was part-owner of Christie Brothers, manufacturers of coffins and caskets, and W.A. Fillmore was a local coal dealer.⁵⁰ John Webster Grant's contention that the social gospel remained essentially a "bourgeois phenomenon" certainly holds true so far as the Men's Bible and Social Class is concerned.⁵¹ Stackhouse presided over

47 *Maritime Baptist*, 9 Dec. 1908.

48 *Fifth Census of Canada 1911, Volume II* (Ottawa, 1913), pp. 30-1.

49 *Maritime Baptist*, 6 Mar. 1907.

50 C. Mark Davis, "Small Town Reformism: The Temperance Issue in Amherst, Nova Scotia," in Larry McCann, ed., *People and Place: Studies of Small Town Life in the Maritimes* (Fredericton, 1987), pp. 130 and 132.

51 John Webster Grant, *The Church in the Canadian Era* (Burlington ON, 1988), p. 103.

each meeting, while a layman led the discussion in the hopes of reaching a consensus on any action which the class felt that either it, or the church as a whole, should take concerning a matter of importance to the community. On 26 November 1911, for example, the class discussed the question, "Is a better Amherst within our reach?" As a result, the class decided to call for the construction of public parks as a way to improve the social climate within the community. The meeting concluded with the resolution that

this class wishes to place itself on record as in full accord with the principle of acquiring plots of vacant land in different parts of town to be held for public parks or breathing spaces and would especially emphasize the importance of such plots being near public schools.⁵²

One of the keys to the enrichment of life in Amherst, as expressed through this resolution, lay in the betterment of people's social surroundings.⁵³

Cooperation and benevolence were also crucial to the success of social reform endeavours. In 1913 Stackhouse addressed the class on "Peter's Growing Power," pointing out that the finest lesson could be seen in the "Spirit of giving all" for one another and working closely together for the benefit of everyone.⁵⁴ This "Spirit" formed the basis of much of the class's social activism. In 1911 the class appointed a committee to "consider" the social conditions of Amherst and to meet with other such bodies, be they sacred or secular, for the purpose of establishing a central bureaucracy to coordinate the social reform activities of each organization.⁵⁵ The class also extended this spirit of cooperation to the industrial working class. Stackhouse suggested, and the class approved, a proposal that a delegation be formed to visit the various industries of Amherst and invite all who wished to do so to

52 Minute Book: Men's Bible and Social Class, First Baptist Church, Amherst (26 Nov. 1911), D.A. Steele fonds, AUA.

53 Advocating organized public playgrounds and parks was typical of the spirit of progressivism that swept urban Canada in the early decades of the twentieth century. Paul Rutherford, "Tomorrow's Metropolis: The Urban Reform Movement in Canada, 1880-1920," in Gilbert A. Stelter and Alan F.J. Artibise, eds., *The Canadian City: Essays in Urban and Social History* (Ottawa, 1984), pp. 435-55; Ian McKay, "The 1910s: The Stillborn Triumph of Progressive Reform," in E.R. Forbes and D.A. Muise, eds., *The Atlantic Provinces in Confederation* (Toronto and Fredericton, 1993), p. 195.

54 Minute Book: Men's Bible and Social Class, First Baptist Church, Amherst (23 Feb. 1913), AUA.

55 *Ibid.* (10 Dec. 1911).

attend class meetings. Stackhouse realized that the class could not discuss questions such as "The Church and the Working Man," "Woman's Place In the Industrial World" and "Socialism," without having the subjects of their discussion on hand to contribute their views.⁵⁶ Unfortunately, it cannot be ascertained whether labour accepted the class's invitation. The fact that the class did invite workers is significant, however, for it demonstrates that the class and, it may be argued, the church itself, recognized the importance of labour's involvement in the cause of social reform and attempted to coax this disgruntled body of followers back to the church. Ministers like Stackhouse had come to understand that the church would not be able to reform society on its own.

Another issue which consumed the attention of the class was the need for free and accessible education for children. In 1901 the Nova Scotia branch of the Trades and Labour Congress requested free textbooks for children. The government, however, denied the request because of the cost involved.⁵⁷ As it was a "live question" in Amherst by 1913, the class heartily endorsed supplying free textbooks, while expressing their wish that all children should be able to attend school regardless of their parents' social standing.⁵⁸ The class followed up this statement with a resolution for the local school board. After studying the conditions of Amherst's public schools, the class wished to draw to the attention of the board a few important facts:

First--That the failure of some parents in sending their children to school is due to their inability to provide proper clothing and the textbooks necessary for their instruction. Secondly--That many others with large families and earning a small wage, are able to supply textbooks only at a considerable personal sacrifice.⁵⁹

To rectify this deplorable situation the class requested that the school board "induce the Town Council to set aside the sum of \$2,000 or such amount as may be thought necessary by the Board of School Commissioners, for the

56 *Ibid.* (24 Mar. 1912) and (5 Oct. 1913).

57 *Labour Gazette* (Ottawa), Feb. 1901, p. 262.

58 Minute Book: Men's Bible and Social Class, First Baptist Church, Amherst (12 Oct. 1913), AUA.

59 *Ibid.* (2 Nov. 1913).

purchase of school books to be distributed without charge to the pupils of the first six grades.”⁶⁰ In vindication of their actions, the class in March 1914 sent their sincere thanks to the school board for providing the funds needed to offer children free books, scribblers and writing implements.⁶¹ Helping those in need and trying to eliminate one of the causes of childhood poverty, namely poor education, lay behind the class’s action. A progressive social gospel, which looked towards an interventionist state to help in the fight against socio-economic disparity, had made itself felt in Amherst’s First Baptist Church.⁶²

The utility of the social gospel was not limited to social reform. The class also prepared itself for the vital task of undertaking the spiritual salvation of society. In May 1914 Stackhouse led the class in a discussion of “Peter’s last words.” The most important theme in this lesson, the pastor argued, was the simple fact that “we are redeemed by the blood of Christ and not by silver and gold.”⁶³ Only by cooperative action between the “apostolic church” and its members could society be reformed and “Religion” made a “thing for this world.”⁶⁴ Although the class emphasized the importance of emulating the virtues of “sobriety” and “steadfastness,” communicating to others a sense of “holy living” and “brotherly love” amounted to convincing people not to lose sight of the need for Christ in their lives.⁶⁵ The social gospel, while manifested in the class’s attempts to enact widespread social reforms, also found expression in its desire to seek social salvation and to ensure that Christianity remained relevant to society.

60 *Ibid.*

61 *Ibid.* (8 Mar. 1914).

62 This definition of a ‘progressive’ social gospel closely aligned with the state in matters of social reform, is taken in part from William G. McLoughlin, *Revivals, Awakenings and Reform: An Essay on Religion and Social Change in America, 1607-1977* (Chicago, 1978), pp. 173-4.

63 Minute Book: Men’s Bible and Social Class, First Baptist Church, Amherst (24 May 1914), AUA.

64 *Ibid.* (21 Jan. 1912) and (23 Feb. 1913).

65 *Ibid.* (24 May 1914). The notion of “brotherly love” or brotherhood was the “characteristic idea of the social gospel.” Ramsay Cook, *The Regenerators: Social Criticism in Late Victorian English Canada* (Toronto, 1985), p. 183.

Reverend Stackhouse praised the progressive actions of the Men's Bible and Social Class, which he told the Cumberland County District meeting in 1913, was the "greatest organization in the church."⁶⁶ A few years later, while pastor of Tabernacle Baptist Church in Utica, New York, Stackhouse published a book entitled, *The Social Ideals of the Lord's Prayer*, which carried this affectionate dedication:

In Memory of Five Delightful Years of Fellowship and with Vivid Recollections of our Sunday-after-noon Sessions where I Learned that Social and Economic Problems can be Discussed with the Utmost Frankness by Men Representing all Classes in Society and many Economic Creeds in a Spirit of Christian Brotherhood and with Great Profit to All.⁶⁷

Stackhouse's experience with the Men's Bible and Social Class had left a mark on him personally and on Nova Scotia's Baptists in general. The class demonstrated that Baptists, at least within urban centres, could address a range of social issues well beyond temperance. Moreover, as the actions of the class regarding Amherst's public schools reveal, the church's leaders did not hesitate to call upon secular institutions to aid in its struggle to implement social reform. A comfortable accommodation between the sacred and the secular had been achieved by Stackhouse and his followers.

Other Baptist leaders in Nova Scotia, not to be outdone by Stackhouse and Waring, also began to adopt a social gospel-minded approach to social reform. The *Maritime Baptist* admitted in 1909 that the church's efforts to improve social conditions in Nova Scotia were not as efficient as they could have been.⁶⁸ In the view of the *Maritime Baptist*, the denomination "does not check great evils and bring them into disreputable harmlessness as it might considering the number of its members and their influence in other realms."⁶⁹ A solution, according to this paper, lay in the denomination making its power of righteousness felt in society; otherwise "conditions will not become better, but will become worse."⁷⁰ The time had definitely arrived for the church to

66 Minutes of the Cumberland County United Baptist District Meeting (Dec. 1913), AUA.

67 Perry J. Stackhouse, *The Social Ideals of the Lord's Prayer* (Philadelphia, 1916), p. xi.

68 *Maritime Baptist*, 10 Nov. 1909.

69 *Ibid.*

70 *Ibid.*

take concerted public action towards solving social problems.

The convention of 1909 shared the outlook of the *Maritime Baptist*; delegates felt that the church must stop devoting all its attention to suppressing the illegal liquor traffic. The existence of other social evils, especially Sabbath desecration, white slavery and political turpitude, weakened the church.⁷¹ The convention also dedicated itself to rooting out the source of these evils in the hope of eliminating them from society completely. As an indication of the denomination's seriousness, the 1909 convention added to its annual report on temperance, for the first time, the duties of "moral reform." The report spoke for the majority when it concluded,

this Convention is deeply impressed with the absolute necessity for carrying the principles of temperance and moral reform, in which it so firmly believes, into the field of practical action, and of applying them undeviatingly and impartially to the conduct of municipal, provincial and dominion affairs.⁷²

The Baptist leadership in Nova Scotia thus committed itself to active involvement in society at large in order to inaugurate social reform.

The 1913 Baptist convention helped to solidify this commitment to social reform. Convening in Amherst, the delegates embarked upon a three-day consideration of the church's attitude towards the prevailing socio-economic difficulties confronting Nova Scotian society. The presidential address, delivered by the Reverend W.C. Goucher, set the tone for the convention. The church found itself, Goucher began, living in a time of extraordinary change. The expansion of knowledge had fostered a spirit of unrest, as people, notably members of labour unions, began to realize their power and utilize it for their own ends:

The docile habit which once followed and obeyed and endured without thinking has disappeared; and inasmuch as the passion for happy change can with difficulty be gratified, for the great majority the result is restlessness and unhappiness issuing in industrial war—the war of classes: a war becoming more and more acute year by year.⁷³

71 *Yearbook of the United Baptist Convention of the Maritime Provinces of Canada 1909* (Saint John, 1909), p. 110.

72 *Ibid.*, p. 111.

73 *Maritime Baptist*, 5 Nov. 1913.

Goucher concluded by stressing that an educated and organized labour movement had begun to assume a prominent place in the moulding of both Nova Scotian and Canadian society. Moreover, this labour movement could no longer be seen as homogeneous. An influx of 'foreign' immigrants from Poland, Lithuania, Russia and Greece to industrial areas such as Cape Breton, each united by their own religious traditions, made it difficult for the Baptists to win their allegiance.⁷⁴ Furthermore, moral evils and social vice abounded throughout the province. If the Christian Church refused to address these problems, it would be swept away in the whirlwind of change sweeping contemporary society.⁷⁵

The consensus that emerged from the convention stressed the importance of Baptists' confronting the incessant call for "Social Service." A prominent Baptist at the convention, R. Osgood Morse, in a letter to the *Halifax Herald*, recounted the substance of the proceedings. The pendulum of religious thought, he reported, had swung rapidly within the past few years towards an emphasis on social service and away from a message of individual salvation. Taking stock of this situation was the main theme of the convention.⁷⁶ Traditionally, as Morse argued, the church considered evangelism divorced from social service work. The problems of industry and the working class seemed alien to the mission of spreading God's word. It was no longer enough, however, for the church to "induce the individual to accept Christ." This would not improve social conditions. Instead, the church had to add to its message of individual salvation the actions necessary to alleviate personal hardship.⁷⁷ In order to put this belief into practice, the convention urged all Baptist pastors to recognize their responsibility to display "Christian leadership" in all aspects of moral and social reform.⁷⁸ In an age when, as the

74 Ralph Wayne Ripley, "Industrialization and the Attraction of Immigrants to Cape Breton County, 1893-1914" (MA thesis, Queen's University, 1980), pp. 45-48 and 62; David Frank, "The 1920s: Class and Region, Resistance and Accommodation," in Forbes and Muise, eds., *Atlantic Provinces in Confederation*, pp. 233-71.

75 *Maritime Baptist*, 5 Nov. 1913. On the social reform movement in Canada see Mariana Valverde, *The Age of Light, Soap, and Water: Moral Reform in English Canada, 1885-1925* (Toronto, 1991).

76 *Halifax Herald*, 18 Nov. 1913.

77 *Ibid.*

78 *Yearbook of the United Baptist Convention of the Maritime Provinces of Canada 1913* (Truro, 1913), p. 138.

Reverend A.B. Cohoe of First Baptist Church Halifax bemoaned, an "increasing number of people find that they can get along very comfortably without the church," the need for Baptists to assume an active role in social reform and preach a message of social, as well as individual salvation, became vital to the maintenance of Christianity's importance in society.⁷⁹ Baptists had not abandoned their evangelical creed but instead turned to the social gospel, which combined evangelicalism with moral and social reform.⁸⁰

A sermon preached by the Reverend E.E. Daley of Halifax at the Baptist convention of 1914, expressed the feelings of many Baptists concerning social reform. His sermon, entitled "The Church: Her Mission and the Secularization of It," directly addressed the dangers involved in uniting the sacred to the secular. Daley willingly admitted that the church must help to reform the economic inequities of society; but by becoming a "social factor," the church should not lose sight of the fact that it was ultimately a "soul saving institution."⁸¹ As Daley insisted, the church "must avoid a secularism that considers the problem of the soul's salvation outgrown and pushes into the forefront of the church's activities a secular re-adjustment that is not built upon the transformation of the spirit."⁸² Daley thus epitomized the traditional Baptist desire for personal salvation combined with an abiding concern for the socially disadvantaged.

Nova Scotia's Baptists, it should be stressed, grappled directly with social issues besides that of alcohol abuse. The focus on the church's involvement in the temperance crusade has overshadowed its association with the movement to alleviate the hardships faced by the province's working class. During the period from 1880 to 1900 Baptists focused most of their attention on the spiritual reform of the individual. Despite this concentration, however, they continued to express a deep-seated concern for the general welfare of the individual, a concern which provided urban ministers after 1900 with a solid

79 *Halifax Herald*, 16 Feb. 1914.

80 Michael Gauvreau, "Beyond the Half-Way House: Evangelicalism and the Shaping of English Canadian Culture," *Acadiensis*, XX, 2 (Spring 1991), 174.

81 *Maritime Baptist*, 21 Oct. 1914.

82 *Ibid.*

foundation on which to build in order to address the province's growing social problems.

As the twentieth century dawned, distinct conservative and progressive streams of the social gospel began to emerge within the urban sector of the Baptist denomination. Faced with the scars of urbanization and industrialization in larger centres such as Halifax and Amherst, ministers such as Waring and Stackhouse and the members of the Men's Bible and Social Class could see that spiritual reform alone could not improve the lives of the working class, or prevent them from leaving the church. In response, a few urban Baptist leaders called for socio-economic as well as spiritual reform to benefit society. The delicate balance which they struck between the sacred and the secular, in an effort both to reform society and to preserve the relevance of the church, demonstrates that Baptists could easily adapt to the changing social realities around them. Thus they charted a new course for their denomination to follow in order to meet the challenges posed by secularism.

