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# COLLECTIONS

OF THE

## New Scotia Historical Society

*"Out of monuments, names, wordes, proverbs, traditions, private records, and evidences, fragments of stories, passages of bookes, and the like, we do save, and recover somewhat from the deluge of time."—Lord Bacon: The Advancement of Learning.*

*"A wise nation preserves its records, gathers up its muniments, decorates the tombs of its illustrious dead, repairs its great structures, and fosters national pride and love of country, by perpetual references to the sacrifices and glories of the past."—Joseph Howe.*

VOLUME XX



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1921.

"The care which a nation devotes to the preservation of the monuments of its past may serve as a true measure of the degree of civilization to which it has attained." (*Les Archives Principales de Moscou du Ministère des Affaires Etrangères* Moscow, 1898, p. 3).

"To discover and rescue from the unsparing hand of time the records which yet remain of the earliest history of Canada. To preserve while in our power, such documents as may be found amid the dust of yet unexplored depositories, and which may prove important to general history, and to the particular history of this province."—*Quebec Literary and Historical Society.*

### NATIONAL MONUMENTS.

Count not the cost of honour to the dead!  
The tribute that a mighty nation pays  
To those who loved her well in former days,  
Means more than gratitude for glory fled,  
For every noble man that she hath bred,  
Immortalized by art's immortal praise,  
Lives in the bronze and marble that we raise,  
To lead our sons as he our fathers led.  
These monuments of manhood, brave and high,  
Do more than forts or battle-ships to keep  
Our dear bought liberty. They fortify  
The heart of youth with valour wise and deep,  
They build eternal bulwarks, and command  
Eternal strength to guard our native land.  
—Henry Van Dyke.

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## CONTENTS.

	Page.
Desiderata:	v
Act of Incorporation	vii
Act Amalgamating Libraries, Management, etc.	viii
Rules and By-laws	ix
Officers and Members—1920	xi
List of Presidents—1878-1920	xv
List of Vice-Presidents—1878-1920	xvi
Council—1878-1920	xviii
Report of the Society's Work—1917-1920	xxi
Papers—	
Hon. Simon Bradstreet Robie, a Biography . . . . .	
<i>Israel Longworth.</i>	1
The Privateers of Nova Scotia . . . . .	
<i>George Mullane.</i>	17
Life of Sir John Wentworth, Governor of Nova Scotia . . . . .	
<i>Sir Adams Archibald.</i>	43
Halifax Currency . . . . .	
<i>Horace A. Flemming.</i>	111
The Honourable James McDonald . . . . .	
<i>Sir Chas. J. Townshend.</i>	139
Sources of Canadian History, with special reference to Nova Scotia . . . . .	
<i>J. Plimsoll Edwards.</i>	155
List of Donors to N. S. Historical Society	167
Papers read before the Society 1878-1920	171
List of Collections of Nova Scotia Historical Society, Vols. I to XX	181



12

**THE NOVA SCOTIA HISTORICAL SOCIETY DESIRES  
TO COLLECT**

1. Manuscript statements and narratives of pioneer settlers, old letters and journals relative to the early history and settlement of Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island, and the wars of 1776 and 1812; biographical notes of our Indian tribes, their history, characteristics, sketches of their prominent chiefs and warriors, together with contributions of Indian implements, dress, ornaments, and curiosities.

2. Diaries, narratives and documents relative to the Loyalists, their expulsion from the old colonies and their settlement in the Maritime Provinces.

3. Files of newspapers, books, pamphlets, college catalogues, minutes of ecclesiastical conventions, associations, conferences and synods, and all other publications relating to this Province, New Brunswick, Prince Edward Island, and Newfoundland.

4. Drawings and descriptions of our ancient mounds and fortifications, their size, representation and locality.

5. Information respecting articles of pre-historic antiquities, especially implements of copper, stone, or ancient coins or other curiosities found in any of the Maritime Provinces, together with the locality and details of their discovery. The contribution of all such articles to the cabinet of the Society is most earnestly desired.

6. Indian geographical names of streams and localities, with their signification, and all information generally respecting the condition, language and history of the Micmacs, Malicetes, and Bethucks.

7. Books of all kinds, especially such as relate to Canadian history, travel, and biography in general, and the Maritime Provinces in particular; family genealogies, old magazines, pamphlets, files of newspapers, maps, historical manuscripts, autographs of distinguished persons, coins, medals, paintings, portraits, statuary and engravings.

8. We solicit from historical societies and other learned bodies that interchange of books and other materials by which the usefulness of institutions of this nature is so essentially enhanced,—pledging ourselves to repay such contributions by acts in kind to the best of our ability.

9. The Society particularly begs authors and publishers to present, with their autographs, copies of their respective works for its library.

10. Editors and publishers of magazines and reviews, will confer a lasting favour on the Society by contributing their publications regularly for its library, where they may be expected to be found always on file and carefully preserved. We aim to obtain and preserve for those who shall come after us a perfect copy of every book, pamphlet or paper ever printed in or about Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland.

11. Nova Scotians residing abroad have it in their power to render their native province great service by making donations to our library of books, pamphlets, manuscripts, etc., bearing on any of the Provinces of the Dominion or Newfoundland. To the relatives, descendants, etc., of our colonial governors, judges and military officers, we especially appeal on behalf of our Society for all papers, books, pamphlets, letters, etc., which may throw light on the history of these Provinces.

VII

## ACT OF INCORPORATION.

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An Act to Incorporate the Nova Scotia Historical Society.

(Passed the 17th day of April, A. D., 1879).

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Honourable John W. Ritchie, the Reverend George W. Hill, the Reverend Thomas J. Daly, the Honourable William J. Almon, Thomas A. Ritchie, William D. Harrington, George E. Morton, and John T. Bulmer, and their associates, members of the Nova Scotia Historical Society, and such other persons as shall become members of such society, according to the rules and by-laws thereof, are hereby created a body corporate by the name of the Nova Scotia Historical Society.

2. The said corporation may purchase, take, hold, and enjoy real estate not exceeding twenty thousand dollars in value, and may sell, mortgage, lease, or otherwise dispose of the same for the benefit of the corporation.

3. Upon the passing of this act the property of the said Nova Scotia Historical Society, whether real or personal, and all debts due thereto, shall vest in the said Nova Scotia Historical Society hereby incorporated.

An Act to provide for the Amalgamation of the Library of the Nova Scotia Historical Society with the Legislative Library and the Management of the Joint Collection.

(Passed the 10th day of April, A. D., 1881).

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Library of the Nova Scotia Historical Society shall be amalgamated with the Legislative Library of Nova Scotia, and the regulation and management of the Joint Collection and any additions that may be made thereto is hereby vested in a commission of nine persons to be called the Nova Scotia Library Commission, of whom the Lieutenant-Governor of the Province for the time being shall *ex officio* be one, and the remainder of whom shall be appointed annually, one-half by the Nova Scotia Historical Society and the other half by the Governor in Council.

2. The Lieutenant-Governor for the time being shall be *ex officio* the President of the Commission.

3. Should the Nova Scotia Historical Society at any time fail to appoint any or all of the Commissioners whom said Society are hereby authorized to appoint, the rights and powers vested by this Act in the Commission shall devolve upon the other members of the Commission.

4. The Librarian shall be appointed by the Governor in Council, and shall be such person as the Commissioners shall nominate, and shall hold office during good behaviour.

5. The Commissioners may make bye-laws from time to time for the regulation and management of the Library and prescribing all matters necessary for the control thereof, but such bye-laws shall not go into force until approved by the Governor in Council.

6. The Commission shall make an annual report on the expenditure, the general state of the Library, and on all such matters in connection therewith as may be required by the Governor in Council, which report shall be laid upon the table of each branch of the Legislature during the session.

# RULES AND BY-LAWS.

Revised May 27, 1910.

1. The Society shall be called the Nova Scotia Historical Society.

## Objects.

2. The objects of the Society shall be the collection and preservation of all documents, papers and others objects of interest which may serve to throw light upon and illustrate the history of this country; the reading at the meetings of the Society of papers on historical subjects; the publication, as far as the funds of the Society will allow, of all such documents and papers as it may be deemed desirable to publish; and the formation of a library of books, papers and manuscripts, affording information and illustrating historical subjects.

## Members.

3. The membership shall consist of Ordinary, Life, Corresponding and Honorary Members. The Ordinary or resident members, shall pay at the time of admission, an entrance fee of Five Dollars, and Two Dollars after each succeeding annual meeting. Persons residing outside the limit of 15 miles from the city of Halifax may become members on payment of Two Dollars entrance fee, and One Dollar annually thereafter. Any Ordinary Member may become a Life Member by the payment of Forty Dollars. Corresponding and Honorary Members shall be elected by the unanimous vote of the Society, and are exempt from all dues.

4. Candidates for membership may be proposed at any regular or special meeting of the Society by a Member. The proposition shall remain on the table for one month, or until the next meeting, when a ballot shall be taken, one black ball in five excluding. No person shall be considered a member until his entrance fee is paid, and *if any member shall allow his dues to remain unpaid for two years, his name may be struck from the roll.*

**Meetings, Office-bearers, etc.**

5. The regular meetings of the Society shall be held at 8 p.m., on the first Friday of each month, from November to May, both months inclusive, and special meetings may be convened on due notification by the President, or in case of his absence, by the Vice-President, or on the application of any five members.

6. The annual meeting of the Society shall be held at 8 p.m., on the first Friday of April, at which meeting there shall be chosen a President, three Vice-Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer, and two Auditors, and a Council of four members, who with the foregoing shall constitute the Council of the Society. No member shall be elected or shall serve as President of the Society more than three years in succession. The election of members to serve on the Nova Scotia Library Commission, under the provisions of Chapter 17, N. S. Acts of 1880, shall take place at the annual meeting, immediately after the election of office-bearers and Council.

7. All communications which are thought worthy of preservation shall be minuted in the books of the Society and the originals kept on file.

8. Seven members shall be a quorum for all purposes at ordinary meetings, but at the annual meeting, in April, ten members shall form a quorum.

9. No article of the constitution nor any by-law shall be altered at any meeting when less than ten members are present, nor unless the subject has either been discussed at the previous meeting, or reported on by a committee appointed for that purpose.

10. The duties of the office bearers and Council shall be the same as those performed generally in other Societies.

11. The Publication Committee shall consist of four members and shall be appointed by the Council; to them all manuscripts shall be referred, and they shall report to the Council before publication.

**Election of Officers.**

12. All elections of officers shall be made by ballot, and a majority of those present shall be required to elect.

**OFFICERS AND MEMBERS**  
**OF THE**  
**NOVA SCOTIA HISTORICAL SOCIETY,**  
**1920.**

---

**PRESIDENT.**

**J. Plimsoll Edwards.**

**VICE-PRESIDENTS.**

**Dr. J. J. Hunt.**

**Hon. Mr. Justice Longley.**

**Major J. W. Logan.**

**CORRESPONDING SECRETARY.**

**Harry Piers.**

**RECORDING SECRETARY.**

**William L. Payzant, M. A., LL.B.**

**TREASURER.**

**George E. Nichols, LL.B.**

**AUDITOR.**

**Col. F. H. Oxley.**

**OTHER MEMBERS OF COUNCIL.**

**George Mullane.**

**Ven. Archdeacon Armitage.**

**Dr. A. H. MacKay.**

**Dr. M. A. B. Smith.**

**LIBRARY COMMISSIONERS.**

**Dr. A. H. MacKay.**

**Dr. John Forrest.**

**Harry Piers.**

**J. J. Power.**

**LIBRARIAN.**

**Miss Annie Donahoe.**

**DELEGATE TO ROYAL SOCIETY OF CANADA.**

**Hon. Mr. Justice Longley.**

## THE TREASURER'S LIST OF MEMBERS

who have qualified by paying their entrance fees as required by Nos. 3 and 4 of the Rules and By-Laws.

- Allison, David, LL.D., (Halifax, N. S.)  
 Allison, J. Walter, (Halifax, N. S.)  
 Archibald, Charles, (Halifax, N. S.)  
 Archibald, Mrs. Charles, (Halifax, N. S.)  
 Archibald, Wm. C., (Wolfville, N. S.)  
 Armitage, Ven. Archdeacon, Ph.D., (Halifax, N. S.)  
 Armstrong, F. W., (Halifax, N. S.)  
 Armstrong, M. E., M. D., (Bridgetown, N. S.)  
 Aucoin, E. D., (Montreal)  
 Andrew, Rev. A. E., (Windsor, N. S.)  
 Anslow, Florence, (Windsor, N. S.)  
 Armstrong, Hon. E. H., (Halifax, N. S.)  
 Baker, G. Prescott, (Yarmouth, N. S.)  
 Bayne, Chas. H., (Halifax, N. S.)  
 Bent, Barry D., (Amherst, N. S.)  
 Bell, Charles, (Halifax, N. S.)  
 Black, W. A., (Halifax, N. S.)  
 Blagdon, J. F., (Weymouth, N. S.)  
 Borden, Sir Robert, K. C., D. C. L., (Ottawa, Ont.)  
 Bourinot, John C., (Port Hawkesbury, N. S.)  
 Boutillier, Arthur, (Halifax, N. S.)  
 Breck, Edward, Ph.D., (Washington, U. S. A.)  
 Brookfield, S. M., (Halifax, N. S.)  
 Bryden, Rev. C. W., (Shellbrook, Sask.)  
 Buckley, A. H., (Halifax, N. S.)  
 Burchell, C. J., K. C., (Halifax, N. S.)  
 Burpee, L. R., (Ottawa, Ont.)  
 Cahan, C. H., K. C., (Montreal, Q.)  
 Blanchard, J. W., (Windsor, N. S.)  
 Bingay, James, (Gloucester, N. S.)  
 Brown, Thomas J., (Sydney, N. S.)  
 Barnaby, A. C., (Bridgewater, N. S.)  
 Cantley, Thos., (New Glasgow, N. S.)  
 Campbell, A. J., (Truro, N. S.)  
 Campbell, Geo. S., (Halifax, N. S.)  
 Chambers, R. E., (New Glasgow, N. S.)  
 Chesley, A. E. H., (Kentville, N. S.)  
 Chisholm, Hon. Mr. Justice, (Halifax, N. S.)  
 Clarke, Willard G., (Bear River, N. S.)  
 Cox, Geo. H., (New Glasgow, N. S.)  
 Cox, Rob., M. D., (Upper Stewiacke, N. S.)  
 Covey, Mrs. L. E., (Halifax, N. S.)  
 Crisp, Rev. J. O., (Portsmouth, Ont.)  
 Crowe, Harry J., (Toronto, Ont.)  
 Crowe, Geo. R., (Winnipeg, Man.)  
 Crowe, Walter, K. C., (Sydney, C. B.)  
 Crowell, Rev. Edwin, (Yarmouth, N. S.)  
 Cumming, M. Prof., (Truro, N. S.)  
 Cutten, Rev. Geo. B., D. D., (Wolfville, N. S.)  
 Cutler, R. M., (Halifax, N. S.)  
 Curry, Senator N., (Montreal, Q.)  
 Comeau, F. G., (Halifax, N. S.)  
 Dawson, Robert, (Bridgewater, N. S.)  
 Daniels, Hon. O. T., K. C., M. P. P., (Halifax, N. S.)  
 DesBarres, Rev. F. W. W., (Sackville N. B.)  
 DeCarteret, Capt. W. S., (Halifax, N. S.)  
 Dickie, Alfred, (Halifax, N. S.)  
 Dimock, W. D., (Truro, N. S.)  
 Doane, H. L., (Truro, N. S.)  
 Douglas, John C., M. P., (Gloucester, N. B.)  
 Driffield, Rev. William, (Digby, N. S.)  
 DeWolfe, Miss A. M., (Liverpool, N. S.)  
 Edwards, Major, J. P., (Halifax, N. S.)  
 Elliot, Mrs. F. E., (Halifax, N. S.)  
 Ellis, Hon. Dr. J. F., (Sherbrooke, N. S.)  
 Falconer, Rev. Prof. J. A., (Halifax, N. S.)  
 Faulkner, Hon. Geo. E., M. P. P., (Halifax, N. S.)  
 Faulkner, Prof. J. A., (Madison, N. J.)  
 Fenerty, E. Lawson, (Halifax, N. S.)  
 Ferguson, Wm. McM., (Truro, N. S.)  
 Fergie, Chas., M. E., (Montreal, P. Q.)  
 Fielding, Hon. W. S., D. C. L., (Ottawa, Ont.)  
 Flemming, H. A., (Halifax, N. S.)  
 Fortier, L. M., (Annapolis Royal, N. S.)  
 Frame, Joseph F., (Regina, Sask.)  
 Fraser, A. L., Rev., (Halifax, N. S.)  
 Fraser, Mrs. D. C., (New Glasgow, N. S.)  
 Friel, James, (Moncton, N. B.)  
 Fielding, Mrs. J. N., (Windsor, N. S.)  
 Forrest, Dr. W. D., (Halifax, N. S.)  
 Forrest, Mrs. W. D., (Halifax, N. S.)  
 Forbes, Miss Antoinette, (Windsor, N. S.)  
 Gillis, Rev. D. C., Ph.D., (Antigonish, N. S.)  
 Gisborne, F. H., (Ottawa, Ont.)  
 Graham, Geo. E., (Kentville, N. S.)  
 Grant, Mrs. MacCallum, (Halifax, N. S.)  
 Grant, Hon. McG., (Halifax, N. S.)  
 Goudge, M. Grant, (Windsor, N. S.)  
 Harris, Hon. Mr. Justice, (Halifax, N. S.)  
 Harrison, Major H. J., (Maccan)  
 Hart, Miss H. L., (Sackville, N. S.)  
 Hattie, R. M., (Halifax, N. S.)  
 Hebb, Willis E., (Halifax, N. S.)  
 Henderson, George, (Montreal)  
 Hendry, A. W., (Liverpool, N. S.)  
 Hensley, Mrs. G. W., (Halifax, N. S.)  
 Hetherington, J. L., (Halifax, N. S.)  
 Heward, Lt.-Col. S. A., (Halifax, N. S.)  
 Hewitt, H. W., (Saskatoon, Sask.)  
 Hill, Arthur E. B., (Vancouver)  
 Hill, A. Ross, (Columbia, Mo., U. S. A.)  
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 Jenks, Stuart, K. C., (Halifax, N. S.)  
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 Jordan, Rev. Louis H., (Eastbourne, Eng.)  
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 Jones, Frank, K. C., (Digby, N. S.)  
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 King, Donald A., (Halifax, N. S.)

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**Lane, Charles W.,** (Lunenburg, N. S.)  
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**Lockwood, Dr. T. C.,** (Lockport, N. S.)  
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**Logan, J. W.,** (Halifax, N. S.)  
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**MacDonald, Margaret,** (Ottawa, P. Q.)  
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**McInnes, Hector, K. C.,** (Halifax, N. S.)  
**MacKay, A. H., LL.D.,** (Halifax, N. S.)  
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**MacKinlay, Andrew,** (Halifax, N. S.)  
**MacKinnon, Prof. C., D. D.,** (Halifax, N. S.)  
**MacLean, Hon. A. K.,** (Halifax, N. S.)  
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**MacGillivray, D.,** (Halifax, N. S.)  
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**Nichols, E. Hart,** (Halifax, N. S.)  
**Nichols, Geo. E. E.,** (Halifax, N. S.)  
**Orde, J. F.,** (Ottawa, Ont.)  
**Nash, A. E.,** (Halifax, N. S.)  
**O'Dwyer, J. S.,** (Moncton, N. B.)  
**O'Mullin, J. C.,** (Halifax, N. S.)  
**Owen, D. M.,** (Halifax, N. S.)  
**Owen, Mrs. J. M.,** (Annapolis Royal, N. S.)  
**Oxley, Col. F. H.,** (Halifax, N. S.)  
**O'Brien, James,** (Windsor, N. S.)  
**Parker, Rev. Lewis W.,** (M. Stewiacke, N. S.)  
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**Patterson, His Hon. Judge Geo.,** (New Glasgow, N. S.)  
**Payzant, W. L.,** (Halifax, N. S.)  
**Perrin, Frederick,** (MacNabs Island)  
**Piers, Harry,** (Halifax, N. S.)  
**Prescott, C. A.,** (Halifax, N. S.)  
**Primrose, James,** (Pictou, N. S.)  
**Pratt, Miss Annie L.,** (Windsor, N. S.)  
**Pyke, J. George, K. C.,** (Liverpool, N. S.)  
**Parker, R. U.,** (Halifax, N. S.)  
**Ralston, J. L.,** (Halifax, N. S.)  
**Ralston, Mrs.,** (Halifax, N. S.)  
**Regan, J. W.,** (Halifax, N. S.)  
**Reid, Robie L.,** (Vancouver, B. C.)  
**Richardson, H. A.,** (Toronto, Ont.)  
**Ritchie, Miss Eliza, Ph.D.,** (Halifax, N. S.)  
**Ritchie, Reginald L.,** (Montreal)  
**Roberts, Arthur,** (Bridgewater.)  
**Rogers, T. Sherman,** (Halifax, N. S.)  
**Ross, Edwin B.,** (Vanvouver, B. C.)  
**Ross, H. T.,** (Ottawa, Ont.)  
**Rowley, C. W.,** (Winnipeg, Man.)  
**Ruggles, J. R.,** (Lockeport, N. S.)  
**Rutherford, R. W., General,** (Kingston, N. S.)  
**Robertson, James McG.,** (Bridgewater)  
**Shreve, Rev. R., D. D.,** (Quebec)  
**Shand, F. A.,** (Windsor, N. S.)  
**Shatford, A. W.,** (Hubbards, N. S.)  
**Sinclair, John H., M. P.,** (New Glasgow, N. S.)  
**Smith, C. R., K. C.,** (Amherst, N. S.)  
**Smith, Edmund A.,** (Halifax, N. S.)  
**Smith, L. Mortimer,** (Halifax, N. S.)  
**Smith, Dr. M. A. B.,** (Dartmouth, N. S.)  
**Soloan, David, LL.D.,** (Truro, N. S.)  
**Stairs, Miss A. P.,** (Halifax, N. S.)  
**Starr, C. C.,** (Halifax, N. S.)  
**Steele, Rev. D. A., D. D.,** (Amherst, N. S.)  
**Sterling, Dr. J. W.,** (Montreal, P. Q.)  
**St. Louis Mercantile Lib. Assn.,** (Sr. Louis, Mo.)  
**Studd, W. H.,** (Halifax, N. S.)  
**Stewart, John, M. D.,** (Halifax, N. S.)  
**Shaw, Dr. S. E.,** (Biggar, Sask.)  
**Sedgewick, Major F. R.,** (Granville Ferry, N. S.)  
**Sinclair, John H.,** (Ottawa.)  
**Shatford, Canon A. P.,** (Montreal.)  
**Sedgewick, Rev T., D. D.,** (Tatamagouche, N. S.)  
**Smith, Dr. F. P.,** (Mill Village, N. S.)  
**Stanfield, W. G.,** (Truro, N. S.)  
**Tanner, Senator, C. E.,** (Pictou, N. S.)  
**Thompson, Very Rev. A., D. D.,** (Glace Bay, N. S.)

<b>Townshend, Sir Chas.</b> , (Wolfville, N. S.)	<b>Whitman, A. Hanfield</b> , (Halifax, N. S.)
<b>Trefry, Jas. H.</b> , (Halifax, N. S.)	<b>Whitman, C. H.</b> , (Cnaso, N. S.)
<b>Thomson, Arthur M. B., C. M.</b> , (Stratford-on-Avon, Eng.)	<b>Whitman, E. C.</b> , (Canso, N. S.)
<b>Tory, President H. M., LL.D.</b> , (Edmonton, Alta.)	<b>Whitman, F. C.</b> , (Annapolis Royal, N. S.)
<b>Tory, James C., M. P. P.</b> , (Montreal)	<b>Wilson, J. T.</b> , (Halifax, N. S.)
<b>Tupper, Sir C. H., K. C.</b> , (Vancouver, B. C.)	<b>Willis, Rev. J. J.</b> , (Westmount, P. Q.)
<b>Vickery, Edgar J.</b> , (Yarmouth, N. S.)	<b>Wood, Geo. M.</b> , (Halifax, N. S.)
<b>Vidito, Lt. Col. I. W.</b> , (Halifax, N. S.)	<b>Woodbury, Dr. F.</b> , (Halifax, N. S.)
<b>Walker, Smith L., M.D.</b> , (Camp Hill City)	<b>Woodbury, Dr. Ralph H.</b> , (Halifax, N. S.)
<b>Wallace, O. C. S., Rev.</b> , (Westmount, P.Q.)	<b>Wilcox, Rev. Noel</b> , (Dartmouth, N. S.)
<b>Warman, Charles</b> , (Liverpool, N. S.)	<b>Whinyard, L. S.</b> , (Halifax, N. S.)
<b>Webster, Dr. David</b> , (New York, U. S. A.)	<b>Yorston, Fred.</b> , (Montreal, P. Q.)
<b>Whidden, C. Edgar</b> , (Antigonish, N. S.)	<b>Yeoman, Rev. A. R.</b> , (Halifax, N. S.)
	<b>Yeoman, R. F.</b> , (Halifax, N. S.)
	<b>Zwicker, Edward J.</b> , (Cape North, C. B.)
	<b>Zwicker, Rupert G.</b> , (Cape North, C. B.)

### Life Members.

<b>Curry, Hon. Nath.</b> , (Amherst, N. S.)	<b>Whitman, Wm.</b> , (Boston, Mass.)
<b>Ellis, Hon. J. V.</b> , (St. John, N. B.)	

### Corresponding Members.

<b>Adams, Chas. Francis</b> , (Boston)	<b>Ganong, Prof. W. F.</b> , (Northampton, Mass.)
<b>Doughty, Arthur G., LL.D., C. M. G.</b> , (Ottawa, Ont.)	<b>Goldsmid, Edmund, F. R. S.</b> , (Edinburgh)
<b>Bryce, Rev. Geo., D. D.</b> , (Winnipeg)	<b>Prowse, Judge D. W.</b> , (St. Johns, Nfld.)
<b>Eaton, Rev. Arthur Wentworth, D. C. L.</b> , (Boston, Mass.)	<b>Ward, Robert</b> , (Bermuda)
	<b>Wrong, Prof. Geo. M. A.</b> , (Toronto)
	<b>Greenwood, Chas.</b> , (London, Eng.)

### Honorary Members.

<b>Eaton, Rev. Arthur Wentworth Hamilton, D. C. L.</b> , (Boston)	<b>Raymond, Ven. Archdeacon</b> , (St. John, N. B.)
<b>Doyle, Sir Conan</b> , (London)	<b>Roberts, Chas. G. D.</b> , (London)

## PRESIDENTS

THE NOVA SCOTIA HISTORICAL SOCIETY,

1878-1921.

---

Mr. Justice John W. Ritchie.....	1878-1879
Rev. George W. Hill, D. D.....	1880-1881
Thomas B. Akins, D. C. L.....	1882-1883
Rev. George W. Hill, D. D.....	1883-1885
Lt.-Gov. Sir A. G. Archibald.....	1886-1892
Lt.-Gov. M. H. Richey.....	1893-1895
Mr. Justice Weatherbe.....	1896-1897
Mr. Justice Longley.....	1897-1904
Rev. John Forrest, D. D.....	1905-1906
Prof. Archibald MacMechan, M. A., Ph.D.....	1907-1909
James S. MacDonald.....	1910-1911
Ven. Archdeacon W. J. Armitage, M. A., Ph.D.....	1911-1917
David Allison, LL.D.....	1917-1918
J. Plimsoll Edwards.....	1918-1921



VICE-PRESIDENTS.

xvii

1911.

Mr. Justice Longley.

A. H. Buckley.

Lt.-Col. F. H. Oxley.

1912.

Dr. David Allison.

A. H. Buckley.

John Y. Payzant, M. A.

1913-1915.

Dr. David Allison.

J. A. Chisholm, K. C. Major J. Plimsoll Edwards.

1915.

Dr. David Allison.

J. A. Chisholm, K. C.

Judge Savary.

1916.

Dr. David Allison.

Mr. Justice Chisholm.

Judge Savary.

1917.

Mr. Justice Russell.

Mr. Justice Chisholm.

Judge Savary.

1918.

Mr. Justice Russell.

Mr. Justice Chisholm.

Judge Patterson.

1919.

Mr. Justice Chisholm.

Mr. Justice Russell.

Dr. J. J. Hunt.

1920.

Dr. J. J. Hunt.

Major J. W. Logan.

Mr. Justice Longley.

## COUNCIL, 1878-1920.

1878.	1888.	1898.
Dr. W. Almon. Jas. S. MacDonald. Rev. T. J. Daly. Geo. E. Morton.	Peter Lynch. Thos. Bayne. Dr. Pollok. Peter Ross.	Rev. Dr. Forrest. Rev. T. W. Smith. Prof. A. MacMechan. Rev. Dr. Saunders.
1879.	1889.	1899.
Dr. W. J. Almon. Rev. T. J. Daly. Geo. E. Morton. W. D. Harrington.	Hon. Dr. Almon. Thos. Bayne. Rev. T. W. Smith. Peter Lynch.	Rev. Dr. Forrest. Rev. T. W. Smith. Rev. Dr. Saunders. Prof. A. MacMechan.
1880.	1890.	1900.
Dr. W. J. Almon. J. J. Stewart. G. E. Morton. Wm. Compton.	Hon. Senator Almon. Peter Lynch. Dr. A. H. MacKay. Rev. T. W. Smith.	Rev. Dr. Forrest. Rev. T. W. Smith. Rev. Dr. Saunders. Prof. A. MacMechan.
1881.	1891.	1901.
Dr. W. J. Almon. G. E. Morton. J. J. Stewart. Joseph Austin.	Hon. Dr. Almon. Dr. A. H. MacKay. J. J. Stewart. Rev. T. W. Smith.	J. J. Stewart. Rev. Dr. Saunders. Rev. T. W. Smith. Prof. A. MacMechan.
1882.	1892.	1902.
Hon. Senator Almon. Dr. J. R. DeWolf. James S. Macdonald. Peter Ross.	Hon. Dr. Almon. J. J. Stewart. Dr. Pollok. Rev. T. W. Smith.	Rev. T. W. Smith. J. J. Stewart. Prof. A. MacMechan. Rev. Dr. Saunders.
1883.	1893.	1903.
Hon. Senator Power. Peter Lynch. R. J. Wilson. Peter Ross.	Hon. Dr. Almon. J. J. Stewart. Dr. A. H. MacKay. Rev. T. W. Smith.	Archibald Frame. Prof. A. MacMechan. J. J. Stewart. Rev. Dr. Saunders.
1884.	1894.	1904.
Hon. Senator Power. W. D. Harrington. Dr. D. Allison. F. B. Crofton.	Mr. Justice Townshend. J. J. Stewart. Dr. A. H. MacKay. Rev. T. W. Smith.	Rev. Dr. Saunders. Prof. A. MacMechan. Arch. Frame. J. J. Stewart.
1885.	1895.	1905.
R. J. Wilson. Dr. D. Allison. F. B. Crofton. W. D. Harrington.	Mr. Justice Townshend. J. J. Stewart. Dr. A. H. MacKay. Rev. T. W. Smith.	Rev. Dr. Saunders. Dr. A. MacMechan. J. J. Stewart. Archibald Frame.
1886.	1898.	1906.
Sir Adams Archibald. T. B. Akins. Dr. David Allison. Rev. Dr. Forrest.	J. J. Stewart. Mr. Justice Townshend. Rev. T. W. Smith. Prof. A. MacMechan.	Dr. A. MacMechan. J. J. Stewart. Archibald Frame. Harry Piers.
1887.	1897.	1907.
Mr. Justice Weatherbe. Dr. D. Allison. Peter Lynch. Rev. Dr. Pollok.	J. J. Stewart. Mr. Justice Townshend. Prof. A. MacMechan. Rev. T. W. Smith.	J. J. Stewart. J. P. Edwards. A. H. Buckley. Archibald Frame.

COUNCIL.

xix

1908.

James S. Macdonald.  
A. H. Buckley.  
Archibald Frame.  
G. W. T. Irving.

1909.

Archibald Frame.  
A. H. Buckley.  
G. W. T. Irving.  
J. H. Trefry.

1910.

G. E. E. Nichols.  
A. H. Buckley.  
Dr. A. MacMechan.  
G. W. T. Irving.

1917.

Major J. P. Edwards.  
Dr. A. H. MacKay.  
George W. T. Irving.  
George Mullane.

1911.

G. E. E. Nicholls.  
J. H. Trefry.  
Jas. S. Macdonald.  
Dr. John Forrest.

1912.

G. E. E. Nicholls.  
G. W. T. Irving.  
Dr. M. A. B. Smith.  
W. C. Milner.

1913.

A. H. Buckley.  
G. W. T. Irving.  
W. C. Milner.  
Mr. Justice Russell.

1918.

Mr. Justice Longley.  
Stewart Jenks, K. C.  
Ven. Archdeacon Armitage.  
W. C. Milner.

1920.

Geo. Mullane.  
Dr. A. H. MacKay.  
Ven. Archdeacon Armitage.  
Dr. M. A. B. Smith.

1914.

A. H. MacKay, LL.D.  
G. W. T. Irving.  
W. C. Milner.  
George Mullane.

1915.

Dr. A. H. MacKay.  
George W. T. Irving.  
George Mullane.  
Rev. Dr. Forrest.

1916.

Dr. A. H. Buckley.  
George W. T. Irving.  
George Mullane.  
Rev. Dr. Forrest.

1919.

Mr. Justice Longley.  
Ven. Archdeacon Armitage.  
George Mullane.  
Dr. M. A. B. Smith.



# REPORT OF THE NOVA SCOTIA HISTORICAL SOCIETY.

For Years 1917-18-19-20.

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The last printed Report of the Society's work appeared in Volume XIX of our "Collections", and closed with the retirement from the President's chair in April 1917 of the Venerable Archdeacon Armitage, who had filled that office for several years with exceptional ability and success. At that meeting Dr. David Allison, the eminent historian and educationalist, was elected to the vacancy.

The Society next met on the 2nd November, and on that occasion a valuable paper entitled, "An Historical Sketch of Tatamagouche" was read by Mr. F. H. Patterson, of the 246th Battalion, Highland Brigade, and a nephew of the late Dr. George Patterson, one of the most noted of Nova Scotia's writers on local history.

The great explosion and disaster of December 6th 1917 naturally interrupted the orderly sequence of the Society's meetings, one of which had been summoned for the very evening of that fateful day. It was not until 8th March of the following year, that they were resumed. Two interesting papers were then read, one entitled "Sir Danvers Osborne, Bart., and his Services in connection with the Founding of Halifax," the other being "The French in King's County and their Works." by Mr. R. W. Starr of Starr's Point, Nova Scotia.

The next meeting—held April seventh, was the Annual one and devoted to business. No papers was read. Major

J. P. Edwards was elected President, and the other officers of the Society were duly filled, namely:—

<i>Vice-Presidents</i> .....	{ Hon. Mr. Justice Russell Hon. Mr. Justice Chisholm Judge Geo. Patterson
<i>Recording Secretary</i> .....	Harry Piers
<i>Corresponding Secretary</i> .....	J. H. Trefry
<i>Treasurer</i> .....	G. E. E. Nichols
<i>Council</i> .....	{ Hon. Mr. Justice Longley Stewart Jenks, K. C. Ven. Archdeacon Armitage W. C. Milner Dr. Allison Dr. A. H. MacKay
<i>Library Commission</i> .....	Harry Piers Dr. John Forrest.
<i>Auditor</i> .....	Colonel F. H. Oxley
<i>Delegate to Royal Soc. of Canada</i>	Hon. Mr. Justice Longley

On May 3rd, the last of the regular meetings of the season took place, and proved to be a very entertaining one. Two papers were read—one by Dr. Benjamin Rand on “The Relations between Harvard University and Canada,” the other compiled by the same gentleman, from the Egmont papers in the Record Office, London, giving a transcript of a Memorial by R. Sanderson (first speaker of the first House of Assembly in this Province) to the Lords Commissioners of Trade and Plantations, giving very interesting details of settlement and life in Halifax during the first few years of its existence. At this meeting the question of holding a summer session at some historic spot in the Province was fully discussed, and Annapolis Royal was decided on as the first object of our pilgrimage. A committee was thereupon named, and the result was a happy and successful one.

This summer session coincided with a special celebration which had been arranged for the first of July in connection

with the unveiling and formal presentation to the Town of Annapolis Royal of an imposing and ornate Sun-dial by Colonel R. C. Shannon of Brockport, New York, in memory of an ancestor of his, George Vaughan, who was present at the taking of the place from the French in 1710. This event duly took place and was spectacular and successful from all stand points. The President of this Society, accompanied by Mr. Justice Longley and other representatives, attended, and took part in the proceedings. Full details of the event have been given in a paper on the subject read before this Society on 6th December 1918 by Mr. L. M. Fortier, the organizer and general manager of the whole affair; this has been made public in the form of a well printed and illustrated pamphlet giving an account of the various incidents and speeches at this interesting memorial function. Its instructive value was greatly increased by the exhibition of a number of very rare early maps and plans of Port Royal (Annapolis) and its first fortification; these were sent direct by Dr. Doughty, Dominion Archivist, Ottawa, in the care of Mr. Placide Gaudet (one of the Dominion Archives staff), who, himself of Acadian stock, is a recognized authority on matters relating to the early history of that branch of our population.

A special meeting of the Society was held in the Masonic Hall at Annapolis Royal on the same evening, at which two excellent and instructive papers were read; one by Mr. W. C. Milner on "Annapolis Royal—an historical sketch" and the other by Mr. P. Gaudet on "The early Fortifications of Port Royal." Both were greatly appreciated, and hearty votes of thanks were passed to both essayists. An interesting discussion followed, and all present felt that research into local history had received a great impetus by the meeting.

On the following morning members of the Society were conducted by Judge Savary and other friends to the site of Champlain's first buildings or "Habitation" at Lower Granville. On returning to Annapolis, the nucleus of the Fort Anne Mus-

eum, then housed in the Royal Bank building, was examined and its treasures shown by Mr. Fortier. The party returned to their several homes in the afternoon,—thus closing an interesting and unique celebration.

The first meeting of the 1918-19 session was held on 15th November 1918. Two papers were read, viz: "An Examination of Dr. Arthur Wentworth Eaton's chapters on the History of Halifax," by Judge Savary; and, "The First Forty years of the Nova Scotia Historical Society," by Mr. Justice Longley. The first was a somewhat critical article on Dr. Eaton's work, as it appeared in the pages of "Americana." The second, a paper of exceptional interest, replete with anecdotes and reminiscences of the many noted men who were prominent in the work of the Society from its organization up to recent years.

At this meeting the resignations of Mr. W. C. Milner from the Council, and of Mr. J. H. Trefry from the office of Corresponding Secretary were read, and both retirements were accepted with regret. The vacancies were filled by the election of Dr. J. J. Hunt to the Council, and of Mr. Harry Piers as Corresponding Secretary.

The next meeting was on 6th December 1918. The death of the Rev. Dr. Allan Pollok, one of the oldest and most esteemed members of the Society was announced, and a Resolution expressive of our great regret at his loss was passed, and was spoken to by several prominent members of the Society.

Two papers were read, both of much interest. The first by Mr. L. M. Fortier of Annapolis Royal, giving a full account of the proceedings, at the unveiling of the sun-dial in that town on 1st July; the second by Mr. Benjamin Doane (formerly of Barrington) on "The Traditions of old Cape Sable."

At this meeting a resolution by Mr. Justice Chisholm was adopted appointing a committee to consider the matter of a celebration to be held at Annapolis Royal in 1921 in commem-

oration of the Bicentenary of the establishment there of the first Court of English Judicature.

The first session of 1919 was held on the 10th January. The paper of the evening was one by Mr. Justice Russell on "The Early History of Dartmouth," and was a valuable and attractive summary of the settlement and early days of that town. The death of Mr. A. J. Hill of New Westminster, B. C. was reported and a resolution of sympathy was adopted.

The February meeting was held on the 7th of that month and was well attended. In the unavoidable absence of the President, the Vice-President, Mr. Justice Chisholm presided. Two excellent papers were read, one by Rev. Edwin Crowell of Yarmouth on "Old Barrington Township," and the other by the Rev. Dr. Forrest on "Halifax Sixty Years Ago."