Henry Hemlow (1802-1878) of Liscomb Harbour

Joyce Hemlow, Iris Shea and Keith Parker Smith

Henry Hemlow and his brother William (1814-1885) were the surviving sons of James Umlach (Hemloe, Hemlow, *ca.* 1759-1855) of St. Mary's River, who on 5 September 1811 had acquired a crown land grant of five hundred acres in Liscomb Harbour, two hundred on the mainland and the remainder on Amelia Island (later named Hemlow's Island, 285 acres) and Hog Island (fifteen acres).¹

Henry, growing up on the wild West Cape of the river where there were no schools, would have been only nine years old in 1811, but he soon developed into a strapping youth of phenomenal strength and proportions who could lift, it was said, great logs from the ground as if they were mere fence poles. At the age of twenty he had a sailing vessel of his own, the *John and Allain* (28 tons) built by his future in-laws, the Kennedys of Indian Harbour (Port Hilford).² At the age of about twenty-six Henry decided to marry, build a homestead on his father's land in Liscomb and raise a family.

The ability of the early Hemlows to sail to any seaport along the Eastern Shore where there was a church, a resident clergyman, or an itinerating missionary makes it difficult to gather vital statistics relating to them. James Umlach, for example, brought his infants to the baptismal fonts of St. Paul's and St. George's in Halifax, some one hundred miles by sea to the southwest. Henry had his second daughter baptised at St. Paul's, his third at St. Stephen's in Ship Harbour, Halifax County, and the fourth and fifth at St. James' in Port Dufferin, Halifax County.

After 28 July 1858, when the cemetery of St. Luke's Anglican, Liscomb, was consecrated, dates of birth can be deduced--albeit somewhat unreliably--from inscriptions on the gravestones. Before 1858 in Liscomb and its vicinity, the dead were buried in fields and clearings and the graves marked with rough fieldstones. What follows is the recorded history of Henry

Joyce Hemlow, Greenshields Professor Emerita, McGill University, Ph.D., LL.D., F.R.S.C., has returned to her native Nova Scotia. Iris Shea (née Umlah) is a freelance genealogical researcher in Halifax. Keith Parker Smith, B.A., is a market researcher.

1 For the career of James Umlach, see Joyce Hemlow and Iris Shea, "James Umlach and his Descendants in St. Mary's River and the West Cape," in *Nova Scotia Historical Review*, Vol. 13, No. 2 (1993), pp. 105-125. Liscomb Harbour is within Guysborough County.

2 Registered 19 May 1824; Canada Department of Transport, Shipping Registers, Port of Halifax, Vol. 17 (mfm).

Hemlow and his family as far as has yet been determined.

Henry Hemlow was baptised 22 August 1802 at St. Paul's Anglican, Halifax; he died 28 March 1878. About 1828 he married Hannah Kennedy, who was born *ca.* 1804 and died 20 February 1868. She was the daughter of Allen Kennedy of Sable River, Queen's County, later of Indian Harbour. Their gravestones of white marble, beautifully carved by hand, are in the southeast corner of St. Luke's cemetery, Liscomb, the land for which they had donated in 1856 to the Halifax Association of the Colonial Church Society. The couple had one son and five daughters. Henry married secondly, 8 February 1869 (NS Registrar General of Vital Statistics fonds: Marriage Licence files: Guysborough Co. [mfm.]), Elizabeth McDiarmid, who was born *ca.* 1815 and died sometime after 1891. She was the daughter of Ranald McDiarmid of St. Mary's River.

The children of the first marriage were:

1. Isabel, b. *ca.* 1828; d. 14 Sept. 1898 at age 70 (gravestone, St. Luke's); m. first, pre-1849, William Henry McKinlay, who d. *ca.* 1856. One son and three daughters. Isabel m. secondly, 12 Nov. 1857, Walter Freeman Mitchell, b. 14 July 1830 in Scotland (1901 census); d. Apr. 1915 at age 85 (gravestone, St. Luke's). Four sons and four daughters.
2. James, Esq. ("Squire Jim"), J.P., councillor, merchant and civil servant, b. 24 Mar. 1830 (1901 Census); d. 18 June 1904; m. 14 Jan. 1853, Mary Campbell Mills of Port Hilford, who was b. *ca.* 1833 and d. 26 Aug. 1896. James was a lay reader in the Anglican Church at Liscomb and in 1866 Captain of the 4th Guysborough Regiment raised in expectation of a Fenian raid.³ The couple had five sons and eight daughters.

Of their five sons, James (1856-1928) and William (1870-1925), heir to the homestead, remained in Liscomb. The eldest son, the Rev. Robert Bruce, b. 11 Mar. 1855, was a Methodist minister who served in the Bonavista district of Newfoundland and later in British Columbia (Nicola Valley, Kamloops,

3 The so-called 'Fort Field' in Liscomb includes an excavation, the remains of a gun emplacement or small bastion built *ca.* 1857 in anticipation of a Fenian raid. No attacks on Nova Scotia materialized, but in preparation the province had been organized into 113 militia regiments and eleven volunteer corps; in Liscomb there were at least sixteen volunteers. For information on the measures taken in expectation of a Fenian raid the authors are grateful to Bryce Jacques, National Archives of Canada, Ottawa, who kindly sent lists of volunteers for the 14th Guysborough Regiment; lists of recipients of the Fenian Bounty; and other related documents in National Archives, RG H A 4, Vol. 91, list 346.

Alma, Maple Bay and finally Maple Ridge in the Fraser Valley). He d. of pleurisy at Chilliwack in 1889, aged 34 and was buried in the Odd Fellows' Cemetery there.⁴

The third son Harry, b. 27 Feb. 1859 in Liscomb, was a youthful alderman at the incorporation of the City of Vancouver in 1886. He was a hotelier (Hotel Sunnyside) and in later years manager of an electric railway to New Westminster. He d. in Vancouver, 7 Mar. 1932, aged 72.⁵

Walter or "Watt," b. 3 Apr. 1864, disappeared in the American West. Among the few records of him is a faded photograph of himself and his bride, sent to his sister Annie (below).

Of the eight Hemlow daughters, only three lived out their lives in Liscomb: Isabella (*ca.* 1852-1900), wife of W.H. Hemlow (1846-1937); Annie (1861-1947), wife of William McDiarmid (1849-1924); and Minnie Eva (1875-1958), wife of John Mitchell (1870-1965).

3. Maria, b. 12 Oct. 1838, bapt. 28 June 1839 at St. Paul's, Halifax. No further record.
4. Nancy Ann, b. 7 Jan., bapt. 28 June 1841 at St. Stephen's Anglican, Ship Harbour, d. 6 Dec. 1931 (gravestone, St. Luke's); m. first, 26 Jan. 1862, Jacob McKinlay, b. *ca.* 1836 and drowned in the Labrador fishery, 13 July 1878, aged 42 (memorial stone, St. Luke's). Four sons and four daughters. Nancy m. secondly, 18 Dec. 1880 (Marr. Licence files, Guys. Co.), Zebedee Hartling, b. 4 Sept. 1855, d. 15 June 1917 (gravestone, St. Luke's), aged 61. One son and two daughters.
5. Mary Jannet, b. 1 Nov. 1847; bapt. 13 June 1848 at St. James' Anglican, Port Dufferin; d. 1909 in Boothbay, Maine (gravestones in the old cemetery there),⁶ m. first, 13 Nov. 1865, Jacob Crooks Jr. of Liscomb Island, who was b. *ca.* 1837 and d. of 'consumption', 18 Mar. 1871, aged 34. The couple had been living in Henry Hemlow's homestead, a half-share of which, with 25 acres of land, he had ceded to them in 1868.⁷ Three children:

4 Biographical account of Rev. R.B. Hemlow extracted from Minutes of the British Columbia Methodist Conference of 1889 as preserved in the Archives of the United Church of Canada, Victoria College, Queen's Park, Toronto, ON. For these details, the authors are indebted to the Archivist-Historian, Arthur G. Reynolds, MA, DD and to Dr. Ruby Nemser of Chilliwack, BC.

5 For these details the authors are grateful to Brenda (Croft) Wheeler, Vancouver, BC.

6 For the life of Mary (Crooks) Suds née Hemlow and her daughters in Maine, the authors are grateful to a Spofford descendant, Diane R. Randlett, West Southport, Maine.

7 Registry of Deeds, Sherbrooke, Guys. Co., Vol. E, p. 194.

- 1a. James Henry, b. 13 June 1866; *fl.* 1891.
- 2a. Margaret Ann, b. 2 Mar. 1868; m. Hiram Artemis Spofford, a lobster packer of Boothbay Harbour, Maine;⁸ their son (or one of their sons), a skilled mechanic, d. in late 1993, well over the age of 90.
- 3a. Mary Orpha, b. 21 Jan. 1871; m. in Maine, Thomas Kemble and d. in 1961, aged 90.

For a lively young widow of 24, life in a seaport had its hazards⁹ but in the end all went well for Mary who, having followed or accompanied her daughter Margaret Ann to Maine, m. secondly, 8 June 1889, the widower Isaac Sudds (1843-1911) and had a son:

- 4a. Ronald Isaac Sudds, b. 20 Dec. 1891 in Trivet, Maine; d. June 1964, in Maine (Social Security Death Benefit Records, US Federal Government).
6. Elizabeth, b. 3 Oct. 1848; bapt. 4 June 1849 at St. James' Anglican, Port Dufferin; d. 8 July 1880, aged 32 (gravestone, St. Luke's); m. 24 Aug. 1867, William James McKinlay, who was b. *ca.* 1839 and d. 10 July 1869, aged 30. One child:
 - 1a. Arabella (1868-1955), m. Simeon Baker (1870-1950). Two sons and five daughters.

The birth of Henry's son James on 24 March 1830 must have given particular pleasure to the grandfather, James Umlach, who had lost two sons of that name. At this time and for Henry's "dutiful and affectionate conduct," James conveyed to him two hundred acres of his mainland grant of 1811, together with the unidentifiable "Sheep Island" (four acres).¹⁰ Henry at the age of thirty was now on his own, an independent landowner or 'yeoman' and, as would prove to be the case, an able and industrious settler with a flair for carpentry. He would be the generous and seminal contributor to the development of public and religious life in the area--only in the end to meet

8 Spofford had evidently come to Liscomb with the lobster packers G.F. and W.K. Lewis of Boston (see *infra*).

9 Mary Crooks, appearing in the 1881 Census as Mary Smith, was believed by herself and her family to be married to the Danish seaman Charles Smith ("Smit"). "My husband Charles Smith is...now at sea," she stated on 20 Oct. 1879 at a probate hearing involving her father's estate; see Court of Probate, Sherbrooke, Guys. Co., Vol. 1, p. 121.

10 Registry of Deeds, Sherbrooke, Vol. B, p. 122.

with ruination.

To provide for his family, Henry had two sources of income immediately at hand--the land and the sea. Of the two, the land was the less promising. From the coast Henry's land (classified in geological studies as of the 'Halifax' series of soils)¹¹ ran inland to an area impossible to farm (the 'Danesville' series). Here there are outcroppings of bedrock or cliffs, sometimes weathered and flattened, but often rising to heights of eight metres or more. In the interspaces or gorges are growths of alder, wire-birches or choke-cherry. At intervals where the free flow of water is obstructed by bedrock or compact layers of clay, bogs form, soon covered with sphagnum or peat moss. On higher lands once burned over is a heath vegetation of laurel, lambkill, labrador-tea, blueberry bushes and fox berries. Trees--spruce, fir and tamarack--are stunted in that region by the shallowness of the soil and the effects of salt air blown in from the sea. Of high authority on the utility of such land was the Surveyor-General Charles Morris (1758-1831), whose perceptive comment was appended to a grant of 1200 acres in the Liscomb area, made in 1818: "The tracts of land hereby described are chiefly barren, rocky and entirely unfit for Cultivation. A small portion of the sea front of each lot excepted--which will produce vegetables, Rye and Grass by Labour and persevering Industry."¹²

Massive strength, as described in family accounts, and "persevering Industry" were apparently what Henry Hemlow was willing to expend on his coastal frontage. His land abounded in rocks and boulders of all sizes, both on the surface of the soil and within it. Silent but enduring witnesses to his efforts are the long stone walls along three sides of the field which he eventually cleared. Built in the lower edges of slopes running down to the sea or to a brook called 'The Coffee Pot', the walls measure in all some 580 feet.¹³ There were no bulldozers then, but one may hope that the horse Henry was later known to have owned--or perhaps a team of oxen--helped to drag the heavy boulders down to the lower edges of inclines, where they can still be seen today.

11 The composition and consistency of soils were studied by J.D. Hilchey et al., *Soil Survey. Guysborough County, Nova Scotia. Report No. 14* (Truro, 1964), pp. 25-27.

12 Grant to Thomas Pye Sr. of Marie Joseph and four of his sons, 1818, in Public Archives of Nova Scotia [hereafter PANS] RG 20. Book H, pp. 73 ff.

13 For the measurements of the stone walls the authors are indebted to Dennis Morris of Liscomb.

Rocks and boulders are not the only impediments to agriculture on the Eastern Shore. The soil is acidic, suitable in its natural state only for the growth of rhubarb and blueberries. The application of lime was for the future, but with fertilizer (usually barn manure in the early days) the land yielded grass in abundance and root crops as well. Retarded by winds blowing over floes of Gulf ice drifting southward, spring comes late. Frost comes early, further reducing the length of the growing season.

The farm that Henry was eventually able to wrench from his rocky terrain is documented in the agricultural census of 1871.¹⁴ He had cleared away forest and underbrush over an astonishing forty acres. A half-acre under cultivation yielded twenty bushels of potatoes, five of turnips and two of beets. He had five acres in pasturage, and four sown in grass had yielded nine tons of hay, fodder for the livestock in his barns--a horse, two milch cows, four calves and five sheep. The women in his family had to their credit churned and put up 160 pounds of butter. They had also carded and spun twenty yards of wool and woven on the loom ten yards of homespun.

As may be seen from old foundation stones, Henry built his homestead on a rise above a cove protected from the sea by a circular rim of ledges. A favoured perch for seabirds, this outcropping was known locally as 'The Hens' Ledge' and a deep channel on its inner side afforded safe mooring for boats. Beyond the ledge was the harbour, described in a petition for a lighthouse sent in 1867 by ship owners, ship masters, traders and others to the General Assembly, as "one of the best and safest on the South Coast of Nova Scotia and very much frequented...[with] a depth of seven fathoms throughout and good holding ground. [It is] one mile broad at the entrance and over five miles in length having a width from one mile to one half mile."¹⁵ Beyond the mouth of the harbour were the lucrative fishing grounds, the Mackerel Shoal and among others the Lang and the McKinlay Shoals. Much of this was in view from Henry's windows. As a fisherman and later a trader and merchant, he could scarcely have found a better location.

14 The elaborate census returns of 1861 and 1871 include statistics with respect to farming, fishing and other industries; see 1871 Census, Marie Joseph, Guys. Co. (mfm.).

15 PANS RG 5, Series P, Vol. 60, pp. 25-27, signed by 114 local seamen or residents headed by W.H. Pye and William Hemlow.