Next meeting was on 7th March. The essayist of the evening was Mr. George Mullane, who read a paper on "Old Taverns, Inns and Coffee Houses of Halifax," which was most interesting. An instructive discussion followed, and this phase of early Halifax history was brought vividly before those present. Attention was called by Dr. M. A. B. Smith to the delapidated condition of the grave-yard of the little Dutch Church on Brunswick Street, and a committee was appointed to investigate and report.

The Annual meeting was held on 4th April and there was a large attendance of members. The following officers were elected to serve for the ensuing year:—

<i>President</i> .....	J. Plimsoll Edwards
<i>1st Vice-President</i> .....	Hon. Mr. Justice Chisholm
<i>2nd Vice-President</i> .....	Hon. Mr. Justice Russell
<i>3rd Vice-President</i> .....	Dr. J. Hunt
<i>Recording Secretary</i> .....	W. L. Payzant
<i>Corresponding Secretary</i> .....	Harry Piers
<i>Treasurer</i> .....	G. E. E. Nicholls

*Council*—Hon. Mr. Justice Longley, Rev. Archdeacon Armitage  
George Mullane, Dr. M. A. B. Smith.

*Library Commission*—Sir Charles Townshend, Harry Piers,  
Hon. Mr. Justice Chisholm, Hon. Mr. Justice Russell.

*Auditor*—Colonel F. B. Oxley

*Delegates to Royal Society of Canada*—Hon. Mr. Justice Longley;  
Substitute, Dr. A. H. MacKay.

An excellent paper by Sir Charles Townshend on the late Chief Justice Hon. James McDonald was read, and was spoken to by a large number of members present; its merits were much appreciated. The President reported the death of Mr. John Reade, L. L. D., F. R. S. C., of Montreal, one of our most esteemed corresponding members. Mr. Reade's position in the literary world of Canada was a high one, and his loss was deeply deplored. His many kind and friendly references to matters of Nova Scotian history were brought before the meeting by those who voiced the sorrow of the Society at his passing. A vote of regret and sympathy was passed. The President gave a review of the past year's work of the Society, after which the Treasurer's statement for the same period was read and adopted. At the request of the Fortnightly Club delegates were appointed to confer with that organization and others regarding a new building in this city for library purposes.

The closing meeting of the Session was held on 2nd May. Two papers were brought before the meeting, both of much interest and excellence. One was by Mr. J. Blagden of Weymouth, Nova Scotia, entitled "Notes taken from an old Ledger at Arichat." The other was a compilation by Mr. Placide Gaudet (of the Archives Department, Ottawa,) being "Unpublished Letters etc. in connection with the French Acadians and their deportation—Oct. 1755—Jan. 1756." Reports of the meeting with the Fortnightly Club in re Library building, and of the committee on the state of the old Dutch Church and grave-yard, were submitted. A resolution of congratulation to the Historical Society at Annapolis Royal on its successful

organization was passed, and much pleasure was expressed by the President and others at the establishment of this the first of our branch societies, and the hope that the example of Annapolis Royal would be followed in other parts of the Province.

A special summer session of the Society was held at Bridgewater on Monday 30th June, 1919. Several members of the Society attended from Halifax, Annapolis and other points, and there was a large local gathering of friends and citizens interested in the Society's work. In the afternoon, members and their hospitable hosts were conveyed in motor cars down the beautiful LaHave River to the site of the old Fort, originally erected there by the French in 1632. This was a trip of great interest, and several good specimens of the old ruins were secured. Mr. P. Gaudet,—who had very kindly been sent down from Ottawa by Dr. Doughty, Chief Archivist, to aid in the success of the meeting,—read an interesting paper dealing with the Fort and its surroundings. Before leaving, refreshments were generously served by the people of LaHave, and photographs taken. The party then returned to Bridgewater, and in the evening a public meeting was held in the auditorium of the County Academy, the President of the Society being in the chair. There was a very large attendance, and great interest shown by all present. Two papers were read at this meeting, one by Mr. P. Gaudet on "LaHave the Cradle of some of the early families of Acadie." the other by the Rev. E. A. Harris of Mahone Bay on "LaHave." Both papers were of much interest and merit and were spoken to by several of those present. At the close of the meeting refreshments were served by the ladies. A hearty vote of thanks to our Bridgewater friends for their kind hospitality was passed, and was spoken to, amongst others, by our venerable colleague Judge Savary, who, in spite of age and infirmity, had come over from Annapolis Royal to be present at this function. This proved to be the last meeting of the Society in which he participated. The following

morning motor cars were again placed at the disposal of members of the Society, who were driven to various places of interest and beauty in the vicinity of the town. The Halifax members returned home in the afternoon.

The 1919-20 session of the Society opened with a meeting held on 7th November, 1919, at which there was a large attendance. The feature of the evening was an interesting paper by Rev. C. A. Munro, of Annapolis Royal on "John McPherson, Harp of Acadia," which was very favorably received, and evoked much valuable discussion.

The next meeting took place on 5th December at which several matters of interest came before the members. The paper of the evening was one by the President on "The Archives or Public Records of Nova Scotia", dealing with the history of that valuable collection since its inception in 1857. This paper was very favourably received and much comment and discussion followed. It was suggested that the recommendations made in the paper be brought to the attention of the local Government for action. Dr. Forrest spoke of the urgent need of a new building or home for the Society at which its meetings could be held, its books and manuscripts kept together and where members could informally meet and discuss matters of interest. A committee was appointed to make enquiries and see if any feasible plan could be brought before the Society. Rev. Dr. Armitage, on behalf of an unnamed donor, presented a MS volume of minutes of the quarterly meetings of the Hand in Hand Fire Company, Halifax, N. S., from 1802-1821; hearty thanks were extended to the giver. An interesting report on the condition of the little Dutch Church and its surroundings was submitted by Dr. M. A. B. Smith. He and his committee carefully investigated the conditions and reported that the sum of \$467.00 was estimated as being necessary to complete the repairs. It was mentioned that St. George's Church had spent large sums from time to time on repairs to the building in ques-

tion, three years ago expending \$300.00 on renewals to foundation, sills, flooring, and roof. It was also stated that

The almost effaced inscription on the Church recorded that it was built in 1755; according to Rural Dean Cunningham it should be 1756. The cock, which had fallen from the steeple, is in the possession of Mr. Cunningham and in good condition. Among the old tombstones there, is one, the inscription on which is gradually being defaced and becoming illegible, to the memory of Restella Jane Ratsay, Foster-sister to H. R. H. the Princess Royal of England, and Foster-aunt to Emperor Wilhelm of Germany; she died in 1844.

The January (1920) meeting was held on the 9th of that month, and the matter of the Provincial Archives which had been dealt with at length at previous meeting was again discussed, and the following resolution, moved by Mr. Justice Longley, seconded by Rev. Archdeacon Armitage, was adopted:

“That the Provincial Government be urged to make  
“these Archives better known and more accessible to  
“the students of our history; and in order to do this  
“to undertake the following (a) The retention of all  
“documents now in the Archives. (b) Increasing the  
“collection whenever possible either by gift or purchase.  
“(c) The issue by the Government with the least possible  
“delay of a complete catalogue. (d) The publication  
“in the annual Journals of the House of Assembly  
“of a full report on the condition and progress of the  
“Public Records of the Province.”

An interesting paper was read by Mr. D. S. Hart of Wolfville, entitled “Notes on the Early History and Traditions of the Margaree River and other points on the Western Coast of Cape Breton.” This was much appreciated and an instructive discussion following. It was resolved that the dues of members who had served Overseas be remitted for the time

of such service. A letter from the Historic Sites Committee of Ottawa was read asking us to cooperate by sending lists of sites in this Province which should be marked; a committee was thereupon appointed to prepare and furnish this information. Mr. W. C. Milner, Provincial agent of the Dominion Archives wrote stating that his office in Halifax and all documents therein were always open and available for students desiring information. It was decided to send certain copies of the "Collections" of this Society to the libraries of the high schools and county academies of the Province.

At the February meeting, held on the 6th of that month, a paper of exceptional merit and importance, by Dr. H. D. Brunt, M. A., of Macdonald College, P. Q., (formerly of Halifax), entitled "Education in Nova Scotia, 1758-1867," was read, and much appreciated. It was followed by a very interesting discussion. The next meeting was held on the 19th March and some interesting matters were discussed. Reports on the Provincial Records, and on the distribution of our "Collections" to the schools were submitted; it was also announced that progress was being made with the old Dutch Church renovation. It was also resolved that in view of the historical importance of Nova Scotia, the Dominion Government "Historic Sites Commission" be requested to add to their number the President of this Society, Mr. J. Plimsoll Edwards, and the Secretary was instructed to write them to that effect. A paper written by the late Mr. H. S. Poole, C. E., on "One of the oldest Railroads in Canada," and referring to the line put down between Pictou Landing and New Glasgow in 1837-8, was submitted and discussed.

The Annual meeting was held on the 16th April, 1920, and the usual reports of the President and Treasurer for the past year were submitted. The President officially reported the death of Judge A. W. Savary of Annapolis Royal, and a special resolution embodying the sorrow of the Society at his demise was passed. It was felt that we had lost one of the great men

of the Society, and the resolution dealt fully with his work and merits as an historian. Hearty congratulations of this Society were tendered to the Historical Society of Annapolis Royal on the splendid work which they had accomplished during recent months. The thanks of the Society were also tendered to the local Government for their kindness in giving us the use of the House of Assembly and Legislative Council Chambers for our meetings. The matter of a special summer Session to be held outside of Halifax was left to the Council for attention. The election of officers for the ensuing year was then proceeded with and resulted as follows:—

*President*.....Major J. Plimsoll Edwards  
*1st. Vice-President*.....Dr. J. J. Hunt  
*2nd Vice-President*.....Major J. W. Logan  
*3rd Vice-President*.....Hon. Mr. Justice Longley  
*Recording Secretary*.....W. L. Payzant  
*Corresponding Secretary*.....Harry Piers  
*Treasurer*.....G. E. E. Nicholls

*Council*—George Mullane, Dr. A. H. MacKay, Ven. Archdeacon Armitage, Dr. M. A. B. Smith

*Auditor*—Colonel F. B. Oxley

*Library Commissioners*—Dr. A. H. MacKay, Harry Piers, Dr. John Forrest, John J. Power.

*Delegates to Royal Society of Canada*—Mr. Justice Longley

*Librarian*—Miss Donahoe

Before the meeting adjourned a very hearty vote of thanks was passed to Miss Donahoe for her unfailing courtesy and prompt attention to all matters pertaining to the Society.

The closing meeting of the Session was held on 7th May and a very interesting paper read by Mr. A. Martin Payne on "The Fenian Raid of 1866." A number of veterans of that period were present and the discussion which followed the paper was of an excellent nature. The President announced that

the Royal College of Arms had written warranting the correctness of the Coat of Arms of the Province as submitted by Mr. John Stewart of Glasgow, Scotland—a subject which had been brought prominently before the Society in a paper read at a previous meeting.

This year 1920 it was decided to hold the summer meeting at Windsor, Nova Scotia. Accordingly on 13th July a party of the Halifax members arrived at Windsor by the morning train and were met by local friends with motor cars, and all proceeded to the building known as Fort Edward, where a very interesting hour was spent in examining the site of the fortifications which once existed at that commanding spot, and otherwise discussing the early settlement in that vicinity. Thence the party was taken over to Falmouth to the residence of the late T. B. Akin, our pioneer Archivist and one of our most prominent historians; his library, and old haunts were visited and an interesting photograph taken. In the afternoon a visit was made to King's College where Venerable Archdeacon Vroom and his courteous colleagues showed the party many of the treasures in the University library and a most interesting time was spent in this manner. In the evening the regular meeting took place in the Parish hall and was well attended. Three papers were read, namely:—

“Sketches of Early History of Hants County,” by H. P. Scott.

“Windsor in the Days of Judge Haliburton,” by J. W. Blanchard.

“Notes on Antonio Gallenga (Luigi Marriotti),” by Ven. Archdeacon Vroom, D. D.

All of which were much appreciated; a large number of local friends gave in their names for membership and a feeling of renewed interest in local history was very apparent. The party returned to Halifax early on the following morning.

The first of the 1920-21 series of meetings was held on 12th November, and there was a large attendance. The deaths of several members were announced, including Rev. Dr. John Forrest, R. H. Brown, H. W. Barnes and Dr. H. B. Murray; the usual resolutions of regret and sympathy were passed. Special attention drawn to the great loss that the Society had experienced in the passing of the late Dr. Forrest; to his invaluable work for the Society and his interest in its doings and welfare. The President announced the following presentations to the Society:—

Portrait of the late Matthias Hoffman, M. D., by John Hofner. Presented by Mrs. Creed, daughter of the subject of the painting.

Portraits of Malachi Salter and his wife, given under the will of the late James D. Ritchie.

Book "English Insects" by Harris; presented by Mrs. E. Clayton.

Book "The Keating and Forbes Families," by C. A. Keating.

A long run of the University Magazine, by W. E. Marshall.

A number of old drawings and sketches, by Miss Gilpin.

It was announced that the Government had kindly agreed to publish among the Journals of the House, as an appendix, the President's paper on the Archives or Public Records of Nova Scotia, which, as already stated, had been read at a previous meeting of the Society. Dr. Smith brought before us the state of Prince's Lodge on Bedford Basin, stating that it was in a bad state of repair and might be sold. The matter was referred to the Historic Sites Commission for attention.

The paper for the evening was one by Mr. W. C. Milner of the Dominion Archives staff, entitled "On the Work of the Dominion Archives". This was read by the President in the writer's absence and was of an interesting and instructive character.

This closes our record for 1920, and our Report for the years under review. I may summarize our work by the publication of my remarks on retiring from office as President.

In vacating the Presidential chair after my three years tour of duty, I do so with a feeling of regret that I have been unable in that time to witness any marked growth in the membership or strength of the Society, or evidence of very much increase of tangible interest in the early history of this and the adjoining Provinces. While many new names have been added to our roll since April 1918, an equal if not a greater number have been erased by resignation, death, or the hand of our Treasurer for continued neglect in answering his gentle reminder of a long unpaid subscription. As well as we can judge, the names now on our lists represent honest and consistent adherents of the Society.

Death has claimed several of our most faithful members. Outstanding among these is the name of the late Judge A. W. Savary, who, though living at a considerable distance from the city, and who had attained an age which alone would form an ample excuse for non-attendance, never missed an opportunity of being present at our meetings when at all possible, regardless of expense and physical discomfort. He was a keen critic, and spared neither friend nor foe in his remarks, which were the result of honest conviction; but his knowledge of men and affairs bearing on the past days of our Province was exceptionally great; and in freely imparting to us his recollections and the fruit of his studies, he added in no small degree to the pleasure and profit of our sessions.

Another great loss which we experience was in the passing of our esteemed co-worker, Dr. John Forrest. An ardent student in all branches of literature he excelled in that of history; and during his long membership in this Society displayed unremitting zeal in strengthening our interest in, and in increasing our knowledge of the early life of this Province. He was a

successful gatherer of early Nova Scotian almanacs, books and manuscripts, and our library has been greatly enriched by the kindness of his family in presenting to us practically the whole of his collection of this class of literary material.

Of our Corresponding members who passed away during the period now under review, the late Dr. John Reade of Montreal was perhaps the most prominent. As the literary editor of one of the greatest and best of Canada's newspapers—the Montreal Gazette—he did much to maintain at a high level the dignity and traditions of the literary life; and in his very frequent references to and notes on British North American history he gave special prominence to the early history of Nova Scotia. To me, as one who had enjoyed his intimate friendship in early days, his death was indeed a source of heart-felt sorrow. Peace to the memory of this and other deceased members. We must look to their successors to continue their efforts in stimulating interest in our nation's history.

Another distinguished name among those of our Corresponding members who have passed away is that of Dr. Martin Griffin associate Librarian of Parliament who died recently. He was a journalist of long experience and ripe judgment—an historian and critic, at once attractive and accurate. As a son of Nova Scotia and one who did her lasting credit, his loss was deeply regretted by us all.

Our work and aims towards deepening general interest in the history of the Province have not been as successful as we wish. The universities and schools of this city, and indeed of the Province in general, have shown but little sympathy in the Society's endeavors. We regret that there has been practically no attendance at our meetings on the part of the professors or students of Dalhousie University; and with few exceptions the same can be said of our schools and other institutions of learning. But in spite of such apathy where least expected, we can credit ourselves with substantial progress in other ways. The

formation and successful continuance of a branch Society at Annapolis Royal under the leadership of Mr. L. M. Fortier, one of the most energetic members on our roll, was a source of much pride to me and to the Council; and it may here be noted that the work done by the organization just mentioned, officially known as "The Historical Association of Annapolis Royal" has been most praiseworthy and has developed much local interest in history about the old Acadian capital. They are indeed setting us the pace in some respects. The organization of similar branch societies in New Glasgow, Sydney, Truro, Yarmouth, and other comparatively large Provincial centres is hoped for. Such local societies would do a vast amount of good in extending interest in our early history. In Ontario such exist in almost every county and have had remarkable results in developing zeal in the study of the past.

Three excellent and instructive summer sessions have been held by this Society at points distant from Halifax; that in 1918 at Annapolis Royal, in 1919 at Bridgewater and LaHave, and in 1920 at Windsor. At the first two of these the attendance was large and enthusiastic; and at the last a very fair audience greeted our speakers and the day's doings were most interesting and profitable. Much local interest was aroused at all three events and I think we can safely claim that the results have been distinctly beneficial to the increase of attention to the records of past days and events. The year 1921, will witness a unique and memorable celebration again at the ancient capital of New Scotland, in the commemoration of the bi-centenary of the establishment of the first Court of British Judicature in what is now the Dominion of Canada. A large and distinguished gathering of jurists and historians is expected, including the President and representatives of this ancient and honourable Society.

We can also chronicle renewed interest in our Provincial Archives, and the distinct and unmistakeable expression of the

desire of the great majority of our members to keep intact what the Province now possesses and to strongly oppose all attempts to part with any of our records. We indeed hope that the day is not far distant when active efforts will be made to increase our holding of this class of material, and not allow it to leave the Province. The local Government has very kindly assumed the cost of publishing a pamphlet giving details of the history and present condition of our Archives, and including same among the Appendices to the coming volume of the Journals of the House of Assembly, and has also authorized the Keeper of the Records to have a new and complete index prepared for publication. This is now being done by competent hands, and under Mr. Piers' personal supervision; and during the coming summer we hope to see the issue in printed form of this detailed guide or index to the collection of priceless documents and papers now in the possession of the Government.

In view therefore of the establishment of an energetic branch Society, the inauguration of summer sessions of our own organization held outside of Halifax, and of the publication of the two works dealing with our provincial records, I feel that on the whole good progress has been made, quite apart from our regular work in the reading and discussion of papers covering definite phases of our history.

Regarding the literature and publications of the last three years having special reference to the history of the Province, while these have been few in number, two of them at least are of outstanding merit and importance. I refer to Senator John S. McLennan's exhaustive monograph on Louisbourg, and Dr. Arthur Wentworth Eaton's splendid series of papers on the history of Halifax. Both of these works can fairly be classed as among the best volumes devoted to local history published anywhere during the period. Senator McLennan's book is complete in all details and illustrated with a valuable series of maps and plans obtained by him direct from the archives of Paris, London, and Ottawa; its information is

derived from the unquestioned and hitherto untouched sources of the same archives and at other places, and the accuracy of its statements are therefore beyond question. Dr. Eaton, the historian of Kings County, the biographer of Mather Byles and the author of other works of great merit, has, in his chapters on Halifax, given to the world the only complete, up-to-date, and, on all essential points, the most accurate history of this city, and to a limited extent of the Province. As yet it has only appeared in the pages of "Americana;" but it is hoped it will soon appear in completed book form, and it undoubtedly will then at once take its proper place in the first rank of works on Canadian civic history.

Both Senator McLennan and Dr. Eaton have the honour to be members of this Society, and we on our part are honoured by their inclusion in our ranks.

I have to voice our sincere thanks to the Provincial Government for their kindness and courtesy in granting us free of cost the use of either the Assembly or Council rooms for our regular meetings. Surely this Society has the most historic meeting ground in all Canada.

In conclusion let me thank both secretaries, Messrs. Payzant and Piers, for their unfailing assistance whenever their aid was requested in carrying on the Society's work; Mr. Justice Longley and other Vice-presidents and members of the Council also from time to time gave valuable help. The first named was indeed an unfailing support at all times. On the President, however, inevitably falls the great bulk of the work; and to my successor in office I bequeath my experience in this respect, a large collection of correspondence, and my very best wishes for his future success in continuing the duties necessary to hold the standard of the Nova Scotia Historical Society at the high level it has always maintained. Not only so, but I feel confident that under his guidance, it will steadily

increase its usefulness and become more and more the custodian and director of the study of the history of the early days of this Province.

**J. Plimsoll Edwards.**

**The Historical Association of Annapolis Royal** was organized in April 1919, the outcome of a suggestion from the President of this Society, concurred in and acted upon by Mr. L. M. Fortier, who, with the late Judge Savary, has for years kept the lamp of interest in historical study burning brightly in Acadia's former capital. Mr. Fortier has been President since the Association's birth, and his untiring energy led to uninterrupted success. A satisfactory membership has been enrolled, meetings have been regularly held, and a series of excellent papers dealing chiefly with local history have been read and discussed. A brief summary of the President's last annual report shows that papers were submitted on "The Museum of Fort Anne," "Colonel Desbarres," "Early Settlement of the Township of Wilmot," and "Inscriptions in the old Military Cemetery"; that special meetings were held regarding the lamented death of Judge Savary, and the programme for the coming Haliburton celebration; that Dr. J. B. M. Baxter of St. John lectured before the Association on "Maritime Reunion"; and that the visitor's Room at the Fort has been enriched by a suitably inscribed memorial of Judge Savary in the form of a book-case, filled with historical reference books of great value. It draws attention to the lamented death of Colonel Shannon, donor of the sun-dial in Fort Anne Park which was unveiled and presented on Dominion Day 1918; to the erection of tablets on places of special historic interest; and gives an interesting account of the visit of His Majesty the King (when Prince George) to Annapolis Royal in June 1884.

This Association and its President, Mr. Fortier have been active in making all needed preparations for the celebration to be held at Annapolis Royal on 31st August 1921, in commemor-

ation of the tercentenary of the granting of the Charter of New Scotland to Sir William Alexander, of the bicentenary of the establishment of the first court of English Judicature in what is now the Dominion of Canada,—and to the centenary of the arrival in Annapolis Royal of the famous Judge and humorist, Thomas Chandler Haliburton.

The Historical Association of Annapolis Royal has done praiseworthy work in two brief years, and gives proof of being a potent factor in the development of interest in historical study in western Nova Scotia.

J. P. E.

# HON. SIMON BRADSTREET ROBIE.

## A BIOGRAPHY.

By ISRAEL LONGWORTH.

(Read before the Society, May 1st, 1884).

The late Judge Robie entered public life in Nova Scotia towards the close of the last year in the 18th century. A short account of his career, taken from the records of the intervening period, and the lips of the most aged associates of his later years, many of whom have since died, may not prove altogether uninteresting to the members of this Society. While preparing this paper I was assured by an antiquarian friend, that,

“A memoir of Judge Robie would have little interest, except so far as it may hold up to public view the gentlemanly bearing and high character of those men who usually held office in the country and adorned the legal profession in former days, in sad contrast to the present state of things.”

But this was before the founding of the excellent law school in connection with Dalhousie College, which bids fair shortly to restore to the bar that class of advocates of which Judge Robie was the type. In its issue of 20th May 1856 the Morning Chronicle stated editorially, that

“Few of our citizens yet survive, who ever heard Simon  
“Bradstreet Robie, in his best days, make a speech. That he  
“could make good ones all his co-temporaries acknowledged.  
“Bold, yet exact—declamatory when the occasion warranted,  
“but chaste withal, with a strong fibre of sound law and common  
“sense running through his arguments. Mr. Robie was a suc-  
“cessful lawyer, and the acknowledged leader of the Lower House  
“for many years. He beat Ritchie in a contest for the speaker-  
“ship in the session of 1817, and Archibald, until Mr. Robie’s

“elevation to the Council left the course open, did not aspire to rivalship, but treated him with marked deference and respect.”

Today the editor of the same paper might ask, “Who can tell anything about this provincial statesman and lawyer—” For, strange to say, the latest historian of Nova Scotia gives no account whatever of the man, who, for eleven years was Solicitor General, for seven years speaker of the House of Assembly, for ten years Master of the Rolls, for twenty-four years member of the Executive and Legislative Council, and for eleven years president of both, after their reconstruction and division into two bodies; and whose honored name is so mingled with the public events of Nova Scotia, that it cannot but be handed down to posterity by documents in our Colonial Archives, when the memory of living men can no longer recall it.

Mr. Robie was born at Marble Head, Massachusetts, while that state was yet a colony, in the year 1770, and was son of Thomas Robie, who left Boston as a Loyalist early in the revolutionary war, and settled in Halifax, N. S., where he carried on business as a hardware merchant for several years. He was called after Simon Bradstreet, a distant relative, and native of Lincolnshire, England, brought up in the family of the Earl of Lincoln. Simon Bradstreet studied for a year at Cambridge, and soon after became steward to the Countess of Warwick, and married a daughter of Mr. Dudley, his former tutor. In March, 1630, he was chosen an assistant of the Colony about to be established at the Massachusetts Bay, and arrived at Salem, in the summer of the same year. He was at the first court, which was held at Charlestown August 23rd. He was afterwards Secretary and agent of Massachusetts, and Commissioner of the united colonies. He was sent with Mr. Norton, in 1662, to congratulate King Charles on his restoration, and as agent of the colony to promote its interests. From 1673 to 1679, he was Deputy Governor. In this year he succeeded Mr. Leverett as Governor, and remained in office

till May 1686, when the charter was dissolved, and Joseph Dudley commenced his administration as President of New England. In May, 1689, after the imprisonment of Andros, he was replaced in the office of Governor, which station he held till the arrival of Sir Wm. Phipps, in May 1692, with a charter which deprived the people of the right of electing their chief Magistrate. He died 1697 aged 94 years.

Simon Bradstreet Robie passed his boyhood days in Halifax, where, after acquiring the best education the city could then impart, he studied law in the office of his brother-in-law, Jonathan Sterns. This gentleman, like the older Robie, was among the most unflinching Loyalists, and was one of the eighteen country gentlemen who ventured to sign the address to General Gage. He was driven from his residence on Massachusetts before leaving the State. Born in Massachusetts, he graduated at the University of Harvard in the year 1770. Having removed with the British army to Nova Scotia, in 1776, he opened a law office in Halifax, which county returned him a member to the Assembly in 1793. He was appointed Solicitor General of the Province in 1794, and held these positions till his death, 23rd May, 1798. The late William Sterns of Liverpool, also a lawyer, and a former owner of Fort Belcher farm in Colchester County, was his son.

Little can be told about young Robie, as a student-at-law. The late Hon. H. H. Cogswell in conversing with an old friend about the accumulation of money by the old members of the profession, related an anecdote deserving a passing notice. Mr. Cogswell said that when he was a student in the office of the old Attorney General Richard John Uniacke, he, Robie, Norman Uniacke, the late Andrew Wallace (Mrs. Martin Wilkins' father) and a few other law students, were discussing their future prospects, and speculating how they would live if they possessed £20,000, a sum, in those days, considered an immense fortune, Robie, after others had stated their desires, said, "If I should ever acquire £20,000, I will retire from all

work, build a house in Truro, and live there on the interest of my money." Truro was ever a favorite locality with him. Cogswell on being asked his opinion (then only 17 years of age) replied, "I think I would do just as all of you would do, notwithstanding all you have said, that is to say, I should try to increase my £20,000 to £40,000." Cogswell died worth over £140,000, and Robie £60,000, but, unfortunately for Truro, built his house in Halifax. That he sedulously applied himself to a study of the legal profession in its various branches, and was careful to acquire a thorough knowledge of the routine duties in the office of his brother-in-law, and availed himself of every opportunity to watch the practice in the courts, cannot be doubted; and there is every reason to believe that the good use he made of his time during those early years contributed in no small degree to the great success that attended his long and useful career at the bar, in the Legislature, and on the bench of the Rolls Court.

On the eleventh day of October 1799, Governor Sir John Wentworth dissolved the seventh General Assembly of the Province. Writs were issued for a new election returnable the twenty-third day of December. Truro then had the honor of being the first constituency to return to Parliament Simon Bradstreet Robie, a rising Halifax barrister of twenty-nine summers, who afterwards held several of the highest offices in the land with great credit to himself and complete satisfaction to the country. Mr. Robie took his seat 28th February 1800, on the opening of the first session of the eighth General Assembly. Those were the halcyon days of the old Council of Twelve, who did business with closed doors, and with whom his Excellency was more in accord than with the majority in the Assembly. The Opposition was then led by that somewhat celebrated lawyer and orator. William Cottnam Tonge, whose speech at the bar of the House 3rd April, 1790, in defence of his father's (Colonel Tonge's) right to fees as naval officer, has been cited as the precursor of Nova Scotian eloquence. As

a member of the house, in his endeavours to effect changes in the modes of administering the public affairs of the Province, he made himself most obnoxious to the Governor, but became very popular with the people. In 1799, the county of Halifax returned him at the head of the poll by a very handsome majority, at which election he was also returned by the town of Newport. It was at this time that the popular feeling attributed to his eloquent efforts to break in upon stereotyped forms of government and old established usages in the colony made itself felt, by returning along with him for the county of Halifax (then including Pictou and Colchester) Edward Mortimer of Pictou and James Fulton of Londonderry, in place of Wallace, Stewart and Hartshorne, who, in the former house, were three of the Governor and Council's most faithful supporters. The animosity of Sir John Wentworth to that clever and popular leader increased to such a degree, that on his second election as Speaker by the house, Sir John refused to approve of their choice, and in so doing, exercised a branch of his Majesty's prerogative having only one instance and that at a remote period, in the history of Great Britain, and without precedent in Nova Scotia.

Some idea of the kind of stuff Mr. Robie was made of, and the calibre of the man, may be formed from the fact that upon his entering Parliament he acted under Mr. Tonge's lead, and advocated with much ability many of the measures that displeased Governor Wentworth, who took special delight in censuring whatever Tonge originated. Subsequently, events proved that Tonge, Robie, and their followers, not only held advanced views upon public affairs, but were actuated by loyal and patriotic motives in their endeavours to have the Province governed more in accordance with an enlightened public opinion and the growing spirit of the age, and that they did no more than enter the wedge, which, when driven home by others, years afterwards, opened the Council doors,

gave the people responsible government and many other wholesome reforms the country was not quite ready for in their day.

In the general election of 7th August 1806, Mr. Robie was returned one of the members for Halifax County, which he represented in the Assembly till April 2nd 1824, when he was appointed a member of the old Council of Twelve, which then exercised executive as well as legislative functions. Before that time, and after December 1808, when Tonge followed the fortunes of Sir George Prevost in the West Indies, where he became Secretary of Demarara, and resided to the close of his life, Mr. Robie, on account of his liberal views, well known legal ability, powers of eloquence and subtle reasoning, became the acknowledged leader of the popular branch of the Legislature. The House frequently put him on committees to prepare replies to the Governor's speeches, and in 1807 made him chairman of a committee to present an address and one hundred guineas, to buy a piece of plate or a sword for the Honorable Vice Admiral George Cranfield Berkeley, commander of the fleet. On the 8th of January 1808 he voted for Tonge's resolution against the Governor's message to increase the Treasurer's salary. In 1815 he was appointed Solicitor General, vice James Stewart, made Judge of the Supreme Court; in 1817, Speaker of the House, after a contest with Thomas Ritchie, upon Speaker Lewis Morris Wilkins' elevation to the bench of the Supreme Court, on the demise of Judge Foster Hutchinson. Mr. Robie was afterwards chosen Speaker, unanimously, 11th February 1819; also of the next General Assembly that met 12th November 1820, and continued first commoner till his appointment to the Council, and remained Solicitor General till his elevation to the bench of the Rolls Court. Why he was not made one of the pioneer King's counsel in Nova Scotia, 21st May 1817, when that honor was conferred upon William Henry Otis Haliburton, and Samuel George William Archibald, is one of the unexplained mysteries of Lord Dalhousie's administration.

On the 2nd of April 1820 Speaker Robie, at the head of the House presented an address to Lord Dalhousie, requesting his acceptance of their vote of £1000, for a "star and sword," which the Earl accepted, "as a magnificent testimonial of their regard," but ten days after the House rose recalled his acceptance in a letter to the Speaker.

On the 2nd April 1822 the University of Glasgow conferred the degree of Doctor of Civil Law upon Mr. Robie.

While in the House Mr. Robie took a correct view of every great question before the country, and proved himself the possessor of the soundest opinions, and a man of no ordinary ability. The resolution under which Lawrence Kavanagh, the first Roman Catholic member, was allowed to take his seat for Cape Breton, 3rd April, 1823, without taking the oaths against popery and transubstantiation, was suggested to the House by him while Speaker, and he supported it in an able argument. When we consider that it was five years later that Daniel O'Connell "the liberator of his country" was first elected a member of the "Commons House of Parliament for the County of Clare," and was not permitted to take his seat unless he took those ancient oaths, which he refused to do and did not gain admission to Parliament till a year afterwards, upon his re-election for Clare, after the "Bill of Emancipation" had been fought fiercely through both Houses by the Duke of Wellington and Sir Robert Peel, who saw that the hour had arrived in the history of Great Britain when either their prejudices or their power must be surrendered—we can form a very good idea of the grandeur of Mr. Robie's conduct, in dealing with the great question in our own Legislature. It was this circumstance that led Daniel O'Connell to make the acquaintance of Joseph Howe at a special gathering in England, crossing the floor of the room where they met, introducing himself, and giving Mr. Howe a hearty shake of the hand, at the same time expressing his great gratification in forming the acquaint-

ance of a public man from the British Colony that was first to settle the important question of "Catholic emancipation."

Although a strong adherent of the Church of England, and a warm friend of King's College, in 1818 Mr. Robie spoke in favor of aid to the trustees of Pictou Academy towards the erection of their building, in a clear and argumentative address, and took a sound view of the question at the commencement of a controversy that long continued to agitate the legislative body of Nova Scotia.

That Mr. Robie evinced a deep interest in the subject of agriculture is well known. While he did not attempt to deprive "Agricola" of his justly earned laurels by lecturing upon scientific agriculture in the rural districts, he did all in his power to turn to good account the general desire for greater improvement in this branch of industry, created by John Young's admirable "Letters"; and on the 15th December 1818 took an active part in the proceedings of the public meeting at Halifax that organized the "Provincial Agricultural Society," of which Lord Dalhousie was President, the unknown "Agricola" Secretary, (when he declared himself), and Mr. Robie, one of the committee of management and director for several years. With this knowledge of his agricultural proclivities it is not surprising to be informed that Mr. Robie was always taken with a good horse. On one occasion while attending the Truro circuit, which he went for nearly a quarter of a century, he was detained over Sabbath at Colonel Pearson's hotel (the well known Prince of Wales of modern days) and desiring to hear Parson Waddell preach, the Colonel brought out his best steed to drive him to church, then about three quarters of a mile distant, within the Truro cemetery enclosure. Before hearing the parson, Mr. Robie was so much pleased with the style and action of the horse, that he said to his owner, "Colonel, supposing this was Monday morning instead of Sunday, what would you take for that animal?" To which the Colonel replied,

“£25.” “Well then,” said Mr. Robie, “when Monday morning comes I will buy him,” which he accordingly did.

Another Truro incident has come down through the generation, and may here be given. The interest Mr. Robie ever took in that town impelled him on one occasion to do an act that associated his name with the place for many years in connection with a large elm tree that stood (until destroyed by the Saxby gale), near Elm street, at the bend of the road leading from the Court house to Lower Village. Early in the century, Mr. Robie being in Truro, and hearing that the owner of the elm was about cutting it down for firewood, went to him and asked its value for fuel. Ascertaining that £1 was the market price of the cordwood in the tree, Mr. Robie at once paid the amount, and requested that the tree be protected as his property, and it ever afterwards went by the name of “Robie’s tree,” and added one to the list of remarkable trees about which many noticeable things are recorded in sacred and profane history. It is matter of tradition that Mr. Robie’s twenty shillings, instead of being converted into firewood, was immediately invested in two gallons of rum, and as many of the inhabitants as could be collected were assembled to drink long life to Mr. Robie’s elm tree, and that Mr. Robie in replying for the tree, offered the company a most fabulous sum if they would transplant it, in all its dimensions and beauty, to his own grounds in Halifax. The elm while it stood, was a great ornament to Truro, being a tree of unusual size in height and circumference, and was greatly prized by the inhabitants on this account, as well as for the interesting circumstance connected with its history.

Now, that the tree has disappeared, the road where it stood, running west to the confines of the town, has been called Robie Street, leaving Elm Street, called after the tree, to remain as at present known, running from the Parade north to the site of Robie’s elm tree.

As an illustration of Mr. Robie's good judgment, or great common sense, for which all gave him much credit, it may be stated, that upon the Shubenacadie Canal project being first mooted in the House in 1824, he declared "It would cost from £200,000 to £300,000, and not produce revenue enough to keep it in repair," a prediction that has since been fulfilled to the satisfaction or regret of those who thought differently then, and who, against his strong protestations, invested thousands of pounds in an enterprise he asserted would be a failure. Mr. Robie also expressed a decided opinion about the financial merits of the Intercolonial Railway when the agitation for the road began, and assured his particular friends "that if the road was thoroughly built, and well supplied with rolling stock, and he were offered the whole line as a present, with £100,000 to run it, he would not accept the gift."

As a lawyer Mr. Robie stood in the front rank of the profession among such men as Richard John Uniacke, T. C. Haliburton, James Stewart, Thomas Ritchie, S. G. W. Archibald and Charles Rufus Fairbanks. While at the bar he was retained in almost every important suit that occupied the attention of the courts. In stature he was the smallest man, while Uniacke was the largest. The one was at times irascible, petulant, and sometimes peppery, but always contested his cases with a becoming respect for the court, and the profession; while the other was somewhat pompous and domineering in his deportment and could not brook the interruptions of opposing advocates. On one occasion Uniacke was warmly engaged addressing the jury in a case in which Robie was on the other side, and mis-stating the law or evidence, Robie rose to ask leave of the court to set him right when Uniacke turned towards him and said with great vehemence, "You small cur, if you do not sit down, I will put you in my pocket," to which Robie good naturedly retorted, "Then you big mastiff, if you do, you will have more law in your pocket than you ever had in your head." At another time a Baptist clergyman retained

Mr. Robie in a case of some importance, and was so well pleased with the manner in which he conducted it, that after the trial was over and the desired verdict obtained, the minister handed him five or six sovereigns for his services, and asked if he was satisfied. Mr. Robie, then absorbed in another suit, and hardly realizing the position, but waking up to a knowledge of the fact that a Baptist divine was showering gold upon him, replied, "Yes Mr. Dipper—thank you Mr. Dipper—I am much obliged Mr. Dipper," a mode of baptism many lawyers of the present day consider quite orthodox.

Several men who attained eminence at the bar studied law in Mr. Robie's office. Among others mention might be made of a native of Truro—Samuel George William Archibald—"long the observed of all observers" in Nova Scotia. He was no ordinary man in intellectual stature, proportions, and accomplishments. He was indeed a tall figure among his provincial contemporaries—how like 'Saul the son of Kish', who, when he stood up among the people, was higher than any of them from his shoulders and upwards. At the bar, on the bench, in the legislature, and in the executive administration, his talents were not only apparent, but luminous. Strong in reasoning powers, in wit, in eloquence, and at times in severe sarcasm and overpowering invective, he had no rival in the forensic arena, and no superior in senatorial conflict, except, perhaps, the late John Young. Another somewhat distinguished name can also be referred to—the late Sir Robert Hodgson Kt., late Chief Justice and late Governor of Prince Edward Island.

Mr. Robie's friendship with the late Hon. Charles R. Prescott, of Cornwallis, one of the excellent of the earth, as well as with the late Hon. Andrew Belcher, another of Nova Scotia's best sons, is a pleasing feature of his life. Their correspondence shows great esteem for him on the part of those excellent men. Like Saul and Jonathan "They were lovely and pleasant in their lives," and in view of these degenerate times we might pause, and with David ask,

“How are the mighty fallen?”