Far from being lonely, Henry's homestead on the cove was an animated workplace and the wilderness far from empty. Before his windows the sea-life changed with the seasons, the hour and the tide. In the afternoon, clouds of gulls on the lookout for offal followed the fishing boats on their return to port. At high tide primitive cormorants, driven by high water from their home-ledge near Amelia Island, flew to the higher rocks of The Hens' Ledge awaiting low tide, their wings outstretched at right angles to dry. In the early morning, the wild duck brought her newly-hatched brood (mere bits of fluff at first) along the shoreline, shepherding them with constant staccato scoldings and warnings of the perils of life beyond the nest. At low tide the blue heron stood tall in shallow waters, waiting with infinite patience for a fish (or preferably an eel) to come his way. The long-sighted osprey hovered high in the sky, searching the depths of the harbour for fish to feed his hefty two-month-old chicks, who were secure in a nest of some four feet in diameter, attached with skilled craftsmanship to the upper trunk of a tall tree on the wind-swept headland. Wild calls, filling the cosmos, audible for miles, announced the arrival of the master diver and fisher, the loon, from the Gaspereau Lakes to try his luck in the cove. Nature will provide, and in Henry's time there was still plenitude in creation.

According to the industrial census of 1861,¹⁶ Henry had two fishing boats and presumably two crews in his employ. Their catch when cured was thirty quintals of dried fish (probably cod and haddock), twenty barrels of herring and twenty of ale-wives, together with three gallons of fish oil. He must have built poled landings or 'slips' on his shoreline, a wharf, fish flakes on which to dry the fish and a fish house in which to store salt, pickled and dried fish, sails and oars, nets, codlines and other gear.

Respected as a landowner and an active and vigorous settler, Henry was regularly assigned a series of public offices in the township and later in the district. Having cut out paths through the wilderness on or before his settlement in Liscomb in 1828, he continued that work under the title of Surveyor of Highways from 1831 to 1833 and again from 1847 to 1855. He appears in the township records of 1841 as Pound Keeper and Fence Viewer and in the district records as a juror in 1843 and 1850. With his boats and sailing vessel, and the view he had of the harbour from his own windows, he was a 'natural' for the office of Harbour Master, a post to which he was six

times appointed between 1842 and 1859. Equipped with a vessel and a knowledge of the settlers across a wide region, he was appointed repeatedly in the years between 1843 and 1869 as Overseer of the Poor in Marie Joseph, as well as in Liscomb.¹⁷

All would have gone well had Henry confined himself to the farm and the fishing boat, but as early as 1847 (as may be seen in the baptismal records of his children) he was identifying himself as a 'trader' and according to Hutchinson's *Nova Scotia Directory for 1864-65* the brothers Henry and William and Henry's son James had ventured into merchandising, with wharves and shops on their shorelines. Before 1905, after which steamships like the S.S. *Dufferin* brought cargoes of goods from Halifax to be retailed in such outlets along the coast, it was necessary for would-be merchants to sail on their own to the city for supplies. For this enterprise vessels were necessary. In 1856 Henry and William and their sons built the coastal trader *Mary Elizabeth* (29 tons), named for their sister Elizabeth and William's wife Mary, a ship that William would keep all his life, while in 1863 Henry and James acquired a smaller vessel, the *Grey Hound* (23 tons).¹⁸ As a retailer, Henry also built a large fish store on his beach.

Neither hard-won development of modest coastal tracts nor tentative ventures into mercantile trade were sufficient for many of the early settlers, who apparently looked far into the future. In 1844 Henry and his brother William welcomed the opportunity to add three hundred acres to the two hundred on the mainland conveyed to Henry by his father in 1832. These three hundred acres had been awarded initially to Thomas Pye Jr. (ca. 1790-1823), coastal trader, as his share of the 1200 acres granted in 1818 to Thomas Pye Sr. of Marie Joseph and four of his sons.¹⁹ Thomas Jr. died intestate on 1 April 1823, but it was not until 1844 that his widow (remarried and again widowed) petitioned the Court of Probate in Sherbrooke to evaluate and apportion her first husband's lands among his three children and herself. Produced by the court under Judge Hugh McDonald was a

17 Township Records, St. Mary's, Guys. Co., PANS MG 4, Vol. 138; District Records, St. Mary's, PANS RG 34-322, Series P, Vols. I and II.

18 Shipping Registers, Port of Halifax, Vol. 52H (mfm).

19 See fn. 12. For the Pye family, see Philip L. Hartling, *Where Broad Atlantic Surges Roll* (Antigonish, 1979), pp. 168-170.

painstaking document which, among other decisions involving other heirs, awarded Thomas Pye's land to his elder son William Leonard Pye (1819-1912), who immediately sold it on 21 October 1844 to Henry and William Hemlow for £50.²⁰

Of all the Hemlow acquisitions of land this must have been the most fortunate. The three hundred acres added to Henry's inheritance of two hundred would provide the site for the flourishing Victorian village and seaport of Liscomb. Extending from the Square Rocks on Pye's Head to Gaspereau Brook and beyond, the harbourfront of the combined properties (with their inlets, coves, points and headlands) extended to five miles or more. It is not within the scope of this article to follow the developments in order, but the seaport flourished commercially with the building of a government wharf accommodating the weekly calls of the S.S. *Dufferin* which brought supplies from Halifax and returned with products for sale from the local farms, fisheries and sawmills. There arose with commercial prosperity two general stores, two or three fine mansions and, in addition to St. Luke's (1861), the Methodist Church (1898), two community halls, an Orange Lodge and a hotel. Public services were provided by a postal way office, a telegraph office and a Customs House. Early industries included a blacksmith's shop, a lobster factory (1874), sawmills and a fox ranch. A schoolhouse at the Cross Roads replaced Henry Hemlow's structure of 1854 (see below) on the shore. Erected by the federal government on a rise of land near St. Luke's was a 'storm pole' on which could be hoisted meaningful arrangements of drums by day and lights by night as warnings of impending storms, notices of which were received by telegraph.

Henry and William could not have seen this far into the future, but characteristic of them was the instinct and ambition to acquire land. Besides islands and coastline, there extended into the hinterland a seemingly limitless wooded terrain intersected by systems of rivers, lakes and brooks--the resources and means of transportation for the lumbering industries of the future. In 1847 the Hemlow brothers applied for land on Big Gaspereau Lake, receiving two non-adjacent lots of 50 acres each.²¹ Showing on the

20 Court of Probate, Sherbrooke, Vol. I, p. 4; and Registry of Deeds, Sherbrooke, Vol. C, pp. 104-105. The brothers Henry and William Hemlow then ceded parts of their advantageous coastal acquisition to their children: James, 60 acres, Vol. C, p. 476; W.H. Hemlow, 175 acres, Vol. G, p. 103; and Maria and Henry Redmond, 3 acres, Vol. G, p. 298.

21 Crown Land Grant No. 1237, in PANS RG 20, Series A, New Book 20, p. 265.

surveyor's report of 1847 was 'Hemlow's Mill Dam', indicating that the brothers, greenhorns in the lumbering industry, nevertheless meant to build a sawmill there. Far ahead yet was the lucrative age of the Liscomb mills, when in spring the logs were floated down the flooding Liscomb or Gaspereau Rivers to sawmills on the coastline, sawed into lumber and loaded into vessels for export.

Henry next invested in Spanish Ship Bay, where in 1854 he purchased from his son-in-law, William McKinlay, 75 acres for £50.²² At the foot of the bay and near Liscomb, the property was both rentable and saleable. Then for a second time, Henry had the opportunity to purchase from the Pye family additional sections of their share in the old 1818 grant.

When Charles Pye died intestate in 1855, his real estate was offered at auction in Halifax and was bid for by his brother-in-law, Ebenezer Jacob Lock, master mariner of Lockeport, who had married, 12 July 1851, Jennet Pye.²³ By this purchase, Lock hoped to consolidate some eight parcels of land apportioned to his wife by the Court of Probate in an elaborate and convoluted division of the lands once held by her father, Leonard Pye (1794-1852).²⁴

Relevant to this story are only the eight pieces that came to Jennet Lock, née Pye, for on 28 March 1865 the Locks sold their eight pieces to Henry Hemlow for \$220.²⁵ Included in these 41 acres were ten acres of prime woodland running along the Head Road and therefore accessible for firewood or other purposes. Whether or not Henry himself or his son Squire Jim harvested the woodlot, it is certain that the next generation--James Hemlow (1856-1928), merchant, and William Hemlow (1870-1925)--cut firewood there for years.

Henry Hemlow continued his interest in acquiring land with two additional crown grants at Lower or Little Liscomb, in 1865 and 1866.²⁶ Both

22 Registry of Deeds, Sherbrooke, Vol. C, pp. 492-493.

23 *Acadian Recorder*, 15 Nov. 1851. These post-mortem matters, including Lock's acquisition via auction of the landed property of Charles Pye, deceased, are related in Registry of Deeds, Sherbrooke, Vol. D, p. 5.

24 Court of Probate, Sherbrooke, Vol. 1, pp. 31-32. The land allotted to each member of Leonard Pye's family is shown in a series of deeds, Registry of Deeds, Sherbrooke, Vol. D, pp. 220, 407, 462, 476 and 478.

25 Registry of Deeds, Sherbrooke, Vol. D, p. 563.

26 PANS RG 20, Series A, Book 33, p. 69 and Book 34, p. 266.

tracts ran down to Jack's Cove, a safe mooring for boats and therefore favoured for settlement and for industries allied with the fishery, such as coopering. Henry's next acquisition was the purchase of unspecified acreage on the northeast side of Spanish Ship Bay, bought in 1871 from Frederic James and Isaac Hartling for \$205.10. In need of money perhaps, he sold all or part of the acreage later that year for \$79.74 to newcomers in the region, Edward and Charles Stayner of Halifax, merchants and subsequently inspectors of the lobster factory in Liscomb.²⁷

Viewing Henry Hemlow in the context of his time, one must include--besides the land dealer, trader and fish merchant--the developer in the wilderness not only of a homestead but also of a Sunday School, a day school, a church and a consecrated burial-ground, all on his own land. With characteristic hospitality he offered neighbouring settlers, wayfarers and churchmen (even the Lord Bishop of the Diocese himself) a meeting-place and a base from which to proceed with the necessary local arrangements and organization.

Notable among early churchmen in the region was the itinerating catechist and lay-reader Joseph Alexander (*ca.* 1801-1869) of Yorkshire, England (ordained in 1852). Assigned in 1844 by the Colonial Church Society to a hard mission on the Eastern Shore, extending at first from White Head to Ecum Secum and then, a little more realistically, from Country Harbour to Marie Joseph, Alexander submitted annual reports to the Halifax Association of the Society. In these reports he commented not only on the religious services he conducted and on the churches he founded, but also on the economic and social conditions he encountered in his laborious travels through the thinly settled area. Alexander's reports for the years between 1844 and 1859 may be regarded as true historical records of early life along what he described as "a desolate country" and a "bleak and rugged coast."²⁸

In 1852 Alexander reviewed what he had found--or rather had failed to find--with respect to the sacraments of the church:

27 Registry of Deeds, Sherbrooke, Vol. E, pp. 514 and 618.

28 Portions of yearly reports written by the Rev. Joseph Alexander were published in the *Reports of the Colonial Church [and School] Society* [subsequently the Colonial and Continental Church Society], 1844-1860, *passim*. [PANS has recently acquired, from the Halifax Committee, Colonial and Continental Church Society, "Joseph Alexander's Journal, No. 2, Eastern Shores," a 129-page original manuscript journal covering the period 30 Mar. 1845 to 31 May 1846.]

a few years ago not a single clergyman [was] residing along these shores over an extent of over 100 miles. Within the memory of many men now living the whole region was included in the parish of St. Paul's, Halifax, and the people were obliged to take their children for baptism to that church, while the dead were buried in the fields around the houses of the living.

The truth of the latter observation can be seen today in the roughly marked graves and burial sites scattered through Liscomb, the Islands, Gegoggan Bay, Pye's Head--and on the West Side of Liscomb Harbour where, on 20 April 1852, the catechist was asked to officiate at the burial of a boy drowned at a mooring within sight of his parents on the shore: "We buried the poor fellow in a little secluded spot in the bushes with a small opening on the side towards the sea near the Western Head of Liscomb Harbour."

This was a burial with benefit of clergy, but in the early days there were countless interments which went unblessed, unrecorded and generally unnoticed. Such burial sites are usually found on high dry ground with sufficient elevation above the disintegrating effects of bog, swamp or the encroaching ocean. They are in the open, as if to allow an unrestricted view of the life that had been--or perhaps of the bourne from which none return.

Such a site is in the field cleared possibly in 1811 by James Umlach or in the 1820s by his son Henry. In later years this site, when cleared of dead grass and vegetation, was found to contain seven or eight longitudinal depressions marked on their western ends by rough fieldstones of various shapes and sizes. The depressions were four to six feet in length. One of the shorter may be the grave of Henry's daughter Maria (bapt. 28 June 1839 in St. Paul's, Halifax), of whom there is no other record. All graves were oriented from west to east as if to face the rising sun, the symbol of new life in eternity.

More entertaining than speculation over burial practices, however, are the stories about itinerating schoolmasters, one of whom was vividly described by the Reverend John Sprott (1780-1869), a graduate of Edinburgh University who served several pastoral charges in Nova Scotia, including that at Musquodoboit, Halifax County, from 1825 to 1849. Rejoicing in the 1860s over improvements to the provincial educational system, Sprott liked to recall the itinerating schoolmasters of the 1820s,

often old soldiers or broken-down sailors, who turned their hand to the trade to eke out a living for the winter. They boarded with their employers, petted the children, took snuff with the old women, and did little jobs for them which their

careless husbands neglected. It was an unlovely sight to see the man of letters going the round of the neighbourhood, with all his chattels in a cotton handkerchief, his garments fluttering and bagging in the wind, so that he might have been mistaken for the genius of famine upon the earth, or a scarecrow which had escaped from a cornfield.²⁹

At a later date and further down the shore, the itinerating schoolmaster John Davidson (*fl.* 1842-1874) of County Armagh, Ireland, spent twelve years or more based in Marie Joseph, plying his trade in the Liscomb area and as far away as East River, St. Mary's. He is said to have spent a month on Hemlow's Island teaching William Hemlow's children, and three months on the sea-embattled Liscomb Island with the Crooks family, often singing in plaintive homesick strains of the Emerald Isle, "Erin is my home." In eloquent petitions to the government for a change of locale, he complained of the roads as "mere stepping-stones in the wilderness" and of a populace more interested in fishing than in learning. After a few years at Pye's Head he was favoured with a post in Digby, setting forth in comparative luxury by train from Halifax in 1873.³⁰

The first schoolhouse in the Liscomb area was not in Big Liscomb but in a stretch of woods extending from Gegoggan Bay westward over Redmond's Head to 'The Turn' in Lower Liscomb. Presumably placed at an equal distance between the bay and the harbour, it could have been reached by children on foot from both settlements. It must have been for that school that William Hemlow collected taxes in 1847.³¹ This was a schoolhouse made of logs no doubt placed lengthwise and secured by wooden dowels. Of windows, if any, there must have been only a few panes, thus the catechist's derogatory terms "dark hut" or "dark hovel." Nevertheless the "little hut," once built, served as a day school, a Sunday School and for Divine Service as well. When on 8 June 1848 the lay-reader Joseph Alexander held a service there the "hut" was "stowed full," some of the congregation having rowed or sailed in torrents of rain for distances of two or three miles across the stormy harbour. The log hut became one of the catechist's favourite stations.

29 *Memorials of the Rev. John Sprott*, ed. George W. Sprott (Edinburgh, 1906), pp. 168-69.

30 Sources of the quotations from the itinerating schoolmaster include his petition, PANS RG 5, Series GP, Vol. 10, No. 208, and a packet of holograph letters that he sent to John McKinlay (ca. 1809-1881) of Spanish Ship Bay, which letters have come down in the McKinlay family to the late Gertrude L. Baker (1906-1991) and finally to John Baker of Liscomb.