Upon the creation of the Rolls Court in 1824 Mr. Robie was honored with the position of Judge, under the name of Master of the Rolls, being the first appointment of the kind, so far as we can learn, made in a British Colony. Judge Robie usually held his court in the committee room of the council chamber. He was very affable and courteous to the members of the bar and demanded no ceremony. He sat at the head of the table without gown or bands, and the gentlemen of the bar addressed him from the sides of the table, without being in legal costume. He drafted his decrees very carefully. They are still extant, but never having been published the profession have had no opportunity of judging their value, or of ascertaining whether they involved questions of importance. One feature of his judicial career, however, still fresh in the memory of the oldest men at the bar, is worth mentioning. There was a suit in chancery known as King vs. Lawson et al. It was an action brought by the late Major King of Windsor against the trustees of his wife's fortune. It had been long protracted owing to the obstinancy with which it was contested, and King (insane on the subject of getting hold of his wife's money), undertook an appeal to the public through the press, and to pester Judge Robie to such an extent, that it was generally believed to have been one of the chief motives for his retirement from the Court of Chancery in 1834, though those best capable to decide considered that he did all in his power as Judge to protect King's interests, and there was no disposition on the part of the Government or the public to remove him from the post he had filled with such general acceptance for ten years. Three years afterwards Mr. Robie was appointed to preside over the deliberations of the Legislative Council, of which he had been a member since 1824. At this time he was getting into the sere and yellow leaf of life, had become a strong conservative in his political views, and did not enter into the public discussions with the same spirit he had manifested while in the

popular branch fighting the battles of the people—at times in opposition to the known wishes of the Governor of the day. Doubtless the position of President of the Council prevented him to a large extent from keeping his political armor burnished, and maintaining that hold upon the affections of the people which he enjoyed in the vigor of his manhood to a degree that rarely falls to the lot of old public servants—Gladstone being a notable exception. In 1848 Mr. Robie having attained the age of 78 years, resigned his seat in the Council, over which he had ably presided eleven years, and had been a member of for twenty-four, to enjoy the pleasures of private life the remainder of his days, a privilege he had honorably earned and which a kind Providence permitted him to pass happily for ten years. During a portion of the summers of those years, as he had done many years previously, he drove to Truro with his carriage and pair to visit the family of the late Duncan Black of Lower Village; and the people of that part of the Province then had frequent opportunities of seeing their old representative whose name is still a household word in Nova Scotia. Mr. Black's wife and Mrs. Robie were sisters—members of a Scotch family of the name of Creighton—and Mr. Robie thought very highly of Mr. Black's estimable qualities, and in several important respects proved himself a good friend to his family. But a time came in Mr. Robie's career, as it will in the history of all men, when the wheels of life stand still, and "man goeth to his long home, and the mourners go about the streets." This event can best be gathered from the well merited epitaph cut on the plain monumental freestone slab that marks the site of his grave in Camp Hill Cemetery, Halifax.

**"SACRED**

To the memory of  
**The Hon. Simon Bradstreet Robie,**  
who departed this life on the  
3rd day of January,  
A. D. 1858,

In the 88th year of his age—  
 Respected, beloved, and lamented by the  
 Community in which he had passed  
 a long and useful life.  
 He held the responsible offices of  
 Speaker of the House of Assembly—master of the Rolls  
 and  
 President of the Legislative Council  
 and faithfully performed the important  
 Duties which devolved upon him with  
 Dignity, Independence and Honor.

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He was a descendant of the  
 Venerable Simon Bradstreet,  
 The last Charter Governor of Massachusetts,  
 And has left a name worthy of his family.

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**Elizabeth Robie**  
 his wife.  
 died on the 3rd day of Jan. 1872,  
 aged 86 years."

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Should any persons consider that this sketch overestimates the greatness of the gifts, and the nobleness of the character of the distinguished British colonist whose good deeds it recounts, and whose fame it rehearses; to such let me express the regret, that I had neither the material at command, nor the ability to do greater justice to the memory of one of the men whose name was a "tower of strength" in the Province long before the days of steamboats and railroads, responsible government, free schools, and the union of the colonies into one great

confederation; or, even before the press was such a power in the land as it is today; and to whose well directed efforts through out a long and consistent public career the people of this enlightened age, are in no small measure indebted for many of the advantages they enjoy—vastly superior to what fell to the lot of their ancestors in bygone days. Rather let the good name which Simon Bradstreet Robie made for himself in the history of this Province, by his own endowments, superior talents, and upright manly deportment, he ever held in grateful remembrance by every Nova Scotian who rejoices in the prosperity of his country, and the greatness of her sons.

“The Roman gathered in a stately urn  
The dust he honor’d—while the sacred fire,  
Nourish’d by vestal hands, was made to burn  
From age to age. If fitly you’d aspire,  
Honor the dead; and let the sounding lyre  
Recount their virtues in your festal hours;  
Gather their ashes—higher still, and higher,  
Nourish the patriot flame that history dowers,  
And, o’er the old men’s graves, go strew your choicest flowers.”



## THE PRIVATEERS OF NOVA SCOTIA, 1756-1783.

By **GEORGE MULLANE**, of Halifax.

(Read before the N. S. Hist. Soc., 9 March, 1909).

The study of Nova Scotia's private ships of war had until quite recently received but scant notice from the historians of this province. The pioneers in this region of history found great difficulty in obtaining material to supply data for an intelligible record of the doings of the "Sea Hawks" of the eighteenth and nineteenth centuries. Through some mistake the early records of the Vice-Admiralty Court could not be found, and although they were catalogued, as being among the archives of the province, there whereabouts until this year could not be discovered. At last through the diligence of Mr. Harry Piers, the indefatigable Secretary of the N. S. Historical Society, the missing documents were brought to light. These records embrace the period of the Seven Years' War, American war of Independence and the war with the French Republic. When a privateer received its commission, the captain used his best endeavour to get the ship manned by placing an advertisement in the newspapers of the day, and by the disposal of alluring placards all over the town, promising heaps of prize money, free rations, etc., to all who would ship for the cruise. He also opened a rendezvous at a sailor's, tavern where free liquor and blarney, cajoled sailors into joining.

The privateer's man could claim exemption from the "press," and this also was held out as an inducement to sailors to join a letter of marque. Press-gangs in those days made havoc among the seafaring population. We learn of a neat trick resorted to by a master mariner to get rid of troublesome sailors

who appealed to the Vice-Admiralty Court to adjudicate in reference to wages due. The captain of the vessel to which the plaintiffs belonged, went on board of H. M. Ship "Dublin" in Halifax Harbour, and made a deal with those in authority to have the men in question impressed. In accordance with this arrangement, a boat from the "Dublin" rowed alongside and an officer with some of his men boarded the ship and called for the seamen by name and took them on board the "Dublin" to the living hell of the gun deck. When the case was called in court, the proctor for the men announced that a case of contempt of court had been committed, and asked that the men be produced in court to prosecute their claim.

### 1756-1763

The war which was to have such far-reaching consequences and was destined to decide the fate of the French possessions in North America, was publicly declared on August 9th, 1756, at Halifax.

#### *The "Musquito" and Dutch Ship Patience.*

Shortly after the public declaration of war, royal instructions were received in the colonies authorizing the issue of letters of marque and commissions to private ships of war to make reprisals against the enemy. In compliance with royal command to fit out privateers to distress and annoy the French, the merchants of Halifax fitted out several vessels for that purpose. The first prize brought into Halifax by the privateers, after the declaration of war, was captured by the schooner "Musquito," Matthew Pennell, master, Mark Staple, first Lieut., and John Crowley, second officer. The "Musquito" was owned by Joshua Mauger and John Hale. The capture was made in southern waters. The ship taken was the "Patience" of Amsterdam, Captain Blum, from the Dutch Island, St. Eustatia, laden with sugar, coffee, coca, and other articles. The captors with their fast-sailing schooner flying a French flag to deceive the chase soon overhauled the broad-bottomed Dutchman. Upon firing a few shots the "Patience" came-too

and a boat containing the captain, 1st and 2nd officers, surgeon, and number of men boarded the stranger. When they had taken the prize and as some of the boarding party were going aft they saw a bag flung from the ship which floated awhile and then sank from sight.

The crew of the privateer believed that the bag contained invoices and papers that would confirm their suspicion that the "Patience" carried French goods, which were lawful prize. The privateers-men not believing the people of the ship, and contrary to the instructions set forth in the commission that no act of cruelty shall be committed by those making captures, put a Spanish passenger and six of the crew to torture. The evidence taken in the Vice-Admiralty Court elicited the fact that Crowley, the second officer of the privateer, put thumb-screws on the private parts and hands of the men to make them discover whether the cargo was French or not. The people, thus cruelly treated, told the officers that a part of the cargo was put on board from a sloop and schooner in the Harbor St. Eustatie. Captain Blum of the ship "Patience," according to the evidence of the 2nd Lieut. Crowley, stated that the vessel and cargo were Dutch property. Christian Beke, an apprentice boy, stated that Crowley put a thumb-screw on his right hand to make him tell where they came from, and that the latter also stole his money, 75 guilders and 12 stivers, and his watch.

Mr. Brown, the surgeon of the privateer, stated that the 2nd officer asked a Spanish passenger where the vessel came from; and not considering the answer satisfactory, put a thumb-screw on his hand. The mate all this time was under punishment. Crowley then went to the mate, and took the vice off and placed it on the thumb of another seaman. While these acts of cruelty were being committed, a violin was brought from cabin of the "Musquito" and a man among the crew essaying a tune, Crowley took one of the men under torture and danced him up and down the deck. Upon this Brown went to Captain

Pennell, who was in his cabin, and told him that the 2nd Officer was torturing the crew. The Captain sent word to him to desist, but he did not seem to wish to enforce his commands. Then Brown went a second time and asked the Captain to put a stop to the cruelty. Captain Pennel then commanded the 2nd Officer to desist from torturing the Dutchmen.

Cornelius Lyons, the surgeon's mate of the privateer, testified that after the infliction of the punishment by the 2nd Officer, he dressed the wounds with a preparation of camphor and spirits of wine. Peterson, one of the men thus tortured, was at the time suffering from a fever and ague. He was the man who the second Officers drew about the deck while the fiddler was playing a sailor's horn-pipe. John Crowley, the second Officer, had he lived a century earlier, would have been a welcome acquisition to Teach and his gang in the raids upon the Spanish possessions in the West Indies and South America.

Crowley, in his defence, pleaded that he was utterly ignorant that what he had done was unlawful, and that he had never heard the instructions which were given to the captain of the "Mosquito". A portion of the cargo, consisting of 18 hogsheads of sugar and 18 quarterns of coffee, as declared by the Court of Vice-Admiralty to be the property of subjects of the French King, and was ordered to be sold in open market. The value of these goods were appraised at £195. The vessel and the rest of the cargo were proved to belong to the subjects of the United Provinces and were released. Matthew Pennell, and the second lieut. John Crowley were convicted of inflicting pain and damage on the persons of several members of the crew and sentenced to a stated sum to each man so injured which amounted in all to £30, and also to pay the costs of the Court in the suit brought against them by the sailors of the "Patience."

Private ships-of-war had to compete in their ventures for prize money against the ships of his Majesty's fleet, and these fleet-winged falcons of the deep were sometimes forestalled by the ships of heavier metal as the following relation will show.

The Brig "Ranger," Captain Cook, a private ship of war, claimed a share in a certain portion of the cargo of the ship "Bravo Contrabo," taken by H. M. ship "Richmond" on the 12th day of May, 1759.

Evidence taken at Louisbourg:

George Cook, commander of the Brig "Ranger" mounting 12 guns, and having a letter of marque; said that on the 3rd of May, being with his brig in Latt. 46.30 North and about 18 leagues east of Cape North in the Island of Cape Breton, he fell in with a large ship who seemed to direct her course for the Gulf of St. Lawrence; that he tacked and stood after her; that she altered her course and also stood for his brig, upon which thinking her a French frigate he avoided speaking with her; she then bore away as before; that on the 6th and 7th May he saw her again near what is named the Land of Ice in Latt. about 46.58 and about 10 Leagues east of Cape North. That on the 10th of May, 23 leagues east of Cape North, fell in with Admiral Durell and a fleet of H. M. ships.

That he informed a frigate belonging to his squadron of the aforesaid ship. That on 12th May, again saw the ship, being then in sight of Cape North, and gave her chase, and soon after saw the English frigates to leeward. The French ship made many attempts to get through the ice, but could not; that she then hoisted Spanish Biscay colors, and bore down on the frigate, who sent her to Halifax. Lawrence Field, mate and Thomas Elliot Gunner, both belonging to said Brig do also sacredly make oath and say what the master George Cook hath before deposed is in every particular true.

The "Ranger" had her rendezvous at Louisbourg after the fall of that fortress, and the evidence give above was taken on the 16th August, 1757, by William Butler who was appointed for that purpose by Brigader General Whitemore, Governor of Louisbourg.

The vessel captured proved to be "Bravo Contabo" a Spanish vessel owned by Juan Enneguer Gozans. The capture was made by H. M. Ship "Richmond", and Captain Mauger acted as prize agent for the Captain, officers and mariners of the ship.

*Devices resorted to evade seizure.*

Many were the devices resorted to by the captains of vessels with contraband of war on board to evade seizure. Such as, for instance, throwing the papers weighted with shot overboard, concealing them in the ship's hold amongst the cargo having false bills of lading and licenses, etc. The Spaniard put up a defence that he was bound to Cadiz, and that he was compelled by a Captain of a French frigate to change his voyage. The complainant believed that he was supplied with false and feigned Spanish papers, and the true object of the vessel in coming to this side of the Atlantic, was to reach Quebec to supply H. M. enemies with provisions and other nourishments contrary to the law of nations and in manifest violation of the treaties of peace between Great Britain and the Spanish nation.

Sylvanus Cobb, while in command of the sloop "York," on Oct. 10th, 1758, fell in with a schooner named the "Speedwell", at a place called Island Harbour, on the coast of N. S. The schooner was loaded with live stock and produce when Cobb seized her. She had just been deserted by eleven Frenchmen. By the papers found on board, he learned that the "Speedwell" was owned by Samuel Clerk of Conn. and that she was taken by the French while on a voyage from New London to Louisbourg. The prize was brought to Halifax, and condemned. The cattle were sold in open market.

The vessel was also put up for sale, one half the value of the "Speedwell" going to the captors. Cobb's brother Jabez, was first officer with him on this occasion. Henry Cobb was the first to come to Plymouth, Mass., as early as 1629. Fruit trees planted by him about 1660 still bore fruit in 1888. Ebenezer

Cobb, grandson of Henry, died at Kingston, Mass., in 1810 aged 107 years, and is said to have been the oldest man who has lived in Mass. Sylvanus Cobb, great grandson of Henry, was a captain of a company raised at Plymouth in 1745 for the expedition against Louisbourg. In 1758 while in command of a government sloop he was chosen to conduct Gen. Wolf, in a reconnaissance of the fortification of Louisbourg, and for his bravery and skill he received commendation from that general. He and his brother Jabez afterwards settled at Liverpool, N. S. In 1762, Sylvanus joined the expedition to Havana where he died. Jabez Cobb, a son of Jabez lived at Little River, Yarmouth, N. S., in 1838.

### 1776-1783.

When the records of 1776 open, the situation of affairs in America called forth all the vigor and strength of the British Government. The Americans in arms against the Crown were in great force, and the spirit which existed amongst them in their battles for Independence was unfortunately held in too little estimation. In the battle which ensued, therefore, it was not at all surprising that the British forces should have frequently sustained repluses, and only partial successes were gained where easy victories were anticipated.

An expedition against Sullivan's Island at the entrance of Charleston Harbor, under General Clinton, and Admiral Sir Peter Parker, having failed in attaining its object, the Admiral after refitting his ships, sailed from Charleston the 3rd August, 1776, and proceeded to Sandy Hook and New York. On the 14th they arrived there, and found the "Eagle," bearing the flag of Lord Howe, who had arrived out from England to take command of the fleet.

One of the earliest cases of condemnation by the Vice-Admiralty Court at Halifax, in the first stages of the conflict between England and her revolted colonies, was that of the ship "Bell and Mary" owned in Philadelphia, Mitchell, master. The "Bell and Mary" was on a voyage to France. She was

captured by the Frigate "Phoenix," one of Lord Howe's squadron, commanded by Hyde Parker, afterwards an admiral of some distinction in the naval engagements against Republican France. The "Phoenix" fell in with her prize on the 28th April off Cape Virginia, and put a prize crew aboard of her, and sent her into New York.

The "Bell and Mary" was loaded principally with tobacco. Among the ship's papers was a letter to Robert Morris, and a packet directed to Benjamin Franklin, then in France, as Agents of the Continental Congress. Another victim to the "Phoenix's" vigilance was the sloop "Kitty", Captain Salter, from Charleston. The "Phoenix's" tender chased the sloop three hours before she took her. She was brought into Halifax, and condemned.

*The case of the brig Betsy*

The case of the brig "Betsy," captured by the American privateer "Trumbell," in latitude  $42^{\circ}-26'$ , longitude  $50^{\circ}-30'$ , on a voyage from Barbadoes bound to Quebec, offers an example of how captured vessels sometimes changed hands swiftly, and that the harvest from the sea expected from privateer ventures sometimes proved to be of an illusive character.

On the 12th of July, 1777, the Brig. "Betsy," Warren, master, loaded with rum and sugar, was chased, fired at, and finally taken by a privateer sloop of 12 carriage guns, and 70 men, named the "Trumbell," Henry Billing, master, of New London. All of the seamen except two were taken out of the brig: six whites, a colored man, and the captain. A prize master, Caleb Trapp, and seven men were put on board from the privateer, and directed to take the brig to Boston. On board the captured vessel was Henry Trotman, gentleman, acting as supercargo, and part owner of the cargo. On the 21st of July, about 9 o'clock in the evening, Trotman, William Field and Henry Turdor two of the crew, left on board the "Betsy," surprised the watch on deck, and confined them and retook the vessel. They then called up the other watch, confined them

all except one man, and got the vessel about. While these occurrences were taking place on deck, the prize-master slept on all unconscious that he had lost his prize and that he and his crew were captives of his late prisoners. About 2 o'clock next morning, knowing nothing about the prize being retaken, Tapp attempted to come on deck but was prevented from doing so by the companion-way being shut. Mr. Trotman then had the men of the first watch unbound, and they were permitted to sleep in the boat. The remainder of the prize-crew were kept below, but were suffered to come on deck occasionally, and bounds were set and they were closely watched. One of the Americans agreed to assist in working ship, and the vessel was put under sail, and proceeded in the direction of Halifax. The "Betsy," after a very tempestuous voyage, arrived at Halifax, and was libelled for salvage by Henry Trotman, William Field, and Henry Tutor. Francis Sandford, seamen of the privateer "Trumbell" and one of the prize crew, probable the one engaged to help work the ship, testified before the Judge of the Vice-Admiralty Court that two seamen and two passengers retook the brig.

John Newton, Jonathan Binney, Samuel Cotman, and William Howard South, all prominent merchants of Halifax, were appointed by warrant of the Vice-Admiralty Court to examine the "Betsy" stores and tackle, and appraise the amount due the men who retook the brig. They reported they were justly entitled to an equity for risks and dangers they subjected themselves to in retaking the vessel.

The "Betsy" and cargo, by a decree of the Court, were ordered to be sold. The vessel was bought by Thomas Cochran (father of General Cochran, who served in the Peninsula and in the war of 1812-15) for the sum of £555 pounds. The cargo, a valuable one of spirits and sugar, realized a total of £4935. 12s. 3d.

*The duel between the Observer and Jack.*

On the 28 of May, 1782, a most obstinate engagement occurred between His Majesty's armed sloop "Observer," Captain Chymes, off Halifax Harbor, and the American private armed ship "Jack" of Salem. The "Jack" had quite an eventful record in the annals of the sea. She was formerly owned by the Province of Quebec. On the 16th of June, 1781, the "Charleston" frigate, sailed on a cruise and captured the rebel privateers "Flying Fish" and "Yankee Horn;" on the 19th of the same month while conveying transports in company with the "Vulture," and an armed Quebec ship, the "Jack," the "Charleston" discovered two French frigates near what is now named Sydney, Cape Breton. Captain Evans, having signalled the transports to make for port, most gallantly with his inferior force bore down on the enemy.

Sometime after the action began, Captain Evans was killed by a cannon shot. Mr. McKay, the next officer of the "Charleston," under the direction of Captain George of the "Vulture," continued the action with the greatest coolness and bravery. On board the "Vulture" was the 70th Regiment. Notwithstanding the French were superior in weight of metal, men and size of ships, they gave way to the obstinate defence of the English, and sheered off. The French however took the "Jack" and carried her to Boston. Captain Tonge, who commanded the "Jack" in the engagement, says in his log: I had John McKay killed, James Gormory who was at the helm, mortally wounded upon the quarter deck, and William Clarke wounded on the main deck.

The fight between the brigantine "Observer" and the private ship "Jack" of Salem, Mass. was a most notable one, and was continued for upwards of two hours until the privateer struck. The following account was told in a letter written by the first lieut., late Captain Grey.

Salem, June 12th, 1782.

On the 28th of May, cruising near Halifax, saw a brig standing in for the land, at 7 p. m. discovered her to have a copper bottom, 16 guns, and full of men, at half-past 9 o'clock she came alongside when a close action commenced.

It was our misfortune to have our Commander, Captain Ropes, mortally wounded at the first broadside. I was slightly wounded at the same time in the right hand, and head, but not so as to disable me from duty. The action was maintained on both sides close, severe and without intermission for upward of two hours in which we had seven killed, several wounded, and several abandoned their quarters. Our rigging was so destroyed that not having command of our yards, the "Jack" fell with her starboard bow foul of the brig's starboard quarter, when the enemy made an attempt to board us, but they were repulsed by a very small number compared with them. We were engaged in this position about a quarter of an hour, in which time I received a wound by a bayonet fixed on a musket which was hove with such force, as entering my thigh close to the bone, entered the carriage of a bow gun where I was fastened and it was out of my power to get clear until assisted by one of the prize-masters.

"We then fell round and came with broadside to each other when we resumed the action with powder and balls, but our match rope, excepting some which was unfit for use being all expended, and being to leeward, we bore away making a running fight. The brig being far superior to us in number of men was able to get soon repaired, and completely ready to renew the action, she constantly kept up a chasing fire, for we had not been out of reach of her musketry. She was close alongside of us again, with 50 picked men for boarding—I therefore called Mr. Glover and the rest together and found we had but ten men on deck. I had been repeatedly desired to strike, but I mentioned the suffering of the prison ship, and made use of every other argument in my power for continuing the engagement.

All the foreigners, however, deserted their quarters at every opportunity. At 2 o'clock P. M. I had inexpressable mortification to deliver up the ship.

I was told on enquiry that we were taken by the "Observer" a sloop of war belonging to the Navy, commanded by Captain Chymes. She was formerly the "Amsterdam" and owned in Boston, that was calculated for 16 guns, but then had but 12 guns.

Captain Ropes died at 4 p. m. on the day we were taken, after making his will with greatest calmness and composure.

Captain Evans of the "Charleston" is buried under St. Paul's Church, Halifax, where a tablet to his memory has been erected.

We again hear tidings of the "Jack". In the records of the Vice-Admiralty Court, we find a cause headed the Armed Brig "Observer" vs. the ship "Jack."- John Chymes, commander of the armed brigantine "Observer", deposed that on the 28th May, 1782, they fell in with the American privateer ship "Jack", commanded by David Ropes, from Salem, New England, which ship they engaged two hours, when they struck to the brig and they brought her into port. That she had 15 guns, six and nine pounders, and 58 men, 12 of whom were killed in the action, and 9 wounded. That the papers now produced were found on board of her, and that there were no other papers on board.

William Grey, the writer of the letter before mentioned) and first lieutenant of the privateer "Jack", stated that the "Jack" was fitted out and owned at Salem, and was bound on a cruise; that on the 28th of May being off Halifax, to the westward, they fell in with the Brig "Observer"; that after two hours the brig took the Jack" which was commanded by David Ropes.

Lucas Johnstone, midshipman on H. M. S. "Charleston", being sworn, stated that in the latter part of July last, on their

passage from Halifax to Spanish River (Sydney, C. B.) in company with the "Allegiance", "Vulture" and "Jack" and some transports, being off Spanish River, they observed two French frigates, the "Le Astra" and "Hermeonine" to leaward. Captain Evans who commanded the "Charleston", ordered the deponant on board the "Jack" with orders to Captain Tonge. That some time after they engaged, the "Jack" was obliged to strike to the French frigates, and the deponant and the whole crew were made prisoners and carried to Boston. That the "Jack" at that time carried 10 nine pound, and four six pound guns, and four swivels, with 67 men.

Richard Peter Tonge, late commander of the "Jack" deposeth "that he has seen the ship called the "Jack" and knows her to be the same ship taken by the "Le Astrea" and "Hermeonine" as above mentioned, and further that when he was on board the "Jack," he saw the log book wherein the "Jack" was mentioned as belonging to Quebec, and was called His Majestys armed ship "Jack". William Lloyd, a volunteer on board the "Jack" when she was captured by the French frigates, identified some of the guns as belonging to the "Jack."

*The brig Observer again*

We again learn something more concerning the activity of the armed brig "Observer", in search of prize money, when his Majesty's Attorney General on behalf at the King, and Captain Chymes, libel some small craft belonging to Halifax. James Covey, captain of the Schooner "Susannah", on oath deposeth as follows: On the 21st August, 1782, sailed from Lunenburg with cargo of boards and shingles. That next day saw a privateer about two leagues S. S. E. from Halifax lighthouse. That they chased the "Susannah" two hours, when they came up with her and took possession, and carried deponant on board the privateer, kept him there one half hour, and then returned him his vessel.\*

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\*Murdoch in his history of Nova Scotia, does not mention the capture of the "Jack".

After this they took out the privateers people left on board the "Susannah" and ordered the deponant to make sail and come alongside of privateer. That the Captain of the privateer told Covey to keep in shore and that if he saw the privateer make sail he might make the best of his way into any port he pleased. That the privateer did after that make sail, and deponant saw a brig standing for the privateer, and he, the deponant then steered into Prospect.

That next day, at night, Captain Chymes, of the armed brig "Observer" came into Prospect, and sent his people, and brought the "Susannah" under his stern, and there kept her until he came to Halifax, but put no prize crew on board, or master or any person on board the schooner. That two sloops were taken by the same Yankee privateer, at the same time. Covey's plea was that the privateer's people did not want his vessel, as she was old and leaky, and consequently she was not a prize, and that his vessel has been released, and the claimants were not entitled to one-eighth of the proceeds of the schooner, as salvage, for recapturing her from the enemy. Captain Chymes showed by the evidence of Covey's brother that he was off Ketch Harbor, when the witness, who had come in a boat from the "Susannah" before the privateers boarded her, came aboard the "Observer" and informed him of the American privateer's proximity; and in accordance with this information the "Observer" went in persuit of the enemy, who got away after a prolonged chase. The Court gave a decrees in favor of the captors.

*The Observer giving chase.*

In September, 1782, the "Observer" while cruising off the Nova Scotia coast, sighted the "Dolphin" and "Despatch", two rebel privateers, which she chased. The persued made for the false passage at the entrance of LaHave River, and put their vessels ashore, escaping with their papers to the woods. The prizes were got off by the "Observer's" boats and sent into

Liverpool, N. S. They were afterward condemned by the Vice-Admiralty Court at Halifax, the evidence having been taken by Simon Perkins Deputy Marshall of the Court, resident at Liverpool, N. S. It appears from a copy of a letter to George Thomas, naval storekeeper at Halifax, that the captain of the "Observer" had the illfortune to fall into the hands of the enemy. The letter was written at Boston where the prisoner was taken by a French frigate. He asks the storekeeper to advise him how he is to proceed in the matter of obtaining his back pay due him previous to his captivity' and it also stated that he was about to be exchanged and sent to New York then in possession of the British troops.

His Majesty's ship "Eurydice", while in company with another man-of-war conveying a number of transports to Quebec, fell in with a noted French privateer named the "La Bourganville" of St. Malo, out three days from that port. The privateer had run four years and had done immense mischief to British commerce. On a previous cruise she made no less than thirteen captures. She was eager to give information of the convoy, that they might go shares in the night. By this means the privateer was caught in a trap, which prevented the necessity of a long chase. The privateer's people found they had been deceived and after a few shots from the frigate which went through the privateer's foresail and damaged one of the masts, the Frenchmen struck and a prize crew was put on board, and the "La Bourganville" was sent into Halifax."

In the earlier part of the war of the rebellion, many vessels were taken by His Majesty's ships of war from the wharves in the harbors and rivers of the revolting colonies. In some instances the goods were taken out of the seized vessels and put aboard of larger prizes, and sent to Halifax for condemnation. The vessels thus seized were then destroyed by being set on fire.

The goods of the schooner "Esther", taken in the Georgia River, is an instance of this nature. The vessel was boarded

by a boat, crew of one of his Majesty's ships cruising in southern waters. The master and crew of the "Esther" had deserted the vessel on the approach of the man-of-war's boats. No papers were found on board when the man-of-war'smen took the schooner. The goods were all removed to the ship "Ritter-House", another prize, and sent to Halifax to be condemned.

*A fight between the Militia and a privateer.*

X  
In their greed for prize-money a case occurred on the south coast of Nova Scotia, where a privateer of Halifax and the militia of Lunenburg turned their arms against each other. This occurrence took place at the mouth of the LaHave River. The officer in command of the militia was shot dead, and two privateersmen were wounded. The captain and crew of the Halifax privateers, "John and Rachel" libelled the British brig "Sally" Captain Solomon Saltus. The "Sally" was on a voyage from St. Martin's with a cargo of wine and fruit for New York, then occupied by the British troops. On the 27th of March, 1780, she fell in with the American privateer, "General Stark," Captain James Pearson, mounting twenty guns, which chased the "Sally" five hours and took her. The privateer sent a boat and took out the crew and put some of her own men and a prize-master on board. Captain Saltus was allowed to remain on the "Sally." After this the privateer departed, ordering the prize-master to steer for Cape Ann. The captured vessel met with repeated head winds. The first land they made was Cape LaHave, which the prize-master mistook for Sequin Island on the New England coast. They ran into LaHave on the 13th April and anchored near Petite Riviere. Next morning seven men came in boats on board. They belonged to the militia. The prize-master told the militiamen that they were from New York, bound to Halifax. Captain Saltus, overhearing this conversation, and thinking it might be something in his favor, although sick in his bunk, got up to go on deck, but on his passage was met by the prize-master's mate, who threw his arms around him and endeavored to prevent him going on

deck. The captain told the mate that if he did not release him he would cry out murder. He was then let go.

When Captain Saltus got on deck he asked the militia how far they were from Halifax. They answered about twenty leagues, and told him that if he was bound there it was a good time to go. The captain then told them that he did not think the "Sally" was bound for Halifax, as he understood she was making her way to Cape Ann, but that he would be glad to go to Halifax. While this conversation was taking place between the captain and the militiamen, a seaman named Brown, belonging to the privateer "John and Rachel," was overhauling the ship's papers. The prize-master insisted that he was bound for Halifax. Captain Saltus then took the papers from Brown, and at the same time told him he was bound to New York, and that the "Brig Sally" had been taken by the rebel privateer, "General Stark."

Previous to the arrival of the militia from Lunenburg, the Sally had been boarded by William Cavanagh of Port Medway, and two brothers, James and John Parks. Shortly afterwards another boat put off to the vessel, manned by William Brown, Timothy Murphy, John Johnson, and Robert Porter. The boat was from the "John and Rachel," Captain Sheppard. On the arrival of the parties from the shore, the Americans inquired what place they were in and how far it was to Halifax. After informing them, the people from the shore inquired where the vessel was from and where bound. The prize-crew replied, "from New York bound to Halifax." Brown and Murphy then asked who their owners were. They got no answer to this question. The Americans then wanted to engage two men, and offered four shillings a day. James Parks then suggested to Brown to demand the papers. The prize-master then said she was not consigned to anybody in Halifax, and entered into a dispute with Captain Saltus as to the vessel being bound to Halifax. While the people from the shore were on board, the Americans made an attempt to get away, but the wind being

unfavorable they did not succeed. Before the arrival of the militiamen under Lieutenant McDonald from Lunenburg, Brown gave the papers to Cavanagh. The prize-crew had made a second attempt to get away, but the wind not serving, once more they had to return and anchor. After the return, thirty militiamen arrived and demanded the ship's papers, but before this Cavanagh had given the papers to the captain of the brig. Lieutenant McDonald and his men then took possession in the King's name (he said) and put one Koch to navigate the "Sally" to Lunenburg.

Upon this turn of affairs, Brown and Tim Murphy got into a boat and went on board the "John and Rachel," to which they belonged. About 9 or 10 o'clock at night a boat hove in sight. Lieutenant McDonald hailed the boat and asked who they were. The people in the boat answered, "The brig's boat." McDonald cried, "Stand off!"

Here commenced a genuine cutting-out affair between the privateer's boat's crew and the militia. The boat was in command of one Hendriken. (He afterwards commanded the privateer, "Sir Andrew Hammond). As the boat continued to come on, with the most of the men lying down, except three or four, Lieutenant McDonald ordered his men to fire. The privateer's boat then returned the fire, and McDonald was killed. Two of the crew of the "John and Rachel" who were in the boat, were wounded by the fire from the militia. The privateer's men then boarded and got possession of the "Sally," and William Brown was appointed prize-master.

Thomas Cornn, a seaman on board the "John and Rachel," stated on oath that he was in the boat with Peter Hendriken when they boarded the brigantine "Sally;" that when they came alongside and were only a few yards from the vessel the people on the brig fired upon them with small arms. Captain Walker and a carpenter on the boat were wounded. The "Sally" was brought to Halifax and libelled in the Vice-Admiralty Court

by John Sheppard, commander of the privateer, "John and Rachel."

Solomon Saltus, the captain of the "Sally," Thomas Cochran and Charles Hill acknowledged themselves severally indebted to John Sheppard, commander of the latter of marque, "John and Rachel" in the sum of £2000, appraised value of the brig and cargo.

Mr. Thompson, the claimant's proctor, produced a license from Admiral Arbuthnot and a certificate from Andrew Elliot, superintendent at New York. The vessel was delivered and restored to the master.

*An attack by a naval officer on a privateersman*

The eighteenth century naval officer was somewhat of a bully and something more. Tyranny and cruelty reigned supreme in the ships of the navy, and the gun-deck of many a man-of-war was little better than hell to the unfortunate victim of the pressgang. The quartermasters hurried the men up aloft by laying on what was called "the starter," an instrument of punishment little less merciful than the cat-o'-nine-tails. Some captains made it a practice to whip the last man down upon deck, regardless of the fact that the men on the farther end of the yard-arm could not possibly have the same chance to gain the deck as soon as those nearer to the mast. This barbarous custom often led to the death of some of the best seamen on board the ship. These men who were farthest out upon the yard would attempt to leap over their comrades in their efforts to regain the deck before the others, and in so doing often missed their footing, falling to the deck.

The privateersmen found scant respect from ~~either officers or men of the regular service~~. "No sailor", says Michael Scott "has the least compunction at even running down a privateer. Mercy to privateersmen is unknown—'Give them the stem!' the curs being regarded by Jack at the best as highwaymen."

An instance of a high-handed act perpetrated on a Halifax privateersman by the officers and men of a British frigate occurred in Halifax Harbor in 1781. The circumstances revealed the fact that the man-of-war's men were felons, and that the captain and officers were privy to the crime. The captain was libelled in the Vice-Admiralty Court for an assault on the person of a prize-master from the privateer called the "Lord Cornwallis," owned by Dr. Prince, a rich merchant who had removed from Salem and settled in Halifax on account of the troubles in the American Colonies. After considerable evidence had been taken, the matter was arranged, probably by persons in high authority, who brought the weight of their public influence to persuade the aggrieved party to drop the suit against the captain. The story of the assault is as follows:—

"The ship 'Robuste' was captured by the Halifax privateer, "Lord Cornwallis," commanded by Thomas Ross. The prize when taken was bound from Salem, Mass., to Havana with a cargo of tallow, fish, soap, and other commodities. She carried 14 guns, and was manned by a crew of twenty men.

David Black, seaman, being duly sworn, said that he had seen the ship "Robuste" since she came into the harbor; that he belonged to her when John Noble owned her; that he was gunner of her; that she was formerly a French snow, and the first prize brought into Bristol, G. B., this war; that she was coppered by Mr. Noble in his own dock.

"On the 1st December 1781, John Fleming, sailing master of the private ship-of-war, "Lord Cornwallis," came into Halifax with a prize ship, the "Robuste" taken by the "Cornwallis." After he had anchored, a boat from the "Bellasarius" frigate, Captain Richard Graves, came along-side. Lieutenant William Ridley asked for the prize-master. Fleming pulled off his cap and answered that he was the prize-master. Then Mr. Ridley asked what it was that he had in his hand. He answered, 'a hanger'. Ridley then demanded to know who ordered him

to wear a hanger. Fleming answered that need obliged him to wear a hanger. Upon this, Lieutenant Ridley ordered the men to tumble Fleming into the boat, which was done, and he was carried on board the "Bellasarius." That upon his reaching the quarter-deck of the frigate, the captain asked him who gave him his hanger. Fleming answered, "Doctor Prince." The captain then struck him in the face and stunned him, and he fell against the main-shrouds and held fast or he should have fallen on the quarter-deck, and at the same time he received several blows from other persons, but could not say from whom. The captain then called him a damned rascal and said he had a mind to run his sword through him for stopping a King's boat from coming on board. Fleming answered that he did not know that the whale-boats were King's boats; that when Captain Graves' boats came he did not stop them; that he was kept sometime on board the "Bellasarius" and was then released and sent back to the "Robuste." At the same time the captain remarked that if he ever did the like again he would serve him ten times worse. That the people on the "Bellasarius" took from him one spy-glass one pair of boots, one pair of pistols, two sea boots, charts and dividers, one water coat, two jack-coats, four pair of stockings, one pair of drawers, two hats, one cap, and some butter and rice.

"John Dunn, quarter-master of the Cornwallis, swore that he was between decks when the "Bellasarius" men boarded the prize, and that one of the man-of-war sailors came and said, 'Seize this old b———and put him in the boat,' and at the same time struck at Mr. Holmes with his sword, and put out the candle in his hand. After that the sailors took out of Dunn's hand Mr. Prince's cane and carried it away with them. They also broke open three chests, took out everything, and also took a rug and blanket and three sheets from him (Dunn), and then put him into a boat. They then handed out fish for about ten minutes. All was carried on board the frigate. That he (Dunn) and Fleming were ordered on the quarter-deck.

Captain Graves asked where the rascal of a prize-master was. Captain Fleming made answer, 'I am he, sir'. Captain Graves then said to him "You rascal! how dare you wear and draw a sword against the King's officers or stop the boat from boarding" and at the same time struck him and pushed him against the shrouds. Captain Fleming then told him he did not know the whale-boats were King's boats, otherwise he would not have stopped them. Captain Graves then asked Fleming what countryman he was; he answered, 'a North Brition.' On this, Captain Graves struck Fleming a second time, and two of the people of the frigate armed with cutlasses and pistols struck him and kicked him also. Graves then asked Dunn how many years he was going to sea. He replied, '25 years'. Graves then asked Fleming the same question. He replied 'Near on to twenty years.' He then asked Dunn what he was on the ship. He said he was cook. He then ordered Dunn into the boat, and told Fleming he would find a place in the waist for him. The boat got about two ships lengths when Graves ordered the boat back and Fleming was put into it. When they arrived at the prize they found the fore-scuttle broken open, which was nailed down when they left the prize."

William Sanders, cooper, corroborated the statement of the two witnesses.

Captain Richard Graves did not obey the summons to appear. The King's proctor moved that he be specially cited to attend and answer the charges exhibited against him. This was ordered to be done, and the court adjourned to 21st December to meet at the judge's house.

When court opened again, Captain Richard Graves did not appear, and the proctor moved that Richard Graves might be pronounced contumacious, which was ordered to be done and a warrant issued, and the marshall instructed to have defendant before the court at the judge's house.

On the 24th proclamation was made for the prosecutors and all others to appear. No one appearing, the judge ordered the complainant's libel to be dismissed and both parties jointly to pay costs.

*Jones Fawson a commander in two wars*

In 1777 Jones Fawson was commissioned by Lieutenant-Governor Arbuthnot to the command of the "Revenge" a schooner of seventy-five tons. She was armed with 10 carriage and 8 swivel guns, and was navigated by fifty men.

A clause of the commission recites: "I do therefore by virtue of the power and authority to me given and granted by His Majesty hereby appoint you, the said Jones Fawson, to be captain and commander of said armed schooner, Revenge."

Jones Fawson is described as gentleman and esquire in the commission.

He was probably a naval officer who had settled in Halifax. He afterwards commanded the sloop "Howe." Fawson appears to have been an able and energetic officer, and in the records of the Vice-Admiralty Court there are a number of prizes and recaptures to his credit. He built a house on the north side of the lumber yard, and the short street leading from Hollis to Water Streets, where his residence stood, is named after him. He was afterwards High Sheriff of the County of Halifax. One of his daughters married Crofton Uniacke, son of Attorney-General Uniacke. Jones Fawson died on the 19th February 1833, aged 82 years. A son was living in the early seventies, then a very old man. He resided on Pleasant Street near the foot of Kent.

In June 1778 the armed schooner "Howe," Jones Fawson, and the "Gage," commanded by William Callaghan took the sloop "Packet" and the schooner "Fox" and sent them into Halifax.

In August of the same year the sloop "Howe," being off Cape Sable, fell in with a brig called the "Davis," John Peward, master, and took her. David Ross, the first officer, went on board with a crew and found that she was in possession of the rebels, who were carrying her to Salem in New England. The brig was from London bound to Halifax and was loaded with provisions

Captain Peward deposed as follows:

"That he sailed from London on the 7th May, 1778, bound to Halifax. Being about 20 leagues to the westward of Cape Pine, on the 1st of August, he fell in with an American brig called the "Hornet," mounting 10 carriage guns, and navigated by forty men, commanded by John Sillers, which chased them about six hours and came up and took them. The privateer took out of the brig five of the crew, and put on board of the "Davis" nine of the rebels and a prize-master, and ordered them to make the best of their way to Salem. That afterwards, about the 13th August, when off Cape Sable in this Province, fell in with the sloop "Howe" who retook them and sent them into Halifax. The re-captors received  $\frac{1}{8}$  of the proceeds of the ship and cargo, which amounted to £594,9s,7d."

#### *The Howe and the Lively.*

On another occasion, the "Howe" while cruising in the vicinity of Jeddore, fell in with the American privateer "Lively" on the 10 November, 1778. She chased the "Lively" for two hours and came up and took her. On boarding it was found that she was from Salem, bound on a cruise, and that she carried thirteen swivel guns and had a crew of sixteen men. The privateer had a commission from Congress. She was sent into Halifax.

The "Gage" was in company with the "Howe" when she captured the "Lively." The "Lively" was in command of David Ropes, who was afterwards killed in the Jack in an engagement with the "Observer" near Sambro light.

Rev. Jacob Bailey's journal contains the following:

"Captain Callaghan, of the Provincial Schooner "Gage," after a considerable run of service, had at length the misfortune to be cast away near Sambro Island in a terrible storm on the day after Christmas 1778, by which accident one of his men was killed and himself wounded on escaping to shore. The rest were saved but were badly frozen. Since that calamitous affair the Captain has been unable to procure the command of another vessel, though he still draws wages as a pilot."

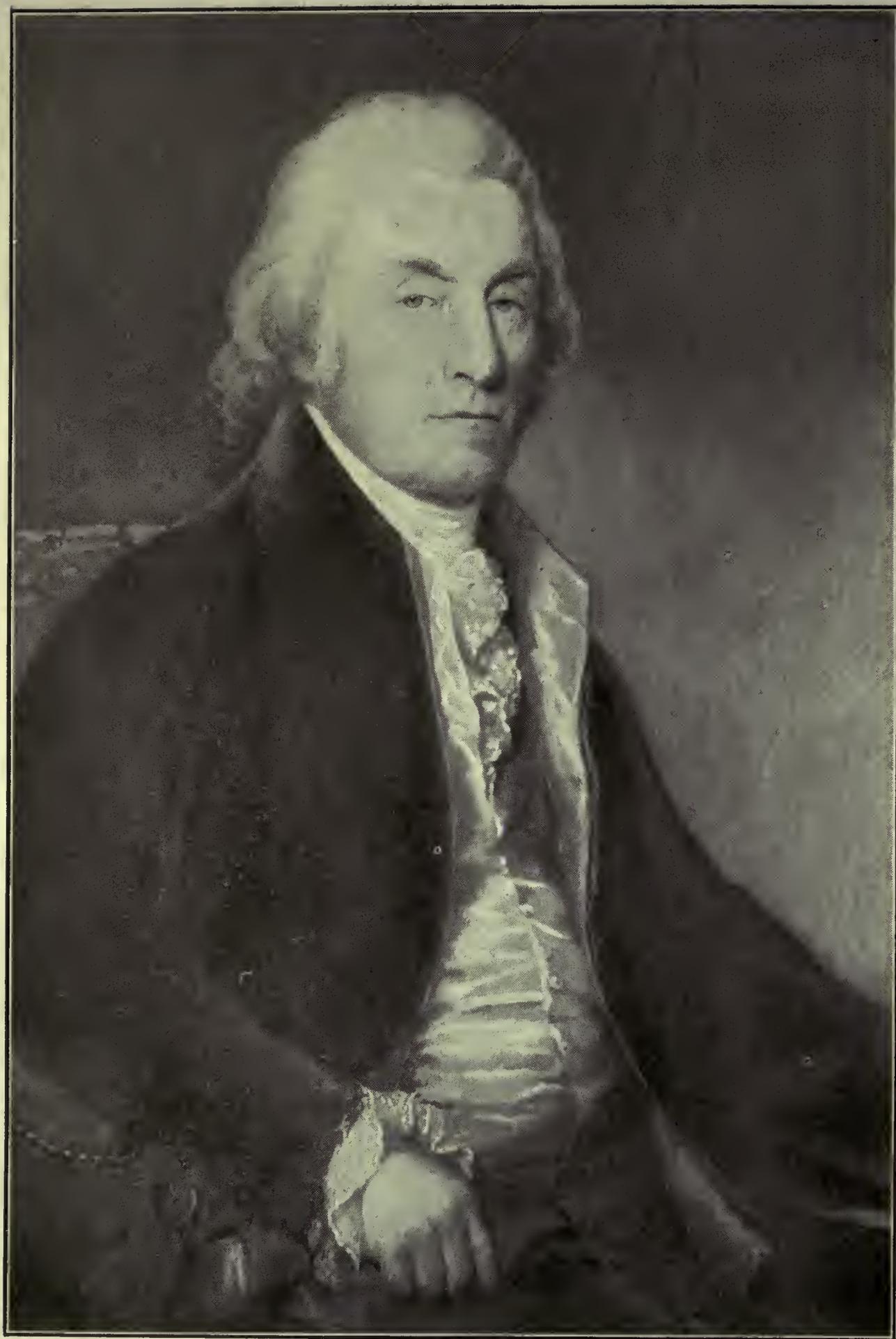
Thomas Brown, teacher in the Halifax Grammar School, writes to Rev. Jacob Bailey at Annapolis, under date of 29th December, 1779, and says that

"Captain Callaghan went pilot of H.M. "North" to Spanish River, (Sydney, C. B.), and that Captain Mowat of the "Albany" persuaded him to it with an expectation of taking him in the "Albany" to Penobscot, when he should return from Spanish River, and placing him in an armed vessel of his own fitting out during the winter. After sailing from Spanish River the "North" soon parted from several of the fleet in tempestuous weather, and on Thursday 9th inst. with the ship "Helena" and a brig and a snow, arrived safe in Beaver Harbor, about 20 leagues eastward of Halifax. The next day being Friday they all sailed from Beaver Harbor about 10 o'clock in the morning. During the day, wind not being favorable, and one or two of the fleet being heavy sailing vessels, Captain Selby was obliged to shorten sail that they might keep up with him. Toward night a storm seemed to be speedily approaching, which induced him to run for the light-house, and if possible, to get into the harbor that night. About 7 o'clock in the evening they discerned the light-house, but being so near the shore, and the wind increasing thought they could not weather Sambro Head, and so cast anchor. About

half-past one Saturday morning the "North" fired a gun as a signal of distress, and Mr. Robinson perceived that she had struck upon the rocks, and in a short time saw her go to pieces. After the "North" went to pieces, numbers of her people swam and floated about the "St. Helena" and begged for assistance, but they could afford them very little. Only five persons belonging to the "North" escaped with their lives out of 170 that were on board when she struck. Captain Smith, who belonged to Plymouth, New England, was pilot of the "North," and was supposed to be as well known to this harbor as any man, and had charge of the ship when she was lost. He has left a widow and children in Plymouth. The last I can hear of poor Callaghan is that he was on the quarter-deck with Captain Selby at the time the vessel struck, and I am told that he forewarned them of their approaching danger, but in the time of the general confusion was not attended to.

"This is the substance of that unhappy affair as related to me by Mr. Robinson, who was in the "St. Helena," and by two seamen that escaped from the "North." I am certain that Mr. Callaghan was the best pilot on board. There was also a good understanding between him and Captain Smith, the ship's pilot, who was a very worthy honest man."

42



**SIR JOHN WENTWORTH, Bart.**

**Born at Portsmouth, N. H., 1737; died at Halifax, 1820.**

**Lieutenant-Governor of Nova Scotia, 1792-1808.**

*(From portrait by Robert Field, in Government House, Halifax).*

LIFE OF SIR JOHN WENTWORTH  
GOVERNOR OF NOVA SCOTIA, 1792-1808.

By SIR ADAMS ARCHIBALD.

(Read before the Society, July 12th, 1883).

PART I.

In a paper which I had the honor to read before the Society, I gave an account of the building of the Government House in this city. While preparing that paper it occurred to me that a sketch of some leading events in the life of the different Governors, who in succession occupied the House from the date of its erection in 1800, up to the time of the Canadian Union in 1867, might if treated from a Provincial standpoint, be made interesting to Nova Scotians.

Within the 67 years in question, thirteen different Governors in succession occupied the House. The first of the number had held the office for eight years before the building was begun. He continued to be Governor for a further period of eight years. His whole term of office was sixteen years—the longest period the position has ever been held by any one man in Nova Scotia. The average term of later Governors has been only five years.

Of these thirteen men, all were more or less distinguished. Some of them, before their arrival here had established their reputation, others acquired it afterwards, either here or in other parts of the Empire, in the service of the Crown. They were all, however, without exception, strangers to the soil. They came here, with but one exception, to remain only for a short time. Their history was only temporarily connected with ours. When they ceased to be Governors that connection came to an

end except in the one case. Our interest as Nova Scotians in these men naturally attaches to the period of their administration of Provincial affairs. Their history before they came and after they left, is interesting to us in a great measure, only so far as it throws light on their character and capacity.

As Mr. Wentworth was the first Governor who occupied the new House, we propose to begin by a brief sketch of the leading events of his life.

Mr. Wentworth was born in the Province of New Hampshire in the year 1736. He came of a family that had spread itself widely over New England and the adjoining colonies. His uncle Benning Wentworth was Governor of New Hampshire, when the nephew was only five years old. He held the office from that period until he was succeeded twenty-five years afterward by his nephew, the subject of our memoir. Old John Wentworth, his grandfather, from whom he derived name as well as descent, had in the year 1717, been Governor of the Colony—that early period of its history. Men of the same name and lineage filled prominent parts in colonial politics from that period till the Revolution.

The family is said to have sprung from William Wentworth, or as he was called (from his connection with a religious congregation at Exeter, New Hampshire), Elder Wentworth, who had come from England in 1636.

Through this William Wentworth the family claim to have derived descent from the English Wentworths, who furnished the Straffords of the time of Charles 1st, the Rockinghams and the Fitzwilliams of later days, and to have been thus connected with many of the noble families of England. It is not necessary to enquire into the correctness of this claim, but it will be found in the course of our narrative that Mr. Wentworth and his wife and son had intimate relations with the Fitzwilliams,

and were treated and addressed by them as members of the same family.

Young Wentworth received his education at Harvard, of which college he became a graduate in 1755. His father was a merchant of good standing at Portsmouth, New Hampshire. The young man after leaving college was for some years engaged in business with his father as a partner in the Portsmouth firm.

Some five years after this, we find him in England where he appears to have remained for several years. He was there at, or at all events shortly after, the time the celebrated Stamp Act became law.

This Act was passed when George the Third had been some five years on the throne, and during the administration of Mr. George Grenville. The resolution on which the Act was founded was adopted in the Commons in April 1764, The Act itself was passed early next year. The proceedings created great excitement in the Colonies, and no wonder. The Act was passed by a Parliament in which the Colonies were not represented. It laid an impost upon almost every conceivable document. It taxed even paper used in a suit at law or in equity, taxed every copy of such a paper, taxed writs, declarations, pleas and replications. It taxed bills and answers, decrees and judgments. It taxed bonds and deeds, bills of sale and bills of lading. It taxed newspapers and the advertisements therein. It taxed almanacs and pamphlets. Nothing escaped it that could be written or printed on paper or parchment.

Delegates were sent to England to urge its repeal. New Hampshire authorized Mr. Wentworth who, as we have mentioned was then in England, and his relative Mr. Trecothick on behalf of their Colony to aid in that object. Meanwhile Mr. Grenville's administration had toppled over, and another had succeeded, headed by the Marquis of Rockingham, himself

a Wentworth. Now was the time, if ever, that Mr. Wentworth's influence might be useful. The Marquis was his relative and friend, and we may, without exaggerating the value of the young colonist's services, suppose his remonstrances to have had some weight. Be that as it may, the obnoxious Bill was repealed in less than a year after its passage. It was swept from the Statute Book by an Act which offered no apology for the repeal, beyond the recital that "its continuance would be attended with many inconveniences and might be productive of consequences greatly detrimental to the commercial interests of the Kingdom."

This proceeding arrested agitation for the moment.

Mr. Wentworth's services on this occasion seem to have been appreciated. His uncle Benning was the Governor of New Hampshire, but he was an old man over 70. In the state of public opinion then existing in America, a younger and more vigorous man was required at the helm. Accordingly when in 1767, Mr. Wentworth, then only 31 years of age, left England; he brought with him a commission appointing him Governor of New Hampshire in place of his uncle whom he succeeded.

The Government of the Marquis of Rockingham stood only a year. On his death a third administration since the repeal came into power. It was headed by the great Earl of Chatham, and therefore might be supposed to represent the most liberal phase of opinion of the day. Still Parliament under his guidance determined to show that its repeal of the Stamp Act was not to be considered a renunciation of the right to do as it pleased with the Colonies. It proceeded accordingly in 1767 to pass an Act laying duties upon certain goods imported into the Colonies, the principal articles taxed being tea, paper and glass.

This Bill provided for the appropriation of the duties paid under it to Colonial uses. What was required for the adminis-

tration of Justice and the support of civil Government in the Colonies was to be paid out of these duties. The surplus was to go into a fund to be appropriated by Parliament, "for the defence and Protection of the Colonies." This was a concession so far as it went. The Act appropriated the duties to purposes connected with Colonies which paid them, but still Parliament was undertaking to tax Colonists in an Assembly in which they had no voice. The property and rights of the free people of North America were being disposed of in an Assembly in which they were not represented. The excitement in the Colonies rapidly revived. A ship-load of tea, which had arrived at Boston, was thrown into the harbor as a practical protest against the Act. From this period the trouble spread till the whole country was involved in war.

When Mr. Wentworth was appointed to the Government of New Hampshire, he received another commission, constituting him Surveyor of His Majesty's woods and forests in all the Colonies of North America. The professed object of this office was to secure for the use of the Crown all white pine and other timber suitable for masts and other purposes connected with the Navy. But it gave the officer power to interfere with the granting of lands, till after they were examined by himself or his deputies. The exercise of this power, which involved the collection of fees and hindered or retarded the issuing of grants to settlers, made the office, though a source of profit to the holder, one of annoyance and irritation to the subject, as we shall have occasion afterwards to relate. Mr. Wentworth appears to have been in no hurry to reach his Government in New Hampshire. His uncle was still filling the office at Portsmouth, and Mr. Wentworth thought it best, before going to the seat of his Government, to visit the Southern Colonies, with a view to register in each Province, as he passed through, his commission as Surveyor of Woods and Forests, and to make arrangements for carrying out the work and collecting the fees.

He spent nearly a year in this way before reaching New Hampshire. He arrived at Portsmouth and entered upon the administration of his Government on or about the very day King George was giving his assent to the new Act above referred to, imposing duties on imports into the Colonies. It is not necessary to detail the progress of events after Mr. Wentworth's assumption of the Government. The difficulties which beset the post increased from year to year. The revolutionary spirit became more and more widely diffused till in 1775 New Hampshire went over to the Revolution, and the Governor was obliged to leave the Province.

The business of organizing a new Government fell upon another person, who had been Speaker of the Assembly, and who was, strange to say, not only of kith and kin with, but actually bore the same Christian and surname as the man who was driven from the Governorship. One John Wentworth ceased to represent the King of England as Governor, another John Wentworth began to represent the people of New Hampshire as President of a Republican convention. For some years after this period Mr. Wentworth became a wanderer from place to place, according to the varying fortunes of the war. He carried off with him the great seal of the Province, and several books of record. The latter were restored to the State after the peace.

We need not follow the events of the war. We find Mr. Wentworth in 1777, on board the "William and Mary" exercising such functions of Government as were compatible with his position as an exile from his Province. We find him in Halifax, Long Island and New York, but his services soon came to be considered of so little importance to Government that during this summer he received notice that he was no longer to draw his salary as Lieutenant Governor. In the mean time he was to receive an annual allowance of £500, with which he had to rest content for some years to come.

Meanwhile the war went on with varying successes till the disaster at York Town on the 20th October 1781, effectually put an end to it. Then came the negotiations for peace, which occupied a large part of the following year. These were protracted by the desire which existed in England to make peace with France and Spain as well as with the United States, all at the same time. Eventually, on the 3rd September 1783, peace was concluded between all the parties to the war, and treaties signed at Versailles. The United States then entered the community of nations in which they have since played so important a part.

We must now go back a few years to bring up our narrative of certain personal and domestic events which had occurred in the meanwhile in the family of Mr. Wentworth.

Before he went to England in 1762, he had become attached to his cousin Frances Wentworth, afterwards so well known as Lady Wentworth, a person of great beauty and accomplishments. She, like himself, was a grandchild of John Wentworth the old Governor. The attachment between the cousins seems to have been mutual. It was understood to have ripened into an engagement, but when Mr. Wentworth went across the water and began to mix in English society, the ardour of his affection seems to have somewhat abated. At all events his cousin thought so, and as many another maiden in like circumstances has done before and since, she made up her mind in a moment of pique to show her lover that she was not to be trifled with, and accepted an offer of marriage made to her by a Mr. Atkinson. He also was a cousin of her own, as well as a cousin of Mr. Wentworth, all three being grandchildren of old John the Governor. The marriage took place not long after Mr. Wentworth had gone to England. Mr. Atkinson was in feeble health at the time of the marriage. When Mr. Wentworth returned from England as Governor in 1767 Mr. Atkinson's health was still worse. He died in 1769. During his

lingering illness the attachment between the old lovers seems to have revived. Within fourteen days after the funeral of Mr. Atkinson the widow of the one cousin became the wife of the other.

Shortly before his marriage, and in the same year, we find him again in Nova Scotia. He arrived at Halifax in H. M. Sloop "Beaver." The visit was probably in continuation of his tour of the Provinces, and made with a view of registering in Nova Scotia his commission of woods and forests. At all events we find within a short time afterwards that complaints were made to Lord William Campbell the then Governor of Nova Scotia, of the obstacles to settlement created by the operations of Mr. Wentworth and the necessity of obtaining his sanction to the grants of Crown Land.

Mr. Wentworth returned to his Government and remained in New Hampshire till the troubles of 1775 sent him again on his travels as we have already stated.

The Peace was signed in September, but the preliminaries had been agreed upon some months before. Mr. Wentworth was then in England. He embraced the opportunity of soliciting the renewal of his office of Surveyor General of His Majesty's Woods and Forests. A new commission was accordingly issued bearing date the 29th of July of that year, with its extent curtailed to the proportions of woodland still belonging to the Crown.

With this commission in his pocket, he proceeded once more to Nova Scotia and established his Head Quarters at Halifax, and from that time on devoted himself for several years to the duties of his office. He made journeys through the woods and along the coasts of this and the adjoining Provinces, examining the forests and marking off reservations of timber lands for the use of the Navy. Some of these journeys extended for hundreds of miles—one he mentions as having extended the

incredible distance of 3000 miles. They were attended sometimes with risk and at all times with fatigue and exposure. Mr. Wentworth boasts that of all the men who went with him on two of these journeys, there was no one who could hold out the whole distance. He must have had a strong constitution, but still towards the close of his travels his toil began to tell upon it. He relates in his letters an interesting circumstance connected with the first of these expeditions. He had just arrived from England, and wished to make some surveys up the St. John river. With that view he found his way to Annapolis, intending to cross over the Bay to the mouth of the River St. John. The only vessel he found at Annapolis was a very poor one, but he had no choice and he determined to go over in her; however, something prevented him from getting on board, what it was he does not tell, but he speaks of it as "a peculiar casualty." Happy for him it was that the "casualty" occurred. The vessel sailed, a frightful storm ensued—the ship was wrecked, and every soul on board perished except one man. This was an ominous commencement of his duties under the new Commission, but we do not hear of any other serious risks incurred in his business during the next seven years, though he constantly refers to his great labor and fatigue.

Before his arrival in Nova Scotia, but in the same year, a body of Loyalists and disbanded soldiers had settled at what was then called Port Razoir. They had built a town on its shores and thither went Mr. Wentworth in May 1784, in a schooner from Halifax, to look after the business of his office. His arrival, either in compliment to his old position as Governor of a Colony, or to the office which he still held, was greeted by a salute from His Majesty's ship "Mercury," then in the harbor. It would seem from subsequent events that he lost no time in calling into existence the powers of his commission, and expecting payment of his dues.

In July of this same year, Governor Parr visited the new Town, in the armed sloop "LaSophie." He was received with

great ceremony. The inhabitants armed themselves and lined the sides of the streets to make a passage for the procession. A salute was fired from all the cannons on the shore. There were great rejoicings and festivities, at the close of which Colonel Parr announced that the new town was thenceforth to bear the name of Shelburne. This was in honor of the Earl of Shelburne, who as Secretary of State for the Southern Department, had charge of the Colonies when the preliminary arrangements for peace were made with the United States. Governor Parr had hardly returned to Halifax before he received a complaint from the inhabitants of Shelburne and the vicinity similar to that preferred some fifteen years before to Lord William Campbell, touching the fees exacted by Mr. Wentworth. He claimed 1/- for every 100 acres allotted to a settler, and the Loyalists who had abandoned home and kindred and property felt keenly the imposition of this tax exacted by an officer of the Crown from men who had suffered so much for their loyalty to the Crown. The Governor sympathized with their complaint, and forwarded it to the Imperial Government with the remark that "this exaction was felt to be the more unjust, that the officers of the Local Government had been strictly forbidden to charge any fees for services in connection with these unfortunate people, and had rigidly observed the orders received."

Mr. Wentworth's defence to the complaint against him was that he was maintaining important interests of the Crown in connection with the supply of masts for the Navy. His best excuse was probably, that, reduced to poverty by the results of the war, he really had nothing else to depend upon than the fees of his office. The Imperial Government must have felt this, at the same time that they could not permit one of these unfortunates to prey on others, his companions in distress.

There is one curious transaction in which Mr. Wentworth was engaged shortly after his arrival in Nova Scotia that marks

the chasm which separates the opinions of that day from those which prevail now, on certain subjects.

Mr. Paul Wentworth, a relative of the subject of our memoir, carried on business as a merchant in London, and had also a plantation on the coast of Surinam in Dutch Guiana, South America. What took place is told by Mr. Wentworth in the naked simplicity of innocence, but it falls strangely on modern ears. On the 24th February 1784, he writes a letter to the agent of his Surinam relative, which contain these words.

“I herewith enclose to you a Bill of Lading of 19 negro slaves, shipped by me on board the schooner Patty, Lemuel Little, master, to be employed in the service and on the estate of my dearest friend and relative, Paul Wentworth.”

After some details, he adds, “They are all American born and well seasoned, and are perfectly stout, healthy, sober, industrious and honest.” Still further on he adds, “The women are stout and able, and promise well to increase their numbers.”

After such an enumeration of the qualities, moral, physical and productive, of these human chattels, only one additional touch is required to perfect the picture, and this is not wanting. Mr. Wentworth adds, “I am very much interested for them, inasmuch as I have had them christened,” and then follows a certificate that Abram, James, Isaac & John, Rachael, Priscilla, Dorothy and Venus and all the rest of the 19 had been duly christened by the Rev. Dr. Breynton on the 11th February, 1784. What became of these 19 Christians after their deportation to the swamps of Surinam is a chapter of unwritten history. There may possibly be some of their posterity (for it will be recollected that the productive powers of the women were solemnly certified) still to be found sweltering under the Equator, speaking a jargon of low Dutch in the cane fields of that deadly land; but if there be any such they are probably not aware that their ancestors before being consigned to that

wretched region were prepared for what was before them by the ordinance of Christian baptism.

With the Peace came its consequences. One of these was the indemnification to some extent of those who had suffered for their loyalty. A Board of Commissioners was appointed by the British Government to investigate the claims made on this account. Mr. Wentworth had been a great sufferer. He had lost his governorship, he had had his woods curtailed; he had also lost, by confiscation, some real estate owned by him in New Hampshire. It is true he had been allowed £500 a year while the events of the war were uncertain and had had his Commission of Woods renewed. But his claims were still considerable. He appeared before the Board in Halifax with his statements. These were referred to Head Quarters in England, but the business was slow and tedious, and as late as 1788 we find him forwarding to England further affidavits in support of his claims. With a view probably to effect a settlement, he repaired to England himself in the course of next year. He was there when an event occurred which had much influence on his future fortunes.

On the 25th November 1791, Mr. Parr, the Governor of Nova Scotia, died unexpectedly after an illness of only eight days. The news had hardly reached London, when Mr. Wentworth was appointed to the vacant place. This commission bears date the 13th day of January, 1792. He did not, however, leave England for the new Government till April, but when he did leave, he for the second time in his life crossed the Atlantic with two commissions in his pocket, one as Governor, another as Surveyor General of Woods and Forests.

## PART II.

Mr. Wentworth landed at Halifax after a six weeks' passage from Falmouth, on Sunday the 13th May, 1792, under a salute of fifteen guns.

He was escorted to Government House by members of Council and Assembly, by officials of the Local Government, by officers of the Army and Navy then in Halifax, and by a large concourse of citizens.

On Monday he was sworn into office. On that day he wrote to Mr. Dundas, then Colonial Secretary, acquainting him with this arrival and assumption of office. He found the affairs of the Province in an unsatisfactory condition. A debt of some amount existed. Warrants on the Treasury sold at a discount of 30 and sometimes even 50 per cent. The public creditor, official or otherwise, was thus a serious loser by the depreciation of drafts on the Treasury. This again reacted on the prices paid by the Province for supplies furnished in the open market, which were enhanced by the uncertainty as to payment.

But on the other hand there had been, almost from the beginning of Mr. Pitt's administration, eight years of continuous peace. The various industries of the Province had thriven during this period. A great accession to its population had accrued at the close of the Revolutionary war. A large body of Loyalists, had come to this Province. Many of these were men of education and ability. Most of them had seen service during the Revolutionary war. As a body, they were above the average, as well of the population they had left, as of that they had come to. They stood in great favor at the Colonial Office. Their services indeed gave them an indisputable claim on the Crown, and their vigor and ability soon won for them great influence among the people of this Province.

Court favor on the one hand, and personal merit on the other, combined to raise the new settlers and to cast into the background older inhabitants of the Province, who had themselves been faithful to the Crown during the long period of the French war, and valiantly sustained the old flag in the sharp

and bloody struggle which ended in the independence of the United States.

When Mr. Wentworth met the Legislature for the first time on the 6th June, 1792, he congratulated them "on the tried loyalty of the people and liberal protection of the Crown." His speech consisted principally of recommendations bearing on agriculture, commerce and the fisheries. He very prudently suggested the propriety of additional taxes to increase the revenue and restore the public credit.

The House after a session of five weeks was prorogued on the 11th July.

The most conspicuous measure they dealt with was one touching the constitution of the Assembly.

Hitherto there had been no limit set to the duration of that body. When elected it sat till it pleased the Governor to dissolve it. The House then in existence had now had seven sessions, from 1785 to 1792. The preceding Assembly had sat from 1770 till 1784. By an Act of this session, the duration of the present House, and of all future Houses was limited to seven years. After the close of the session, the Lieutenant Governor, in a communication to Mr. Dundas, states that he had dissolved the House. The language of the letter implies that the dissolution was due not to the expiration of the seven years period fixed by the Act, but to the exercise of the Royal prerogative. Mr. Wentworth says it was done on full consideration of the circumstances of the Province, that the Assembly had sat seven years, "in which time the state of inhabitancy had much altered." With a defect of precision in his sentences, as curious as the language just cited, and which is no uncommon feature of his composition, he adds, "And from every other local reason I thought it greatly for His Majesty's service and for the benefit of the Province to call a new Assembly."

It would appear, therefore, that the Act referred to had not yet become law. It contained a suspending clause, and Mr. Wentworth had determined to call a new Assembly, even though the assent of the Crown were withheld from the Act.

However, it was not long till the Royal assent was given, and that Act remained the law of the land until the life of the Assembly was narrowed still further to a period of four years.

The new House met on the 20th March 1793. Shortly afterwards Mr. Wentworth reports the meeting to Mr. Dundas in terms complimentary to the Assembly. He says they are perfectly well disposed to carry out the public business with moderation, despatch and liberality. He replies to their very loyal address and encloses a copy of it. Had he waited a few days before forwarding this letter, he would have been able to cite a very striking proof of the loyalty of the Legislature.

The two Houses had passed resolutions, after a solemn conference with each other, requesting the Bishop to preach them a sermon at St. Paul's on Sunday the 7th of April.

The learned Prelate readily complied with their request, and on that day the members of the two Houses attended. The Bishop chose for his text the 21st verse of the 24th chapter of Proverbs, "My son fear thou the Lord and the King, and meddle not with those that are given to change."

But then the world was out of joint, indeed more so then even the good Bishop knew at the time. He was aware that Revolutionary excesses had overturned the old Government of France. He knew that the people of that country had abandoned their ancient beliefs and erected altars to the Goddess of Reason; he knew that they had committed horrible atrocities among themselves, but he did not know at the time that they had declared war against the King of England. In his text the King was placed next after the Lord, and doubtless

the Bishop dwelt on the collocation. Had he been aware of what had taken place, his warnings would have been still more pointed, and in his mind quite appropriate. Yet war had been declared as far back as the 1st February; on the 9th it was the subject of a despatch from the Secretary of State to Mr. Wentworth, but the period between that time and the 12th April, 63 entire days, elapsed before the fact was known on this side of the water. The despatch arrived just five days after the delivery of the loyal sermon at St. Paul's.

Mr. Dundas in his letter says that the persons exercising supreme authority in France had declared war against England, and it was His Majesty's commands that he should instantly cause the same to be made as public as possible in the Province. "That His Majesty's subjects having that notice might take care on the one hand to prevent any mischief which otherwise they might suffer from the French, and on the other might do their utmost in their several stations to distress and annoy them."

In a message sent to the Houses communicating the information, immediately on receipt of it, Mr. Wentworth mentioned that he had His Majesty's commands to raise a regiment of 600 men in the Province for its security, that he was to be Colonel of the corps, and that furthermore he intended to take measures to carry out the instructions of the King. This clause of the message led the House to suppose that the command to Mr. Wentworth had been the consequence of the Declaration of War, but in fact he had made the proposition at a much earlier date. Mr. Dundas, as long before as January preceding, had informed him that the matter would shortly be brought before his colleagues for their decision. It is clear therefore that the offer was made and accepted long before the Declaration of War, which Mr. Wentworth meant to be understood as the occasion for it.

The House read the message according to its language. They passed an address assuring him of their unshaken loyalty,

approving of the project of raising a regiment for the defence of the Province, and expressing their readiness to aid in any measure to be taken for the annoyance of his enemies or the defence of his people. On the receipt of the dispatch, Mr. Wentworth also communicated its contents to General Ogilvie in command of the troops at Halifax, and to Captain George of the "Huzzar," the only ship of war in port. The Sheriff of each County proclaimed the declaration of war in each County town.

Mr. Wentworth immediately made preparations to raise his regiment of 600 men; after many negotiations and changes, the rank of the several officers selected by the Lieutenant Governor was adjusted and the recruiting proceeded rapidly.

But besides this corps, which Mr. Wentworth intended to be called the "King's Nova Scotia Regiment," there was a militia regiment to be raised comprising 1000 men, under command of Colonel Barclay, the Speaker of the Assembly. The men were to be drawn from the western counties, they were to be ready for service in any part of the Province, but their more particular duty was to guard the coast from Digby to Shelburne and in a special manner the settlements upon the shores of St. Mary's Bay. These preparations for the reception of the enemy occupied the early months of summer. Contemporaneously with them, an expedition was fitted out at Halifax under General Ogilvie against the French Islands of St. Pierre and Miquelon, which resulted in the capture of these Islands, and the surrender of a population of 1500 inhabitants. Six hundred of them were brought as prisoners to Halifax in June and were confined to barracks. Mr. Wentworth had made arrangements to procure the use of the Island now known as Melville Island on the North West Arm for the confinement of the prisoners, but General Ogilvie was of opinion that it would be more convenient to confine them in barracks. These prisoners in the sequel were the source of a great deal of trouble.

to Mr. Wentworth, till eventually they were got rid of and sent to prisons in England.

By-and-by a French fleet assembled at New York, but dissensions prevailed between the Admiral and Mr. Genet, the agent of the French Republican Government. This prevented for the time, any concerted action, and occasioned delay. Eventually, however, the difficulties were overcome and the fleet was ready to sail. Shortly afterwards alarming rumours reached the Province. These were confirmed by reports from the British consuls at Philadelphia and other ports in the United States. It was alleged that the French had laid up their merchant ships in New York, that the sailors belonging to these ships were taken from them, and put on board the fleet, that there were 2400 troops on board including 100 Irishmen fully armed, and in Mr. Wentworth's language, another portion of the expedition consisted of "a bandetti of miscreants who refused obedience to the United States, together with 100 deserters from Galbraith's Corps." They were said to have 40 horses and 16 pieces of field artillery.

The destination of the enterprise was unknown, but it was supposed to be against the North American Provinces.

When these alarming rumours reached the Lieutenant Governor, he set to work immediately in conjunction with General Ogilvie and Commodore George to provide for the occasion.

He ordered to Halifax 1000 of the militia of the inland counties. Preparations for defence were made at Shelburne, Liverpool, and Lunenburg. At different places along the coast batteries were erected by the militia at their own cost. Provision was made for the emergency in case any raid should be successful. In some exposed coasts, property was removed to inaccessible places in the woods, and spots selected for the retreat of the inhabitants (if unable to repel attack) into the interior of the country.

At the North West Arm an armed schooner was stationed well manned to prevent landing there. The precautions taken indicated a general alarm all over the country, while the readiness to comply with the orders of the Government was creditable to the people, and was afterwards represented by Mr. Wentworth in the most favorable terms to the Secretary of State. Eleven hundred militia were marched into Halifax from the interior. Some of these made the march between Granville and Halifax in 35 hours.

The French Acadians did not sympathize with the invaders. Seventy-five young men of that race marched near 200 miles with great alacrity, delighted, says Mr. Wentworth "to find themselves in the same ranks with their fellow colonists." The Lieutenant Governor represented the whole body of militia as athletic and healthy young men. Perhaps, he says, "a finer body of men were never assembled in any country nor men more determined to do their duty." He adds "that their behaviour while on service was unexceptionable; the officers acted in the most disinterested manner, Colonel Barclay would take no pay for his services, but gave what he was entitled to, to such of his men as were not able to bear the expense of clothing."

After all, however, the invasion did not take place. Whether the French were deterred by the preparations made for their reception can only be a matter of conjecture. Mr. Wentworth thought they were, that the delays arising out of disputes between the French ambassador and the French Admiral had enabled the promoters of the expedition to ascertain that 4000 men under arms were assembled at Halifax, that the French Admiral was not prepared to cope with such a force, and consequently abandoned the design. The Lieutenant Governor shortly afterwards learned that the fleet had left New York on the 9th of October, bound as it was supposed to Newfoundland. The season was now far advanced; nothing further was heard of the ships up to the 31st of October.

It was then too late for the expedition to effect a successful descent. The Governor accordingly, after consulting his Council, determined to dismiss the militia to their homes. On the 2nd of November a Proclamation to that effect was issued. The men returned home after a service of four weeks. This operation cost the British Government for the part alone taken in it by the Nova Scotia militia, no less a sum than £4597. 0. 0. stg.

The state of alarm and uncertainty which prevailed this year respecting an invasion of the Province by the French, continued, more or less, during the next seven years.

Preparations to meet it in Nova Scotia were not confined to defensive operations. Privateers were fitted out from our shores to prey upon the French commerce. As many as twenty Nova Scotian vessels at one time were sailing under Letters of Marque and Reprisal. Some Privateersmen were very successful and laid the foundations of fortunes still enjoyed by their descendants. Notwithstanding the various threats of invasion which caused much inconvenience and great expense to the Province as well as to the Empire, no invasion was ever actually made. At length both parties to the war began to tire of it. In 1801 a temporary peace was arranged between Great Britain and France, the latter represented by Napoleon Buonaparte as First Consul. The preliminaries were settled in October of that year after eight years of hostilities.

During this long period the Lieutenant Governor had no small share in the labor connected with preparations for defence. He was active, energetic and vigilant. He was largely instrumental in putting the outposts in a condition to resist an invading force of moderate strength. In his letters, which during this period fill several volumes, he repeatedly takes credit for having prevented invasion by his preparations. There can be no doubt that his exertions were serviceable to the country. During the earlier part of this

period, while General Ogilvie was in command of the Troops stationed in the Province, the Governor does not seem to have been on the most cordial terms with that officer. The General would not consult him on the subject of the plan of operations in the case of an invasion. There had been some trouble between the General and Governor about the duty on goods imported for the use of the Army. Under the law as it stood then, stores and provisions for the military could be imported free of duty on proof of the uses to which they were to be put. General Ogilvie declined to furnish any such proof. When the officers of the Customs claimed compliance with the law, he turned them away. The Governor complained to the Home authorities, who recommended conciliation, and the Governor had to be content with this result.

The state of feeling between these two at a subsequent period was shown in various ways. We have mentioned the authority given to the Lieutenant Governor to raise a regiment of 600 men, of which he was to be Colonel. Shortly afterwards the regiment was filled to the required number. The Lieutenant Governor communicated to General Ogilvie a copy of the letter authorizing the organization of the regiment, and asking the General to have it mustered; but the General refused either to muster the regiment or to acknowledge it as a corps in the King's service, and this, although as the Governor avers "the regiment was doing more than  $\frac{3}{4}$  of the Garrison duty, and one of the officers and sixteen of the men were then on service aboard a schooner in the North West Arm."

When the regiment was enlisted the Lieutenant Governor applied to General Ogilvie for pay for stores and subsistence for the corps, but was met by a refusal, and was finally obliged to procure provisions in the open market for their subsistence, and to draw bills upon the Lords Commissioners of the Treasury for the sums necessary for pay and subsistence.

The differences between the two principal officials continued till General Ogilvie ceased to be Commander-in-Chief in the

district, on the arrival of Prince Edward, who took the command. From that time onwards for several years, while the position was held by the Prince, most friendly relations existed between the head of the army and the Lieutenant Governor. Still Mr. Wentworth must have felt himself ill-rewarded for all the trouble he had taken in raising the regiment. He held the Colonelcy of it for eight years, for which he received no pay, and even as regards the patronage, he was not allowed to appoint the higher officers without being overruled by the authorities in England, so that upon the whole his experience with the "Royal Nova Scotia Regt.," which title was allowed it by the King, was not of a character to invite a repetition of similar services. But we must not forget that for this and other services he was created a Baronet in 1795, on which occasion he held a levee at Government House, attended by Prince Edward and all the officers of the garrison, besides a large body of leading citizens.

The Prince took occasion at the levee to pay a special visit to Lady Wentworth to congratulate her on her new title. Sir John and Lady Wentworth were on intimate terms with the Prince. He had arrived in Halifax in May, 1794, on his return from a successful expedition to the West Indies, which closed with the reduction of Guadaloupe by the British forces. On his arrival the Prince lived for some time in the Old Government House with Sir John.