31 PANS RG 34-322, Series P, Vol. 1.

In Big Liscomb as early as 1847 (and probably earlier) Sunday School and Divine Service were held in Henry Hemlow's hospitable dwelling, possibly in the kitchen and dining-room area, usually the largest rooms in early homes. When that space proved insufficient for the people assembled, Henry built an annex on his house, and when the annex in turn became overcrowded, he constructed by 1852 a schoolhouse on his property measuring 30'x 24'--but by 1854 doubled in size. The location chosen was on the western shore of the cove below his home, a site and landing accessible by boat from the West Side of Liscomb Harbour (some two miles away) and from Little or Lower Liscomb, as well as from the Islands and Gegoggan. Soon a schoolmistress would preside there, a Miss Knodel, possibly Margaret Ann Knodel of Lower Liscomb.³²

The schoolhouse was built barely in time for an impressive Anglican visitation. On 14 August 1852 the Lord Bishop of the Diocese of Nova Scotia, the Right Reverend Hibbert Newton Binney (1819-1887), (Oxon. 1842), arrived by ship in Liscomb Harbour, reputedly the first time that any such churchman or prelate had ventured thus far down the Eastern Shore.³³ The bishop and his party were received at Henry Hemlow's house, where the Reverend Mr. Alexander (to whom we owe this account) was waiting. At the appointed time the bishop (in full regalia, one may believe) and the clergy descended Henry's hill to the shore, crossed the persistent brook called The Coffee Pot and approached Henry's schoolhouse, all to the strains of a hymn sung by the Sunday School pupils--a sweet strain (if they were in tune) drifting through the woods by the water. According to Alexander, thirty candidates were confirmed on that day, to whom His Lordship addressed "some very earnest and impressive remarks and afterwards preached a searching and instructive sermon."

In August 1855 the hardy bishop again undertook a visitation to isolated parishes on the Eastern Shore, this time sailing to Country Harbour and points beyond, with plans to call at Sherbrooke and Liscomb on the way back

32 Conjecturally Margaret Ann Knodel (b. ca. 1842) who appears at age eleven in the 1853 School Records of St. Mary's River, Guys. Co., PANS RG 14, Vol. 14.

33 Holograph records kept by the Rt. Rev. Bishop Binney under such headings as 'Consecrations', 'Licenses', 'Institutions', 'Confirmations' and 'Ordinations' are preserved in the Diocesan Archives, Anglican Diocese of Nova Scotia, Halifax, NS. The authors are grateful for the assistance of the Rev. William M. Bishop, former Diocesan Archivist (Hon.).

to Halifax. On 16 August gales of wind prevented a sailing from St. Mary's River. The bishop and his party, again including the Rev. Mr. Alexander, took the alternate land route beginning with Pride's ferry across the river. There, from his house on the West Cape James Umlach, aged about ninety-seven and nigh to death, might have seen His Lordship set forth overland for his son Henry Hemlow's house in Liscomb Harbour, a hike of some three miles across the West Cape to the main road, and then a distance of six miles along a path which had been cut out years before by the Hemlows. To carry the trunks of Anglican accoutrements (the vestments, lawn sleeves, the stole, mitre, crozier and chalice), "two long poles were tied together, and the trunks etc, bound upon them, carried by four men...a difficult task along the serpentine paths they had to stumble over." On entering Hemlow's, "we all took a cup of tea as a restorative...and an hour's rest" before crossing the brook to Henry's schoolhouse. There awaiting confirmation were twenty-five candidates "whom his Lordship addressed in an affectionate manner on their now being about to commence anew their journey through life."

On Sunday [17] July 1856 some two hundred persons from "Crowded boats bearing their freights, all hastening in the midst of these barren wildernesses to the house of God," assembled to a service conducted by Alexander in the open air from three to six in the afternoon. It was high time surely to build a church. The first need, however, was land and this Henry Hemlow, "Yeoman and dealer in merchandize," supplied--for fifteen pence--in a deed dated 3 December 1856, conveying to the Halifax Association of the Colonial Church Society and "their successors and assigns" an area of 17 x 15 rods for a church and cemetery. To give access to the church, Henry allowed a road thirty feet in width through his property from the main road (now Highway 107) to the site of the church, providing as well a landing area of 6 x 5 rods on his shore with a "sufficient road" to the Coffee Pot brook. This last was a hospitable gesture to members of the congregation who, coming from afar by boat, might need fresh water to 'boil the kettle' before undertaking the long row homewards in the calm of the evening. Henry's deed of conveyance was a thoughtful and generous gift of land good to this day and forever.³⁴

34 Registry of Deeds, Sherbrooke, Vol. D, pp. 100-101; and Vol. F, pp. 190-191. On 29 Oct. 1874 Henry and James Hemlow ceded additional land; see Vol. F, pp. 190-191.

Progress in the actual building of St. Luke's in Liscomb was dutifully recorded by the Rev. Mr. Alexander. Materials were procured in the forest in 1856,³⁵ the frame pulled from the woods in 1857 and erected in 1858. According to Bishop Binney, he consecrated "the ground around the church at Liscomb Harbour" on 28 July 1858, a date that would have ended the extempore burials in local fields and clearings. There was a delay in completing the finer carpentry of the interior--the hand-made pews with their hinged doors, the gallery, the reading desk, the pulpit, the altar--but finally the church of St. Luke was completed and consecrated by Bishop Binney on 10 May 1861.

With consideration for the parishioners arriving by boat, the church door was originally set in the south facade and a road now overgrown with trees led from the landing site on the shore directly to it. The entrance thus placed necessitated within the church a short right-angled turn to reach the chancel, especially awkward for pall-bearers who had difficulty negotiating long coffins around a short turn. Only in 1953 was a new entrance cut into the western facade, allowing a straight aisle to the chancel.³⁶

From Henry Hemlow's gift to the Church of England, his prodigal acquisitions of land, his smart ship the *Grey Hound* at anchor in the cove and his hospitable style of living, he may have been thought of as comfortably well-to-do. Far from this, in the course of some fourteen years of business in his fish store on the beach, by 1870 he had run himself ruinously into debt, to the startling sum of \$1716.10.³⁷

As with impending disaster in the natural world the skies tend to darken, so Henry's downfall was preceded by grievous personal losses. On 20 February 1868 his wife Hannah née Kennedy died of cancer at the age of 64. In the same year on 10 June, Henry and William had to mourn the death of their only surviving sister Elizabeth (Mitchell) Redmond, whose son William Redmond had also died, two months previously. More destructive of Henry's

35 Work in the forest included the cutting of natural elbows or 'knees' formed by the right-angled junctures of strong roots to the main trunks of the trees. According to Lawrence Wilson of Liscomb, carpenter and churchwarden, four such pieces of primitive carpentry have served their purpose in the four corners of the belfry of St. Luke's for well over a century.

36 For this date the authors wish to thank the Secretary-Treasurer of St. Luke's, Mrs. Max Baker of Liscomb.

37 Henry's debt and some of the legal proceedings related to it are recorded in the Registry of Deeds, Sherbrooke, Vol. E, p. 719 and in Vol. F, p. 238, among which is an ominous reference to the Judgment Book, No. 20 (for the years 1872-1873).

plans for the future, however, was the early death on 18 March 1871 of his son-in-law Jacob Crooks II, to whom he had conveyed half of his homestead and 25 acres of land in 1868.

What Henry had to face in his last years was financial ruin. His chief and perhaps only creditor was Allen Hall Crowe (1833-1880) of Halifax, Fish and Commission Merchant on Lawson's Wharf, 87 Water Street, "Dealer in all Kinds of Dry and Pickled Fish, Fish Oil, and Fishery Supplies." Crowe was apparently a public-minded citizen of Halifax, a member of the School Commission, a member of the Grafton Street Methodist Church and in 1880 Grand Master of the Masonic Lodge.³⁸ He would have been very young, however, inexperienced and easily impressed when in 1856 a massive Henry Hemlow, twice his age, expertly docked a trim vessel at 87 Water Street and requested fishing supplies on credit to retail in his fish store at Liscomb.

Henry's clientele were fishermen, and fishing for a living was no light undertaking. It needed expertise to build a boat, knowledge of the fishing grounds, navigational skills and shore facilities. Such skills, energy and vigour were not always shared, however, by his customers, some of whom the Rev. Mr. Alexander found in hopeless poverty and inaction, subsisting in the winter of 1847, for instance, on "herring and turnips" augmented by a government subsidy of one barrel of meal. In one home he found "eleven persons hovering around a fire with neither oil nor candles to give light," and in winter weather Alexander saw children going bare-footed to Sunday School. It is difficult to imagine such families rising in the spring to the physical and economic demands of a successful fishing season.

Merchants along the shore, according to the custom of many years, regularly outfitted fishermen on credit, relying on payment in the fall when the season ended. Such merchants were essentially investment bankers, taking high risks on a plentiful supply of fish and on the abilities, energy and honesty of the fishermen. According to calculations made by Alexander for the year 1852 the average catch did not exceed thirty quintals [i.e., approximately 3000 lbs.] per man at 9s.6d. per quintal. To pay for fishing gear (in Henry's case supplied by Crowe) great quantities of fish would have had to be caught. In the autumn, as one may imagine, successful fishermen

38 Allen Hill Crowe, b. ca. 1833, d. of pleurisy on 10 Nov. 1880 (*Acadian Recorder*, 12 Nov. 1880). A biographical account of the merchant is included in Edwin Theodore Bliss, "Masonic Grand Masters of the Jurisdiction of Nova Scotia," (unpub. ms. at PANS), pp. 34-35.

would land at Henry's fish store with great aplomb, in order to 'settle up'. Others, the unsuccessful, the incompetent, or the dishonest, might fail to appear. The giant Henry carried the losses.

Whether or not in the mid-1860s his creditors refused requests for fishing supplies to be retailed in Liscomb, Henry's sales of land (in contrast to his purchases) would seem to signal a decline in his mercantile income. The sales may be summarized as follows:³⁹

Date	Registered	Acres	Price	Purchaser
16 Oct. 1865	21 May 1870	100	\$46.00	Henry Boutilier Lower Liscomb
12 Nov. 1867	7 Dec. 1870	50	\$45.00	Benjamin Baker Lower Liscomb
21 Jan. 1870	9 Feb. 1871	25	\$20.00	William Hemlow part of joint purchase
15 Aug. 1871	16 Nov. 1871	?	\$79.74	Edward and Charles Stayner Spanish Ship Bay
27 Jan. 1874	20 Feb. 1874	12	\$50.00	William Baker 'The Point', Liscomb

The horrendous debt, however, was not to be satisfied by mere land sales alone, especially at current prices. At last Crowe took legal action. Henry and his son James were served a writ of summons requiring them to appear at court in Halifax on 27 December 1872 to answer for a debt of \$1700.00, plus court costs of \$16.10 (\$1716.10 in all). Henry could only plead guilty, and it was at this time that he and James were obliged to hand over as part payment their trading vessel the *Grey Hound*, for in the Shipping Registry of 1873 the vessel appears under the ownership of Allen H. Crowe.⁴⁰

On 31 December 1873 James wisely sold his father's ill-starred fish store on the beach to newcomers in the area, the lobster-packers W.K. Lewis and Brothers of Boston, for \$70.00, leasing to them as well land, wharves and buildings in the cove for a period of ten years at \$10.00 per year.⁴¹ But to no

39 Registry of Deeds, Sherbrooke, Vol. E, pp. 463, 507, 542, 618; and Vol. F, pp. 91-92.

40 To replace the *Grey Hound*, James bought from Alexander Rudolph on 14 Feb. 1878 a serviceable boat the *Lucy Ann* (21-foot keel) for \$43.29. Registry of Deeds, Sherbrooke, Vol. F, p. 543.

41 *Ibid.*, pp. 100-101; the lease follows, pp. 101-102.

avail. Henry, in his second appearance at court on 5 March 1875 was ordered to pay \$1285.81, plus court costs of \$17.67 (\$1303.48 in all).⁴²

The next steps on the part of creditor Crowe were surveys of Henry's wilderness land and an assessment of his homestead as preliminaries to their seizure (half of his homestead, it will be recollected, Henry had generously conveyed in 1868 to his son-in-law Jacob Crooks). Henry was now facing the end of his days. In an indenture dated 8 March 1878 he bequeathed his personal effects, goods and chattels to his second wife Elizabeth, which effects after her death were to be shared by his four surviving daughters Isabel, Nancy, Mary and Elizabeth.⁴³

Henry signed the indenture with a cross.⁴⁴ This silent mark betrays the giant's disability. The developer of the wilderness, the homesteader, land dealer, farmer, fisherman, trader, merchant, the patron of the church, the builder of schoolhouses, could not read or write. Barely three weeks later, on 28 March 1878, Henry Hemlow died. He lies buried beside his first wife Hannah in the southeast corner of St. Luke's cemetery, facing the home he had built in the wilderness half a century before.

42 *Ibid.*, p. 228.

43 (James had already received his share.) Of interest to antique dealers of the present day is Elizabeth's choice of four well-made hardwood chairs which, well cared for in the McKinlay family, came down to the late Gertrude L. Baker and lately to John Baker, Liscomb. The chairs are at least 116 years old, and possibly 160.

44 Registry of Deeds, Sherbrooke, Vol. F, pp. 545-546. The indenture was witnessed and signed by James David Rudolph and by Squire Pride (1829-1910), J.P., who all along had tried to help his uncle in his financial nemesis.

A Nominal List of Slaves and their Owners in Ile Royale, 1713-1760

Kenneth Donovan

In a forthcoming article in *Acadiensis*, “Slaves and their Owners in Ile Royale, 1713-1760,” I describe the lives of 216 persons who were enslaved in Cape Breton (Ile Royale) during the French regime. Most of the slaves in Ile Royale were consigned to some sort of domestic servitude. The women performed a wide variety of domestic chores from looking after children to cleaning clothes, scrubbing floors, preparing meals and washing dishes. The men performed many outdoor tasks; they tended gardens, fed animals, cleaned stables, carried water and cut firewood. Slaves were an integral part of local society.

The following is a roughly chronological list of 216 persons enslaved in Cape Breton from 1713 to 1760. In most cases I have been able to name either the slave or the owner. Slaves owned by the same master are grouped together. Some abbreviations are used: A - appears; Ad - administration; B - baptism; D - death; De - departs Ile Royale; E - estate; Fp - fishing proprietor; M - merchant; Ma - married; P - purchase; O - officer; Sc - shipcaptain; R - returns to Ile Royale; W - witness at baptism or wedding.

African-Americans were the most numerous slaves in Cape Breton, but there were at least eighteen Amerindians enslaved in the colony as well. In the Louisbourg parish records, Amerindian slaves were usually referred to as “sauvage” or “Panis.” The latter term derived from the enslaved Pawnee tribe, native to the region that eventually became the state of Nebraska. The gallicism “Panis” had become a generic term for Amerindian slaves by the mid-eighteenth century.

Two of the children on the list, twelve-year-old Cesard and fourteen-year-old Rosalie (*names italicized*), were sold to new owners at Louisbourg in 1734 and 1736, respectively. The sale agreements for Cesard and Rosalie are appended to the nominal list.

Name and age of slave	Origin	Name and occupation of owner	Date
1 Georges	Placentia	Governor Costebelle	P 1713
2 Anonymous	St. Domingue	Madame Pithou, widow	A 17243
3 Anonymous	St. Domingue	Madame Pithou, widow	A 1724
4 Anonymous boy	drowned on Sable Island	Michel Daccarette, M.	D 1724
5 Blaïse Simon (15)	Guinée	Michel Daccarette, M.	B 1732
6 Jean (11)		Michel Daccarette, M.	B 1732
7 Louise (25), Panis	Canada	Jean Seigneur, Innkeeper	P 1727
8 Louis, Panis, infant of Louise	Louisbourg	Jean Seigneur, Innkeeper	B 1728
9 Étienne (14)	Martinique	Jean Seigneur, Innkeeper	B 1728
10 Jean Baptiste (10)	West Indies	Jean Baptiste Morel, Sc.	B 1728
11 Jean Baptiste (10)	West Indies	Governor St. Ovide	B 1728
12 Charles Joseph (10)	West Indies	Governor St. Ovide	B 1729
13 Marie Joseph, Panis	unknown		A 1729
14 Claude Francois, Panis, infant		Louisbourg	B 1729
15 Marie Thérèse (15)		Charles J. Dailleboust, O.	B 1730
16 Marie Françoise, infant of Thérèse	Louisbourg	C.J. Dailleboust, O.	B 1734
17 Claude (infant of Thérèse)	Louisbourg	C.J. Dailleboust, O.	B 1738
18 Marie Angélique (twin of Claude)	Louisbourg	C.J. Dailleboust, O.	B 1738
19 Grandcombe (45)	Guadeloupe	Marquis de Sennett, Sc.	D 1732
20 Pompée (12)		Joseph Lartigue, Ad.	D 1732
21 George <i>dit</i> Sauzy (7)	Ouidah	Pierre Morpain, Ad.	B 1732
22 Anonymous male	Ouidah	Jean Pierre Roma, M.	P 1732
23 Anonymous male	Ouidah	Jean Pierre Roma, M.	P 1732
24 Anonymous female	Ouidah	Jean Pierre Roma, M.	P 1732

Name and age of slave	Origin	Name and occupation of owner	Date
25 Anonymous female	Ouidah	Jean Pierre Roma, M.	P 1732
26 Male (15)	Martinique	Jean Pierre Roma, M.	P 1733
27 Anonymous male	unknown	Jean Pierre Roma, M.	P 1738
28 Anonymous male	unknown	Jean Pierre Roma, M.	P 1738
29 Anonymous female	unknown	Jean Pierre Roma, M.	P 1738
30 Anonymous female	unknown	Jean Pierre Roma, M.	P 1738
31 Babé (25) mother	Louisbourg	Jean Pierre Roma, M.	A 1748
32 Marie, infant of Barbe		Jean Pierre Roma, M.	B 1748
33 St. Jean		Jean Pierre Roma, M.	R 1749
34 Pierre Josselin (25)	Martinique	Dugas, Carpenter	D 1733
35 Anonymous (10)	Martinique	André Moisel, Sc.	D 1733
36 Charles (18)		Pierre Benoist, O.	E 1733
37 Anonymous male		M. Levasseur, Ad.	A 1733
38 Anonymous female		Jean B. Lagrange, Surgeon	D 1733
39 Jean Gassanault		B. Cassaignolles, M.	D 1734
40 Catherine Françoise (7)		Marie Anne de Belle Isle	B 1733
41 Cesar (12)	West Indies	<i>Louis Lachaume, M.</i>	P 1734
42 Louis Brede	St. Malo	Crew of the King George	A 1735
43 François Anthoine Marie (14)		F. Lessene <i>dit</i> Francoeur, M.	B 1735
44 Jacque (father)		unknown, at baptism of son	W 1735
45 Magdeline Acheury (mother)		unknown, at baptism of son	W 1735
46 Philippe, infant son		unknown	B 1735
47 Philippe	Louisbourg	unknown godparent	W 1735
48 Marie Jeanne		unknown godparent	W 1735

<i>Name and age of slave</i>	<i>Origin</i>	<i>Name and occupation of owner</i>	<i>Date</i>
49 George, Free	Guinée	fisherman for Marie Pétré	A 1735
50 Marie Marguerite Rose (19)	Louisbourg	Jean C. Loppinot, O.	B 1736
51 Jean, infant of Marie Rose	West Indies	Jean C. Loppinot, O.	B 1738
52 Jacques (12)		Jacques LeRay, Sc.	B 1736
53 Rosalie (14)		<i>André Carrerot, M.</i>	P 1736
54 Marie Louise	Guinée	Louis Jouet, M.	A 1736
55 Jean Baptiste (Marie's child)	Louisbourg	Louis Jouet, M.	B 1736
56 Isabelle (Marie's child)	Louisbourg	Louis Jouet, M.	B 1737
57 Jacques (Marie's child)	Louisbourg	Louis Jouet, M.	B 1739
58 Marie Jeanne (Marie's child)	Louisbourg	Louis Jouet, M.	B 1742
59 Jacques (17)		Louis Jouet, M.	B 1736
60 Antoine (adult)		Louis Jouet, M.	B 1742
61 Catherine (Marie's child)	Louisbourg	Louis Jouet, M.	B 1743
62 Pierre (Marie's child)	Louisbourg	Louis Jouet, M.	R 1749
63 Françoise		Louis Jouet, M.	R 1749
64 Jean Charles (Marie's child)	Louisbourg	Louis Jouet, M.	B 1753
65 Michel Coustard, Free,			
(Marie's child)	Louisbourg		B 1754
66 Thérèse Coustard, Free,			
(Marie's child)	Louisbourg		B 1757
67 Anonymous	West Indies	unknown	A 1737
68 Anonymous	West Indies	unknown	A 1737
69 Anonymous	West Indies	unknown	A 1737
70 Anonymous male	New England	Peter Faneuil, M.	A 1737
71 Anonymous male	New England	Peter Faneuil, M.	A 1737

Name and age of slave	Origin	Name and occupation of owner	Date
72 François <i>dit</i> Jasmín (50)		Elie Tesson, Fp.	D 1738
73 Asar		Julien Grandchamps, Innkeeper	P 1738
74 Louis Joseph (14) Panis	St. Domingue	Julien Grandchamps	B 1739
75 Jeanneton (40)	unknown	Jean Martin, Sc.	D 1739
76 Young male		Isaac-Louis De Forant, Governor	P 1739
77 Anonymous male	St. Domingue	Widow Desmaest	A 1739
78 Jeanneton (14)		Piere Martissans, M.	D 1739
79 Jean Baptiste (15)		Pierre Martissans, M.	B 1741
80 Anonymous male	West Indies	Crew of <i>L'Aigle</i>	A 1740
81 Anonymous male		Crew of <i>St. Michel</i>	P 1740
82 Catherine Françoise (7)	Africa	M. Rodrigue, wife of M.	B 1740
83 Marie Flore (28)	Guadeloupe	Pierre Boullet, Sc.	A 1741
84 Army	Martinique	Julien Bannier	P 1742
85 François		executioner	A 1742
86 Laurent		Michel Rodrigue, M.	B 1742
87 Jean Baptiste Estienne (20)		Brothers of Charity	B 1742
88 Estienne (godfather of Jean Baptiste)		likely Brothers of Charity	W 1742
89 Marie (godmother of Jean Baptiste)		unknown	W 1742
90 Madelaine		Brothers of Charity	R 1749
91 Hector		Brothers of Charity	R 1749
92 Jean La Vieille	New England	Brothers of Charity	R 1749
93 A slave woman	France	Simone Millou, Fp.	P 1743
94 Cola, child, Panis		Guillaume Delort, M.	D 1743
95 Laurent (15)	West Indies	Leon Fauteux, M.	B 1744

<i>Name and age of slave</i>	<i>Origin</i>	<i>Name and occupation of owner</i>	<i>Date</i>
96 Black female	New England	Anne Dupres, Cloth M.	E 1744
97 Louise Lawrence	New England	Laurent Meyracq, Ad.	B 1745
98 Mother, Panis	unknown		A 1745
99 Antoine, Panis	Louisbourg	unknown	B 1745
100 Anonymous (infant of mother, above)	New England	Captured by New Englanders, 4 May	A 1745
101 Catto	Cambridge, Massachusetts	William Pepperell	A 1745
102 Cufftee	New York	Mr. Monis	A 1745
103 Anonymous, musician	New York	Peter Warren	A 1745
104 Peter	New England	Robert Gloves, O.	D 1745
105 Newport Cofew, Free	New England	under comm Richard Mumford	D 1745
106 Ruben	New England	under command of D. Bacon	A 1745
107 Gambo	New England	under command of Col. Moore	A 1745
108 Cuffey	New England	under command of Cap. Lambert	A 1745
109 Negro drummer	New England	under comm of Samuel Rhodes	A 1745
110 John Gloster	Portsmouth	Theodore Atkinson	A 1745
111 Ephrahim	New England	Connecticut Regiment	A 1745
112 Joseph	New England	Connecticut Regiment, servant	A 1745
113 Benjamin	New England	Connecticut Regiment	D 1746
114 Abraham	New England	Connecticut Regiment	D 1746
115 Zabud June	New England	under comm. Nathan Whiting	A 1745
116 Jacob Toto	New England	under comm. Nathan Whiting	A 1745
117 Simon Tobe	New England	under comm. Nathan Whiting	A 1745

Name and age of slave	Origin	Name and occupation of owner	Date
118 Phillip Devotion	New England	under comm. John Storer	A 1744
119 Cato	New England	under comm. John Storer	A 1745
120 Cuffe Homeny	New England	under comm. Moses Pearson	A 1746
121 Rubin	New England	under comm. Captain Hufton	A 1746
122 Quash	New England	labourer	A 1747
123 Negro Tom	New England	mason	A 1747
124 Negro Will	New England	mason	A 1747
125 Clorin		Magdelaine Lartigue, widow	A 1749
126 Catherine Congo		Bernard Detcheverry, M.	R 1749
127 Angelique		Jacques Prévost, Ad.	R 1749
128 Angelique's infant son	Louisbourg	Jacques Prévost, Ad.	R 1749
129 Jean Narcisse		Jacques Prévost, Ad.	B 1754
130 Pierre		Jacques Prévost, Ad.	B 1754
131 Antoine	Mulatto of Louisbourg arrives in Cape Breton		A 1750
132 Francois Xavier (25), Free	France	an indentured servant	A 1751
133 Longford	New England	on ship <i>Portsmouth</i>	A 1752
134 Louis		Anonymous	De 1752
135 Anonymous female		Louis Delort, M.	E 1753
136 Marie Anne		M. Des Noyes	A 1753
137 Joseph, infant of Marie Anne	Louisbourg	M. Des Noyes	B 1753
138 Black male (11)		M. Poincaré, wife of Fp.	P 1757
139 Marguerite (3), Panis		Michel Rodrigue, M.	A 1716
140 Anonymous, infant of Marguerite	Louisbourg	Michel Rodrigue, M.	B 1739
141 Charlotte		Robert Duhaget, O.	R 1749
142 Jean Unique		Philippe de Beaubassin, M.	R 1749
143 Marie		Philippe de Beaubassin, M.	A 1749

<i>Name and age of slave</i>	<i>Origin</i>	<i>Name and occupation of owner</i>	<i>Date</i>
144 Anonymous (14)		Philippe de Beauhassin, M.	D 1754
145 Capitran		Louis Delort, M.	R 1749
146 François		Antoine Castaing, M.	R 1749
147 Catherine Congo		Blaise Cassaignolles, M.	R 1749
148 Claire		Leon Fauteux, M.	R 1749
149 Marie Joseph (17), Panis	Canada	Trierie	B 1749
150 Marie, Panis		unknown	A 1750
151 Marie Elizabeth, Panis, infant of Marie	Louisbourg	Pierre Auguraux, M.	B 1750
152 Moll	New England	Louis Blanchard, M.	F 1751
153 Anonymous female		S. Maurin, Sc.	P 1752
154 Anonymous male		M. Pascault	A 1752
155 Poldor		Josse Bette, M.	De 1753
156 Jean (11)	New York	Michel Dumonce, M.	P 1753
157 Françoise, Panis		Michel Dumonce, M.	A 1754
158 Marie Jeanne, Panis, infant of Françoise	Louisbourg	Michel Dumonce, M.	B 1757
159 Marie Anne, Panis		Louis Lagroix, M.	P 1756
160 Jeanne Joseph, Panis, infant of Marie Anne	Louisbourg	Louis Lagroix, M.	B 1758
161 Anonymous female		Jean de Depensis, O.	A 1744
162 Maifich	France	Bertrand Larreguy, M.	A 1736
163 Anonymous male		French side, 1745 siege	A 1745
164 Marguerite		Madame De la Vallière, wife of O.	A 1738
165 Joseph, infant of Marguerite	Louisbourg	Michel De la Vallière, O.	B 1739
166 Angélique, infant of Marguerite	Louisbourg	Madame De la Vallière	B 1743

<i>Name and age of slave</i>	<i>Origin</i>	<i>Name and occupation of owner</i>	<i>Date</i>
167 Jean Pierre Cupidon	Dakar	Louis Delort, M.	R 1749
168 Charlotte		Michel De la Vallière	R 1749
169 Charles (18)		Captain Daget, Sc.	B 1750
170 Adrien (1), Panis	unknown		D 1750
171 Anonymous		Jean Jacques Brunet, M.	A 1751
172 Pierre		Anonymous, Sc.	D 1751
173 Vincent Vinette, Free		apprentice baker	A 1752
174 Françoise	Dominique	Marie Cheron, widow	A 1752
175 Toussaint	Martinique	Milly Daccarette, M.	P 1753
176 Philippe		Charles Le Coutre	P 1753
177 Marie Anne		Jean B. D'Estimanville, O.	B 1754
178 Marie Clemence		Antoine Rodrigue, M.	B 1754
179 Marie		M. Villejoint, wife of O.	B 1754
180 Anonymous female (60)		Marie Corasinan, midwife	D 1754
181 Anonymous male	Malouin	M. Desages, Sc.	A 1755
182 Anonymous male	Malouin	M. Desages, Sc.	A 1755
183 Rose		Madame Rodrigue, w. of Pierre	B 1755
184 Jules Louis (12)		Mr. de Ruis, Sc.	B 1755
185 Louise (20)		M. La Grix	D 1755
186 Le nègre		lives at Catalogne Lake	A 1755
187 Anonymous female		Paris, M.	D 1756
188 Anonymous		Julien Fisel, Innkeeper	D 1756
189 Marie		Jean Laborde, Ad.	A 1756
190 Victor, infant of Marie		Jean Laborde	B 1756
191 Jean Thomas (11)		Jean La Borde	De 1758
Louisbourg			

<i>Name and age of slave</i>	<i>Origin</i>	<i>Name and occupation of owner</i>	<i>Date</i>
192 Jacques	Martinique	Pierre la Croix, Ad.	P 1757
193 Amable Louis (12)		Jean C. Loppinot, O.	B 1757
194 Angelique		Madame Carrerot, widow	De 1759
195 Victoire (13)		Jean-Baptiste Morin, Ad.	B 1754
196 Joseph <i>dit</i> Hector		Jean-Baptiste Morin, Ad.	Ma 1758
197 Anonymous	Louisbourg	drowned off Portsmouth, N.H.	D 1754
198 Anonymous	Louisbourg	drowned off Portsmouth, N.H.	D 1754
199 Anonymous	Louisbourg	drowned off Portsmouth, N.H.	D 1754
200 Anonymous	Louisbourg	drowned off Portsmouth, N.H.	D 1754
201 Anne Honiche Nanon (28)	Africa	Nicolas Larcher, Ad.	De 1758
202 Anonymous female		Louis Le Neuf la Vallière	De 1758
203 Cesar		unknown	W 1758
204 Thierssy		unknown	W 1758
205 Appolon Marie		unknown	W 1758
206 Thousain Marie Louise	New England	Nathaniel Mefervey, O.	D 1758
207 Prince Hughgine	Portsmouth, N.H.	Anonymous	D 1758
208 John Primos	New Hampshire	Nathaniel Meserve, O.	D 1758
209 Anonymous	New Hampshire	Nathaniel Meserve, O.	D 1758
210 Anonymous	New England	<i>See</i> Rev. John Cleaveland	A 1759
211 Cipio	New England	James Gores	A 1759
212 Jack		François Solignac, M.	A 1759
213 Anonymous male	New England	Captain Parker, O.	D 1760
214 Anonymous male	Boston	Nathaniel Patten, Sc.	A 1760
215 Rumford		Edward Sheaffe, O.	A 1760
216 Catto Sheaff	New England		