The Governor owned a tract of land on the west side of Bedford Basin about six miles from Halifax; on this he had built a cottage, which he called by the name of "Friar Lawrence's Cell." The Prince took a fancy to the cottage and its surroundings; and soon after, with Sir John's leave, commenced the construction of a mansion, which soon grew to stately proportions. It was known as "The Prince's Lodge," and was occupied by His Royal Highness during his residence in Halifax between the years 1794 and his final departure from the Province in 1800. During this period he visited Eng-

land but once. This was in the year 1798. He had met with an accident while riding on horseback in one of the streets of Halifax. The horse put his foot through a defective plank in a bridge across a gutter of the street and fell: he came down with his whole weight on the Prince's leg and thigh. The Prince was severely bruised, but made light of the accident. However, the wound did not heal and he was recommended to seek advice in England; his two medical attendants had concurred in their opinion, but the Prince did not feel free to come to a decision till he had received the advice of Dr. Hook, an army surgeon, whom he sent for to Quebec. The advice of this gentleman coincided with what had already been received. The Prince then made up his mind to go. It would seem that Sir John was opposed to his going away, and tried to dissuade him. From the terms of the interview on the occasion, it would appear that the Prince was not wanted at home. It was evidently not the wish at the Palace that he should return. According to Sir John's report of the interview, the Prince said, "How hard it is, Governor, to be the only man in the King's service who may not repair to his native land for the recovery of his health, perhaps for the preservation of his limb or even of his life." This would imply, which is evidently the fact, that the Prince had orders not to return, and explains why he was obliged to have the opinion not only of Drs. Almon and Haliburton, but also to justify himself with a still further opinion of a surgeon from Quebec, before he could venture across the Atlantic. This, too, is the key to what Sir John says further on the subject of the interview referred to. "Whatever he endures he never complains in resentful terms, nor ever lets any expression pass his lips," although (adds Sir John with great naivete) "his eyes are not quite so subdued in their expression."

The Prince went to England where he remained the greater part of a year. On his return to the Province he went back to the Lodge, which he occupied all the rest of the time he remained in Nova Scotia.

The kindly feeling between the Prince and the Governor continued ever after. We shall have occasion to quote from letters written by the Prince in after years, some expressions which show the affectionate regard which H. R. H. had for Sir John, and the great anxiety he had to forward Sir John's views.

We have adverted already to the trouble Sir John had in raising his regiment, with the tacit disapproval, if not the open opposition of the local military authorities. We have also spoken of his efforts to put the country in a state of defence, in which he met with but tardy co-operation from General Ogilvie. We have now to relate the details of another matter which probably gave the Governor more trouble than all the others put together.

On the 22nd July, 1796, all of a sudden, there were thrown on our shores from 500 to 600 negroes, who had arrived in the transport "Asia" from Jamaica, and were landed here under the authority of the Crown. These were the Maroons, who had infested the Hill country of Jamaica, where they had long maintained a rude independence. They had carried on wars in that Island from time to time and entered into treaties with the Apeles(?) They were a source of constant trouble to the Jamaica Government. Originally they were slaves that had run away from their masters. Their numbers were recruited from year to year by other escaped slaves. At length the Jamaica Government determined to root them out at any cost. With that object they sent against them an expedition under General Walpole, having first procured a supply of blood-hounds from the Government of Cuba, to assist the force. The Maroons would have fought obstinately had they only men for foes, but they were more afraid of hounds than they were of soldiers. Eventually they laid down their arms and surrendered as prisoners of war, but only on certain special conditions. One of these on which the negroes had absolutely insisted was kept secret at the time, but General Walpole obliged himself by oath to

observe it before the negroes would consent to surrender. The prisoners, it was stipulated, should not be sent away from the Island. This condition the Legislature of Jamaica refused to ratify. They insisted on sending the prisoners into exile. This proceeding was most offensive to General Walpole. He was so indignant at it that he refused to accept a sword costing 500 guineas which the Legislature proposed to present to him to mark their sense of his services. Eventually the Government of Jamaica decided to deport the prisoners to Nova Scotia.

Sir John was instructed by the Crown to make provision for their settlement in this Province. Two commissioners were sent from the Island of Jamaica to superintend the arrangements. The sum of £25,000 Jamaica currency was placed to their credit by the Island Legislature to meet the present emergency. Unhappily there was no definite arrangement for anything more than the present, and some serious difficulties afterwards arose from that source.

Meanwhile a tract of 5,000 acres of land in the neighbourhood of Preston was acquired by the Jamaica Government, who took the title to themselves of the land so purchased. Buildings were erected upon it. In this way the sum of £3,000 sterling was spent. In the course of the autumn the Maroons were comfortably housed and for a time seemed contented with their position. Sir John's first opinion of them was very favorable. He described them as "healthy, peaceful and orderly, inoffensive and highly delighted with the country." He interested himself very much in their welfare. At an interview with them he gave them the best advice. He applied to the British Government, and obtained an allowance of £240 a year to support a school and provide them instruction in the principles of religion. His object, as he describes it, was to "reclaim them to the Church of England, and to disseminate piety, morality and loyalty among them."

Before proper lodging could be procured they had to accept any shelter that could be had. Fifty of them were lodged in an

outhouse, on the Governor's farm, where he says, "he was often without a sentry and without a door or a window locked." And they did no mischief. He sent to England for clothing for them, and in every possible way exerted himself to promote their welfare.

Soon, however, his opinion of their character and conduct underwent a change. He found what might reasonably have been expected under the circumstances. These people had led a wild and savage life in their old home. The climate of Jamaica required little either of clothing or shelter. Food was largely the spontaneous growth of the Island. Negroes living a lazy and idle life, without aim or ambition of any kind, had no conception of the steady industry required in a climate where shelter and clothing are absolute necessities and where a supply of food can be had only by toil and foresight. When Sir John had had a year's experience of their dispositions he still thought they would be useful in the country as a corps to resist invasion. He did not think they could do much harm, but it is evident from other expressions used by him, that his faith in them had been largely sapped. He says, "In fact they do not wish to live by industry, they prefer war and mutiny." On another occasion he says, "They wished to be sent to India or somewhere in the East, to be landed with arms in some country with a climate like that they left, where they might take possession with a strong hand and murder and plunder at pleasure." It is quite clear that Sir John's specific for reclaiming these people to the church and diffusing piety, morality and loyalty among them, had not been successful.

Year by year they became more and more troublesome. By and by they began to complain that treachery had been practised upon them in sending them away from Jamaica, in violation of the stipulation made by General Walpole. No doubt this grievance, too well founded to be lightly disposed of, was used by the unquiet spirits among them to create discontent and trouble. Sir John soon found use for part of the

Nova Scotia Regiment he had raised; he sent up to Preston a detachment of fifty men to keep order there. It was now clear that these people could not remain here. At the instance of the government of Nova Scotia negotiations were opened up by the British Government with the Company of Sierra Leone, which led to an arrangement to send the Maroons to that colony. On the 6th August 1800, they were all sent off to the coast of Africa, in the same ship "Asia" that had brought them here, much to the relief of the people and government of Nova Scotia.

But the greatest sufferer by the events we have detailed was Sir John himself. In the agreement made between the British Government and that of Jamaica for the deportation of these people nothing definite was determined. The Government of Jamaica after the expenditure of the first sum they had voted for the occasion, declined to pay anything more. Sir John drew bills upon them which were returned on his hands. This caused him great pecuniary embarrassment. Clearly, whoever ought to have borne the burden it was not Sir John. The question lay between the three Governments, England, Jamaica and Nova Scotia. A correspondence ensued. The English Government agreed with Sir John, that the expenses ought to be borne by Jamaica, but Jamaica repudiated the obligation. When first the Maroons were landed here, our Assembly were alarmed at the possibility of their becoming a burden to the Province. They sent a committee to Sir John to enquire by what authority they were landed here. The reply was, that they were sent by the Crown, and that the English Government would defray all expenses. Evidently there was blundering on the whole matter, but the burden eventually fell upon the Government of England, which had also the expense of sending them to Africa. But Sir John's advances were not paid for a long time, in fact his salaries as Governor and as Surveyor of Woods were put under suspense, while the controversy between the three Governments was

going on, and it was not till 1802, two years after the Maroons were sent away, that the suspension was removed and the salaries regularly paid.

From the time of Mr. Wentworth's accession to the Government of Nova Scotia up to this point, our narrative has dealt mainly with questions which had an interest beyond the Province as well as in it. We shall now notice some other matters more immediately affecting Provincial affairs.

Every time the Lieutenant Governor met the Legislature in the first six years of his incumbency, he took occasion to compliment the Houses on the steady loyalty of the people of this Province. He had good reason to do so. Judging from the answers he received from time to time to the addresses delivered from the Throne, there must have been an exuberant feeling of loyalty among the people of that day. At all events that must have been the case if the tone and language of the representatives in the Assembly may be taken as a test of the feeling of the time. They were most outspoken in their declarations. The best excuse for this is that the feeling was genuine and sincere. The atmosphere of the day was charged with loyalty. Whenever circumstances occurred to afford an opportunity for it, an explosion ensued. There can be no question that the figures of speech used on these occasions, which in our days would be hyperbolical, represented correctly the ideas of the day.

Notwithstanding the troubles which disturbed the first eight years of the Governor's administration, this period was marked by great Provincial progress. The high prices which produce commands during war, stimulated agriculture. The Governor, with pardonable pride in the share he had in producing this result, frequently refers to it in his correspondence. Formerly all supplies for the Army and Navy had to be imported as required, generally from the old Colonies and afterwards from the United States; now our country was able to

produce a large part of them, and that too at prices not greater than they would have cost if imported.

By and by the war between France and England and the complications arising from it, came near giving us an additional foe in the people of the United States. Their sympathies with the French were very pronounced; and at one time, Congress with a view to embarrass the English armies and fleets on this side of the Atlantic, laid an embargo on the exportation of provisions; but they soon found out their mistake. The embargo operated as a bounty on Provincial productions, and gave an additional impulse to the improvement already observed in agricultural industry. The embargo was soon afterwards removed, but its effects remained.

During this period the revenue increased and the public credit rose. We have already seen that when the Governor assumed office, drafts on the Treasury could be cashed only at a discount of 30, 40, or even 50 per cent. The public service suffered. The public officers if poor or in need of real money, could raise it only at the sacrifice of half their nominal salaries. The appropriations for public services were but half in reality of what they were in name. All this produced greivous inconvenience. But a gradual improvement had occurred, and we quite agree with Sir John when he congratulates the Legislature on the change which had raised warrants to par, had given ease to the salaried officials and confidence to the country. Such was the encouraging effect of this change, that the Assembly in 1799 felt free to begin a work from which they otherwise would have shrunk.

But before entering on the details which we propose to give you connected with this question, we must pause a moment to take some notice of a gentleman who violently opposed the project, and who for many years to come was a prominent public man in Nova Scotia. We refer to William Cotnam Tonge, who entered on the stage of Provincial politics in the first year

of Mr. Wentworth's administration, and did not leave it till some months after the close of the Governor's term of office.

During the entire period of sixteen years a strong personal antagonism existed between these two men, a circumstance which had great influence upon the current of public events.

Winkworth Tonge, the father of Cottnam, was a resident of Halifax at or shortly after the foundation of the town in 1749. In 1752 he was sent in Government employ to Chignecto in connection with military works to be constructed there. Eight years afterwards he was engaged to report upon Fort Frederick on the St. John river, at which time he held the rank of Lieutenant in the Imperial service. In 1773 he was by Royal mandamus appointed Naval officer for Nova Scotia, and at that time enjoyed a high reputation personally.

Mr. Legge, the Governor of that day' in a letter to his relative the Earl of Dartmouth, Secretary of State for America, speaks of him in the highest terms, and recommends him for the first vacancy in the Council. At this time the senior Mr. Tonge had connected himself closely with the Province: he had become the owner of an estate in the county of Hants on which he had expended £3000. He was then and had been for the last eight years a member of the Assembly. He continued to hold his seat until his death on the 7th February, 1792, three weeks or thereabouts after the date of Mr. Wentworth's commission. Mr. Wentworth was then as we have stated, in England, where he remained till the 5th April following. In the meantime the Government of Nova Scotia was being administered by the Hon. Mr. Bulkeley, senior Councillor, on whom it devolved under Royal instruction.

Immediately on the death of the elder Tonge, his son William Cottam, who, as deputy of his father, was then and had been for years doing the duty of the naval office, was appointed by Mr. Bulkeley to the vacant place.

The letter announcing the appointment to Mr. Dundas the Colonial Minister of the day is dated, oddly, the 4th February, but this is a mistake in date, as Mr. W. Tonge's death did not take place till the 7th. At all events the promptitude with which the office was filled, indicated that there was no uncertainty in local opinion as to who should fill it.

Unfortunately for Mr. Wentworth he did not concur in this opinion. He had spent in the Province, as we have already mentioned, a large portion of the period which intervened between the close of his Governorship in New Hampshire and his appointment to Nova Scotia.

When intelligence of the death of the Naval Officer at Halifax reached him in England shortly after his own appointment, he applied to Mr. Dundas strongly recommending a Mr. Putnam for the place. At this time he could have had no means of knowing whether the appointment of Mr. Putnam would be satisfactory in Nova Scotia. He had a right to suppose the contrary from the readiness with which the vacancy had been filled by the President, acting on the advice of his Council. He ought to have known that a native Nova Scotian, son of a man so long and so closely associated with Nova Scotia and her interests by a connection antecedent by 40 years to the arrival of the Loyalist Refugees, could not be easily put aside even if possessed of no more than ordinary qualifications, but he persisted in his efforts till he received some weeks after his arrival in Nova Scotia a peremptory order to make out a patent for the office to Mr. Cottnam Tonge.

To this mandate he yielded a reluctant obedience. He did indeed declare in his letter to Mr. Dundas that he submitted cheerfully to the Minister's decision, promising not only his own support to the new officer, but that of Mr. Putnam the disappointed candidate.

But the Lieutenant Governor was not disposed to let the question rest here. He returned to the attack in a letter to

Mr. Dundas of the 14th September, in which he refers to complaints that had been made to the Assembly touching the performance of the duties of the office in Nova Scotia. This letter does not present Mr. Wentworth in the most favorable light. He speaks of the complaints having been *lately* made in the Assembly. The inference would naturally be that he referred to acts of the new officer. In point of fact, the petition to the Assembly was in the time of the former officer. The excuse given by Mr. Wentworth in the letter in question for writing it was that as Mr. Dundas had the patronage and control of all the naval officers in the Colonies and West Indies, he wished to save him the trouble of searching through the various documents and acts on the subject.

In point of fact his letter names neither documents nor act; so that the letter is not only gratuitous in origin, but does not even furnish the information it promised.

The Lieutenant Governor professed in his letter to be anxious that any irregularities in the office should be suppressed, from the danger of these extending to the other Colonies and Provinces, and the impossibility of correcting them, when once they had become established. This he said was his object in recommending Mr. Putnam, who was just the man for the place, and he still continued of the opinion that on the demise or avoidance of the office by Mr. Tonge, Mr. Putnam should have it, in which case he scrupled not to engage that the Government would not repent of the appointment. The idea underlying the letter is evident that Mr. Tonge must depart out of the situation and be replaced by Mr. Putnam.

We have gone into these details about the letter, because we are at this early period of the history enabled thereby to form some opinion of the merits of the long quarrel between these two men. Unfortunately we have to make up our judgment in a great measure from statements on one side only. The accusations against Mr. Tonge are all extant, they are

spread over five volumes of Sir John's letters. They are contained not only in grave dispatches to Ministers of State, but also in private letters, some to the permanent heads of Departments of State, others to the acquaintances and friends of Mr. Wentworth, to the Governors of other Colonies, to the Bishop, in notes sent here there and everywhere. Of Mr. Tonge's answer to all this we know nothing. We can only judge of what he might have said in reply by examining such of the public proceedings complained of by Mr. Wentworth, as are recorded in the Journals of the Assembly. These speak for themselves and enable us to estimate the justice and accuracy of some of the language used in the Governor's letters.

Whether Mr. Tonge was aware of the resistance to his appointment made by Mr. Wentworth and of the terms of the Governor's letter written after the appointment was forced upon him, we are not in a position to know, but it is unlikely that Mr. Wentworth could conceal, or that he ever wished to conceal his opinion of Mr. Tonge, and his opposition to the retention of the Naval office by that gentleman.

On the other hand there can be no doubt that Mr. Tonge's relations with persons of influence here and in England may have enabled him from independent sources to acquire some idea of the attitude of the Governor in respect of the appointment. In that case we are the less at a loss to understand the spirit of the antagonism to Mr. Wentworth, which showed itself in the public acts of Mr. Tonge from this time onward.

Soon after the Governor's arrival, Mr. Tonge was elected to the House of Assembly. When that body met on the 8th June, 1792, Mr. Tonge took his seat for the township of Newport previously held by his father, and immediately assumed a very active part in the business of the Assembly. With every transaction of moment recorded in that session, Mr. Tonge's name is in some way associated in the Journals.

In all the measures in particular in which the country as against the town was interested—such as the extension to distant ports of the right of entry and clearance of ships (then confined to Halifax and Shelburne) the division of the larger counties into districts of a more convenient size, and the readjusting, and the adding to the representation in such divisions, the subjecting of the lands of absent proprietors to a just proportion of the expense of making highways which improve the value of these lands—all these questions seem to have fallen to the lot of Mr. Tonge. His activity in the measures for these purposes, interfering as they did to some extent with the monopoly of Halifax, was probably not very popular in this town, and was not of a nature to recommend him much to the favor of the Governor or of his Council, who all belonged to Halifax. At all events it was after the close of a session in which Mr. Tonge had shown extraordinary activity and influence and in which he had established his reputation as a public speaker of great independence, force and eloquence, that the Lieutenant Governor addressed to Mr. Dundas the deprecating letter on which we have already commented.

When Mr. Wentworth came to raise his Royal Nova Scotia Regiment in 1793, he appears for the moment to have been disposed to cultivate better relations with Mr. Tonge, who was then Adjutant of the 60th Regiment, and absent on leave. He recommends him for a Captaincy in the new Regiment, saying of him, and of others referred to in his letter, that “they are preeminently distinguished for their military accomplishments.” This truce did not last long. When all of a sudden the Maroons were thrown upon our shores, as we have already mentioned, it was a matter of anxious deliberation with Mr. Wentworth how they should be supported.

Among the propositions made to him, was one by Mr. Tonge offering to take 300 of them and keep them at the rate of £10 per head per annum. This offer the Governor rejected in a letter to Mr. Tonge dated the 8th August 1797, assigning

as his reason for the decision that other arrangements had been made for the settling of the Maroons. When however, Mr. Wentworth comes to explain to his superior in office why he rejected the offer, which he does in a letter under date of the 23rd June, 1798, he states that "Mr. Tonge had prefaced his proposal with the observation that his estate was embarrassed with debt, and that this speculation would remove it." "How then," writes the Governor, "could it be applied to the support of the Maroons." "He would give," says the Governor, "undeniable bonds the practicability of which was doubtful, and even if good, they might have to be enforced by suit." He follows this up by other arguments of the same kind, "but" he says in a parenthesis, "I have a still further and equally serious objection of a more *private* nature, which is that I cannot and ought not to have any reasonable confidence that less seditious practices would be employed under this direction, than has been employed where they now are." This grave charge refers to attempts made, according to Sir John's account, by one of the agents of the Jamaica Government who had come on with the Maroons, a Mr. Ochterloney. He charged this gentleman with exciting discontent among the negroes by representations of the unsuitableness of the climate of Nova Scotia to their constitution and habits, by advice, "not to settle down on the farms allotted to them, but rather to insist on being sent off to some part of Africa, where with arms in their hands and plenty of ammunition, they could by rapine and murder establish themselves in a land and climate favorable to their constitution and habits." Complaints of this kind against Mr. Ochterloney and his *friends* are spread over page after page of the Governor's letters, but this appears to be the first time as far as we can see in which he undertakes to name Mr. Tonge (though even then only privately) and charge him, even then however, only indirectly, with being a party to those proceedings.

If indeed Mr. Tonge seriously believed the Maroons to be not only a useless but even a pernicious addition to our popu-

lation, he entertained an opinion which a goodly number of his fellow countrymen are likely to have shared. That he sympathized with their sufferings in this severe climate, where shelter, clothing and food were to be obtained only by an amount of labor, of care and of foresight, which the Maroons had never learned, or had occasion to learn, in their Island home, where little of shelter or of clothing were needed, and where food was the spontaneous growth of the soil, it is only a proof of his humanity and good sense; but it is utterly absurd to suppose that a man of Mr. Tonge's position and antecedents could be a party to or approve of the seditious and murderous projects, the particulars of which were poured into the private ear of Mr. Dundas.

It is probable that Mr. Tonge knew he was unfavorably represented to the Minister, though he certainly could not suppose that charges so serious were preferred against him. Still he must have known enough to render him little anxious to support Sir John in any matter in which he was personally concerned.

About this time the Government House in which Sir John resided, and which stood in the square now occupied by the Province Building, had got into great disrepair. It had been built of green wood. The frame stood on the original rock. no cellar had been dug, and the site had never been drained. The house was damp and wet and was very unwholesome. Sir John's health was suffering. He had at that time it is true a house of his own some six miles from Halifax, situated on the western shore of Bedford Basin, but the distance made it inconvenient, and besides the house was then in possession of Prince Edward, who had built an extensive establishment on the spot. Under any circumstances the house was private property and what was required was an official residence for the use of the Governor of the day.

Sir John therefore set to work to procure the sanction of the Legislature to the project. The time was favorable. The public debt had been paid off. The revenue was flourishing, and the county in circumstances to bear the expense. A project had been entertained for some years back to put up two buildings, one for the Public Departments, and the other for the residence of the Governor. The Public Building was to be undertaken first, and preparations had already been made by the purchase of a site and materials.

In the session of 1799 the Legislature, on the recommendations of Sir John, consented to reverse the order of construction, and to provide that Government House should be put up first. The Bill for this purpose, which was promoted in the Assembly by the personal friends of the Governor, was opposed on the part of Mr. Tonge by every strategem which could occur to a man well versed in the proceedings of deliberative Assemblies. His action in the various stages of the Bill was not unlike that taken 100 years later by the Irish members in the Imperial Parliament. Fortunately, however, the Nova Scotia Assembly had in its rules a power of cloture, which enabled it to act vigorously when the discussion of a subject was in the judgment of the majority exhausted.

The Governor succeeded in his plan. The Act passed to carry out his views.

After the close of the session it became his duty to report the proceedings to his official superior; accordingly Sir John writes a letter to the Duke of Portland in which he refers to the general proceedings of the House in moderate terms. He mentions the decision to which the Legislature had come, to build a new Government House, and the handsome appropriation they had made for that purpose. He refers with much satisfaction to a very complimentary address to himself, which Mr. Uniacke, the Speaker, had made when the appropriation Act was submitted for his approval. But his feelings towards

Mr. Tonge appear in a subsequent private letter, which he addresses to Mr. King, then Under-Secretary of State. It would appear from this that the resentment of Sir John against Mr. Tonge had been festering ever since the prorogation. Some part of the temper it shows may perhaps be due to the illness from which he was suffering when he wrote. What he calls a rheumatic influenza was then prevalent at Halifax. He himself was down with it, so were Lady Wentworth and the servants, and all the households in the neighbourhood.

This was not a state of things to encourage pleasant feelings towards an old enemy, but it was not enough to justify in a letter to a public officer marked *private*, and therefore not capable of being used for public purposes, statements by which public policy was to be influenced. A letter pouring poison into the ears of the permanent head of the Department, and designed to affect the character and fortunes of a man who had no means of setting himself right, and who could not know even that charges were preferred except by a breach of the confidence under which they were made.

In this letter Sir John writes, "that Mr. Tonge had taken infinite pains to exclude several old and respectable members, to produce contested elections." He says, "In the County of Halifax, comprehending a great extent and population, he persisted in a contest, although he was elected for Newport, his only object being to disturb the peace and harmony of the country by the tricks, falsehoods and follies used in popular elections. In the Assembly he has evidently endeavoured to supplant Mr. Uniacke the Attorney General in his election to be Speaker." "It is daringly opposing the King's Government to create "jealousies and embarrass the duties of the King's servants." "Not one measure was agitated in the late Assembly of any regret or delay that did not somehow or other originate with him, and he is now commencing similar schemes." "This perseverance and its effects are the more astonishing as he never succeeds in any measure." Mr. Wentworth seems to have

forgotten Mr. Tonge's success in the very first of the things he complains of. In the great and populous county of Halifax, the Governor's friend Mr. Wallace, a popular and able man, had gone under in the contest with Mr. Tonge, and could succeed for the county only when not opposed by Mr. Tonge. There is a little touch near the end of the letter which enables us to see that these representations may not have been entirely on public grounds.

The Maroons were then about to leave Nova Scotia, he says, "They are all ready to embark at a moment's notice except two families who say they have engaged with Mr. Tonge and will stay with him. Neither Mr. Tonge nor the Maroons shall be suffered to frustrate my instructions to send them all to Africa. While Government contemplated their settlement here Mr. Tonge took part with those who instructed them to resist." He forgets to add, that till Government ordered them off he himself had done his best to keep them here, and that Mr. Tonge, even if he did what he was charged with, was not more inconsistent than himself. We find similar charges in another letter written a few days afterwards to Mr. Scroope Bernard, who had been appointed agent for Nova Scotia by a joint resolution of the two branches.

"The Assembly," says Mr. Wentworth, "have many new members and several contested elections obviously arising from the machinations of one member actively disseminating discord and hatred, both in and out of the House, more especially against those who are in the King's service and longest established; strange to tell this man and his family exist upon the bounty of Government, and then ungratefully seek to subvert its harmony."

How different it would have been if only his advice had been taken and Mr. Putnam been appointed!

We shall find in the subsequent part of our narrative many other letters of similar import. It will not be necessary to

quote them at any length, but we shall refer to some of them when dealing with the questions which gave occasion for them.

However, the Bill for the erection of the Government House became law, and forthwith the new building was commenced. On the 11th day of September, 1800, the corner stone was laid by the Governor with great pomp and Masonic ceremonies, in the presence of the chief officials of the Army, and Navy and of the Civil Service; and in the course of four or five years the House was ready for occupation.

We must now go back for a few years to bring up some domestic details. Lady Wentworth's health during the year 1797 was much affected, probably by the same cause which had proved so prejudicial in the case of her husband—the condition of old Government House.

Her illness continued during the autumn and winter. It formed the subject of many a tender notice in Sir John's letters. It is evident that there was the kindest affection between the two, and that next to his own sufferings, those of his handsome and lively partner preyed upon his mind. Towards the spring of 1798, her health became so much impaired that it was thought advisable she should go to England to try the effect of a change of climate. Accordingly she left Halifax in the month of March with her son Charles Mary, then a youth of twenty-two years, for England, where she remained some eighteen months. The change proved beneficial. In a very short time she recovered her health, and with her son, enjoyed the advantage which their position gave them in the society of the old world. Much of the time the mother and son spent with the Fitzwilliams, their kinsmen. Young Wentworth was named Charles Mary from the names of his Godfather and Godmother, the Marquis and Marchioness of Rockingham. The Marquis was the head of one branch of the Wentworths, Earl Fitzwilliam of another. While in England Lady Wentworth was presented by the Countess Fitzwilliam at

Court. She seems to have made a very favorable impression on the Queen, who gave her the appointment of Lady in Waiting. According to Mr. Murdoch it was said that with the appointment she received permission to reside abroad, and that a salary of £500 a year was allotted to her.

It was during Lady Wentworth's residence in England, that Prince Edward arrived from Nova Scotia with the certificates of three doctors in his pocket. The Prince, who was then only thirty-two years old, had been unfortunate in his financial affairs, having incurred large debts in connection with outfits on different positions he had held abroad. The outfits had been shipped at four or five different times in as many different vessels, and one and all were lost at sea and uninsured. A strange fatality attached to this business. Outfit after outfit went to the bottom, but the debts remained. These were constantly being swelled by unpaid interest, and hung a dead weight about the Prince's neck. When he was in Nova Scotia he was bearing a burden of a debt exceeding £160,000. He had, though perhaps on a smaller scale than his Royal brothers, the same propensity to spend money. His Parliamentary allowance was only £12,000 a year. His pay as a Major General added little to the amount, while the expensive establishment he maintained, wherever he lived, and his family arrangements, conducted on a system similar to that adopted by his brothers, created a constantly increasing embarrassment. He had been kept abroad nearly all his life by the King in the idea that he could live more economically out of England. With that view the rigid rule was adopted which the Prince had tried so hard to get relaxed; hence the certificates which were required to justify his return. This visit to England did him little good; he came back to Nova Scotia with his debts unpaid, but with the title of Duke, and a position of Commander-in-Chief over the Forces in North America. He had been nearly a year absent (21st Oct. 1798,

to 6th Sept., 1799) from the Province, and on his return was received with great enthusiasm by the people of Halifax.

At length the long war with France came to a close. Preliminaries of Peace were signed in 1801, and next year a Treaty was formally concluded at Amiens.

Perhaps in no place was war so little objectionable as at Halifax. While it lasted, that place was the rendezvous of all the ships and armies employed against the French and Spaniards in America. The people of that town therefore learned with some regret that the war was at an end.

An order came out to disband the Nova Scotia Royal Regiment. A number of other regiments were also disbanded at the same time and dispersed among the colonies.

This showed the confidence of the Ministry in the continuation of Peace. The new Ministry under whose auspices it had been concluded seemed to think they were free to lay aside their armaments and study war no more. They soon however found their mistake. The peace had not lasted two years when once more the sound of arms was heard all over Europe, and from end to end of this continent. The greatest events with which Nova Scotia was concerned during this period were the expeditions fitted out from here for the West Indian Islands. But these belong to Imperial history. They do not particularly concern the Province, and still less are they connected with the subject of our Memoir.

As regards domestic matters, Sir John appears to have got on with his Government without the occurrence of any events of much importance. The old disputes between the Council and Assembly continued. The struggle of the popular Branch which obtains everywhere to secure increased powers, went on. The resistance, equally natural, of the upper Branch to the popular demand continued. In these disputes Sir John was an actor sometimes as a party sometimes as a mediator, but in

every instance his opinions inclined to the Council, and was opposed in the Lower House.

In 1805 Mr. Uniacke, the Speaker of the Assembly, was in England on leave of absence. The House met on the 28th November of that year, while he was absent; they were consequently without a head. The Governor then prorogued the Legislature for two days. During this period an active canvass for the Speakership was carried on. The court party supported Mr. Pyke, member for Halifax, the country party Mr. Tonge. The latter received the majority of votes, and much to the mortification and annoyance of Sir John, was presented for an approval, which was reluctantly given.

The events of this session were not of much interest. There were the usual divisions and dissensions, and what the Governor thought of these we learn by his report of the proceedings made at the close of the session. He says:—

“The absence of Mr. Uniacke occasioned the election of a Speaker. William Cottnam Tonge was elected with but little opposition, having, as I understand, declared to those who would otherwise have effectually opposed him, that he would unite in promoting the dispatch of the public business.” It is a fact of general notoriety that he did exert every possible means to protract the session, infuse and disseminate groundless jealousies and discontent into the minds of the people, to embarrass and retard the proceedings of the House, and if possible to prevent any grant of revenue to His Majesty, which by one means or the other was delayed until nearly one third of the net duties of the year was lost, by importations during the time the Revenue Bills ceased.”

Sir John in his dispatch has occasion to speak of several other matters, but again and again returns to Mr. Tonge. He says, “The business of the Assembly was protracted by those who found no disadvantage in receiving 10/- per diem,

“and by the Speaker, who through the whole session presented  
“the uncommon case of opposition to the King’s interests from  
“the Chair: where his incompetency to the decorum and duties  
“of the situation became manifest, and forgetful of his enjoying  
“a beneficial appointment under His Majesty.”

Then he drops his subject for a little, but returns to it again towards the close of his letter. “I have much and long  
“continued reason to regret and complain of Mr. Tonge’s in-  
“dividual conduct in endeavouring to disperse calumnious re-  
“ports and discontent as diligently, as artfully, through the  
“country, injuring thereby the excellent loyal character justly  
“maintained by the good people of the Colony.” Again he says,  
“If I find it still persisted in, it will be my duty to the King  
“to resist and discourage by suspending him from his office,  
“which he now holds to the surprise of all, and to the discouragement  
“of many worthy and faithful men.” After such a series  
“of complaints against a popular public man, it is cheering to read  
“the concluding lines of this strange epistle. “I have the happiness  
“to report to your Lordship that Peace, Loyalty, health and  
“happiness are as universally prevalent in this Province as  
“Society is capable of.” What a pity that the presence of Mr.  
Tonge should mar this Arcadian scene, that in such a Paradise  
Satan should be permitted to abide!

This letter was written to Lord Castlereagh, who had charge of the Colonial Department in the administration which was terminated by the death of Mr. Pitt. Then “all the talents” came in, and that position was assigned to Mr. Windham. Hardly was he installed into office before the unrelenting Governor took the opportunity of warning him against Mr. Tonge. He says he has “the greatest happiness in reporting the great and growing prosperity of this valuable Province, and the Peace and quiet of the inhabitants, notwithstanding the inexcusable dilligence of Mr. Tonge (naval officer) to infuse discontent and oppositions among the less informed people in the interior.” He goes on to add a singular feature to the com-

plaints against Mr. Tonge, "who," he says, "adds to his means of insinuation by commencing as attorney, which seems to be as improper as his other conduct is unworthy of the office he holds." Mr. Tonge to be sure was a preacher of sedition, he was a sympathizer with Ochterloney in his scheme of plunder and rapine, he had only last year by his factious measures cost the country one third of its entire revenues, but in the lowest deep there is a lower still, and Mr. Tonge reached it, when he took the step of "commencing as attorney."

In a subsequent letter he repeats what he had written to the late Colonial Secretary. He says, "that Mr. Tonge by measures of delay and obstruction had protracted the session for five weeks beyond what was necessary, that the members were the less dissatisfied that they got 10/-a day for the delay." He distinctly states "several cargoes of dutiable articles belonging to those Mr. Tonge wished to favor were landed and dispersed free of duty, and that one vessel arrived about the time that the Bill was passed in both Houses. That he went down to assent to the Bills, and after he had taken his seat on the throne and sent for the Assembly, a message was brought up informing him that the Revenue Bills were not ready. The Council were displeased and greatly disappointed, nor were the House of Representatives less so when from enquiry it appeared that after the Bill had passed the two Houses, the Speaker had of his own usurped authority prevented the Bill coming up." and that the House required their Speaker forthwith to apologize to him and exculpate them, and furthermore appointed two of their own members to accompany and witness that the apology was properly made." "The passing of the Bill was thus delayed another day and afforded time to land and dispose of a valuable cargo, free of duty, which appeared to be the object contemplated." The loss to H. M. Provincial revenue he estimates at £1552.3.0.

This is a very serious charge, and if Mr. Tonge was really guilty of what was alleged against him, it would go far to excuse

the feelings of Sir John, if not indeed to justify the tone of his letters to the Head of the Colonial Department.

We are not able to give Mr. Tonge's answer to this, all we can do is to examine the Journals and see what they show.

The protracted proceedings on general matters were due largely to the disputes between the two branches relative to the failure of an Appropriation Bill in the preceding year. The Council alleging, and the House denying, that Resolutions passed by both branches were enough to warrant the Governor to pay out the monies voted. The Assembly contended that an Appropriation Act must be passed before money could be paid.

The dispute seems to have been conducted with firmness, but with excellent temper on the part of the House, who were clearly right in their views. There was also a good deal of controversy relative to the accounts of the Treasurer, whose cause the Governor espoused with warmth. The Assembly passed a Resolution asking the Governor to cause to be laid on the table certain returns from that officer which they had a right to ask for. The Resolution was presented, but for thirty days therefrom no return was made, nor was made till after the application was repeated. The delays complained of may therefore in some measure be accounted for without reference to the Revenue Bills. These were not introduced till the 31st December, the very day on which the old acts expired. Why it was that no earlier action was taken in a House which had been in session over a month, it is difficult to imagine, but it is clear the Speaker under the constitution then existing could not prevent any member from bringing in, if he chose to do so, a Bill for the purpose. When once the Bill was introduced there was nothing to prevent any member who chose from moving its several readings, but so far as the Journals show, there was no attempt made either to forward or obstruct the Bills, till they came up for the third reading. They were then dis-

posed of at once, and the same day, the 13th January, ordered to be sent to Council. There they were passed on the 18th and next day they received the Governor's assent. So far therefore nothing in the action of the Speaker would seem to be worthy of censure. But there are two significant entries in the Journals of the Assembly, which would show that the Governor had some foundation for the complaint he was making. On the 15th, it appears by the Journals Sir John came down to the Council Chamber and summoned the House to attend. An answer came up to say that the Revenue Bills were not ready.

The House on that day had ordered the Speaker to sign all the Bills that had passed so that they might be ready to receive the Governor's assent.

The answer of the House to the Governor's summons rendered his visit to the Council Chamber on that day abortive. He therefore went home. When he returned the next day the Bills were ready, and he assented to them. Why were they not ready on the first of these days?

After the Governor had left the House on that occasion, the question was raised and discussed, and a Resolution passed that the Speaker should then wait on the Governor, taking with him Mr. Uniacke, Mr. Morton, and Mr. Morris to *explain* the *mistake* that had taken place respecting the sending up to the Council the several Revenue and other Bills for His Excellency's assent. On the same day the Speaker reports to the House, that attended by the three members he had gone up to His Excellency and explained the mistake and that His Excellency was pleased to express himself satisfied with such explanation." This is all the light which the Journals throw upon the subject. What the mistake was we shall probably never know, but after an explanation which the Governor said was satisfactory, the charge made to the Minister in such emphatic and precise terms detailing criminal acts and assigning criminal motives is scarcely fair to Mr. Tonge. The Report to the

House speaks of an explanation. Sir John terms it an apology. Whether explanation or apology, he accepted it as satisfactory. Indeed we learn from Sir John himself, that after all in his opinion, Mr. Tonge was not the only person to blame for what had occurred. He has his fling at the members generally in the two letters we have quoted, where he says that "that they were not loathe to incur a delay which put 10/- a day in their pockets." When he came to make his speech at the close of the session he intimated his opinion of them pretty distinctly. His speech is as short and as directly to the point as any he ever made during the sixteen years of his Government. In it he did not by any means single out the Speaker as the only offender. He says, "It is with unusual pleasure I find it in my power to close this long protracted session, with the assurance that the very extensive grants you have made shall be faithfully applied, as far as the means may enable me, which are diminished already by a loss of nearly one third of the revenue of the current year by your detention of the Bills to so late a period, which I am sorry to observe operates to the detriment of many in favor of a few." With these bitter words he dismissed the members to their homes with a strong inclination and no doubt the half-formed intention to dissolve the House, although it still had another session to run before its term expired. Shortly afterwards he decides on that course. He was persuaded to use his own words, "That the business would be better done by a new House even should the same men be returned." Doubtless he cherished the hope that his great enemy would not come back, or if he did, that he would find in his new associates a body by whom his influence would be less felt. The writs for the new election were returnable in August, but the Assembly was not convened till November. There were great changes in the personnel of the Assembly, greater probably than Sir John expected. Many members who afterwards became distinguished as public men took their seats for the first time on this occasion. Of these were Archibald, Ritchie, and Haliburton, all of whom afterwards became

Judges, and Lawson, who for a long time took an active part in public business and continued to occupy a seat in the House till within living memory. When the Assembly proceeded to elect a Speaker the choice which lay between Mr. Wilkins and Mr. Tonge fell on the latter, who was in due form conducted to the chair, and from that place delivered the usual speech of thanks for the honor that had been thus a second time conferred upon him. He was then presented to the Governor for his approval. Sir John never told the House he did not approve of their choice. He sent them back to choose another person, and directed them to present him next day for approval. That day and the next the House did nothing. They did not proceed to a choice till the third day. The contest then lay between Mr. Wilkins, who had been defeated before, and Mr. Hartshorne, who was the new candidate in Mr. Tonge's place. Mr. Wilkins was chosen and being presented was duly approved. There can be no doubt that this rejection of Mr. Tonge by Sir John was wrong in principle and unsound in policy. The exercise of the power of the Crown in rejecting a Speaker had practically become obsolete in England. Theoretically the prerogative remained in the Crown, but it had not been exercised since the Revolution. It was at variance with all the principles which had had seated the House of Brunswick on the Throne. If a Minister could not command a majority in the Commons, he was obliged to resign. In theory the King had the power of appointment and retention, but, depending for supplies on the Commons, he could practically carry on Government only when the appointment was sustained by a majority of that House. If the Commons had thus indirectly, but practically, the power to say that no man should continue the King's Minister unless with their concurrence, how much more had they the right to say who should be the head of their House, to whose care they would confide their liberties and privileges, and who should have a right to preside over their debates. The act of Sir John was a return to the doctrines and principles which in England drove the House of Stuart from the throne.