Appendix

[Contract of Sale for the Slave Cesard, 10 November 1734]

Par devant claude Joseph Desmarest No^r Royal a Louisbourg Isle Royale fut present S^r charles LeRoy capⁿe de Navire Marchand de present en cette Ville lequel de plein gré et libre Volonte a par ces presentes cedde Remit et delaissé purement et simplement avec promesses de garentir de paisible possession au Sr Louis la chaume Marchand residant en cette Ville cy present et acceptant a Scavoir un Negre Nommé Cesard agé d'environ douse a Treize ans appartenant au d S^r LeRoy qui l'a amené cette année des Isles de l'amerique et Je luy remit au d S^r Lachaume qui Sen est contanté la Veu et Visite Et Ce pour et Moyennant la somme de Trois Cens Cinquante livres que le d. S^r LeRoy a reconnu et confessé avoir cy devant receu du d sr Lachaume a sa Satisfaction dont Il le tient quitte et decharge le d S^r Lachaume, luy Cedde tout droit de propriete du d. Negre pour en jouir et disposer ainsy qu'il avisera comme de chose a luy appartenant conformement aux ord^{ces} du Roy Rendues a ce Sujet ainsy fait et passé a louisbourg Isle Royale etude du No^r Sousigné apres Midy le Dix Novembre Mil Sept cens trente quatre en presence des S^{rs} Jean baptiste Durand et pierre Gosselin praticiens en cette Ville temoins requis qui ont Signés avec les parties apres lecture faitte.¹

Contract de cession d'une Negresse du 19^e juin 1736

Par devant claude Joseph Desmarest Notaire Royal a louisbourg Isle Royale fut present S^r Jean Gouin residant de present en cette ville lequel a par ces presents volontairement ceddé remit et delaissé a sr andres Carrerot con.^{er} au conseil Supérieur de cette Isle cy present et acceptant Pour luy les hoirs ou ayant causes, a scavoir Une jeune Negresse Nommée Rosalie âgéé d'environ quatorze ans, qu'il a livreé au d s^r Carrerot qui reconnoit l'avoir receue et s'en contente en l'etat quelle est, et Ce pour la somme de Cinq Cens Cinquante livres que le S^r Gouin reconnoist avoir receu en compensation de compte arreté entr'eux ce jour d'huy, au Moyen de quoy il a ceddé au d s^r Carrerot tout droit de propriété de la d Negresse pour en disposer ainsy qu'il avisera conformement a ce qui S'usite en pareil Cas Suivant les ordonnances

¹ France, Aix-en-Provence, Archives Nationales, Section d'Outre-Mer [A.N., Outre-Mer], 10 November 1734; G³, 2039-1, pièce 57.

du Roy ainsy a été fait et passé a Louisbourg Isle Royale etude du No^{re} sousigné avant Midy le Dix Neuf Juin Mil sep Cens trente Six en presence des s^{rs} Nicolas Pigeot et Jean Morin residans en cette Ville temoins Requis qui ont Signés avec les parties apres lecture faite.²

2. A.N., Outre Mer, 19 June 1736; G³, 2039-1, pièce 168

Book Reviews

Allen B. Robertson

The Best of Abraham Gesner, edited by Allison Mitcham. ISBN 0-88999-585-0. Lancelot Press, Hantsport, NS, 1995. 132 pp., illustrated, paper, \$8.95.

The Black Loyalist Directory: African Americans in Exile After the American Revolution, edited by Graham Russell Hodges. ISBN 0-8153-2172-4. Garland Publishing in association with The New England Historic Genealogical Society, New York, 1995. li + 318 pp., illustrated, cloth, \$37.00 US.

H.B. Morse: Customs Commissioner and Historian of China, by John King Fairbank, Martha Henderson Coolidge and Richard J. Smith. ISBN 0-8131-1934-0. University of Kentucky Press, Lexington, KT, 1995. xiv + 314 pp., illustrated, cloth, \$[?].

John William Dawson: Faith, Hope and Science, by Susan Sheets-Pyenson. ISBN 0-7735-1368-X. McGill-Queen's University Press, Montreal and Kingston, 1996. xxii + 274 pp., illustrated, cloth, \$44.95.

Nova Scotia's Oak Island: The Unsolved Mystery, by Millie Evans. ISBN 0-920427-39-1. Four East Publications, Tantallon, NS, 1993. 44 pp., illustrated, paper, \$7.95.

Oak Island Secrets, by Mark Finnian. ISBN 0-88780-312-1. Formac, Halifax, NS, 1995. viii + 177 pp., illustrated, paper, \$16.95.

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.

Search Out the Land: The Jews and the Growth of Equality in British Colonial America 1740-1867, by Sheldon J. Godfrey & Judith C. Godfrey. ISBN 0-7735-1201-1. McGill-Queen's University Press, Montreal, 1995. xxx + 396 pp., illustrated, cloth, \$34.95.

During the final three decades of his professional career, the late George A. Rawlyk found his attention drawn repeatedly to Nova Scotia. He grappled in particular with the historical significance of Henry Alline (1748-1784) and the web of history, mythology and fantasy that grew up around him. Alline

has alternately been the subject of hero worship, been portrayed as an abettor of heresy, and been characterized as the progenitor of mainstream Maritime evangelicalism. It took Rawlyk thirty years to peel away the accretions of populist fancy and academic misinterpretation in order to discern the true essence of Henry Alline and his legacy. In the process the historian found himself engaged simultaneously in his own autobiographical spiritual quest, as he probed the textual testaments of the Allinite coterie. George Rawlyk was willing to take that risk in the face of hostile reaction against religion in general from the Canadian historical community. That hostility derived primarily--as Rawlyk himself once observed--from ignorance of the subject.

Self-confession, even though immured in a preface, still demanded courage if the historian was to challenge prevailing intellectual verities. Rawlyk did not cavil to hide behind dialectic sophistry. He used his *Hayward Lectures*, published under the title *Ravished by the Spirit* (1984), to state baldly that, "For me, all historical writing is basically autobiographical in nature. And certainly my writing has often painfully reflected my own psychological, intellectual, and religious search for meaning and stability" (*ibid.*, ix). That conviction demanded a high standard of scholarship, self-criticism and commitment to an internalized experience of the 'presentness' of the past. This triptych was imparted to those of his doctoral students (of whom this reviewer was privileged to be one) who were willing to listen. It serves as an excellent guide for appraising a set of works which span everything from historic mythology to an enlivened historical sense.

Biographies are especially captivating when the authors open up lives that either form significant chapters in our history or cause the reader to reconsider her or his own life story. Three recent biographies invite readers to reflect on aspects both of the national and the individual experience. Susan Sheets-Pyenson was drawn to the story of John William Dawson (1820-1899) from the perspective of the history of science. Dawson gained renown in international geological and palaeontological circles for his studies of North American geology and the fossil record of eastern Canada. As the biography astutely observes, Sir William Dawson participated in the Victorian fascination with the natural world and with modern science. It was as a contemporary of Charles Lyell and Charles Darwin that Dawson published his findings on the shale- and coalfields of Nova Scotia. The opportunity to travel to western Canada, as the railways made the interior of the continent more accessible, permitted him to contextualize his findings with the work of

other North American geologists. This was one eminent Pictonian who left an indelible mark on the Canadian historical landscape.

Moreover, recent creation of the Joggins natural history museum, devoted to the fossil record of early amphibians and reptiles, reminds the reader that the sites which Dawson and Lyell explored in the 1800s are still accessible today. A measure of the author's success with this biography will be the number of readers who take the book in hand while hiking along the beaches and ravines of Nova Scotia.

This scholarly biography is not solely a tribute to Victorian naturalists. Sheets-Pyenson carries the account of Dawson from his days as printer's devil to his father, education in Halifax and Edinburgh and teaching in the schools, to his ascendancy as long-time principal of McGill University in Montreal. One can also read about the political machinations in academe--which plagued nineteenth-century British universities--when Dawson contended for the chair in natural history at the University of Edinburgh. Family connections, political favours and prejudice all played a part in the contest to fill the vacancy. It was Dawson's good fortune that the McGill offer came just as his hopes overseas were dashed. Many readers will find a degree of resonance in the Edinburgh contest for, true to the old saying that "The more things change the more they stay the same," both politics and personal influence still affect important university postings in Nova Scotia. In many respects *John William Dawson: Faith, Hope and Science* is a history of higher education in the province and Canada in general, as well as a record of the motivations which drove individuals on to excel and to commit their lives to teaching the next generation.

The history of science has been attracting considerable attention during the past twenty years, and there are grounds for re-evaluating supposed progress in the field. At the same time, readers and scholars alike are eager to view the natural world through the fresh insight of scientific pioneers. Dawson's story suggests how easy it is to overlook the achievements of those pioneers in our midst. Too often life stories remain untold or are available only in local histories for want of a competent biographer who can inspire freshness and vivacity through a contextual narrative. Sheets-Pyenson's Dawson comes off the pages as a man burning with scientific curiosity, animated by a passionate devotion to family, and susceptible to all the cultural conventions of his day. The reliance on letters, journals and publications enlivens the biography, though at times leaves the reader

craving some sort of critique in order to appreciate the intellectual stance of Dawson and his contemporaries. It is not enough to know that the president of McGill was an ardent Presbyterian who thought that the Catholic priests of Cape Breton kept the Acadians chained in ignorance. The reader deserves to be told also about the educative efforts of those same priests and religious--who perhaps thought that the Presbyterian Dawson was himself chained in the ignorance of dark Protestantism. Such misperceptions and prejudices need to be contextualized in order to enable the reader to comprehend the tenor of the times. Nevertheless, Sheets-Pyenson does not portray Dawson as a pristine icon of the scientific pantheon. She has instead allowed readers to grasp some of the complexities of a past life and the achievements of one of Nova Scotia's truly great thinkers.

Both Victorians and present-day Elizabethans delight in books of exploration, whether pure research--science, religion, literature, art--or travel accounts. It was during the nineteenth century that Europeans and North Americans began to be drawn to books about the Biblical Near East and enigmatic Cathay. China as a field for trade, missionary work and scientific inquiry attracted a younger contemporary of J.W. Dawson and a Queens County native, Hosea Ballou Morse. New England Planter roots, innate curiosity and a drive to succeed contributed to the foundation of Morse's career as a commissioner in the Chinese Imperial Maritime Customs Service. He then gained wide fame for his histories of China--broadly penned from antiquity to the twentieth century--and for his astute analysis of the empire's foreign relations. It is hardly surprising that few Maritimers have heard of him. Following the family's move to Massachusetts, Morse spent most of his life in China, Britain or the United States. His Harvard colleagues, however, did not forget him and it is due to the efforts of co-authors John Fairbank, Martha Henderson Coolidge and Richard Smith that Morse's life history can be explored, along with the now-lost world of pre-revolutionary China.

The nineteenth century has been referred to as the Age of Imperialism. Today that carries a host of negative connotations, emphasizing European hegemony at the expense of less technologically advanced regions of the world. Yet the fact that imperialism is perceived in this light derives ultimately from the knowledge of other cultures gained during those earlier encounters. Trade and missionary fervour inspired popular interest throughout the nineteenth century. Even during the Georgian period Nova Scotians were drinking imported Chinese tea out of imported Chinese

ceramics. Scholarly research into oriental religions and languages opened the literature of the East and made missionary accounts of Hindu worship, Confucianism and Buddhism more intelligible. As links between the Far East and the Occident were forged, Westerners found themselves employed not as European or North American emissaries, but as components of the administrative structures of Asian nations anxious to explore innovative technology while preserving regional integrity. China had a tradition of indigenizing foreign contributions for its own advantage, as had ancient Rome. H.B. Morse served the Chinese imperial government ostensibly as a customs official while contributing to the development of expertise in international diplomacy. Morse became a conduit of information and knowledge exchange between China and North America.

The Morse family had been part of the great wave of emigration from Nova Scotia to the Boston States which began in the 1860s. Financial misfortune drove the elder Morse to seek new opportunities in Massachusetts, which allowed the young H.B. to proceed to Harvard and take advantage of all the promise that a college education offered at that time. There Morse excelled in Greek and Latin--and achieved the necessary self-discipline that a bureaucratic career would demand. In the right place at the right time, Morse and three of his Class of 1874 contemporaries were selected as candidates for the Ch'ing government's imperial customs service. Here one may note the authors' attention to detail, which is a distinctive feature of the biography. A concise account is provided of the integration of Westerners into the Chinese imperial establishment, which worked to the mutual benefit of merchant interests and Ch'ing dynasty government finances. If education may be said to be the leitmotif of the Dawson biography, then commerce is the underlying theme of *H.B. Morse: Customs Commissioner and Historian of China*.

Late-nineteenth-century China was to Westerners an alien world which demanded adaptation and a desire to understand. Morse took advantage of his posting to observe and study his environment and then transformed his materials into publications. He did not permit Eurocentrism to obscure the fact that the Ch'ing imperial customs establishment was an extremely complex organism, and that its foreign employees were to serve the empire first. That effort included learning Chinese in order to participate in what was a bilingual customs service. Here the authors provide an excellent discourse on the problems of Westerners learning Chinese when confronted by mutually unintelligible dialects, such as Wu and Mandarin. H.B. Morse

wrestled sufficiently with the challenge to rise in the civil service, and gain access to those Chinese texts available for studying history and political science.

Morse as an historian deserves attention since his writings remain a useful if dated source for studies of the Far East. Given his unique knowledge of Chinese bureaucracy, foreign relations and the indigenous perceptions of Westerners, Morse was well placed to interpret Chinese life and government. His academic background and membership in the Royal Asiatic Society permitted Morse's scholarly instinct to reveal itself in a wide range of articles and books. The massive, three-volume *International Relations of the Chinese Empire* covering 1834 to 1911 (published 1910-18), and four-volume *Chronicles of the East India Company Trading to China, 1635-1834* (1926) stand at the head of an impressive bibliography. It is instructive that H.B. Morse was not the only Nova Scotian making his mark on Far Eastern historical studies. Holmes Samuel Chipman (a son of the Reverend William H. Chipman) helped introduce mechanized printing to Japan in the 1870s. Conversely, by the late 1880s, just as Morse was making contributions to and writing about Chinese history, the Chinese community in Halifax was becoming established. This biography should elicit interest for its scholarly treatment and valuable assessment of Chinese-Western relations as documented by the career of Hosea Morse. Nova Scotian readers will also be exposed to a new source for understanding that, during the Ch'ing dynasty, Nova Scotia both exported to and imported from that far-away land not only goods and services, but also human resources.

Enhancing recent publications on nineteenth-century biographical subjects, Allison Mitcham has produced a two-volume set on the life and times of Abraham Gesner. *Prophet of the Wilderness* constitutes Mitcham's biographical account, while *The Best of Abraham Gesner* makes available extracts from his more interesting writings. Abraham Gesner (1797-1864) was an older contemporary of John William Dawson. Both men were drawn to the developing science of geology and shared the Georgian-Victorian enthusiasm for natural history. Indeed, Gesner had in common with Dawson acquaintances such as Charles Lyell. The potential of geological exploration for yielding economic benefits to British North America equally impressed both Dawson and the older Gesner. It is Gesner's career which has attracted more popular and regional attention, however, since he remained a resident of the Maritimes, alternately living in Nova Scotia and New Brunswick. As

Mitcham demonstrates, there was far more to Gesner than his discovery of kerosene.

Gesner was of American Loyalist and New England Planter ancestry. His childhood in Cornwallis Township, Kings County, afforded him the opportunity of first-hand observation of the natural world and proximity to intriguing geological features which were to engage his interest during much of his life. Mitcham relates Gesner's inauspicious early career as a failed horse-trader, before the influence of his father-in-law enabled him to study medicine in London. That escape from difficult circumstances placed him at the heart of the British Empire, permitting him to build up useful contacts with such noteworthy scientists as Charles Lyell. Training in medicine did not confine Gesner to that field either, but rather opened windows on other areas of natural science that led him in time to geology and natural history.

It was the print medium which inspired Gesner to act upon his own interest in the province's mineral resources. Following both the 1820s publication of an American article on Nova Scotian geology and the appearance of Lyell's *Principles Of Geology* (1830-33), Gesner determined to produce a more detailed account; it appeared in 1836 under the title, *Remarks on the Geology and Mineralogy of Nova Scotia*. With an eye to government appointment, Gesner extolled the coalfield resources of Nova Scotia and nearby New Brunswick. On the strength of his book he was able to secure a £100 honorarium from the Nova Scotia government, while from the New Brunswick government he obtained the position of provincial geologist. Gesner's surveying and publishing careers were now well underway.

Mitcham enables the reader to capture the flavour of Gesner's writing style in the companion volume of selected works. Between the biography and the documents one is able to recapture the sense of catholic interest which educated people in the nineteenth century displayed towards the world around them. Gesner kept provincial economic development and personal livelihood always in view while at the same time delighting in descriptions of fossil species, Maritime botany and natural geography. Success for him was, however, by no means certain. Over the course of his career--during which he founded the Maritimes' first natural history museum, recognized and promoted the properties of kerosene, and fought continuing legal, business and political skirmishes--Gesner had to support a wife and family while staving off the constant worry of debt. It is to Mitcham's credit that she

endeavours, where documentation permits, to define the role and trials of Harriet Gesner. She thus corrects earlier, deficient accounts of Abraham, which concentrated exclusively on only the one marriage partner. Mitcham makes it clear that Harriet Webster Gesner and her relatives were crucial to Abraham's own early opportunities and sustained scientific pursuits.

This rosy picture of Victorian enthusiasm in the Gesner story is quickly modified when one reads of the complex problem of early monopoly capitalism which hindered nineteenth-century Nova Scotian and New Brunswick mining and natural resources development. While Prince Edward Island was plagued with the problem of absentee landlords, the other two Maritime provinces were no less racked by British-based business interests. It was in his first major book on Nova Scotian geology that Gesner took aim at the General Mining Association. The reader is given new insight into these tangled business affairs through an examination of Abraham Gesner's perspective on them.

Exploration can take on many forms, not least of which is the spiritual quest for 'soul's harbour'. Henry Alline's richly textured journal, for example, first published in 1803, attracted the attention of the late nineteenth-century psychologist of religion, William James, who quoted it in his epoch-making *Varieties of Religious Experience* (1902). As Allinete scholars know, the eighteenth-century Nova Scotian evangelist sought inner renewal and a spiritual home while infusing the here-and-now with pietistic practice and mystical insight. Yet this quest has not been restricted to evangelical Protestants. Indeed, colonial British North America became the new land of promise where faith and the Torah could flourish. That aspiration is brought forcefully to light in Sheldon and Judith Godfrey's moving synthesis, *Search Out the Land: The Jews and the Growth of Equality in British Colonial America, 1740-1867*, which rises to the challenge to weave Jewish experience into the tapestry of Canadian history.

If H.B. Morse's life is little known in Nova Scotia, thanks to a dearth of published material placing him in the context of his Bluenose roots, then the history of Jews in Canada is equally little-known and for the same general reasons. Certainly it is true that the subject has not been ignored in the writings of C. Bruce Fergusson, Naomi Hersom or David Roma. At least one institutional history, produced by Beth Israel congregation in Halifax, offers additional insights into the long history of Jews in the province. *Search Out the Land*, however, offers a masterly synthesis focusing on the theme of

citizenship and equality under the law.

The Godfreys contrast the development of legal status for Jews in colonial North and South America with their situation in Europe in the seventeenth and eighteenth centuries. Criteria include both the legal right to reside in the colony and the slow evolution of full civil rights to parliamentary membership and equality before the law. It would have further strengthened the book to draw comparisons with the struggle for legal rights by both Blacks and Roman Catholics outside Quebec. In all three cases the wearing-away of prejudice would take far longer to achieve.

Coverage alternates among the Maritimes, Quebec and Ontario (Lower and Upper Canada). Nova Scotia can boast the oldest Jewish presence in the country, thanks to the early 1750s immigration of merchants from the neighbouring American colonies and Europe. As in New York, both Sephardic and Ashkenazic Jews joined together in mutual support. The Halifax community was linked to families who would found the Touro Synagogue in Newport, Rhode Island, though numbers in the former probably did not exceed forty at any one time. In part, the weakness of the Nova Scotian Jewish community was exacerbated by its strong ties to the military/economic establishment of the capital. When the economy of Halifax slumped, out-migration took its inevitable toll. Nonetheless, during the crucial founding decade, 1749-58, Jewish entrepreneurs were an integral part of the colonization effort which laid the basis for a permanent community in Halifax.

Jewish families were likewise attracted to Trois Rivières and Montreal by economic opportunity and life in a colony where it was not illegal to practise one's religion. The promise of freedom drew the Hart and Franks families to Quebec, while earlier in Halifax one could find the surnames Hart, Levy, Solomon, Judah, Nathans, Jones and Abrahams joined in business and marriage. The Godfreys have further uncovered evidence linking the Halifax community with congregations in Newport and New York. Communication and trade were sufficiently well-developed for the Halifax Jews to decline creating a formal synagogue association, though a *minyan* existed. It is to the authors' credit that these intercolonial comparisons have been drawn.

Though written evidence is sparse, the Godfreys have documented the extent of religious observance beyond previous assumptions. Occasional intermarriage with Christians has tended to obscure the actual practice of Jewish liturgy in colonial Nova Scotia. The Chester merchant Nathan Levy

[Nathaniel Levi], whose Jewishness is not conceded by his own descendants, was the progenitor of a number of leading Baptist ministers; he is but one example of the downplaying of Sabbath prayers and of the use of Hebrew script among those who ignored their ancestral identity.

The title of the book is not mere symbolism. In Nova Scotia the first land grants to Jews took place without qualification, a situation which also obtained in post-1760 Quebec. This vital fact meant that Jews could hope to put down roots in the land they had searched out. Both metaphorically and literally they could stake their futures in British North America. Legal rights also meant freedom from fear of the pogroms which plagued Jewish communities in Europe from the medieval period onwards. Indeed in eighteenth-century Halifax, Jewish residents actually served on juries and belonged to the Masonic Order. The Godfreys point out that these developments were in stark contrast with Rhode Island and New York during the same time period.

The right to own land and the freedom to engage in business, combined with religious tolerance, were grasped by the growing Jewish communities in Lower and Upper Canada as the necessary levers to secure legislative changes which would permit unrestricted participation in both office-holding and the electoral franchise. Here the drama was played out in a way which the decline in the Nova Scotian Jewish population during the late 1700s did not permit. The 1830s in particular in British North America were years of emancipation for Jews, as well as for Roman Catholics, Blacks and Protestant Dissenters. The Godfreys highlight this fact in relation to Upper Canada, where the Church of England long held sway as the Established Church (which was true also of New Brunswick and Nova Scotia). But it would have been appropriate to note as well that, in the early 1800s, non-Church of England denominations were agitating both for political rights and for institutions of higher learning which together helped to strengthen group identity. The Godfreys are right in stating that, given the relatively small numbers of Jews in colonial British North America, emancipation came not as a conscious decision to remove legal disabilities, but rather as a result of great social tension between the Established Church and Protestant Dissenters in colonies where the removal of distinctions was the inevitable course. It was equally true that any tendency towards creating a homogeneous religious-cum-ethnic fact in pre-Confederation Canada was resisted. Faith communities permitted a mosaic pattern to emerge which would allow unity

in diversity. The Jewish pieces of that mosaic were laid down in the eighteenth century as a permanent part of the larger design.

The bibliography in to *Search Out the Land* is worth perusing on its own, bringing together as it does a disparate collection of both archival and published sources for the study of Jewish history in Canada. The Inferior Court of Common Pleas and Supreme Court records for eighteenth-century Halifax are a rich source of evidence for Jewish business and family history. Among the former is the earliest documentation of Sabbath observance (1752), as well as the use of Hebrew script in signatures. The authors explain that for the purposes of their study they have concentrated on individuals who considered themselves to be Jewish, or were perceived by others as Jewish. They have largely omitted sources of information on men and women who, though of Jewish descent, became part of the Christian culture or married out of the faith. Had the early Halifax population been discussed in any detail, the Jewish heritage of colonial Nova Scotia would have been seen as somewhat greater than what is generally supposed. The German immigrants of the "Foreign Protestant" influx (1750-52), for example, included among their numbers individuals who came from mixed Jewish and Christian backgrounds. Further research may reveal whether these families preserved any of the customs or traits of their ancient German Jewish ancestry. Such a study will have the benefit of a sure foundation in the Godfreys trailblazing account of Jewish Canadian roots.

In order to identify origins and flesh out lives, scholars need access to printed primary sources. A recent compilation produced under the auspices of the New England Historic Genealogical Society, by editor Graham R. Hodges and Certified Genealogist Susan Hawkes Cook, meets that need admirably in the field of colonial African-American history. *The Black Loyalist Directory: African Americans in Exile After the American Revolution* is based primarily on the so-called "Book of Negroes" and subsidy lists for Black Loyalists between the year 1783 and the 1792 migration to Sierra Leone. Though the lists have been available on microfilm at archives, it has been a struggle to work through them without the benefit of an index. Those barriers have now been overcome, to the advantage of genealogist and historian alike.

Graham Hodges, who teaches early American history at Colgate University, has provided a concise preface which outlines the history of African-American refugees after the close of the Revolution and their

subsequent removal to Nova Scotia. (Two earlier historians, James Walker and Ellen Wilson, have also detailed the migration in their respective 1976 monographs.) Hodges has now done the groundwork which permits the examination of Black men, women and children who participated in the final evacuation from New York City. Among the so-called 'Black Loyalists', one finds both free-born and manumitted or refugee slaves, all of whom sought freedom in a Promised Land. A few would find it in Nova Scotia and New Brunswick, while some 1,200 would meet disappointment sufficient to induce them to resettle in Africa.

As a reference work, *Black Loyalist Directory* forms the basis for collective biography. The lists capture at a moment in time the past and present lives of hundreds of African-Americans on the cusp of an important transition. One can read the entry for Mary--bound for Port Mouton--who, as a thirteen-year-old, had left her former owner in Philadelphia to join the British troops in 1778. Among the Shelburne (Port Roseway)-bound passengers was Moses Wilkinson, aged 36, blind and lame, who had left his master in Virginia seven years previously; in Nova Scotia he would rise to prominence as a Wesleyan Methodist preacher. Gracing the dust jacket is the delightful watercolour of Rose Fortune, who found her way to Annapolis Royal and whose descendant, Daurene Lewis, became mayor of that town in the 1980s. This highly recommended addition to the primary source materials of colonial Nova Scotia and post-revolutionary America will be the seedbed for a host of quantitative and biographical studies.

Biography can either uncover one person's life story or be directed at a series of interconnected lives united by a particular event. Given these qualifications, the two remaining books to be discussed in this review article can perhaps best be described as continuing efforts towards the biography of a place. The Oak Island "money-pit" has been of speculative interest since its discovery in 1795 by Dan McGinnis (alias Donald McGinnis). Though the supposed site of an unknown buried secret or horde of wealth, the island's greatest product to date has been the number of articles and books written about it; R.V. Harris's classic treatment, *The Oak Island Mystery* (1958; rev. 1967), stands as the benchmark against which all subsequent accounts must be measured. The latter include wild speculation, paperback potboilers and pseudo-historical investigations. Whether the reader is sceptical or not the fascination remains. Oak Island is a perennial focus of exploration and discovery, and Millie Evans and Mark Finnann have now each tried their hand

at retelling a very old tale.

In *Nova Scotia's Oak Island: The Unsolved Mystery*, Evans has provided a brief handbook on the unending attraction of the money-pit. This is popular history without any pretensions to being scholarly. In a few chapters Evans discusses what is known about the pit since its 1795 discovery and the subsequent attempts to recover whatever lies at the bottom--if indeed anything does. She is far too kind in noting that the who, what, why and how of the original workings have prompted a wide variety of projected solutions, ranging from buried gold left by the legendary Captain Kidd to secret documents deposited by the Elizabethan scholar, Sir Francis Bacon. In contrast, Evans's own theory that the location may represent a Basque whaling station and salt-recovery site seems positively archaeologically sound.

One aspect of Evans's book which strikes the reader is the extent of the violence done to the site by 200 years of treasure hunters. Bulldozers and dynamite have long since obscured the original location of McGinnis's pit. Competition to find the so-called treasure has wrapped recent drilling activity in secrecy. Nothing approaching professional excavation or archaeological surveys has ever been undertaken. All these unscientific attempts at recovery have given rise to a never-ending succession of books which purport to solve the great riddle. Sound historical analysis, as exemplified by impartial scholars such as George Rawlyk, is as elusive as the treasure itself.

Mark Finnann's *Oak Island Secrets* is the latest narrative and theory-laden work to become available for consultation. Like Evans, he too recapitulates the account of the discovery and the individuals involved in diggings on Oak Island; in that respect his book is a useful updating of the complex network of personalities and machinations which has driven the search over the past two centuries. His interviews with leading promoters of the recovery attempts--representing competing interests--are a special feature of *Oak Island Secrets*. Finnann, more so than Evans, enlarges on the growing body of speculative literature linking Freemasons, arcane knowledge and medieval fraternities to Oak Island. To these motifs Finnann has added his own theories, the collation of which attempts to assimilate Michael Bradley's *Holy Grail Across the Atlantic* to the tradition of Prince Henry Sinclair's expeditions, in a New Age accretion to Oak Island's already overwrought mystery.

Unfortunately, both Finnann and Evans lack specific source documentation and have only very general bibliographies. The serious reader must resort to

Harris's now inevitably dated monograph for a decent bibliography, though even it lacks the historian's apparatus of notes and references. Here stands the principal problem with the Oak Island treasure myth: unlike historical personalities or events needing re-evaluation--such as Henry Alline or the 'Black Loyalist' experience--the Oak Island tradition has frightened away serious historians unwilling to be enmeshed in the web of pseudo-history and esotericism. Consequently, there are no wholly historical or scientific archaeological investigations which can be recommended to the serious reader, who must sift through a variety of texts in search of glimpses of the truth. Behind all of these fables, nevertheless, lies the reality of a deep, well-constructed shaft and drainage system, dating back at least to the eighteenth century and defying all explanation. This reviewer, as a descendant of the McGinnis family, attests to the compulsive and unending fascination of the site.

George Rawlyk conceived historical investigation as essentially autobiographical, in that the exercise engages the historian in an intellectual dialogue with various pasts, including his or her own. Where that conversation draws upon spiritual matters, the historian must be prepared to question complacent self-understanding. It is the task of the historian to take up this challenge, even at the risk of confronting personal convictions, in order to mediate the truth of the past to a contemporary audience, whose reading about the inner thoughts, desires and motivations of historical personages may produce disequilibrium in their own lives. Running that risk for the sake of satisfying insatiable intellectual curiosity drives the historian to resurrect forgotten stories and to recover the underlying factuality of myth.