The submission of the Assembly though given reluctantly, and only after a delay greater than the Governor allowed, showed clearly that Mr. Tonge's liberal doctrines were not rigidly adhered to by the Assembly. They did not fail however, when answering the address from the throne, to enter their solemn protest against the act of Sir John. They express their regret that in his rejection of their first choice he had exercised a prerogative long unused in Great Britain and without precedent in this Province.

Constant iteration of the complaints against Mr. Tonge in letters to his predecessors and in letters to himself, seems at last to have produced an effect on the mind of Mr. Windham, who, in one dispatch of the 10th May 1806, answers six of the Governor's letters on the subject. He tells Sir John that if he finds occasion to use the power of suspension, he must at once report the whole circumstance of the case for His Majesty's consideration. Armed with this quasi sanction of the Imperial Minister, Sir John held this suspension over Mr. Tonge's head all through the first session of the new House. He had already dealt him one heavy blow in rejecting him as Speaker. A month or two after the House rose he dealt him a second by suspending him from his Naval office, and putting another man in his place. In the letter of explanation which Mr. Windham had directed him to forward in case of his exercising this power, he says that Mr. Tonge still persisted in his disrespectful and pernicious opposition to the Government, and that he had found it necessary to suspend him. He now adds a new reason for this course. Mr. Tonge, he says, tried "to introduce disorderly combinations among the militia when ordered on duty and in expectation of an invading enemy, by calling meetings of officers, suggesting grievances and urging them to resign." He says further that Mr. Tonge was now trying to bolster up his character by circulating petitions in his favor. Some of these were carried about by people who had profited by the delay which Mr. Tonge had created on the passage of the Revenue Bills, another was in the hands of a Roman Catholic trader,

so bigoted that he thought it a service to his religion to countenance any opposition to a Protestant Government. What particular acts in connection with the militia were meant by the vague charges conveyed in this letter, we are unable to say. Whatever they were they do not seem to have created much prejudice against Mr. Tonge in the minds of the military authorities. They did not share Sir John's prejudices. Perhaps they may be best judged of by one statement in association with which they are found. In that Sir John appears to have lost all sense of proportion. He declares that the dismissal of Mr. Tonge was a measure of more importance to the honor and well-being of His Majesty's Government in these Colonies than any other that he had observed "in his forty years of faithful service." It is impossible in reading this letter not to feel that Sir John was writing in ill temper. It can hardly be supposed that any very serious result could have followed from Mr. Tonge being allowed to continue in an office yielding only £100 a year. In the long series of events which intervened between the Repeal of the Stamp Act and the Treaty which ratified the Independence of the thirteen Colonies, surely there were things more important to the monarchy than this taking of £100 a year from a poor man, who needed it much, though he may have disdained to retain it by subservience and sycophancy.

But now that the blow has fallen and the victim is sacrificed, how fares it with Sir John? There were still other matters that were giving him trouble. At the election of 1806 a Mr. Walker had been returned for Annapolis, but on a petition he was unseated by the vote of the House. The Speaker thereupon applied in the usual form for a writ for a new election for that constituency, stating that the House had declared the seat vacant. Sir John demurred, and brought the matter before his Council. They advised a reference to his Law Officers. Mr. Uniacke the Attorney General and Mr. Stewart the Solicitor General, reported that the House had power to declare a seat vacant, and that the Speaker's applica-

tion for a new writ ought to be acceded to. But Sir John and his Council declined to accept the decision of these officials. They, however, referred the matter to the Crown officers of England. Meanwhile Annapolis had no representative.

When the House met in the next session the Speaker was ordered to apply again to the Governor for the writ. He did so and obtained an answer from the Governor's secretary and brother-in-law (who was also one of his Council), setting forth that at the general election a writ had been issued and a member returned for the constituency in question, that such member had been sworn in and had taken his seat; the Governor therefore required to know by what means a vacancy had risen, so that he might judge for himself whether there was a vacancy or not.

This was strange doctrine. It did not belong to the House, if Sir John's view was correct, to determine questions touching their own branch of the Legislature. The Governor was to be a Court of Appeal from their decision. The seat was to be vacant or full as the Governor, not as the House, should decide. All this was subversive of every idea of popular Government. No wonder that Mr. Tonge forthwith moved for a Committee of Privileges, and had the letter from the Secretary referred to that committee. No wonder that after a laborious investigation made by a committee of the best legal and lay minds in the House, they came unanimously to the decision that the claim of the Governor was unconstitutional. When the Report came up, it was adopted by the House, and entered in the Journals as unanimous. Again an address was adopted, without a dissentient voice, expressing great regret, that by any advice the Governor had been induced to act in violation of the rights of the Assembly and of the constituency so disfranchised. The House concluded their address however, in the best spirit, by declaring their willingness to suspend their claims till an answer should be obtained from the law officers of England.

The strong reasoning and moderate tone of this address exhibit the conduct of the Assembly and its leaders in a favorable light. They must have been greatly gratified afterwards to learn that almost immediately after the close of the session a report of the Crown officers of England arrived, confirming in emphatic terms the views set forth in the Assembly's address. The Attorney and Solicitor General of England say that in their apprehension the issuing of a new writ is the necessary consequence of a vacancy created by the Resolution of the House, and that there was no ground to question the competency of the House to decide exclusively and without appeal on the validity of the election of one of its members.

We can fancy the scene which took place when on the 2nd March 1808, it became the duty of Sir John at a meeting of Council to lay before them the humiliating results of their struggle to deprive the Assembly of its right to deal with a question which belonged to them and to them alone. There was something they did not know at the time, but which if they had known it, would have added still more to their annoyance. What this was we shall have occasion to mention further on, when we shall have dealt with another question which Sir John would have let alone if he had been wise.

In narrating the details of the constitutional question we have followed the matter from its commencement in 1806, till its close in 1808, so as to make a continuous narrative. While this question was going on another difficulty had arisen to disturb the security of Sir John's administration. In those days it was the fashion for the Legislature to vote sums of money to buy a sword or a piece of plate for persons they wished particularly to distinguish. The Journals of the Assembly are full of such proceedings. When Admiral Berkeley was on the station, he appears to have acquitted himself of his duties in a manner very satisfactory to the Assembly. On the 11th December 1807 Mr. Robie called the attention of the House to the matter, and moved two resolutions, one for an

address thanking the Admiral for the services he had rendered to the trade and maritime interests of the Province. The other for a grant of one hundred guineas to buy a piece of plate or a sword as a testimonial of appreciation of his services by the Province. Both passed *unanimously*, and are so entered in the Journals. Next day, Saturday, the money vote was sent up to the Council for their concurrence. On Monday a call of the Council was ordered, and on Tuesday the Resolution was discussed, agreed to, and sent back to the Assembly. On Wednesday Mr. Tonge moved a committee to wait on the Governor to obtain his concurrence to the money vote. This formality was necessary to make the vote valid. It is true that money grants were peculiarly a matter for the representatives of the people, it is true that they had passed the vote without a dissenting voice, it is true that the Legislative Council had agreed to the vote, but the Governor's assent was still required, and when the committee asked for it, it was not given. The reason assigned for withholding the assent we shall refer to presently. Meanwhile we may say that on the same day that Mr. Tonge moved for the committee to procure concurrence, Mr. Robie reported the address to the Admiral, which was adopted by the House unanimously and ordered to be presented by a committee of which Mr. Robie was the head. The want of concurrence by Sir John does not seem to have interrupted the proceedings as regards the address, for next day the committee proceeded to the Dockyard and presented it to the Admiral. It was couched in complimentary terms. It eulogized the Admiral highly for his services. It referred to the rumor that he was likely to be removed from the command of the Station, and expressed the desire of the Legislature to mark their appreciation of his services while on the Station by some testimonial. It stated that with that view they had voted one hundred guineas to buy him a piece of place, of which they begged his acceptance.

The reply of the Admiral was very cordial. He said he had no official information of his removal, but if it should turn out

that the rumour was correct and the reports were true as to who was to succeed him he was sure that he would pursue the same line of conduct that had drawn forth the approbation of the House. He would accept with pride and heart-felt gratitude the valuable memorial they proposed to present to him.

The case of Admiral Berkeley is unique. We know of no instance in history where a legislative body has been placed in so humiliating a position. They present an address offering plate to the value of one hundred guineas as a mark of respect. Their offer is cordially accepted. Yet there is no money and no plate. The Committee offer what they have not to give. The Admiral accepts the offer, but receives no gift. And all this because the Governor thinks fit to set himself above the Assembly and above the Council. He tells them he knows better than either or both of them how their money should be spent. In the proceedings we have related, Mr. Tonge so far as the Journals enable us to judge, took no prominent part. The only step he seems to have initiated was the motion referred to above to ask Sir John's concurrence. The main mover in the business was Mr. Robie. He it was who introduced the resolution. He prepared, reported and moved the address, and he it was who read it as chairman of the Committee, when it was presented to the Admiral. But if we are to believe Sir John, the whole business was got up by Mr. Tonge. But we must not omit to state the tone of the Governor's reply to Mr. Tonge's committee calling on him for concurrence. It ran in these words, "Gentlemen: as this is the first communication with me upon this measure, and understanding it had occupied the attention of both Houses for several days with various effect, it becomes me from a due and most cordial respect to all concerned to consider the bill with the same deliberation as has been exercised in its progress. As soon therefore as my determination can be properly prepared it shall be regularly communicated."

This is what Sir John says to the Assembly. Let us see now what he writes to his superiors in the Colonial office.

In a letter dated the 1st January, 1807, he gives Lord Castlereagh his version of the story and his reason for not assenting to the vote.

“Mr. Tonge,” says he, “patronized by Vice Admiral Berkeley” engaged the attention of the House in procuring an address and a vote of one hundred guineas to buy a piece of plate for the Admiral.” Mr. Tonge was the *bete noire*.

We have seen that both resolutions, that for the money, as well as that for the address, were passed unanimously. Sir John says they were not. He writes to Lord Castlereagh “that after much contention the money vote was obtained. The next day it was rescinded, the third day recovered in a very thin House, and sent up to the Council where the vote for the gift of one hundred guineas prevailed by one only.” Unhappily the statements of Sir John’s letter are not borne out by the Journals of the Assembly; these, as already stated, set forth the votes as unanimous. There is no record of any division on the money vote, no record of any rescinding, no record of any *recovery*, to use Sir John’s phrase. If what he states was true, then the Journals must have been entirely falsified. The Clerk must have recorded what did not take place, and omitted to record what did. This is inconceivable. According to the Governor’s account the House would appear to be not unequally divided, sometimes the majority was one way, sometimes the other! Is it within the bounds of possibility that members numbering, if not half the House something very near it, would allow a gross and palpable falsehood to be recorded on the Journals without protest or remonstrance. But there is something still more in this statement. The Journals of the Assembly show that the vote was moved, seconded and passed on one day, the 11th December, and on the same day was sent to the Council. Sir John on the contrary says that on one day

the vote was obtained, on the next day rescinded, on the third day recovered on a very thin House, and then sent up to the Council. The Governor therefore makes out that the House were three days disposing of this business. The Journals show that they were but one. And there was but little room for rescinding and recovering, if the House were, as their Journals declare, unanimous on the subject. But we have other evidence than the Journals of the Assembly on the subject. The Journals of the Council show that they received the message from the House containing the resolution on the money after it passed the House. They show that the resolution brought up to them bore on its face that it was passed unanimously below. When on Monday they decide to enter on the question, they order a call of the House, and next day, Tuesday, they dispose of the resolution. The Governor in his letter to Lord Castlereagh says that the vote passed the Council by a vote of one only. The Journals show the division. It was five for it to three against it. But there is something peculiar in the division as recorded, both as regards the number of the majority and those of the minority. In favor of the resolution we find the brother of Sir John's wife, Mr. Benning Wentworth, Prov. Secretary, who owed his office and his position in the Council to his being the cousin and brother-in-law of Sir John, and yet with all this claim for support Sir John is deserted by his own kith and kin on a question in which he felt so keen an interest. Again in the ranks of the minority we find the name of a gentleman who during the whole of the session, never made his appearance at the Council Board, except on this occasion. We may fairly infer that he came to suit the purposes of the Governor; and when we learn that this was Judge Croke, the same gentleman who two years afterwards as Administrator of the Government undertook to tell the Legislature that he knew better than they how to dispose of the public money, it is easy to divine the concurrence of sentiment which made him come once in a session to the Council, the ally of Sir John in his attempt to checkmate the Assembly.

We can draw but one conclusion on that matter, and that is not a conclusion in favor of Sir John. When we find the Governor thus making statements, proved by the clearest evidence to be untrue, it cannot but sap our confidence in any assertion he makes supplied by no other authority than his own statement.

On the 16th December he had promised the House he would let them know when he came to his decision. On the 1st January he informs Lord Castlereagh of what he had made up his mind to do, but he makes no communication to the House for a month afterwards, and then only when the session was within two days of its close. What excuse can be given for the breach of a promise so solemnly made? But there is something more in the letter from which we have quoted. We have shown his inaccuracy in matters of fact. On these we see he could make statements that were not true, after detailing what he represented as the facts. He says, "I believe the vote could not now be carried in either House or in a Town meeting." If we cannot trust him where he tells us what really was done, how can we credit him when he ventures to assert what would be done if the question came up again.

But when Sir John was writing this letter, when at the later date we have mentioned, he was presiding at a meeting of Council giving a reluctant obedience to the order of Lord Castlereagh to issue the writ for Annapolis, he had not the remotest idea that he was no longer Governor. Whether it was that the Colonial Office had wearied of the long strife between him and Mr. Tonge, or were dissatisfied at the want of judgment shown in disputing the right of the Assembly to deal with the seats of their own members, or to vote the public monies as they judged best, whether they thought that Sir John's age, now verging on 72, was too great for the work required of him, or whether with the imminent prospect of a war with the United States, in addition to the wars with the whole continent of Europe already on the hands of the British

Government, there was need of a military man at the head of affairs in Nova Scotia, whether it was one or all of these that influenced the ministry, they came to the decision that it was time for Sir John to retire. Almost the last act of any importance which he performed before notice of being superceded reached him, was the appointment of his son, Charles Mary, to the position of Provincial Secretary, vacant by the death of Benning Wentworth which took place in February. A brother-in-law had died, but the place was not to go out of the family, it was to be filled by a son. That son, to be sure, was not in the Province. He had abandoned his country and councillorship and gone to England to live, but Mr. Wallace was always ready to serve the Governor, whether in Council or out of it, he therefore consented to act in the office as deputy till his principal could be sent for, which was done at once. Meanwhile the Governor sent a strongly worded letter to Lord Castlereagh urging him in consideration of "his forty years of faithful service," a phrase which appears constantly in letters of that year, to confirm the appointment. But a sudden and unexpected ending was put to these proceedings by the appearance of Sir George Prevost at Halifax on the 13th April, 1808. He himself brought the first notice of his appointment as Lieutenant Governor. The official letter from the Department did not reach Sir John till ten days afterwards. When he came to ascertain the date of Sir George's commission, he found that before he had appointed his son Charles Mary to the best office in the Province, Sir George Prevost was Governor. When the new Governor came out to Nova Scotia he brought with him a friend of his own, whom he intended to make Provincial Secretary. It appears therefore that when he was reluctantly yielding assent to orders for the issue of a writ for Annapolis, he was really doing work which belonged to his successor.

Mr. Rupert George in 1792 brought Mr. Wentworth into the Province. Sir Rupert's son in 1808, may be said to have sent Sir John's son out of it.

The British Government, though they had found it necessary to deal thus summarily with the Governor, were by no means disposed to treat him harshly. Lord Castlereagh wrote to Sir George Prevost on the 21st January, a few days after his appointment, stating the wish of the British Government that an honorable provision should be made for Sir John Wentworth on his retirement. He thought it should be borne partly by the Imperial and partly by the Provincial Treasury. He suggested £500 sterling a year as the amount which the Province should furnish, and intimated the intention of the British Government to put his name on the Pension List in England for a like amount.

In the first session of the Legislature subsequent to the arrival of Sir George Prevost, he sent a message to the Assembly with a copy of Lord Castlereagh's letter for their consideration. The House showed some hesitation in complying with the Minister's request. They passed a resolution giving £500 sterling, but only for one year. To this the Council disagreed as not making the provision the Minister had looked for. Eventually however, the Bill for the annuity for life passed both branches.

We could have wished that with Sir John's retirement from the arena of active politics, Mr. Tonge could have forgotten the antagonism of the last sixteen years. It would have been a graceful thing to allow a Bill to provide a decent retirement for an old public servant to pass without opposition. We regret to say that Mr. Tonge did not take that view. He divided the House against the measure and did all he could to defeat it. With the Bill was passed an address to Sir John, which was presented to him by a committee of the House on the 20th June. The address expresses faithfully the general opinion of the day with regard to Sir John. It sets forth the grateful sense which was felt by the House of the benefits the Province had experienced since the commencement of his administration. It states that when Sir John became Governor "the Province was burthened with a heavy debt,

its credit was reduced, its revenues unequal to its expenditure." "During your administration we have seen the Provincial debt discharged, large sums of money applied for public purposes and the Agriculture, Commerce and Fisheries of the Province greatly improved and extended." It recites their compliance with the recommendation of his Majesty for a provision and they present with the address a copy of the Bill they had passed. The last shot fired by Mr. Tonge at the retiring Governor might well have been spared. He proposed an amendment to the address which would make it say after the recital of the improvement of Provincial affairs that followed the appointment of Sir John, that this "was in no respect owing to any acts of His Excellency." We confess that this paltry attempt diminishes our estimate of Mr. Tonge. He might conscientiously have opposed an address to a man whose policy and acts he disapproved, but this attempt to engraft upon it a personal stigma was unworthy of a statesman. We are glad to see that in a House of twenty-nine Mr. Tonge could find only five persons to vote with him on this occasion.

Sir John's answer overflows with gratitude and bad grammar. The feeling exhibited in the document is excellent, but its composition is so bad that we should do him more harm than good by quoting the reply. It is sufficient to say that it speaks more for his heart than for his head.

And now that Sir John has retired to private life, at all events now that he is no more connected with public affairs than as an Imperial official discharging the duties of Woods and Forests, we shall not need to dwell at much length on the remaining years of his life.

After leaving the Government House he appears to have spent his time principally at Halifax in the discharge of the duties of his office of Woods and Forests. He was no longer able to take journeys through the woods as in the days preceding his appointment to the Governorship of Nova Scotia. Then he could travel through the forest for months at a time,

then, according to his own account, he could continue his journeys till one after another the persons with whom he had commenced had become exhausted, so that he was left at the conclusion of his journey without a single man of those with whom he had commenced it. He had now to confine himself to those duties which could be done without leaving his office. These he continued to discharge for some years with his usual industry, occasionally varying his occupations by a visit to England, where his wife and his son were residing. Lady Wentworth died at Surrey Hill, Berkshire, England, in the year 1813. Sir John himself survived till 1820. He died on the 8th April of that year at his lodgings in Hollis Street, being in his 84th year. He left a will in his own hand-writing bearing date two years before his death. The document bears internal evidence of its being his own composition as well as his handwriting. In it he declares his unbounded gratitude to his friend Michael Wallace for the many kindnesses shown to him, and leaves him a legacy of 100 guineas as a token of affection and 20 guineas to buy a mourning ring.

\* \* \* \* \*

Subject to two small legacies he gives all his estate real and personal to his son Charles Mary. The son was an only child, and inherited the Baronetcy, but was never married. On his death the title became extinct.

At the close of our narrative of the principal incidents in the life of Sir John Wentworth, it will hardly be necessary to spend much time in discussing his character.

In manner Sir John was amiable and courteous. In temper he was genial and kindly. He appears to have enjoyed the good opinion of a large body of friends and acquaintances. His letters afford numberless proofs of his kindness of heart. It is impossible however not to see how much he is under the dominion of prejudice. He is a good hater. When he dislikes, he dislikes most cordially. His feelings are not con-

fined to the special offender, they extend to his friends and associates. Of this his letters which we have quoted furnish abundant proof.

Sir John appears to have been much given to hospitality. The Gazette newspaper is full of notices of dinners, levees, luncheons, balls, and supper parties. The residence of Prince Edward at Halifax for five years with the gaieties which accompanied it, with large numbers of naval and military men transiently here during this period in connexion with the expeditions fitted out against the enemy from Halifax, must have drawn heavily upon Sir John's hospitality. They must have created a taste for dissipation and conviviality.

The description of these parties contained in the Royal Gazette gives some idea of the habits and tastes of last century in the infant Province. One of these entertainments given in 1792 shortly after the arrival of the Governor is described in language so racy and is so illustrative of the time, that it would be unpardonable to omit it.

"On Thursday evening last the Governor and Mrs. Wentworth gave a ball and supper to the Ladies and Gentlemen of the Town and the officers of the Army and Navy which was altogether the most brilliant and successful entertainment ever given in this country. The Company being assembled in the Levee Room at 8 o'clock (this was in the old Govt. House) the band which was very numerous and excellent played God Save the King, three times over, after which the country dances commenced, two sets dancing at the same time. The whole house was open, every room illuminated and elegantly decorated. There was a room set apart for cotillions above stairs for those who chose to dance them, and a band provided on purpose for it. During the dancing there were refreshments of ice, orgeat, cappillaire, and a variety of other things. At 12 the supper room was opened and too much cannot be said of the splendour and magnificence of it. The Ladies sat down at

table and the Gentlemen waited on them. Among the ornaments which were altogether superb there were exact representations of Messrs. Hartshorne and Tremaine's new Flour Mill, and of the Windmill on the Common. The model of the new Light House at Shelburne was incomparable, and the track of the new road from Pictou was delineated in the most ingenious and surprising manner, as was the representation of our fisheries that great source of the wealth of this country. To all these inimitable arrangements corresponding mottoes were attached, so that not only taste and elegance were conspicuous, but encouragement and genius were displayed. The viands and wines were delectable, and mirth, grace and good humor seemed to have joined hands to grace some glorious festival. But this was only for the friends of the Governor and Lady Wentworth. When the Ladies left the supper room the gentlemen sat down at table, when the Governor gave several loyal toasts with "three times three", and an applicable tune was played after each bumper which had an admirable effect. At 2 o'clock the dancing recommenced, and at four the company retired."

"That ease, elegance and superiority of manner which must ever gain Mrs. Wentworth the admiration of the whole company, and that hospitability, perfect good breeding and infinite liberality which so distinguished the character and conduct of our beloved and adored Governor, never shone with more lustre than on this occasion, when every care of Mr. and Mrs. Wentworth seemed to be to give one universal satisfaction. Everything tended to promote our sympathizing joy, and never was there a night passed with more perfect harmony and luxurious festivity."

Levees were held on almost every possible occasion. On New Year's day, on the Birthday of the King, the Queen, Prince Edward, the Regent, on St. George's day, St. Patrick's day, St. Andrew's day, on Coronation day, and on every possible occasion, and sometimes on Sunday, when the event oc-

curred on that day. Altogether the society of Halifax must have had a jolly and joyous time while Sir John governed. Is it any wonder with all the festivity which seems to have characterized every one of the sixteen years of Sir John's administration, he ended by being a poor man. His successor in the office accounts for it by the style of house in which he was living, which he says was wholly disproportionate to the salary of Governor, though aided by that of Woods and Forests..

But with our knowledge of the events of these sixteen years we are perhaps better able than was Sir George Prevost when he wrote the letter in question, to form a correct judgment on the point. The financial embarrassments in which he found his predecessor were doubtless due in some degree to the reckless extravagance which had grown up in the circumstances of the country at the time. Sir John's easy temper and fondness for social enjoyments led him to yield freely to the fashion of the day. Something of this embarrassment might be due from the muddle which resulted from the various financial matters with which he was connected. He does not appear to have had a clear head for accounts, yet he undertook to do what would have required a financier of no small ability to do well. He had charge as we have seen of the large and varied disbursements connected with the Maroons. These were of a complicated nature and spread over many years. He had also to provide the funds for the vicualling and pay and clothing of his Regiment, which was in existence some eight years. He had to superintend the accounts of the armed schooner the "Earl of Moira", which was engaged for some years in the public service. He had the disbursement of sums for Indian relief. He had the heavy pay list which accompanied his journey through the Province in connexion with Woods and Forests, and to all those he had his own financial arrangements connected with his different salaries to conduct. With all these different money matters to distract and confuse him, we are not surprised to find that he involved himself in a laby-

rinth of trouble with the officers of the Imperial Government; that mail after mail carried apologies for delay and assurances that the accounts upon one branch or the other of these subjects would be forthwith made up and forwarded. Nor are we surprised that the Imperial authorities, unable themselves satisfactorily to audit these various accounts, at last required that they should be audited by the Council before they were sent home, and that while this was going on Sir John's salaries should be put under suspension. With all this it does not appear that there was any ground whatever for the suspicion of unfair dealing of any kind. If there were mistakes these were such as would naturally occur under such circumstances, and though there was great want of system and perspicuity in the accounts, these were the result of inefficiency and incompetency, not of intentional wrong.

Sir John's opinions on ordinary politics were moulded largely by the incidents of his life. He had sacrificed home and possessions to the loyalty which attached him to his Sovereign. He had been driven away from his former Government by the progress of opinions which led to liberalism, to rebellion, to treason; and whenever he found in his new position any public man proclaiming doctrines bearing any resemblance to those which had in his experience produced such fatal effects, he felt it his duty to stamp out the plague with all the power of Government. Hence largely his increasing hatred of Mr. Tonge, who was one of the earliest exponents of liberal ideas in this Province. Mr. Tonge had not gone through the ordeal which had moulded Sir John. He belonged to a race that had always been loyal to the throne, but which had, with loyalty, much love of freedom and independence of thought.

In concluding this somewhat extended sketch of Sir John Wentworth and his work, we can consider him as an excellent type of the Colonial Governor of the 18th and early 19th centuries. Loyal to the Crown and devoted to the furtherance of

British aims and supremacy, he appeared honestly anxious to do all possible to advance the interests of Nova Scotia. His success in these praiseworthy objects was, however, much retarded by his egotism and desire for autocratic rule, he as the King's representative being the autocrat. Efforts by the people or their leaders towards popular or democratic government met with no sympathy from him, and resulted in indiscretions in his official duties which form the sole stain on his administration. Otherwise his work was well done, and the young colony was perhaps fortunate in having so able and vigorous a head during the stormy period of his regime. His private life and character were without reproach; and he retired from the pages of our Provincial history with the record of a good and faithful governor according to his lights.

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**Note.** This paper has been somewhat shortened in publication, our space being limited. The omissions do not, however, in any way affect the general run of the narrative.

J. P. E.

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## HALIFAX CURRENCY.

By HORACE A. FLEMMING.

Read before the N. S. Historical Society, May, 1915.

The currency of our country is not a subject that gives us any anxious concern today, but at various periods in the history of Nova Scotia our ancestors had many trying and vexatious experiences in their efforts to establish a satisfactory medium of exchange, by which the people could secure an equivalent for their products and which in turn could be used to provide for their requirements. It is quite probable however, that Nova Scotia had as little trouble in this regard as any of the Colonies that were struggling for existence under similar conditions. Robert Wallace McLaughlin, of Montreal, in an article on the "Annals of Nova Scotia Currency" read before the Royal Society of Canada in 1892, says that "no Colonial Government has given the currency question such careful attention or made such good provision for the monetary wants of the people as that of Nova Scotia."

In the early days of the Province there were no bank notes, very little coin of any kind and very little of anything in the shape of money. The principal means of buying or selling was by barter and the greater part of the trading was simply swapping commodities one with another.

A few French coins found their way across the Straits of Canso, while Cape Breton was still in the hands of the French, but these were not favourably regarded by the merchants, and as they had no established value were not made much use of.

Spanish coins, including the Spanish silver dollar, which became a common coin in later years, reached the Northern Colonies through trade with the West Indies. The merchants

in taking these coins endeavoured to depreciate the value of them as much as possible, the result being that the coin was sent to Boston where it was rated at a higher value. In 1727 His Honour, Governor Armstrong, attempted to remedy this trouble, and called the attention of the Council at one of their meetings held at Annapolis, to the fact that merchants were endeavouring to lower the value of the French coins which, being the only currency they had, would be by this means exported to the detriment of the whole Province, for which he desired their consideration. It was there and then decided by the Council, that these coins "be continued at their former value, and that they should be paid and received at the same rate that they had been paid and received the six months past and that a proclamation be issued out accordingly." It was also decided that a committee of the whole Board should sit the following day to discuss the matter with the inhabitants and also to prepare the Proclamation. The Committee met on the following day and on further consideration and some debate having had recourse in the meantime to an Act of Parliament, passed in the sixth year of the reign of Her late Majesty, Queen Ann, they judged proper to proceed no further.

The Act of Parliament referred to was passed in 1707, fixing certain values to foreign coins, including the Spanish and Mexican silver dollars then circulating in the various Colonies. Although this Act of the Imperial Parliament was disregarded by many of the colonies which, as stated by one writer "found a way to drive a coach and four through it," it seems to have deterred the Council at Annapolis at this time from passing any hasty legislation which might be considered conflicting therewith.

Three years later however, (1730) Governor Phillips brought the matter up again. In doing so he referred to the difficulties and inconveniences attending this Province from the want of currency, stating that the money was hoarded and sent to Boston, where it was of considerably more value than here,

that the Garrison had only Boston paper money to supply their needs and that the inhabitants refused to accept it. A proclamation was therefore issued that all French as well as other foreign silver money should pass at the same value as it did in Boston and that the paper money of New England should be a legal tender. This measure does not appear to have improved matters very much, or provided any great supply of current money, for we find shortly afterwards that on the occasion of the Collector of Taxes making his report, his account showed receipts to be 41  $\frac{7}{8}$  bushels of wheat, 56 fowls, 4 partridges and 5s. 10d. in cash, for which the Governor was authorized to give his receipt and to reduce the quantity of the several species to money, reckoning the wheat at 50d. the hens at 18d. pullets at 5d. and partridges at 5d.

Reference has been made to the use of New England currency and the objection to it by the people. The supplies for the Garrison came for the most part from Boston. As early as 1715, Governor Caulfield entered into negotiations with one Wm. Clarke, a merchant of Boston, for supplies for the Garrison at Annapolis, for which he promised to pay in good bills, meaning his drafts on the Home Government, for which he obtained 50 to 60% premium in New England currency.

In giving his first order, including a generous supply of tobacco, wine, rum, lime-juice and numerous other necessaries, he adds "I must likewise desire you to pay the freight, for there is no such thing as money here."

Murdoch's history in referring to the price of commodities in 1735 calls attention to the fact that these prices are given in New England currency and that this currency is subject to a large discount as compared to Sterling money, the currency of England.

As already stated, Caulfield sold his drafts on London at 50 to 60% premium in 1715, but these drafts twenty years later, at the date of Murdoch's reference, sold at 260% premium, that

is, £100 Stg. sold for £360 New England currency. Again, a few years later, 1748, £100 Stg. was worth £1100 *New England currency*. This state of affairs was the result of the continued issuing by the New England authorities of paper money to meet the Government expenditure, without providing a sufficient reserve for redemption, in fact no reserve at all.

In being obliged to use this currency the people of Nova Scotia were handling money which was, as compared to Sterling, at a discount of about 91%. We would consider it somewhat unsatisfactory, to say the least, if we had to transact our business with dollar bills actually worth only nine cents, and it speaks well for the business sagacity of the people of that day, that they declined to take this paper currency. An American writer referring to this matter and its effect on the New England people states that every honest man not in debt lost the greater part of his personal estate. He also remarks that the morals of the people depreciated with the currency.

These conditions were remedied in 1749 and 1750, when Massachusetts redeemed their paper currency, having been assisted in doing so by the Home Government. Although the inhabitants of Nova Scotia were still without a currency they were no doubt glad to be relieved of this rag money.

This brings us to the period of the settlement of Halifax. In July 1750, Governor Cornwallis brought to the attention of the Council that some difficulty existed in raising supplies of money necessary for the services of the colony, and that he had agreed to proposals made by Apthorp and Hancock, of Boston, to provide him with "dollars" upon condition, as understood by His Excellency, that this firm should also have the supplying of such stores and materials as might be wanted from Boston. On further explanation of the terms it was found that this Boston firm insisted on supplying *everything required*, and thus prevented His Excellency from buying anything whatever, either in Nova Scotia or in any of the other colonies. The

parties referred to are described as being the two richest merchants in Boston, "made so by the public money and now wanton in their insolent demands." The Council decided that to agree to such terms would be very disadvantageous to the Government, and the greatest discouragement to the commerce of the Province, and to the settlement of Halifax in particular. His Excellency was accordingly authorized to open negotiations with a New York house as to the terms on which "dollars" could be secured from that city. His Excellency also brought to the attention of the Lords of Trade that the New England people were trading extensively with the French in Louisburg and had carried numbers of dollars to that Port during the year. He wrote: "How they find their account in that I can't conceive, unless the rum and molasses they purchase there and run to New England comes cheaper by paying dollars than in truck. It is an infamous practice and would be worthy the attention of your Lordships."

Later, in the same year, 1750, Cornwallis was still striving to secure silver dollars with little success. He advised the Lords of Trade at Home that he could not get a dollar at par on his bills. The truth of this is shown by a transaction with one Captain Bunker, whose vessel came into Halifax Harbour in distress. Cornwallis purchased from this Captain 2540 silver dollars, for which he paid 5s. Stg. each, giving his bill on London for £635 Stg. in payment. As the Imperial Act of 1707, previously referred to, placed the sterling value of the silver dollar at 4s. 6d. it is evident, that Cornwallis was much in need of something to circulate as money, otherwise he would not have paid 5s for a 4s. 6d. coin. On the same distressed vessel was a passenger by the name of Thomas Wade from whom Cornwallis borrowed 800 of these silver dollars.

Cornwallis found this work somewhat troublesome. Financing under such conditions was not a bed of roses. His accounts do not appear to have been forwarded with sufficient regularity to suit the Lords of the Treasury and several of his

drafts had been delayed in payment. Some of the items in his accounts were severely criticized by the Lords of Trade. The quantity of rum and molasses consumed met with their special disapproval. While His Excellency replied to these criticisms in a most patient and submissive manner, he evidently chafed under the task, for in giving a full explanation of various points raised, he adds, "I wish to God some person you confide in was sent out to transact the affairs of the country relating to money matters."

We have no record as to what arrangements were finally made with regard to securing "dollars" but subsequent accounts, two or three years later, indicate that considerable amounts in this coin were brought into the Province, not only from New York and Boston, but also from England.  $\frac{1}{2}$ d. 3d. and 4d. pieces were also sent over from England.

The Spanish silver dollar had no doubt become a well-known coin at this time, even in Nova Scotia, where money was so scarce. It had been in use in various other colonies for over one hundred years. In fact it was the standard of value wherever it was current. It reached these North American Colonies in the natural course of trade with the West Indies, and now, after the settlement of Halifax, as trade and commerce increased, larger quantities of these dollars came into the hands of the increasing population. No colony, however, knew anything of dollars and cents. This was simply a coin bearing the name of "dollar." All the colonies kept their accounts in pounds, shillings and pence, the currency of Great Britain, and each had its own idea of the value of this coin. As early as 1642 Massachusetts had valued it at 5s., but in later years it had with them many different ratings. The Maryland rating was 6s. In other colonies it ran as high as 8s. The prevailing rate, however, was 6s. These diverse and fluctuating ratings of the same coin gave rise to dissatisfaction on the part of the Home Government, and led to the passing of an Act by the Imperial Parliament in the year 1707, before referred to as having de-

tered currency legislation at Annapolis, in which the actual value of the dollar was declared to be 4s and 6d., at the same time it was allowed to be rated in the colonies as high as 6s, but no higher. Other coins were to be valued in proportion. This value of 4s. 6d. as declared in the Imperial Act is of special interest to us, as it still (1915) has a bearing on our exchange transactions with England. We shall refer to this later.

Now that this coin had become better known and more plentiful in Nova Scotia, it was only natural that a fixed rating for it should be decided on in this Province. This was apparently done, but not by any enactment. The rate fixed for this silver dollar appears to have been 5s. which is the origin of "Halifax Currency," a term afterwards known beyond the borders of this City and Province. Just where and when this was done seems difficult to state. There does not appear to have been any law or Order-in-Council for it at this time. It was no doubt brought about by usage between the merchants and the general public and may have been prevalent for some years. We find no reference however, to any such valuation in the Province previous to the settlement of Halifax. As this rate of 5s. has always been referred to as "Halifax currency" and as there was very little, if any, of the coin current before 1750; it is more than probable that the rating was made about that time. The earliest reference we are able to give bearing on the matter is in 1756, and occurred in connection with the well known transportation scheme, undertaken by Nova Scotia at that time, namely, the expulsion of the Acadian French. This undertaking made necessary the chartering of numerous ships. Among them was the sloop "Dolphin," Zebad Forman, Master, who rendered his account in due form including the following item:

"To carrying 56 Neutrals more than his Compt. of two to a ton, at 9s. per two, Halifax Curry. £12 12s. is lawful money  
"pr. Capt. Murray's directions £15-2-5."

These and similar accounts were demands on a Boston firm who had special charge of this transportation business. The money was payable in Boston Currency which at that time was based on 6s. dollars. This is shown by other accounts. The item in Capt. Forman's bill is made up in the first place in "Halifax Currency" and so stated. It is then carried out with one-fifth of the amount added thereto and extended as Boston Currency, thus showing that in order to convert "Halifax Currency" into Boston Currency (of 6 Shilling dollars) it was necessary to add one-fifth to the "Halifax Currency," which must therefore have been 5s. dollars. From this we see that before there was any parliament in Halifax to pass Currency Acts there was a "Halifax Currency" based on the value of Spanish dollars at 5s. Inasmuch as there are 20s. in a £ and four fives are twenty, there are four dollars in a pound, not sterling but "Halifax Currency."

A century and more later when the Province adopted the decimal system and accounts were kept on the dual plan, the same term was used on the same basis, Currency pounds being four dollars of five shillings each.

As we have seen, "Halifax Currency" came into use without any legal authority, and our first reference to it is in 1756. Two years later the first House of Assembly of Nova Scotia met in Halifax. They appear to have been quite alert in regard to currency matters. One of the first Acts passed was one of punishment to anyone found guilty of counterfeiting, impairing, clipping or defacing any coin current in the Province. Such a person was "to be set on the pillory by the space of one whole hour" and, presumably, in case he should become impatient during the hour, one of the ears of the offender was to be nailed to the pillory, after which he was to be whipped through the streets.

During the same session of Parliament a Bill for establishing the currency of Spanish dollars at 5s. and fixing the rate of

interest on money at  $7\frac{1}{2}$  per cent was passed by the House and sent to the Council for their approval. The Council would not agree to this and gave as their reason that it was expressly against the Imperial Act of Parliament. A conference was held and a report made to the Committee that if the Bill was altered so as to make dollars payable at 5s. for all debts and contracts that had been or should be contracted or made within the Province, and the rate of interest on money reduced to 6 per cent such a Bill might be agreed to. The Bill finally passed both Houses.

This Act does not appear in the Provincial Statutes but, through the courtesy of Mr. J. P. Edwards of Londonderry the following copy is supplied:

#### Chap. 7. 1758.

“An Act for Establishing the Rate of Spanish Dollars, and the Interest of Money within this Province.

“Be it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, that from and after the first day of January, which, shall be in the year of our Lord One Thousand Seven Hundred and Fifty Nine, all Spanish Dollars (that is to say) Seville Pillar, and Mexico Pieces of Eight, weighing seventeen Penny half Penny Weight, shall be a Tender of Five Shillings, in payment of all debts and contracts that have been or shall, after the said first day of January, be made within this Province, where there shall be no special agreement to the contrary.

“And be it further enacted, that in any debt or contracts, whereon interest arises, and may, by law, be demanded and recovered, no greater sum than six pounds by the hundred for the year, and so in proportion for a less sum, shall be allowed in any Court of Law or Equity; and all contracts, mortgages, bonds, and securities, for any higher interest, shall be Null and Void.

“Provided that nothing in this Act, shall extend to maritime contracts among merchants, as Bottomry or Course of Exchange.”

There seems however to have existed some doubt as to the correctness of this measure, for three years later (1761) a Bill was introduced to repeal it. The House of Assembly would not agree to repealing it. The following year Governor Belcher referred to the subject in the speech from the Throne, asking that the matter be taken up again, intimating that the prevailing Act was not in accord with the Imperial Act of 1707, the intention of which seems to have been to establish a uniform rate of the silver dollar, and other coins throughout all the colonies. To declare the dollar a legal tender at 5s. was contrary to the letter and spirit of the Imperial Act. The Governor suggested in a mild manner that the law should be repealed by the Provincial Parliament before the taking of adverse action by the Imperial authorities. The reply to the Governor's speech stated that when the matter was under consideration at the previous session, the opinion prevailed that the Provincial law did not exceed the value fixed to the “dollar” by the Imperial Act, but that consideration would be given and an effort made to obviate any difficulties that might arise. We have been unable to trace the matter further, but the Statutes of the Province give the title of the Act, without the text, and in the margin is the note “Repealed by His Majesty in Council.”

Various references point to the fact that the dollar was much in use at this time. For instance, in 1762 Father Gorman wrote to Governor Belcher thanking him for sending 200 dollars by Mr. Cunningham, stating that by this he would be able to continue his work among the Indians in the Island of St. John, (now P. E. I.).

Trade with the Indian population was on the increase and it was found necessary, in the absence of money, to establish

a basis of value for exchange of their products, which were principally furs. The authorities decided that this basis of value should be beaver skins. These beaver pelts were valued by the pound avoirdupois, or rather all other things were valued by so many pounds of beaver pelts. This was probably the first legalized currency of Nova Scotia. Similar measures had been adopted by other colonies. A list showing the relative values is as follows:

1 pound best beaver pelts	=5 shillings	
2 " " "	=3	Fall beaver skins
1 red fox skin	= $\frac{1}{2}$	lb. spring beaver
1 black fox skin	=2	" "
1 silver fox	= $2\frac{1}{2}$	" "
6 pounds feathers	=1	" "
1 large blanket	=2	" "
2 Galls. rum	=1	" "
$2\frac{1}{2}$ " molasses	=1	" "
14 pounds pork	=1	" "
30 " flour	=1	" "

It will be noticed that a black fox skin and a blanket were of the same value, namely, about two dollars. The difference between these two articles today runs into thousands of dollars. We do not know that the "high cost of living" was a problem of that day, but it is quite evident that some of the luxuries of life, such as rum and furs, were fairly moderate in price. Transactions at these values were no doubt made with as careful a calculation as if they had been on a gold basis. It is a matter of regret that no statistics or trade returns are available showing the volume of operations.

Canada had now come under British Rule and in 1764 at Quebec, an Ordinance for regulating and establishing the currency of the Province of Quebec was passed by the Governor and Council. The measure gives value to a dozen or more various gold and silver coins. This document rates the Span-

ish dollar at 6s. Another coin mentioned, is a French piece passing at the time for 4s6d "Halifax" valued at 5s6d. There is a second reference to Halifax Currency in that 48 Marques shall be deemed equal to 1s. "Halifax" for a limited time. This measure does not appear to have been very popular. Merchants and others of the City of Quebec petitioned for a continuation of the "Halifax Currency," which petition was declined and in the following year, 1765, a petition was presented asking that the Ordinance might be re-considered, to which the Council replied, that they had considered arguments in favor of "Halifax Currency" and could not now change their decision. They went on to say to the petitioners that all petitions to their Board should assert nothing but the facts. The statement made that "Halifax Currency" was universal was, they said, not correct. Thus it is interesting to note that "Halifax Currency" was a known quantity by outside colonies even at this early date. Quebec did not appear to get much satisfaction from the measure adopted, for three years later, 1767, another petition was presented to the Governor in Council of that Province signed by several of the merchants of Quebec praying that the currency of the Province be changed to that of Nova Scotia. The prayer of the petition was not granted at the time, but ten years later, 1777, Quebec passed a new currency Act based on "Halifax Currency," This is interesting also, considering that the "Halifax Currency" law of Nova Scotia, had been repealed by His Majesty in Council.

Coming back to Halifax in 1766 we are led to believe that currency was scarce and something had to be done. It really looks as if the "lobbyist" had started in business. Someone in the House of Assembly desired a conference by Committee with the Council, on the subject of an address to the Governor, praying that an application be made to His Majesty for leave to establish a paper currency in this Province. The Committee was agreed to and after mature deliberation reported that "they found such a matter could not take place at present as there was

no established fund for redeeming such a currency and it would therefore greatly depreciate." A week later another Committee was appointed and reported that they also had taken the matter into consideration and found that the emission of a paper currency would be attended with great difficulties. Another week passed and a message from the Council announced that as members of the Committee were of the opinion that the objections to a paper currency might be easily obviated, they desired another conference. A new committee was therefore appointed. They met and reported "that a committee of the House do draw up instructions for the agent in London, in order that he may be prepared to obviate any objections which might be made relative to such a measure." The House agreed to this and presumably the matter was taken up with the Imperial authorities, but nothing accomplished. A year or two later we find more conferences on the subject. First, as to sending an agent to England to solicit permission to establish a paper currency. After several more conferences and reports it was decided that instructions be sent to Richard Cumberland in London who had been appointed by His Majesty. The Governor was asked to concur in sending these instructions, but he declined, on the ground that the matter should be deferred until an opportunity be had of knowing the King's pleasure on a similar application already made. Again considered and ordered that a Bill be prepared during recess, which action looks like a "hoist" for the Paper Currency Bill.

For some years the Home Government had shown their dislike for paper currency issues and after the New England Currency fiasco they made special efforts to prevent other colonial issues, so that our petitioners did not likely receive much encouragement from that source. Notwithstanding the failure of the paper currency party to secure legislation to their satisfaction, the Treasurer was empowered to issue treasury notes to a limited amount. These were no doubt

issued in anticipation of customs revenue and were therefore redeemed at certain intervals when the duties on Spring and Fall importations were collected. These treasury notes were used as currency by the people, as may be implied from advertisements in the press of that day, 1769. "To be sold for cash or Provincial notes good Cow Bay coals at 30s. pr. chaldron."

The same uncertain and shifting conditions existed during the latter part of the 18th century. Accounts were kept in pounds, shillings and pence but there were frequent transactions in "dollars" as well. The Government, for instance, kept all their accounts in pounds, shillings and pence, but yet offered one hundred *dollars* reward for the conviction of the person who set fire to Joseph Fairbanks' hay stack. We find hay advertised for nine *dollars* per ton in the field, and ten *dollars* delivered at any person's *house* in the Town of Halifax. A reward of two *dollars* was offered to any person finding and returning a strayed, gray, roan mare 12 hands high, with a switch tail. Peter McNab offered to rent his house at £60 per year, and at the same time was willing to give eight *dollars* for the return of his run-away manservant, whom he described as "25 years of age, fair haired, freckled face and knocked-kneed, born in Aberdeen."

They had no means of using decimals of a dollar. The best carpenters received one *dollar* per day and others varied from one *dollar* to 3s. One might ask why both methods were used. If the dollar was 5s. why not offer a reward of £2 instead of eight *dollar*. The reason probably was that although the people knew fully as much about pounds as they did of dollars, yet they had never *seen* a pound. A *dollar* was a definite thing. They could handle it. A "*pound*" meant only the equivalent in something and more than likely "an order on the store."

Twenty years later, 1787, the country had become flooded with various copper coins. An Act was passed in that year

forbidding the use of any spurious half pence or other copper coin not legally current in Great Britain. The same Act placed a value of 5s6d currency on the British crown, and 2s. 9d. on the half crown and 1s. 1d. on the British shilling. This Act, as well as similar Acts in this or other colonies carried very little weight. The one thing the people wanted was small change, but no provision was made for a supply, and spurious coins continued to circulate. In fact some of the leading merchants of Halifax manufactured them, and these home-made pence and half pence were current throughout the Province for many years.

The subscription list of one of the oldest country churches in the Province, that of Londonderry, including the districts of Masstown, DeBert, Folly Village, Great Village and Portaupique gives us some information as to how the finances of a suburban congregation were conducted. The list begins with the year 1797, or at least that is the earliest date readable. The Treasurer states, that he has received from the Session of the Church, being the collection gathered at the Sacrament, the sum of £6. 6s. "Halifax Currency." The list during subsequent years shows a great variety of currency common in the use of the people for the support of the Gospel. This currency appears to have contained about the same proportion of "alloy" as that used in the secular walks of life. We find among the contributions hay, hogs, maple sugar, rum and numerous other commodities, along with a scanty supply of money, all of which went to make up the limited stipend and no doubt to cheer the heart of the Minister.

As we have stated, the Act of 1787 prohibiting the use of other coins than those current in Great Britain, did not avail anything. It therefore became necessary to take more definite action, and an Act was passed in 1817 reading, "Whereas many ignorant and evil disposed persons continue to import and procure large quantities of base copper coins, etc. etc. Be it

enacted that immediate measures be taken to obtain a quantity of good and proper half pence, etc. etc."

Six years seem to have elapsed before anything was done with regard to obtaining this copper coin. In 1823 an order was given, through correspondents in England, for 400,000 half pence and during the 33 years from 1823 to 1856 there were imported 2,000,000 half pence and about 900,000 pence, and from 1861 to 1864, 800,000 half cents and 2,600,000 cents, in all five to six tons of copper.

An important period in the history of our currency matters begins with the year 1812. when an Act was passed authorizing the appointment of three fit and proper persons as commissioners, to issue Treasury notes to the amount of £12,000 to be issued as follows:—

50	notes of	£50	each	=£2500
100	"	£20	"	= 2000
200	"	£12/10	"	= 2500
400	"	£5	"	= 2000
400	"	£2/10	"	= 1000
2000	"	£1	"	= 2000
				<hr/>
				£12000

All bore interest at six per cent from the day of issue. These notes were made legal tender and were redeemable in gold or silver. After being in circulation and finding their way back to the Treasury, through the Customs Collectors or otherwise, they were not to be re-issued but cancelled. This course was made necessary on account of the memoranda on each note regarding date of issue and date of payment and the amount of interest paid. Provision was made for calling in these notes as soon as the Treasurer found himself with surplus gold or silver to the amount of £2,000, the larger denominations to be paid off first, the interest to cease from the time specified for redemption. New notes could be issued later to replace those

redeemed. The public regarded these with favour and they became popular throughout the Province. They were issued to the Military authorities to pay the troops and some assistance was thus given to their circulation. The first issues of these notes were produced by the Printer's Press. They bore the signatures of the Commissioners of the Treasury. Only one year elapsed when this issue of £12,000 was called in and a new Act passed authorizing the issue of £20,000 non-interest-bearing and re-issuable. If the Government did not possess the gold with which to redeem these notes when presented, provision was made for issuing interest bearing certificates in amounts not less than £100. Another change took place in 1817, four years later, when the authorized amount was increased to £50,000. This issue was made in April and was payable in gold or silver after the 31st of December of that year. Two years passed and an addition of £10,000 was authorized, with provisions for loaning the notes in limited amounts of £200 for three, six and nine years on the security of real estate. In 1820 a further issue of £20,000 was made, and so on for 10 or 12 years, various Acts were passed granting authority to make additional issues providing for debt certificates when there was no money in the Treasury to redeem the notes. In 1832, 20 years after the first issue of £12,000, the amount outstanding was £80,000. Notwithstanding this bountiful supply of paper currency the people had no money with which to pay their debts for importations. Flour and manufactured goods had to be imported and Province paper was not regarded as satisfactory money to outsiders. Capt. Moorsom, a Military gentleman who did some travelling through the Province, during the early years of the 19th Century, in writing to England, states that "every hard dollar realized in the mines or fisheries had to be sent to the States or England in payment of necessary importations." The chief coins current during this period were doubloons, Spanish and American dollars, an occasional British Sovereign and some British Silver. In the Eastern part of the Province every description of coin passed at a higher rate than

elsewhere. These coins had a different rating in other Colonies and one never knew what value to expect on any particular coin when going beyond the limits of the Province. The Province paper was also subject to a discount when away from home. The Imperial Government had at different times sent out British silver to facilitate the payment of troops, but this silver went from the Commissariat's chest to the troops, thence to the retail merchants of Halifax and back again to the Commissariat for Bills of Exchange on England in payment of the obligations of the merchants. Capt. Moorsom says "that the effects of this scarcity of cash were not so much "apparent in the Capital and in those outports of the country "frequented by persons of means, but in the country towns, "where so many settlers congregated, there existed the most "extraordinary systems of barter and exchange. Regular "scales were established for the different modifications of mixed "payment in cash and goods, while the person who produced "the coin without delay or subterfuge was looked upon as a "prodigy of affluence and generosity."

The Government appears to have realized these unsatisfactory conditions, for during 1833 and 1834 considerable time was devoted to currency matters by the Legislators. Some considered it important to prepare for the early adoption of British Sterling money as the current money in all the British Colonies, and resolutions embodying this view were brought before the House on several occasions without any result. Various propositions in regard to a currency which could be made universal in the Colonies were made to the colonial office and among these the most reasonable was that of Mr. James Buchanan, the British Consul at New York in 1831. He proposed that "Halifax Currency" should be given a definite shape in a series of coins for use as currency in the colonies. Although no action was taken on Mr. Buchanan's proposal Professor Shortt tells us, that it pointed the way towards a better system.

The Province paper at this time (1834) was causing considerable dissatisfaction; although it passed at face it was not wanted by anybody. The Banks found it necessary to arrange with their clients who deposited the paper money that the same would be accepted in payment of withdrawals, while bills discounted and advances made by the banks were on condition that Provincial paper would be accepted for the proceeds.

At the opening of Parliament the Governor's speech referred to the commercial embarrassment in the community and stated that, if on enquiry it was found that the embarrassment was caused by the unsettled and fluctuating condition of the currency, it was the duty of the Legislators to afford the best remedy that could be applied to this very serious evil.

To some extent these unsatisfactory conditions were attributed to the issue by private firms and corporations of comparatively large amounts of notes of small denominations and of a negotiable character. The two Banks doing business in Halifax at that time also issued notes in denominations of £1 to £5. This paper was apparently regarded with no less favor than the Province paper. Prof. Shortt has information that in the case of one firm, S. Cunard & Co., their notes were sold at a premium. This well known firm had offices in St. John, N. B. and Charlottetown, P. E. I. as well as in Halifax and their notes being payable at any one of their offices were used in exchange for the transfer of money between these Cities.

An Act was passed at this time prohibiting the further issue by any firm or corporation, of any notes or such obligations intended for circulation under £5. The Act declared that the trade and commerce of the Province had been injuriously affected by the issue and putting into circulation of this paper, that the outstanding notes should be payable in gold or silver forthwith on demand, or in default they were to bear interest at the rate of twelve per cent.

Some years passed and matters did not improve. In 1846 all the Currency Acts of the Province, 22 in number, were repealed, and a new Act was passed authorizing a new issue of £1 notes in exchange for the old when presented for payment. Notwithstanding that such a large amount of the notes had been issued by the Government they appear to have had some left, for Mr. Howe reported to the House a few years later that a box had been found in the attic of the Provincial Building containing £15,000 which, without much skill, might have been put into circulation, and also that, on questioning the messenger, it was found that large quantities of notes from older plates were lying in the cellar in various states of dilapidation. These were all taken care of however and locked in an iron chest.

In 1854, when the Province was anxious to assist in the construction of a railroad, a new issue was made of £50,000 in notes of 20s. each. Subsequent issues increased the amount, and when, in 1867, the Dominion Government assumed the debt, the outstanding paper amounted to about £150,000 Currency, (all issues of these notes having been made in Halifax Currency). This amount was rapidly paid off, by the Dominion Government, although, after half a century has passed, there still remains unpaid about \$39,000.

In the meantime action had been taken regarding current coin. This move had been delayed no doubt, in the hope that a universal system of currency and accounting would be adopted on the basis of sterling money, but in 1834 an Act was passed establishing a standard value of current coins. The Spanish doubloon, which had become a well-known coin, brought into the Province in the course of trade and recognized since 1819 as £4 currency, was now made a legal tender at that rate. The English shilling was made a legal tender at 1s.3d. English 6d. at 7½d.—no larger amount than 50s. Halifax Currency authorized in one payment. The pound sterling as represented by the gold coin of the United Kingdom called a sovereign

to be deemed and taken as the unit or standard or measure of money in all contracts for the payment of sterling money. This sovereign or one pound sterling was also to be 25s. currency. Copper money of the United Kingdom, as well as copper coins procured by the Province were valued in proportion. These values were based on the 5s. dollar and established a difference between sterling and currency of 3d. in the shilling, that is, 12d. sterling was 15d. currency, an addition of one quarter or 25%; a sovereign, or 20s. sterling was 25s. currency. This Act did not say that four dollars was a pound currency for they did not keep accounts in dollars at this time, although they no doubt had full knowledge of the decimal system which had been in practice in the United States for some years. No doubt these values had all been recognized for some time and many of our people today will remember them, for the coins referred to constituted our subsidiary currency for some years later.

In 1860 we were introduced to dollars and cents as a new method of accounting. Public accounts were to be kept under the new system with an additional column for the old. A new table of ratings to the current coins was enacted.

Sovereign	\$ 5	currency	£1-0-0 Sterling.
Doubloon	\$16	"	£3-4 "
Silver dollars	\$ 1.04	"	4s.2d. "
British Crown	\$ 1.25	"	5s. "
$\frac{1}{2}$ Crown	.62 $\frac{1}{2}$	"	2s.6d. "
Florin	.50	"	2s. "
Shilling	.25	"	1s. "
6d.	.12 $\frac{1}{2}$	"	6d. "

It will be readily seen that not only did the system of currency ratings in pounds, shillings and pence, given to British coins in 1834, suit itself to "Halifax Currency" but the decimal system now introduced was equally adaptable. A sovereign was £1 stg., was also £1 5s. currency, and now becomes \$5.00.

A shilling stg. was also 1s.3d. currency and now 25 cents or a quarter of a dollar. A sterling 6d. was  $7\frac{1}{2}$ d. currency, and now  $12\frac{1}{2}$  cents or  $\frac{1}{8}$ th of a dollar. A more fitting combination, could hardly be devised and it is not to be wondered at that the "Halifax Currency" survived so long after other systems were supposed to supplant it. In fact a great many people never gave up counting their money in pounds, shillings and pence, currency, until we had a Canadian coinage of our own in dollars and cents. It was a frequent occurrence for a storekeeper for instance in quoting the price of an article to some old lady, as say, \$1.75, to be asked, "How much is that?" to which he would reply "8s.9d." The rental of a house in Halifax until a comparatively recent date was quoted in "Halifax Currency," a \$200.00 house was £50 and the tenant at once realized that his rent was \$50.00 a quarter. It cannot be said that Halifax Currency has entirely disappeared even yet. Within a few months a gentleman who had recently taken over some Trusts, found that he had to pay an annuity in so many pounds "Halifax Currency." There are still bank notes in circulation payable in pounds "Halifax Currency" and the modern bank teller is sometimes puzzled to know how much to pay for them in our present currency.

On the 1st of July 1871, the system of currency which had been in vogue in other parts of Canada for some years now known as Canadian Currency, was made applicable to Nova Scotia. Many Nova Scotians were very reluctant to make the change and there were many protests against it. We cannot wonder at the opposition which existed to changing the standard value of a sovereign, or £1 sterling, from the convenient amount of \$5.00, to a standard which seemed so odd and unsuitable as  $\$4.86\frac{2}{3}$ . We had, however, been a part of the Dominion for four years and the change was inevitable, the reason for it being that we would then have a uniform standard throughout the Dominion of Canada and the United States. The explanation of the odd value given to the sovereign is that

in 1834 an amendment to the Coinage Legislation of the United States placed a new standard on their \$10.00 gold piece which previous to 1834 had contained  $247\frac{1}{2}$  grains of gold. The new law reduced the fine contents of this coin to 232.2 grains. The British sovereign, or £1 sterling, contains 113.0016 grains. As compared with the American standard the sovereign is therefore worth 486.6563. Our upper Canadian neighbors were anxious to have their currency on the same basis as that of the United States with whom their business intercourse was considerably increasing. They, therefore, some years previous to Confederation, decided to value the sovereign at £1.4.4 currency, their currency being reckoned as ours, \$4.00 to the pound. The sovereign therefore in currency was,

£1	=	\$4.00
4s.	=	.80
4d.	=	6 2/3
		4.86 2/3

This is how the present value of the sovereign was arrived at. This valuation is about one cent on £100 in excess of the real value as compared with the American standard. This changing from \$5.00 to \$4.86 2/3 represents a discount of two and two-thirds per cent on the Nova Scotia currency, and this discount had to be applied to every debit and credit balance in all books of account in Nova Scotia on the 1st of July, 1871. The reason for a discount of two and two-thirds per cent is more easily recognized in the amount of pence in the sovereign. Our sovereign or 25s. currency equalled 300 pence. The new value of £1.4.4 currency is 292 pence, a reduction of 8d on 300, equal to two and two-thirds on 100. The two values in pence also show the ratio frequently quoted between the two currencies, namely 73 to 75, that is the reduction of 292 and 300 to their lowest equation by dividing each by four. The inconvenience for a time was considerable, but after accounts were adjusted the people became reconciled, the new

Canadian silver coin was attractive and the new system was soon working as well as the old had done.

Looking at the matter from the present day any other system than a common standard throughout Canada and the United States would have been cumbersome. The laws now governing our whole currency system, including coinage, Dominion note issue and bank circulation are framed and carefully guarded in the interest of the public. There is practically no possibility of loss to the holder of Canadian currency, whether in Dominion Government bills or bills of any of the banks. If a bank should fail its bills are good, as provision has been made for their redemption by the establishment of a Fund contributed by all Chartered Banks and placed in the hands of the Government for this purpose

Contemporary with the issue of the Provincial paper currency was the beginning and growth of banking in Halifax, an important factor in the supply of currency.

As early as 1801 a bank had been proposed but there appeared to be considerable doubt as to the wisdom of granting a charter and the matter was dropped. In 1819 a bank charter was applied for and again refused, but the supporters of this venture, Hezekiah Cogswell, Enos Collins and others, a few years later, started a private bank which became known as the Halifax Banking Company.

In 1832 an application was made to the Government for a charter for the Bank of Nova Scotia and after a very critical debate in the House of Assembly and a severe handling of the Bill by His Majesty's Council, who were practically the Board of the Halifax Banking Company, the charter was finally granted. This was the first bank charter granted by the Province. The members of the House who most strenuously opposed the incorporation of this bank have the credit of introducing into Canada a feature now universal in the charters of Canadian Banks, namely, double liability. Doctor Breck-

enridge states in his Article on the Canadian Banking System that this Charter of the Bank of Nova Scotia, granted by the Province in 1832, was distinctly in advance of any previously passed by other British North American Provinces.

Facilities were afforded the Bank for the circulation of their notes in denominations of £1-10, £2, £2-10 as well as larger denominations. Before a year elapsed however an Act was passed prohibiting the issue of notes under £5. This move was to enable the Province to circulate notes of the small denominations. Other Banks to receive Charters were The Union Bank of Halifax in 1856, The People's Bank of Halifax in 1864, and the Merchants Bank of Halifax, now the Royal Bank of Canada, a Dominion Charter, in 1869. Banking in Halifax has had a creditable history. There have been no failures and no disappointed depositors, but on the other hand, a long list of greatly enriched shareholders.

Nova Scotia has always had a large volume of business directly with the old country. Our wholesale merchants made their trips "Home" at regular intervals to purchase supplies, resulting in large importations from England. This made Sterling exchange a very important feature in the finances of the Province through all the years of our growth and a brief reference to the manner of dealing in it may be of passing interest.

In the old days the cost of a sterling bill was calculated by increasing the sterling amount by one-ninth of the amount in order to give the value in pounds currency. There were no dollars and cents. A bill for £100 stg. for instance, plus one-ninth, would cost £111.2.2 $\frac{2}{3}$  currency. The reason being that sterling exchange was based on the dollar at 4s.6d. and Halifax Currency on the dollar at 5s. That is, we added 6d. to the 4s.6d. stg., one-ninth of the amount, and if we make payment in our currency we must increase the amount accordingly. If we paid this

£111.2.2 $\frac{2}{3}$  in silver dollars of 5s. each, it would take four to each pound or 444.44 $\frac{4}{9}$  in all.

We find at a later date, however, that the same amount of silver dollars would not purchase the £100 stg. bill, for the simple reason that these dollar coins were not then worth 4s.6d. stg. as they were in 1707 when the Imperial Act placed that value on them; their actual value was only 4s.2d. stg., 50 pence instead of 54 pence. It was therefore necessary to add 4d. or 8 per cent to the depreciated dollar. If 8 per cent premium is added to \$444.44 $\frac{4}{9}$  we find that it takes \$480. in currency, to purchase the £100 bill.

This ratio of 8 per cent or \$4.80 to the £1 stg. became the standard or par of exchange in Newfoundland and prevailed there until the adoption of the Canadian standard in 1895.

On the adoption of the decimal system in Nova Scotia in 1860, already referred to, sterling exchange continued to be calculated on the basis of the 4s.6d. dollar or 4.44 $\frac{4}{9}$  to the pound sterling. The dollar coin had largely disappeared from circulation but the equivalent of a dollar in any form was fixed at 4s. stg. or 48 pence. As the old par was 54 pence stg. it was necessary to add 6 pence or 12 $\frac{1}{2}$  per cent to the dollar in all calculations of sterling exchange, thus \$4.44 $\frac{4}{9}$  plus 12 $\frac{1}{2}$  per cent premium makes one pound sterling equivalent. to \$5.00 currency as fixed by statute. The Nova Scotia par was known as 12 $\frac{1}{2}$  per cent premium until the adoption of Canadian Currency in 1871. Since that time the standard value of £1 stg. has been 4.86 $\frac{2}{3}$  Canadian Currency, as previously explained, the rate of premium on the old par being 9 $\frac{1}{2}$  per cent.

The usual method of converting pounds sterling into Currency is to multiply the amount of pounds by 40/9ths which is the improper fraction equivalent to 4.44 $\frac{4}{9}$ , the old par, and add the premium at the rate of the quotation, thus, a bill for £100 stg. at 9 $\frac{1}{2}$  per cent premium would be calculated as follows:

	£100
	40
	<hr style="width: 50%; margin-left: auto; margin-right: 0;"/>
	9)4000
	<hr style="width: 50%; margin-left: auto; margin-right: 0;"/>
	444.44
9½% premium	42.22
	<hr style="width: 50%; margin-left: auto; margin-right: 0;"/>
	486.66 Canadian Currency

\*This absurd and bewildering system is still practised in Canada. The United States abandoned it by enactment in 1874 which made our trouble all the greater. New York being the centre for Sterling Exchange quotations we get our rates from that city daily; these are given in dollars and cents to the pound sterling. Before a corresponding quotation can be given in Canada a calculation is necessary. Exchange Brokers have some short cuts for these calculations. For instance if the New York telegram reads: \$4.80 or 4.85 or 4.86 2/3 as the case may be to the pound sterling the broker jots on his scribbling pad:

480	or	485	or	486 2/3
480		485		486 2/3
120		121.25		121 2/3
<hr style="width: 50%; margin-left: auto; margin-right: 0;"/>		<hr style="width: 50%; margin-left: auto; margin-right: 0;"/>		<hr style="width: 50%; margin-left: auto; margin-right: 0;"/>
108,0		109,1.25		109,5

and quotes the Canadian rate as 8% or 9½% or 9½% respectively. The Broker's calculation is equivalent to multiplying the New York rate by 2¼ and dividing by 10. 2¼ is 9/4th. which divided by 10 is 9/40ths. To multiply by 9/40ths is equivalent to dividing by 40/9ths equal to 4 4/9ths or \$4.44-4/9ths. Dividing the New York rate by the old par is practically what the broker has done.

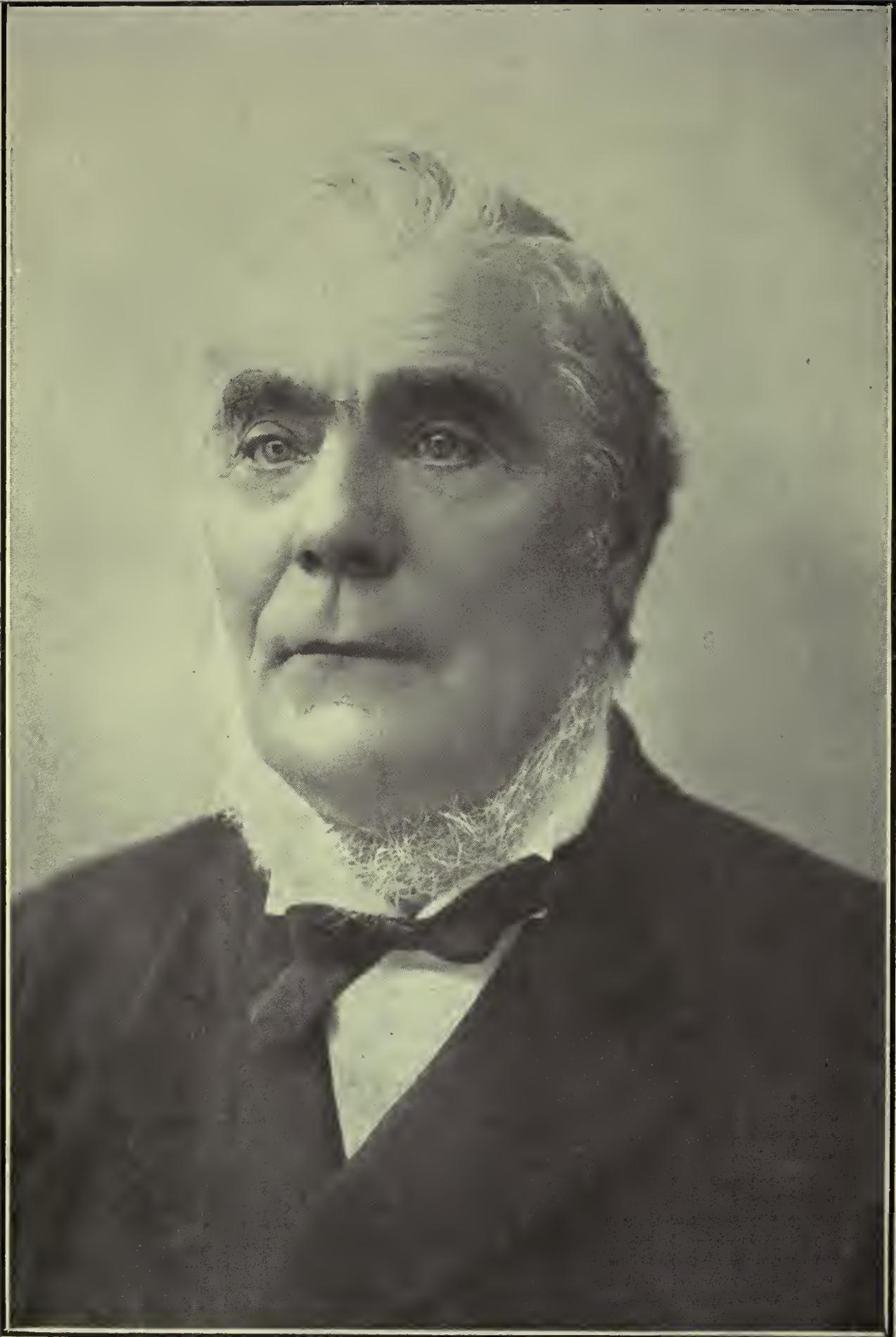
It is to be hoped that Canadians will soon abolish this old system of quotations based on the fictitious value given to a foreign coin over two hundred years ago, and adopt the more reasonable method of rating sterling in dollars and cents.

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\*The frequent and wide fluctuations in sterling exchange during the war resulted in discontinuing the per cent system in Canada; quotations are now, since 1916, made in dollars and cents per pound sterling.







**HON. JAMES McDONALD.**

**Born at Bridgeville, N. S., 1828; died at Halifax, 1912.**

**Chief Justice of Nova Scotia, 1881-1904.**

## THE HONOURABLE JAMES McDONALD.

By SIR CHAS. J. TOWNSHEND.

Read before the N. S. Society, April 4, 1919.

The late Honourable James McDonald occupied for many years a prominent place in the political affairs of Canada, and subsequently as Chief Justice of the Supreme Court of Nova Scotia. It is with great pleasure I write this brief memoir of his life. My long and intimate association with him at the Bar on the Bench, and to some extent in his political career enables me to present the principal events of his life, and the leading characteristics of the man to those who did not know him, and for the information of future generations:

He was of Scotch descent, born in the County of Pictou, which has given to the Province and Canada so many distinguished men, not only in public life, but in science, education and commerce. His parentage, I take from a notice in the "Toronto Globe", written by a relative at the time of his death, which I am assured is correct—"He was a great grandson of John J. McDonald, a Culloden veteran, who, with his four sons, fought in the American Revolutionary War 1776-1778, and at the close of the War settled in the East River district in the County of Pictou. His grandfather, James McDonald, known as the "Deacon," was one of the founders of the Anti-Burgher Church, and like all the family, was in politics a strong radical. The father of the Chief Justice, Alexander McDonald, moved to Hyde Park (Ontario) near London in 1834, but after a few years returned to New Glasgow, Nova Scotia, where the Chief Justice was educated. He practiced Law first in Pictou, and then at Halifax, and was conspicuous among the leaders of the Bar."

The Chief Justice was born at Bridgeville, East River, on the first day of July, 1828. It was at that time a thinly settled

country district, composed entirely of Scottish Highlanders—the descendants of those who took up grants, or to whom grants were given by the Government at the same time as his great grandfather. His educational advantages were few—such as he received were obtained at the ordinary schools in New Glasgow. I have not found the names of his teachers, but of one thing we may be sure, that the Scotch people of Pictou value education too highly to have incompetent teachers in their schools.

Having finished his education, he for a time taught school at Addington Forks, Antigonish County, and then decided to study law. He became articled as a student to Martin I. Wilkins, one of the ablest lawyers of the day, and under whose tutelage he must have imbibed that sound knowledge of law which he afterwards displayed in the Courts. Students at law at that day were required to serve five years before admission to the Bar. He was admitted as an Attorney on the second of December, 1850, and as a Barrister on the twenty-second of December, 1851. He practiced his profession in Pictou about twelve years and with his rising reputation as a lawyer moved to Halifax where he enjoyed a large practice until his appointment to the Bench in 1881.

When he came to Halifax his first partner was Mr. H. H. Bligh, and afterwards Samuel G. Rigby—later Judge Rigby—one of the ablest and best lawyers in the Province. Mr. McDonald did not confine his work to Halifax, but was consulted and retained in cases all over the Province—more especially on the Eastern and Midland circuits.

As it was due to his attendance on the Midland Circuit at Amherst that I formed his intimate acquaintance, I will first trace his career at the Bar. Mr. McDonald was a man of fine physique, tall, well proportioned, with a highly intellectual face. He was a fine speaker and a powerful advocate with the jury, and had great success. His winning manner—his evident

sincerity, and his strong voice captured the jurors readily. His examinations and cross-examinations of witnesses were searching and effectual, and with the Judges on questions of the admission of evidence and points of law, his arguments had great weight. As said in one of the notices of his death, "Judge McDonald was skilled in all the arts of cross-examination and of a jury lawyer, while as Chamber Counsel he was unsurpassed by any". He had in most cases an able and brilliant opponent in Hiram Blanchard, who attended the same circuit. It was a great struggle between them in the cases in which they were pitted against each other, and it was delightful and instructive to listen to the forensic battle. Both were men of high and honourable character, incapable of any unworthy schemes to win their cases. They were retained on one side or the other in most every case as Counsel, and would never permit any unseemly conduct in the course of the trials. The dockets at Amherst were very large in those days—the Court sitting for nearly a fortnight at a time quite unable to overtake the work.

One of the most celebrated cases in which Mr. McDonald was engaged on one side and Mr. Blanchard on the other, was the Minudie Estate litigation. It was characterized by numerous actions at law and extended over some ten years without any result, and finally had to be settled by arbitration, and an Act of the Legislature.

The facts of this case were so peculiar and extraordinary that it may be interesting to give them, as showing the questions to be dealt with.

Amos Seamon, the so-called King of Mindie, was the owner of a large estate in Cumberland County purchased from Governor DesBarres—It consisted of thousands of acres of upland and marsh besides a very valuable grindstone quarry and many tenants. He had a large family of boys and girls. Unfortunately as they grew up, quarrels and disputes arose dividing them into two hostile parties. The old gentleman seeing this,

resolved to so arrange the division of his estate as that at his death there would be no trouble. He employed the greatest lawyer at that time in the Province—the Hon. James W. Johnston—to make his will, for which he paid him one hundred pounds. This he fondly hoped would save his property from the lawyers. The will provided that the particular portion of property to go to his different children should be specified in a book which he was to keep and write up from time to time. It appeared that in his life time that at times he favored one side of the family, and at others, the other side. He named two executors, one sympathising with each side. At his death when the will came to be proved in the Courts, it was found that he had kept two books, each making a different division, and known respectively as the “Black Book” and the “Red Book”—Each of the executors claimed that the book most favorable to his views and interests was the Real Book to be admitted as part of the will. This was the knotty question to be decided by the Court, and gave rise to endless litigation and almost the ruin of all parties. It was one of the most celebrated and difficult cases fought out by the Chief Justice on the one side and Mr. Blanchard on the other. No solution of the difficulty was ever obtained. Finally Chief Justice Sir William Young, who was at Amherst about to try one of the numerous cases, prevailed on both parties to submit the whole matter to arbitration. To this they finally agreed, and an award was made which all had to accept; but even this did not settle everything; he had put his valuable Grindstone quarries in trust under the will, and the trustee could not consent to an arbitration. In defining the site of the quarries which were to be held in trust, there was a misdescription in the will, which curiously enough left out all the quarries intended to be included in the trust, and included those of little or no value. This was so evident that something had to be done to rectify the mistake, and the only way in which it could be effected was to get an Act of the Legislature which was obtained—a most unusual and in many ways dangerous precedent, but

harmless in this instance, as all interested parties had agreed, and there was no other possible way to settle the difficulty.

It is further worth relating that besides Mr. McDonald and Mr. Blanchard, nearly all the ablest lawyers in the Province were at times engaged on it, and it came before all our best judges on the Supreme Court Bench, and none of them ever succeeded in successfully dealing with the difficulties.

Mr. McDonald, of course, was engaged in many other important cases in this circuit, at Halifax and in other parts of the Province, in which he showed the same fine ability which distinguished him throughout his career at the Bar. It would be uninteresting to refer to these in detail, save to mention the fact—he was not always successful, but he never spared himself in the interests of his clients. Mr. Rigby, his partner, a thorough and learned lawyer, was a great aid to him in the extensive business of their firm, and especially before the Court of Appeal where intricate questions of law were argued and disposed of.

Needless to add that Mr. McDonald and Mr. Blanchard were regarded as two of the ablest lawyers at the Bar in their time, and both very popular with the members of the profession. In testimony of their regard and affection for him on the twenty-fifth anniversary of his admission to the Bar, the Halifax Bar, without respect to party, entertained him at a banquet, and presented him with a silk gown. In 1867 he was created Queen's Counsel, an honor at that time greatly valued, and only conferred on those whose standing at the Bar deserved to rank high in the profession.

Having now briefly sketched his position at the Bar, I turn to his political career which covered the period from 1859 to 1881. Mr. McDonald ran seven elections in the County of Pictou, in five of which he was elected, and in two defeated. Of these three were for the Local Legislature, and four for the House of Commons. He was first elected to the House of Assembly at the General Election in 1859 in which the Con-

servative Government were defeated, and he consequently sat on the Opposition bench. After an examination of the debates of the first year (1860), in which he held a seat in the House—in fact each year up to 1863, I find that he took very little part in the discussions—such short speeches as he did make have reference to the extension of the railway to Pictou, and other unimportant matters. The House was dissolved in this year, (1863) and the result of the election of 1863 was to place the Conservatives in power. Mr. McDonald was made Railway Commissioner for the Province, and under his regime the construction of the railway to Pictou was begun. This led to more frequent appearances in the debates but nothing specially requiring mention, except his determination to have the Pictou railway built. On the resignation of Mr. LeViscount he was appointed in 1865 to the office of Financial Secretary in the Government, which he filled until 1867, when the House was dissolved, and the Union of the Provinces took place.