Book Notes

Acadia of the Maritimes: Thematic Studies from the Beginning to the Present, edited by Jean Daigle. ISBN 2-921166-08-9. Université de Moncton, Moncton, NB, 1995. xix + 859 pp., illustrated, cloth, \$[?].

The long-awaited English-language version of *L'Acadie des Maritimes* (1993) consists of articles by leading scholars covering a wide range of subjects, from religion and identity to material culture. This is an excellent bibliographic source for any reader wanting a comprehensive guide to Acadian history and culture. Particularly thought-provoking is Louise Perronet's article, "The Situation of the French Language in Acadia." The

volume is an encyclopaedic blend of history, sociology, ethnic identity, political science and cultural heritage.

The Acadians of Chezzetcook, by Ronald Labelle. ISBN 0-919001-93-9. Pottersfield Press, Lawrencetown Beach, NS, 1995. 96 pp., illustrated, paper, \$13.95.

How does a community come into existence, what elements hold its people together and why do some villages/towns decline or disappear? Labelle addresses these questions to the post-Expulsion Acadian settlement of Chezzetcook in the former Halifax County. Its comparative isolation from urban Halifax-Dartmouth allowed the fishing-farming community to develop in a pattern similar to Acadian villages in more heavily populated francophone areas of the province. Changing economic realities and telecommunications have led to a diminishing of the Acadian character as the younger generation moves away and loses touch. Labelle's thesis is no less applicable to English-speaking than to French-speaking rural communities throughout the province. An insightful local history by a professional historian and contributor to *L'Acadie des Maritimes*.

Anatomy of a Naval Disaster: The 1746 French Naval Expedition to North America, by James Pritchard. ISBN 0-7735-1325-6. McGill-Queen's University Press, Montreal, 1995. xxvi + 322 pp., illustrated, cloth, \$39.95.

The duc d'Anville's disastrous, Spanish Armada-like attempt to recapture peninsular Nova Scotia is at last given full treatment by a scholar prepared to document context, geopolitical factors, and 'impact studies' of the event. Pritchard is to be praised for his excellent account of French naval technology and the organizational structure of French military units. This scholarly monograph makes for compelling reading about a fleet which, not so much led as followed by its fatally ill commander, came to grief in Chebucto Harbour, whereupon the remnant straggled back to France. A long overdue addition to Canadian military and naval history.

Aspects of Louisbourg, edited by Eric Krause, Carol Corbin and William O'Shea. ISBN 0-92033-676-0. University of Cape Breton Press, Sydney, NS, 1995. xii + 322 pp., illustrated, paper, \$19.95.

This collection of essays has been published to commemorate the 275th anniversary of the founding of Louisbourg. Architecture, trade, family life, the military presence and eighteenth-century horticulture are among the subjects admirably treated. The quality and range of scholarship are so much in evidence as to evoke the desire to visit and revisit Fortress of Louisbourg National Historic Site in order to view it from fresh perspectives. Discoveries among the extensive archival documentation, and reconstruction as well as re-enactment, enrich these excursions into Nova Scotia's past.

Peoples of the Maritimes: Blacks, by Bridglal Pachai. ISBN 0-920427-38-3. Four East Publications, Tantallon, NS, 1993. 96 pp., illustrated, paper, \$12.95.

This is a revised edition of Pachai's 1987 contribution to a recognized and valuable series of ethnic studies. As with the other volumes, it serves as a basic historical guide to a particular ethnic group from its earliest colonial presence down to its current cultural, political and intellectual place within the Canadian mosaic. Though not purporting to be the definitive study of African-Nova Scotians, Pachai's slim volume is a valuable sourcebook for chronology, personages and bibliography. The series publisher is to be commended for making it newly available in a revised and enlarged form.

Bluenose Coasting: A Tradition Lost, by Robert Cunningham. ISBN 0-88999-595-8. Lancelot Press, Hantsport, NS, 1995. 119 pp., illustrated, paper, \$7.95.

The lure of the sea remains irresistible as readers clamour for more information on what had long been an integral part of our Maritime way of life. Cunningham has turned his attention to the coastal traders and ferries that sailed from the eighteenth to the twentieth century. The result is a fine mix of folklore, oral history interviews and archival research which results in a popular, informative account of an almost lost occupation--excepting only the few remaining provincially-run ferries. Cunningham is especially to be praised for his coverage of the last 96 years, which tends to be lost in the wake of the mystique of the golden Age of Sail. Nautical enthusiasts will not want to miss reading this book.

A Fragile Stability: Definition And Redefinition of Maritime Baptist Identity, edited by David T. Priestly. ISBN 0-88999-555-9. Lancelot Press, Hantsport, NS, 1994. xiv + 169 pp., paper, \$[?].

These series of papers were presented at two Baptist historical conferences in 1990 and 1993. They represent a diverse analysis of Baptist identity, theological self-definition, the nineteenth-century evolution of women's role in the church, and twentieth-century challenges to regional spiritual heritage. Weaving among the collected articles is the perennial tension between fundamentalist Biblical theology and extemporaneous evangelical innovation. Leading Baptist historians continue to investigate that tension as well as the other unique features of Maritime Baptist belief. A significant contribution to the venerable 'Baptist Heritage in Atlantic Canada' series.

If We Are Spared To Each Other: Love and Faith Against the Sea: The Diary of Annie Rogers Butler and Letters of Captain John Kendrick Butler, compiled and edited by Raymond A. Simpson. ISBN 0-88999-557-5. Lancelot Press, Hantsport, NS, 1995. 270 pp., illustrated, paper, \$13.95.

A remarkable set of letters and a diary have been revealed to the world by the editor, who is the grandson of John and Annie Butler of Yarmouth, NS. Well-chosen paintings, lithographs, letters and maps illustrate the beguiling text which documents the devotion between a master mariner and his wife through letters written from 1871 to 1877, supplemented by Butler's account-book. One is offered fresh insights into gender relations, a hegemonic marine economy and deeply-felt religious faith. Not only will residents of Yarmouth be drawn into the human drama evoked by the text. Simpson has prepared a book for which no amount of praise is superfluous; it is a true labour of love combined with a scholarly understanding of the times in which the letters and journal were created.

Index to Funeral Records and Ledgers 1899-1927 of J.C.B. Olive, Funeral Director and Embalmer, Truro, Colchester County, Nova Scotia, comp. by A. Ross MacKay, Leland H. Harvie and Karen E. McKay. ISBN 1-895982-16-2. Genealogical Association of Nova Scotia, Halifax, NS, 1996. iii + 110 pp., paper, \$15.00.

Though a new departure for the Genealogical Association of Nova Scotia, this index is well within the GANS mandate to promote scholarly family history research through the provision of reference tools. The list of names,

ages and death dates will prove invaluable to any researcher focusing on the Truro area. It will serve as a stepping-stone to newspaper obituaries, for its interest in which GANS is well known through its earlier series, *Nova Scotia Vital Statistics from Newspapers* (1769-1854). The compilers are to be commended for their diligence in perusing the original records.

Intimate Relations: Family and Community in Planter Nova Scotia, 1759-1800, edited by Margaret Conrad. ISBN 0-919107-42-7. Acadiensis Press, Fredericton, NB, 1995. vi + 298 pp., illustrated, paper, \$21.95.

The three triennial New England Planter Studies conferences sponsored by Acadia University (1987, 1990, 1993) have resulted in three significant collections of papers devoted to regional eighteenth-century studies. The lead articles, by historians Philip Greven Jr. and Bettina Bradbury, on family life in colonial America and British North America set the stage for the latest volume. The theme of the family lends itself particularly well to presentations utilizing genealogical techniques to further social anthropology on historical principles. Established historians, such as George Rawlyk and Ann Gorman Condon, are to be found alongside newer scholars on the scene, including Taunya Dawson ("Oliver Lyman: Deputy Surveyor of Horton Township, 1755-1814"), Kenneth Paulsen ("Land, Family and Inheritance in Lunenburg Township, Nova Scotia, 1760-1800") and Elizabeth Mancke ("At the Counter of the General Store: Women and the Economy in Eighteenth-Century Horton, Nova Scotia.") As with its two predecessors, this third instalment in the distinguished Planter Studies Series is a 'must have' for Nova Scotiana bookshelves.

Ketchum's Folly, by Jay Underwood. ISBN 0-88999-553-2. Lancelot Press, Hantsport, NS, 1995. 130 pp., illustrated, paper, \$8.95.

Henry Ketchum's late nineteenth-century dream of a marine railway across the Chignecto Isthmus in order to transport vessels overland between Cumberland Basin and Baie Verte periodically recurs in newspaper and journal articles. Jay Underwood presents an engaging account of Ketchum's vision, and the frustration of encountering political, financial and engineering obstacles. Current interest in wind-and-sail history and railways scholarship converge in this study of the Chignecto Ship Railway. Underwood created his own scale model of the proposed workings, though regrettably it is not included among the photographs which illustrate the book. Detailed endnotes

to supplement the bibliography would have been the 'icing on the cake' of what is otherwise a useful piece of industrial history.

Just Lawyers: Seven Portraits, by David Ricardo Williams. ISBN 0-8020-0747-3. University of Toronto Press, 1995. xvii + 285 pp., illustrated, cloth, \$35.00.

The Osgoode Society for Canadian Legal History is co-publisher of this set of biographical studies by practising barrister-turned-historical biographer, David Williams QC, adjunct professor and writer-in-residence at the Faculty of Law, University of Victoria. Through the mechanism of case studies Williams provides the opportunity to view the inner workings of the legal system, both from the perspective of leaders of the profession and as a means of shaping the contours of the law itself. The lives and careers of various lawyers from British Columbia to Nova Scotia over the past century are studied in relation to these themes, as well as for their impact on social and economic development. The chapter on Frank Manning Covert (1908-1987) will bear comparison to Harry Bruce's recent full biography of one of Nova Scotia's best-known lawyers and businessmen. Readers will have to decide whether each portrait is a refraction or reflection of the life and work. As with religion and politics, Canadian scholars will readily argue over the historical significance of collective biography.

Labour & Working-Class History in Atlantic Canada: A Reader, edited by David Frank & Gregory S. Kealey. ISBN 0-919666-78-7. Institute of Social and Economic Research [ISER], Memorial University of Newfoundland, St. John's, NF, 1995. viii + 439 pp., paper, \$[?].

This four-part collection of essays covers aspects of labour history--both rural and urban--for the nineteenth and twentieth centuries. The reader will find challenging interpretations of the varying roles of workers--whether farmers, artisans or fishermen/mariners--in addition to the rise of concern for workers' rights towards the end of the 1800s. The long struggle for the fundamental right to organize is discussed in relationship to changing technologies in the workplace over the past century. The more contemporary the events studied, the more scope for readers' dissent from the academic perspective--yet enough remains of the neo-Marxist analysis to enable one to see how the history of tomorrow is being moulded by today's interpretation of the past.

Renfrew Gold: The Story of a Nova Scotia Ghost Town, by John Hawkins. ISBN 0-88999-573-7. Lancelot Press, Hantsport, NS, 1995. 119 pp., illustrated, paper, \$7.95.

Nova Scotians need not read about gold-rush towns of the Klondike when there was gold fever on their own doorstep. John Hawkins provides a readable, well-illustrated and well-documented narrative of the Renfrew (Hants County) gold-mining settlement of the 1870s. Interviews with surviving 'old-timers', together with contemporaneous newspaper accounts, enliven this story of a ghost town about 8 km northwest of Shubenacadie Grand Lake. The hint of an as-yet undiscovered mother-lode continues to attract the curious as well as the potential investor to Renfrew and elsewhere in Nova Scotia, thus making *Renfrew Gold* a very topical book.

Roasting Chestnuts: The Mythology of Maritime Political Culture, by Ian Stewart. ISBN 0-7748-0498-X. UBC Press, Vancouver, BC, 1994. xii + 198 pp., cloth, \$49.95.

Recent political history and political science are combined in Ian Stewart's analysis of east-coast political structures, voting patterns and power bases. His examination ranges from the impact of the Loyalist myth in relation to hereditary Conservatism, to phone-in voting during party leadership conventions. Keen students of politics will want to ponder the author's insights in advance of any forthcoming provincial election. At a time when grass-roots democratic rights are fast eroding in the Maritimes, the reader of this erudite and stimulating book will find that Stewart offers fresh insight into the concept of political culture in general and the loci of power in particular.

The Siege of Fort Cumberland, 1776: An Episode in the American Revolution, by Ernest Clarke. ISBN 0-7735-1323-X. McGill-Queen's University Press, Montreal and Kingston, 1995. xxvii + 302 pp., illustrated, cloth, \$39.95.

From time to time one sees references to the failed patriot uprising on the Chignecto Isthmus, an event known popularly as the "Eddy Rebellion." Thomas Raddall made it a part of Maritime regional mythology through his historical romance, *His Majesty's Yankees* (1942). Now, fifty years on, we have the first full-length treatment of the background, characters, course of events and aftermath of the insurrection by an author no less sensitive to the

techniques of historical and scholarly research than to the art of engaging prose. History grew out of literature, and Clarke (a professional architect) has never been one to visualize a setting without also evoking the smell of grapeshot in the air or the winds of the Tantramar marshes whipping across the pages of history. Narrative history at its very best, this is as meticulously-crafted and polished as a well-oiled musket.

A Spirit Deep Within: Naval Architect W.J. Roue and the Bluenose Story, by Joan E. Roue. ISBN 0-88999-561-3. Lancelot Press, Hantsport, NS, 1995. x + 104 pp., illustrated, paper, \$7.95.

The 1921 launching of the schooner *Bluenose* marked the beginning of an auspicious 'career' for the vessel, its captain and the crew of the province's premier racing schooner. Less well-known is the career of *Bluenose*'s Halifax-born naval architect/designer, William "Bill" Roue. The author, his great-granddaughter, has written as a labour of love an informative account of the man whose *Bluenose* design was only one of many successful undertakings. A useful explanation of vessel-construction and sea-racing, as well as a glossary of shipbuilding terms and a full list of Roue's vessels, enhance this fine tribute to an architect of the sea.

A Winning Combination: The Mingo Brothers and Partner Bill MacLean Created A Company That Built Whole Towns, by Faye Mingo. ISBN 0-88999-565-6. Lancelot Press, Hantsport, NS, 1995. xiv + 128 pp., illustrated, paper, \$7.95.

Business history--by a family member of the family firm under study--inevitably raises questions as to impartiality. Yet sources available only from the inside can take scholarship well beyond the official records of board meetings and the speculation of popular press articles. Faye Mingo has combined her own avid interest, a wealth of oral reminiscences, and access to Mingo family archives to offer the reader a more than credible account of entrepreneurial achievement. A special bonus is the appendix listing all the firm's major construction projects around the Atlantic provinces, which will aid both architectural and engineering scholars. Another example of Pictonians making an indelible impression on the regional economy of Atlantic Canada.

The 1838 Census: Index of Digby County, Nova Scotia, comp. by Karen E. McKay. ISBN 1-895982-15-4. Genealogical Association of Nova Scotia, Halifax, NS, 1995. v + 38 pp., paper, \$15.00.

The 1838 Census: Index of Pictou County, Nova Scotia, comp. by Karen E. McKay. ISBN 1-895982-14-6. Genealogical Association of Nova Scotia, Halifax, NS, 1995. v + 81 pp., paper, \$15.00.

In this, the first two instalments of a projected series sponsored by the Genealogical Association of Nova Scotia, Karen McKay, Certified Genealogist (Canada), has furthered the Association's goals by making accessible to the researching public a valuable reference tool. A dual listing offers first an alphabetical arrangement, followed by the original 1838 census name order (necessary in order to establish who resided in a community). Fields include name of head of the household, occupation, residence and statistical breakdown of male/female residents. Forthcoming volumes in the series will be eagerly anticipated.