In the Nova Scotia Assembly when he was a member were some of the ablest men and orators this Country ever produced—Howe, Johnston, Tupper, Archibald, Young, Henry and others. It is not much to be wondered at with such a galaxy of speakers, he did not have many chances to display the gifts which were in him, especially with a leader like Tupper who seems to have absorbed all the fighting on the Conservative side of the House. While in the Nova Scotia Government he was appointed one of the Commission in 1865 and 1866 to open trade between the West Indies, Mexico and Brazil, and the British North American Provinces, and in that capacity visited the West Indies, and it may be here mentioned that after he came on the Bench he was appointed one of the Commissioners by the British Government to investigate and report on certain charges made against the Attorney-General of the Island of Jamaica. On that occasion he again visited that Island.

In 1867 he was one of the Conservative Candidates for the House of Commons for the County of Pictou, when, with all other Union Candidates in the Province, except Tupper, he was defeated.

At the Local Election in 1871 he was elected to the House of Assembly where he sat until 1872 when he resigned to run for the House of Commons.

In the Dominion Election of 1872 he was once more elected as the Government candidate, and took his seat in the House of Commons. In the session of 1873 grave charges so-called the "Canadian Pacific Railway Scandal" were made by the opposition against Sir John McDonald and his Government. In that debate the Chief Justice made one of the ablest speeches in defence of the Government. The Government, as is well known, were defeated or rather resigned—Before another session the McKenzie Government dissolved the House, and in February 1874, an Election took place. Again he offered as Conservative candidate in Pictou, and was defeated like the majority of the party, with the exception of Dr Tupper and one or two others. Until the next election in 1878 he continued to attend to his legal practice when he was once more, and for the last time, nominated for his native County. On this occasion he was elected with a good majority, and on the formation of the new Government he was appointed Minister of Justice—a position which he filled until his appointment as Chief Justice of Nova Scotia, May 18th, 1881, and at the same time was made Judge of the Court of Vice-Admiralty for the Province of Nova Scotia, a position which he continued to hold until his death.

And now I come to the last phase of the Chief Justice McDonald's long and interesting career—Sir William Young resigned the office of Chief Justice in 1881, and Mr. McDonald was immediately appointed to succeed him. He entered on his duties with the full satisfaction of the Bar, and appro-

bation of the people of the Province. Confidence was felt on all sides in his ability, and integrity, and further that he had justly merited the promotion, and they were not disappointed. He was then fifty-three years of age in the full enjoyment of his health and faculties. From the first he displayed that vigorous and sound judgment which had characterized him at the Bar, and in his public life. Besides presiding in the full court at Halifax, he regularly travelled the circuits throughout the province. It was a joy to himself as well as to the local Bar in the different Counties to have him as the presiding judge at the trials. His love for the country, and the opportunity of meeting with his many old friends on the circuit were always looked forward to with great pleasure. His manly and genial ways made him a favorite wherever he went. He continued to go on circuit until the last few years he remained on the Bench, and only gave up because of the increasing infirmities of his age. For twenty-three years he filled the office of Chief Justice.

It would not be useful, nor necessary to this memoir to make any special reference to the numerous cases he heard and decided, not only on circuit, but in the Court of Appeal.

There is, however, one notable exception I must make in which he had a unique experience in conducting a trial entirely in Gaelic. It is worth recording for the benefit of future generations. This trial took place at Baddeck in the Island of Cape Breton. The jurors all spoke Gaelic—their mother tongue. The parties to the suit and their witnesses all spoke Gaelic; the lawyers on both sides spoke Gaelic—the officers of the Court spoke Gaelic, and last and most important of all, the Chief Justice spoke Gaelic, his mother tongue—in a word the whole Court, probably including the audience were the descendants of the Highland settlers and therefore familiar with the language from childhood. Instead of swearing an interpreter. the usual way to translate into English the evidence of such witnesses as could only speak Gaelic, by common consent

it was agreed to conduct the whole proceedings in the Gaelic language. The witnesses were examined, and cross-examined the lawyers addressed the jury and the Chief gave his charge all in Gaelic. Was there ever such a trial before or since in Nova Scotia or Canada?

The lawyers engaged were, on one side, our late Governor Duncan Fraser, and on the other side the late Samuel McDonnell of Port Hood. On twitting the late Chief for his part in such an irregular proceeding, and telling him he should have been impeached for his action, he would laugh heartily, evidently enjoying the novelty of the whole affair.

It may be useful here to mention that over thirty years ago when I first went on the Cape Breton circuit, constantly witnesses came to give evidence who could not speak nor understand a word of English—Gaelic was the mother tongue of large parts of the counties of Victoria and Inverness and used altogether in their homes and families. An amusing incident resulting from this occurred years ago in a trial before me with a jury at Port Hood—A Roman Catholic priest was sued by a doctor for slandering him in a sermon preached to his congregation in Gaelic. Whether the words used were slanderous or not depended on the meaning the congregation attached to them. Witnesses on both sides were heard all in Gaelic through an interpreter. The lawyer on each side understood Gaelic, and each contended that the interpreter did not give the proper meaning of the words used. I, as the Judge, not knowing Gaelic, found myself in a very embarrassing position. However, I left the whole question to the jury, all of whom probably I thought knew the language. The result was a disagreement—and still more remarkable all the Protestants on the jury were in favor of the Priest, and all the Catholics against him.

As Chief Justice, he of course presided in the Appeal Court when all the judges are generally present, and guided the conduct of the arguments and the deliberations of the judges.

It suffices to say that he maintained the dignity of the courts, discussed with ability the cases—with consideration for all practicing before him. His decisions are to be found in the volumes of the Supreme Court Reports during the years he was on the Bench. They exhibit good sound sense with a fair application of the legal principles involved.

Of course he was not always in the right, which is true of all human judges, but regarded generally and as a whole, they show him well qualified for the judicial position which he held. While strong in his own opinions, he was ever ready to listen with patience to those who differed from him.

More learned judges there have been, but none more conscientious and determined to do what was just and right. Therein lay one of the weaknesses of the man, that out of sympathy for the litigant who would suffer by the application of strict legal doctrines, he was inclined to stretch the law to its breaking point to save him from the evil consequences.

Towards the end of his term on the Bench he seemed to show less interest in the work, and finally in 1904 retired from the office amid the regrets of his associates, and the members of the Bar. It was felt, however, that he had well earned the right to retire from his labors, and to quietly enjoy the remaining years of his life. On his retirement a special meeting of the Bar was held at the Court House at which he was present, when an address was presented to him expressing in eulogistic terms the esteem and affection with which the profession regarded him, accompanied by a handsome piece of silver to mark the occasion.

During his term on the Bench a Knighthood was offered to be conferred on him, which he declined, much to the disappointment of the Bar and the public. In so declining it seemed to me a mistake, or rather a mistaken view of his position. In England, as well as in Canada, it has been the custom to bestow that honor on the heads of the highest Court

recognizing the importance and dignity of that high office. In Nova Scotia for nearly a century the Chief Justices have always been so honored with the exception of Chief Justice McDonald. In remonstrating with him on his refusal, his reply to me was that he felt himself to be too poor a man to accept the honor, but inasmuch as it is as much the office as the man who is so honored by the King, therein was the mistake of his refusal.

The Chief Justice had not the faculty or probably the desire to accumulate a fortune. He placed little value on money, which with his generous and sympathetic heart, he gave away with a free hand. He spent little on himself or on his own pleasure, but was glad to give it where he thought it would help and delight others.

In his domestic relations he was fortunate and happy. Married early in his life Janet daughter of Mr. William Mortimer, a leading resident of Pictou; they were blessed with eight children—four boys and four girls, all still alive. He loved his home—"Blink Bonnie" at the head of the Arm, where he spent his leisure hours and declining years. It was a real pleasure to his friends to visit him there, and receive his hearty welcome. Then it was that he delighted to talk over and give reminiscences of the days gone by.

In conclusion let me point out some of his personal characteristics—Although in this memoir I have written so much in respect to the good and amiable qualities of the Chief Justice, it must not be understood that he was without his faults and defects. If it were so he would be more than human. Suffice it to say that they were not of a kind that marred or spoiled the general picture of the man which I have striven to give. In outward appearance, Chief Justice McDonald was a striking figure, such as would attract attention in any company where he was present. Always holding himself erect, quick in his movements, he looked what he was—a courteous gentleman, dignified and self-possessed, a welcome visitor wherever he

went. On the Supreme Court Bench his fine appearance, bright intellectual face seemed ideally to fit him for the high position he occupied. Of a buoyant disposition he enjoyed life, and the companionship of his friends. No doubt he had a quick temper which was apt to be roused by any act or word reflecting on his action—still it was well under control, and he never harbored lasting resentment. His popularity everywhere in the province, especially in his native county of Pictou was very great. A good story illustrating this has been told me—His great liberal opponent was James Carmichael of New Glasgow, a wealthy merchant—Pictou Island is noted for its intense liberalism—One of the Islanders was asked: Now, Sandy, if James McDonald and James Carmichael were in a shipwreck off here in danger of drowning, and only one could be saved, which would it be? “Well,” he replied, “if it were an election, I would vote for James Carmichael, but if only one could be saved, it would be James McDonald.”

After his retirement from the Bench in 1904 he survived eight years, dying at his home on October 3rd, 1912, in the eighty-fifth year of his age. He was buried in the Fairview Cemetery alongside his wife, who had predeceased him some years.

I cannot more worthily bring this memoir to a close than by recording the tribute paid to him by the Bar in his retirement alluded to before, as taken from one of the newspapers at the time.

“An interesting event took place yesterday afternoon at 1 o'clock, when the Hon. James McDonald, ex-chief justice of Nova Scotia, was presented with an address and handsome gift by the officers and members of the Bar of Nova Scotia. The presentation was made by Hon. J. W. Longley, who said that the pleasant duty of conveying to His Lordship the Chief Justice a message of the good will and kindly feelings of the Bar of Nova Scotia might have fallen into the hands of one more

closely personally allied with him, but to none would it give greater pleasure than himself. He expressed the hope that His Lordship had many happy days yet in store for him. The Attorney-General read the address, as follows:

“To the Honourable James McDonald, P. C.:

The members of the Bar of Nova Scotia request that you will do them the honor of accepting this casket which they desire to present to you on the occasion of your resigning the office of Chief Justice of this Province, as an expression of appreciation of your high character and the great abilities which you have displayed in your professional and judicial career. Your earnest desire to do justice earned for you the respect and regard of the Bar, which deepened into affection by reason of your kindness to and consideration for its members.

Allow us to wish that you may live long in years as you will in the esteem and affection of the members of the profession of your fellow citizens.”

### **The Testimonial.**

The gift is in the form of a casket made of solid silver. It is very beautiful in design. The body is worked in maple leaves in relief. In the centre is the likeness of the ex-Chief Justice engraved in silver. It is a very good picture and splendidly executed. On either side of the picture are sprays of heather, emblem of the McDonald clan. On the reverse side is the inscription: “Presented to the Honorable James McDonald on his resignation of the office of chief justice of Nova Scotia, by the members of the Bar of the Province.” On one side of the inscription is the McDonald coat of arms and on the other the Nova Scotia coat of arms. The cover is worked in Mayflowers, surmounted by the figure of Justice.

### His Lordship's Reply.

His Lordship prefaced his reply to the Bar by saying from no one at the Bar could the complimentary remarks give him greater pleasure than from the Attorney-General. His Lordship's reply was as follows:

“To the members of the Bar  
of Nova Scotia:

I cannot adequately express the feelings with which I receive from you the address just now read, and the beautiful casket which accompanies it. I am fully conscious that the personal references in the address are due rather to the kindness and consideration I have always received from the members of the Bar in my official and private intercourse with them than to any personal merits so kindly attributed to me. It gives me unbounded pleasure to learn that in the discharge of my judicial duties I have obtained in some measure that which I so ardently desired, the confidence of the members of the Bar in my warmest endeavor at all times to determine the rights of the parties before me according to the law under the facts disclosed by the evidence. If I have succeeded in some measure in this I owe my success largely indeed to the kind consideration and able assistance I have received from those who have practiced before me, some of them for so many years. I carry into my retirement the most grateful feelings and kindly recollections of consideration, counsel and assistance from my brethren of the bench, as well as the invariable courtesy and able assistance from my brethren of the Bar since I took my seat on the bench, over twenty-three years ago. Many able members of that Bench, some of them very dearest friends, as well as eminent members of the Bar, have been removed by death since that time; their places have been filled by

worthy successors, and now, on my retirement, I have the gratification of believing that I leave behind me a Bench and Bar which for ability, learning and determination to discharge their high functions faithfully and honorably will compare not unfavorably with the high courts of the other provinces of the Dominion.

Permit me, gentlemen, to wish you all individually and collectively every success in your chosen profession and every blessing which God has promised to those who worthily serve Him."

Thus passed to his eternal rest Chief Justice MacDonald regarded with respect and esteem by all—especially by those who enjoyed and prized his friendship. As stated in the notice of his death in one of the city newspapers "No finer specimen of the Pictou Scotchman could be picked out than "Jim MacDonald," as he was familiarly, though respectfully called, during his long career at the Bar, on the Bench and in politics."



**SOURCES OF CANADIAN HISTORY,  
With special reference to Nova Scotia.**

**By MAJOR J. PLIMSOLL EDWARDS.**

**Read 1st November, 1916.**

It may be of interest for us to consider for a short time to-night the chief sources from which our knowledge of Canadian history is derived, and the facilities which exist for making use of them. While the papers hitherto read before this Society—and similarly those submitted to the various historical organizations throughout the Dominion—have dealt almost wholly with somewhat isolated and detached events of Provincial life, or the biographies of those prominent in its annals—it will perhaps assist us in covering a more extended view of the doings of the past, to discuss those documents and books which form in a sense, the basis of our national history, and from which detailed and specialized studies can, from time to time, be prepared and elaborated. As you can readily see, in such a review no new facts resulting from original research can be brought before you, and we can simply recall to memory the writers of the past, and pay tribute to their labours.

The history of Canada as a whole is somewhat sharply divided into two periods; one, the time when France reigned supreme in the northern part of this continent—the other, the regime following the stormy struggles that marked with fire and blood the middle years of the 18th century, and which left England mistress of Acadia, New France, and the unexplored and unknown territories reaching out to the Pacific. In Nova Scotia, this change was perhaps less marked than in New France, as Britain had a foothold in the former since 1713; but it was a very slight one. It was well on towards 1760 before occupation was made permanent by the final conquest of Louisbourg.

The sources of original or what might be termed basic history during the two periods, greatly differ. In the earlier one, the practical absence of contemporary printed material throws the student to a very large extent upon records and manuscripts as his authority for the events of the time. It is true that in France, and to a lesser degree in Great Britain and the then British Colonies in America, there appeared in printed form valuable accounts of the years' doings; but these were few in number and are now comparatively inaccessible to the average inquirer. No printing press existed in all of what is now Canada until about 1751, when Green and Bushell imported one from Boston into Halifax; so of contemporary local literature there was none.

Of the material on Canadian matters printed abroad prior to 1750, the most noteworthy is "Les Relations des Jesuites" which came from the French press regularly every year from 1632 to 1673, and occasionally at later dates. The few copies of these works still extant are held by several of the larger libraries of the world, those in Canada being confined to Quebec, Montreal, Ottawa and Toronto. I doubt if any exist in the Maritime Provinces.

They were republished in three large volumes by the Government of Lower Canada in 1858, but this edition is long out of print, and brings high prices when copies turn up for sale. They were, however, again reprinted in Cleveland, Ohio, a few years ago, translated and enriched with copious and valuable notes, and thus made somewhat accessible. A set of this reprint is in the Legislative Library here; it is in seventy-three volumes and cost something like \$250.00. Other contemporary works on the early history of New France are those of Chaplain, Denys, Lahontan, Hennepin, Lescarbot, Charlevoix, and a few others; all are extremely rare and whenever offered for sale (which is seldom) they bring very high prices. Much might be said about these works, but time does not now permit.

It must be noted, however, that the Champlain Society of Toronto is doing splendid work in placing before the students of today excellent translations of the best and most valuable of these early French works on Canada in the series of volumes furnished to its members during recent years. Lescarbot's "Histoire de la Nouvelle—France" (1617), translated and annotated by W. L. Grant and H. P. Biggar, in three volumes—Denys "Description géographique et historique des costes de l'Amerique Septentrionale" (1672) by Dr. W. F. Ganong,—LeClercq's "Nouvelle Relation de la Gaspésie" (1691), also by Dr. Ganong—are three works deserving special mention; and it is understood that before long we may expect in the same series a new edition of the writings of the pioneer and greatest figures in early Canadian exploration, Samuel de Champlain.

The documentary and manuscript sources of this period's history, so far as New France is concerned, exist in Quebec, Montreal, Ottawa, Paris and London, and probably in a much smaller degree in Washington, Boston, Albany, New York and other large collections; but it is to the Dominion Archives in Ottawa that we must look for the best collection of such papers, and certainly for the greatest facility of consultation.

Since the organization of the Archives Department about 50 years ago, the Dominion Government has spent large sums of money upon the upkeep and development of this most valuable branch of the nation's literary life, and has for many years had a staff of copyists at work in London and Paris copying documents relating to Canada preserved in the various government departments, libraries and museums in those cities. Excellent summaries of these—and in some instances the complete documents—have been published in the Annual Reports of the Archives Branch, and thus made available to the general public at nominal cost.

So much for the early history of New France. We next come to Acadian history for the first half of the 18th century. Much of this fair province was in French hands or under French control during that period, Louisbourg being the chief Gallic stronghold until 1758. Its history—and in fact that of all Acadia—is also writ large in the Dominion Archives, and most minute and interesting details can there be obtained as to the vicissitudes of French rule in the Eastern Provinces. Closely interwoven with these are the Nova Scotian Archives of this period, covering the annals of Annapolis Royal and the other isolated places under British rule down to the founding of Halifax in 1749, and for many years thereafter. An enormous mass of material of this nature is here in Halifax belonging to the Government of this Province, concisely arranged, and under competent and careful supervision. It comprises practically all the official papers and correspondence of the period from 1712 to 1867, with a great number of military records and miscellaneous papers on all subjects relating to the progress of the Province, and to its official life. Unfortunately only three volumes have been published in book form by the Government, in 1869, 1900, and 1908, respectively; thus the somewhat scanty measure of publicity given a collection of such great value as compared with the frequent issue of volumes by the Dominion Archives and the zeal shown by the latter in adding continuously from all sources to its already overflowing shelves—has naturally greatly overshadowed the importance of the Nova Scotia documents, and led to wide-spread ignorance as to their extent, their value, and their accessibility to the public. The Government has, however, done excellent service in having many thousands of these papers bound up into over 750 volumes, and the good work continues. (See note).

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**Note.** Since the above was written, the Government of this Province has kindly authorized the publication of a pamphlet of 20 pages entitled "The Public Records of Nova Scotia, their history and present condition," compiled by the writer of this article. This *brochure* gives full details of our Provincial archives, and shows the wealth of historical material which they contain.

The collection includes 270 volumes of military records—classified and arranged for consultation; these are now being rebound, and others of similar importance are being prepared.

While the contemporary publications of this time were confined in the main to a few pamphlets, and books of little importance,—the history of the period, and especially of the war with France which ended in 1763, has been fully and in the main very accurately told in voluminous works published soon after that date, such as Captain Knox's Journal, Mante's Account of the Campaign (1752/63), Pouchots' Memoirs. etc. These, with others, and with the Dominion and Nova Scotia Archives already mentioned, form the basis of the history of that time, and on them Francis Parkman has to a large extent built those superb narratives which stand unrivaled in their delineation of the last years of French rule in America.

One other scholarly and trustworthy book "The Fall of New France"—this by a Canadian author, Gerald Hart, and published in Montreal about thirty years ago—is worthy of special mention.

With the close of the French war and the acquisition of Canada by Great Britain, a new era began—in local literature as well as in history,—and from then until now we have little difficulty in getting copious and accurate data for historic study.

In the old Province of Quebec—divided into Upper and Lower Canada in 1791, and renamed Ontario and Quebec in 1867—the Dominion Archives and the local government records in Quebec, Montreal, and Toronto, form one group—that of manuscripts and documents; the Journals of the Houses of Assembly, the almanacs, and the weekly or daily newspapers, another group; and, drawn to a very large extent from the foregoing, come innumerable books and pamphlets, and a fair number of Papers and Collections of Historical Societies such as our own. In Upper Canada, the printing of newspapers and almanacs

began very soon after the organization of the Province; and although the burning of the parliamentary buildings at York in 1813 by the American troops destroyed much of historic value, enough remains to give a very accurate chronicle of the growth and development of that portion of our country. With its rapid increase of population and wealth, newspapers multiplied, while other sources of statistical information soon become abundant. The Canadian Almanac, begun about 1846 and still going strong, is without doubt, the best yearly record of the growth of Ontario, and incidentally of other parts of Canada; many county histories has been published, and many local historical societies flourish—all being somewhat connected with the Ontario Historical Society, a provincial organization which has done most valuable work in this line since its inception. Dr. Canniff's "History of Upper Canada" published in 1869, is probably the best printed summary of the early years of that province.

In Lower Canada, or Quebec, somewhat similar conditions have continued. The first book printed there was in 1764, and thereafter literary effort soon found expression in type. During the unsettled and trying period between the cession in 1763 and the introduction of responsible government in 1791, a large mass of most interesting and valuable material was published; the controversial features of the nationality, religion, law, and customs of the two races had to be most carefully considered, and the literature immediately appertaining to this period and to these debateable subjects. stands in a class by itself in the literature of the country. The Quebec Almanac—the best annual compendium of the doings of the day so far as Lower Canada was concerned—began about 1785 and continued until 1841. Newspapers, contemporary pamphlets and books on various local subjects, and the Journals of the House of Assembly, are, to a large extent, still available in the larger libraries of the province for consultation.

Of books embodying in concise form much of the information contained in the foregoing, the best are Smith's "History of Canada", Quebec, 1815. Christie's "History of Lower Canada" 1842, et seq., Garneau's *Histoire*, Bibaud, Kingsford, and others. The last mentioned work (Kingsford) runs to eleven volumes and is without doubt the best of our histories, giving much valuable detail worked out by the author direct from original documents in the Archives.

A fair amount of research work has been done by the few historical Societies in the Province, one of which, the Literary and Historical Society of Quebec, was the pioneer organization of its kind in all Canada, having been established about 90 years ago. Much excellent original matter has been made public by the "Societe Historique de Montreal," the "Numismatic and Antiquarian Society" of the same city, and a few industrious workers in the Eastern Townships.

New Brunswick began its national life in 1786, and its history thereafter is best portrayed in what remains of its contemporary literature. From an early date, its public documents, sessional reports, and appendices to the Journals of Assembly and Council have been voluminous and interesting; and from them, and from its newspapers, almanacs, and pamphlets, its history can be drawn. Its archives are scanty, and little attention has been given by its government toward the preservation of the doings of the past; this defect has been accentuated by the great fires which from time to time have swept St. John and other parts of the province and destroyed large holdings of early local literature in private hands. The Legislative Library at Fredericton is singularly weak in early imprints; but this defect is offset by the excellent collection in the Civic Library at St. John, and the energetic and successful efforts made by the New Brunswick Historical Society and a few individuals who have devoted much time and expense to gathering and making public the scattered records of early life in the Province. The Dominion Archives have also been

in the field, and have collected for the national storehouse in Ottawa many manuscripts and documents of pioneer days.

To the student of limited time who wishes to get an accurate and comprehensive view of New Brunswick history, little choice is given, the work published in 1910 by the late James Hannay being practically the only book available bringing the story of the Province to a recent date with any degree of detail.

The early history of Prince Edward Island (known as Ile St. Jean and St. John's Island up to the end of the 18th century) is closely woven in with that of Acadia, and as such has been embodied in the m/s collection of the Dominion Archives, and is to some extent given publicity in the Annual Reports and publications of that institution. Comparatively little local literature exists beyond a limited number of newspapers, almanacs, and the annual reports attached to the Journals of the Legislative Council and House of Assembly. A few, very few, books of travel and description have been published in England and in Charlottetown, and the only general history of the Island Province worthy of mention is that by the late Duncan Campbell, published in Montreal about forty years ago.

A large quarto volume of over 700 pages, edited by Lieut.-Governor McKinnon and Judge Warburton, was issued by an American publishing house a few years ago, devoted to the history of the Island and to biographical sketches of many of its residents. A great deal of valuable information—historical and otherwise—is contained in this work; but it was a subscription book, sold at a high price, and of limited circulation. It is therefore not easily available for reference.

We now come to the records of our own Provincial life since 1750. As already stated, the Dominion Archives must be consulted for much of its history—not only prior to that date but for many years later, and extending well into the last cen-

ture. But the Nova Scotia Government Archives in Halifax are the main documentary source of this period of our Provincial life. In an earlier portion of this paper I briefly drew attention to the great value of this collection and we must all regret that it is not better known and appreciated, and above all, made the basis of a comprehensive collection of more recent letters, papers and manuscripts bearing on the past life of this part of Canada. Ontario—the youngest of the Eastern provinces—has awaked to this need, and has established its own Bureau of Archives with liberal financial backing; its agents are scouring the country for material, and have had much success.

In our Provincial Archives are full and detailed records of the British Government at Annapolis Royal 1710-1749,—of the Government at Halifax 1749-1867,—Dispatches from the Secretary of State London, to the Governors of Nova Scotia 1834-1867,—Minutes of His Majesty's Council at Halifax 1749-1870,—Council and Legislative Journals,—and large numbers of miscellaneous papers relating to the town and city of Halifax, to Cape Breton, to churches, colleges, mines, militia, lands, and almost every branch of Provincial life.

In addition to these rich mines of Dominion and Provincial documents and records, we have other resources of literary wealth. Nova Scotia's, (and incidentally all Canada's) first newspaper, the "Halifax Gazette," faced the public on the 23rd of March 1752; and while the only existing copies of its early issues are most unfortunately held in foreign hands, we have in the Legislative Library a very fair and most valuable collection of the early newspapers of the province, which portray as nothing else can do, the daily life, the social habits, and the military, naval, and business conditions of the early days of Nova Scotia. We have also in the same library a complete set of the Journals of the House of Assembly from its beginning in 1758; of the Council since its proceedings were published in 1836, as well as an almost perfect fyle of the

Acts and Statutes of the Province. In Almanacs—the third great source of annual history—Dalhousie University has, I believe, a complete set from about 1771 to date; so with archives, newspapers, journals, statutes, almanacs, and many early printed pamphlets and books, here exists in Nova Scotia a rich variety of sources of history equalled only by that of Quebec, and well ahead of those held by any other part of British North America. Were these advantages combined with a first-class and up to date library and reading-room open freely to the public, Halifax would undoubtedly attract many students and writers of history and literature; but this seems far distant. The Legislative library possesses a fair collection of Nova Scotian books, but has few relating to other parts of Canada; while the Civic collection is still less well provided with national reading-matter. Both institutions have many limitations, and are run on a financial scale painfully small as compared with the provision made for libraries in other cities and towns in Canada and the United States.

No detailed and comprehensive history of the province—bringing its records up to recent date—has yet been published. Haliburton's History, written in the easy style of its accomplished author appeared in 1829, and had a large circulation; but it has many shortcomings. The history proper ends with the year 1763, the remainder of the first volume being devoted to a chronological list of local events from that date to the year 1828. The second volume contains a description of the province and gives statistics of its resources etc. Thirty-six years elapsed before a more solid history of the province was attempted, this being Beamish Murdoch's well-known work on the subject published in monthly parts during the years 1865-67, forming in all three substantial volumes. It is a veritable storehouse of information—comprising all varieties of event and incident, arranged chronologically without any pretension to style or effect; but unfortunately it ends with the year 1827. It has many merits as a work of research; but its abrupt and

severely plain statements of fact practically make it a book for reference only, and render it unattractive to the general reader.

Only a few years elapsed until the late Duncan Campbell (father of our esteemed fellow-citizen George S. Campbell) brought out an unpretentious but well-written history of the Province in one volume, published in Montreal in the year 1873. This is a fairly accurate and readable book, and became the standard history of the later years of the province. It reigned supreme until very recently when Dr. David Allison's history appeared. This appears to be a scholarly and authentic work, well illustrated and printed, but is marred by a great number of typographical errors. It brings the narrative only to the year 1867. The history proper is in two volumes, with a third one containing local biographies of very varied interest, and importance.

I must not fail to mention that this Province is rich in country histories,—this perhaps to a greater extent than any other part of Canada. Most of these have been published in book form, and at least three of them,—those devoted to Annapolis, Pictou, and King's Counties—are works of special merit and attractiveness. That of Guysboro' (in m/s) is among the unpublished documents in the archives of this Society, while those of Colchester, Hants, and others, are in the library of the University of King's College, Windsor, N. S.

It is unnecessary to mention that in addition to the foregoing, many books have been published in Nova Scotia and abroad dealing with detached phases of provincial history, with biographies of Acadia's most famous sons, with sermons, essays, and other lines of thought, all aiding in the building up of a national literature.

I must also call attention to the splendid series of historical papers which have appeared in the annual volumes of the Royal Society of Canada, from 1882 to the present time. These cover a wide range of subjects, and are treated in a thorough

and comprehensive manner. They form a valuable addition to Canada's resources of historical literature.

Our own Society and that of the Nova Scotia Institute of Science have both done excellent work in this respect. The monographs and papers they have published constitute a very valuable addition to the literature of the province; not only this, but their example, and the general interest their work has engendered, have undoubtedly spurred others to efforts on similar lines. Although the work made public by the last mentioned organization has naturally been largely devoted to science of various sorts, yet many articles which have appeared in its Reports contain much important memoranda and information on the early days of Nova Scotian life and institutions.

I have tried to briefly point out under what conditions the historical sources of such literature can best be found and best developed, and can only hope that increased interest will be shown in their study in the near future. My sketch has necessarily been a short one, and its information much condensed. Time did not permit me to deal with matters of this nature in Manitoba and the western Provinces; the Archives and local literature of the province first mentioned (chiefly under its old name of the "Red River Settlement)" are by no means small.

More exhaustive papers could profitably be given at times before this Society dealing with the literature, bibliography and similar aids to research work in each province of the Dominion. Such a series could not fail to give us all enlarged knowledge of the richness and scope of Canada as a field for historic study.

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Wisconsin Historical Society;  
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Wyoming Historical Society.



## LIST OF PAPERS.

Read before the Nova Scotia Historical Society, June 21, 1878 to May, 1921.

Date.	Title.	Author.	Where to be found.
1878.			
June 21	Inaugural Address.....	Hon. A. G. Archibald..	Vol. i. p. 18.
Sept. 5	History of St. Paul's Church. Part I.....	Rev. Dr. Hill.....	do. 35
Oct. 8	Authobiography of Revd. Wm. Cochran.	Rev. Dr. Cochran.....	
Nov. 7	Telegraphy in Nova Scotia and neighboring Provinces.....	G. E. Morton.....	
1879.			
Jan 2	Early Settlement of Shubenacadie.....	Miss E. Frame.....	
Mar. 6	Journal of Colonel Nicholson at Siege of Annapolis.....	T. B. Akins.....	Vol. i. p. 59.
June 5	Translation from the French, relating to the religious beliefs of the Indians prior to the discovery by Cabot.....	Robt. Morrow.....	
Nov. 6	Journey to Yarmouth in 17—by Mather Byles.....	Hon. Dr. Almon.....	
1880.			
Feb. 5	Early Journalism in Nova Scotia.....	J. J. Stewart.....	Vol. vi. p. 91.
Mar. 11	History of St. Paul's Church, Pts. II III..	Rev. Dr. Hill.....	Vol. ii. p. 63.
Apr. 1	Governor Cornwallis and the First Council.....	T. B. Akins.....	Vol. ii. p. 17.
May 6	Witherspoon's Journal of the Siege of Quebec.....	do.....	Vol. ii. p. 31.
May 13	Walter Bromley and his labors in the cause of Education, by late John Young. (Agricola).....	J. T. Bulmer.....	
June 3	Sketches of the Winniett, DeLancy, and Milledge families.....	W. A. Calnek.....	Hist. of Ann.Co.
Nov. 11	Revolutionary Incidents in Nova Scotia 1776-1778.....	J. T. Bulmer.....	
Dec. 3	Sketch of Book Watson, by Revd. Hugh Graham.....	do.....	Vol. ii. p. 135
	Brook Watson's account of the Expulsion of the Acadians.....	do.....	Vol. ii. p. 129.
1881.			
Jan. 6	Early History of the Dissenting Churches in Nova Scotia.....	Rev. Dr. Patterson...	
	Biographical Sketch of Rev. Jas. Murdoch.....	Miss E. Frame.....	Vol. ii. p. 100.
Feb. 8	Biographical Sketch of Alexander Howe...	W. A. Calnek.....	Hist. of Ann.Co.
Mar. 14	Account of the Manners and Customs of the Acadians, with remarks on their removal from the Province; by Moses Delesdernier, 1795.....	T. B. Akins.....	
Apr. 7	Letter (dated June 27, 1751) from Surveyor Morris to Governor Shirley, with a plan for the removal of the Acadians.....	do.....	
May 5	Extracts from the Boston News Letter, 1704-1760, and from Halifax Gazette 1752.....	Miss E. Frame.....	
Sept. 1	Judge Croke (a Biography).....	Hon. Sir A. Archibald	Vol. ii. p. 110.
Oct. 6	Chapter from the life of S. G. W. Archibald.	Israel Longworth.....	
Nov. 3	Government House.....	Hon. Sir A. Archibald.	Vol. iii. p. 197.
	Nicholas Perdue Olding, (a Biography)....	Rev. Dr. Patterson...	
Dec. 8	Petitions to the Council of Massachusetts Bay from residents of Yarmouth, and from Council of Cumberland.....	T. B. Akins.....	
	Proposal of Capt. John Allen as to capture of Halifax and conquest of Nova Scotia.....	do.....	Vol. ii. p. 11.

## Papers Read before the N. S. Historical Society—(Continued).

Date.	Title.	Author	Where to be found.
1882.			
Jan. 5	Who was Lebel?.....	Jas. Hannay, St. John N. B.....	
Feb. 2	Nomenclature of the Streets of Halifax....	Rev. Dr. Hill.....	Vol. xv.
Mar. 2	A visit to Louisburg.....	P. Lynch.....	
July 3	History of St. Paul's Church, Part IV.....	Rev. Dr. Hill.....	Vol. iii. p. 13.
Oct. 5	Chapter in the Life of Sir John Wentworth.....	Hon. Sir A. Archibald.	Vol. xx.
Nov. 2	Edward How and his family.....	W. A. Calnek.....	
Dec. 7	M. S. Journal of Mr. Glover, Secretary of Admiral Cockburn, when conveying Napoleon to St. Helena in 1815.....	Nepean Clarke.....	
1883.			
Jan. 4	The Province Building.....	Hon. Sir A. Archibald.	Vol. iv. p. 247.
Mar. 1	Early Reminiscences of Halifax.....	P. Lynch.....	Vol. xcii. p. 111.
Apr. 5	The Stone Age of the Micmacs.....	Rev. Dr. Patterson...	
May 4	Newfoundland, past, present, and future..	E. Hepple Hall.....	
July 12	Early Life of Sir John Wentworth.....	Hon. Sir A. Archibald.	
Nov. 15	Nomenclature of the streets of Hafx. pt. ii..	Rev. Dr. Hill.....	
Dec. 6	Tour with General Campbell, in July and August, 1785, along the coasts of Nova Scotia, by Lieut. Booth, R. E.....	T. B. Akins.....	
1884.			
Jan. 3	Celebrated persons who have visited Nova Scotia.....	P. Lynch.....	
Mar. 6	Ships of War wrecked on coasts of Nova Scotia and Sable Island in 18th century.....	S. D. Macdonald.....	Vol. ix. p. 119.
May 1	Hon. S. B. Robie (a Biography).....	Israel Longworth.....	Vol. xx.
Nov. 13	Plans submitted to the British Government in 1783 by Sir Guy Carleton (1.) For the founding of a Seminary of learning at Windsor, N. S..... (2.) For the establishment of an Episcopate in N. S.....	T. B. Akins.....	Vol. vi. p. 123.
Dec. 4	Samuel Vetch. 1st English Governor of Nova Scotia.....	Rev. Dr. Patterson...	Vol. iv. p. 11.
1885.			
Feb. 5	Samuel Vetch. 1st English Governor of Nova Scotia. Part II.....	do.....	Vol. iv. p. 64.
Mar. 12	Exodus of the Negroes in 1791, with extracts from Clarkson's Journal ..	Hon. Sir. A. Archibald	Vol. vii. p. 129
Apr. 9	Saga of Eric the Red, with an account of the discovery of Vinland. Translated (by Capt. Ove Lange).....	P. Jack.....	
May 7	Early History of St. George's Church Part I-II.....	Rev. Dr. Partridge...	[Vol. .p vi. 137
Oct. 1	Old Churches of Cornwallis and Horton...	Rev. A. W. H. Eaton..	
Nov. 5	Letters from Rev. Jacob Bailey to Rev Mather Byles.....	Hon. Dr. Almon.....	
Nov. 5	Letter from Duke of Kent to Dr. William Almon.....	Rev. Dr. Patterson...	
Dec. 3	The League of the Iroquois.....		
1886.			
Jan. 7	Expulsion of the Acadians, Part I.....	Hon. Sir A. Archibald.	Vol. v. p. 11
Feb. 11	Method of the Acadian French in cultivating their land especially with regard to raising wheat.....	Judge Isaac DesChamps 1785.....	
May 13	Bermuda.....	T. B. Atkins.....	
Dec. 2	Centennial Memories.....	Hon. Sir A. Archibald. Rev. Dr. Burns.....	

## Papers Read before the N. S. Historical Society.—(Continued).

Date.	Title.	Author	Where to be found.
1887.			
Jan. 14	Vinland.....	Hon. L. G. Power....	Vol. vii. p. 17.
Feb. 3	Early Reminiscences of Halifax, Part II...	P. Lynch.....	Vol. xvii.
Mar. 3	Early Hist. of St. George's Church Pt. II.	Rev. Dr. Partridge...	Vol. vii. p. 78.
Mar. 16	Acadian Boundary Disputes and the Ashburton Treaty.....	Judge R. L. Weatherbe	Vol. vi. p. 17.
Apr. 7	Colonist Plants of Nova Scotia.....	Dr. Geo. Lawson.....	
Apr. 7	Memoir of John Clarkson, by his brother, ther, (the celebrated) Thos. Clarkson.....	Hon. Sir A. Archibald	
Nov. 10	A Study of "Sam Slick".....	F. B. Crofton.....	
Dec. 3	Early Journalism in Nova Scotia.....	J. J. Stewart.....	Vol. vi. p. 91.
1888.			
Jan. 20	Statement with reference to "French Cross" at Aylesford.....	John E. Orpen.....	
"	The settlement of the early Townships, Illustrated by an old census.....	D. Allison.....	Vol. vii. p. 45.
Feb. 24	T. C. Haliburton, Writer and Thinker....	F. B. Crofton.....	
Feb. 29	The Aroostook War.....	Dr. C. G. D. Roberts..	
Mar. 27	Howe and his contemporaries.....	Hon. J. W. Longley...	
Apr. 10	The Loyalists at Shelburne.....	Rev. T. W. Smith....	Vol. vi. p. 53.
Nov. 13	Photographs on Rocks at Fairy Lake....	Geo. Creed.....	
Dec. 20	North West Territory and Red River Expedition.....	Lt.-Col. Wainwright..	
1889.			
Jan. 15	The Early Settlers of Sunbury County....	James Hannay, St. John, N. B.....	
Mar. 12	Memoir of Governor Paul Mascarene ....	J. Mascarene Hubbard Boston.....	See in Smythies <i>Fortieth Re- giment, 1894</i>
Apr. 9	Legends of the Micmac Indians.....	Rev. S. T. Rand.....	
Nov. 12	United Empire Loyalists.....	C. F. Fraser.....	
Dec. 10	Inquiries into the History of the Aca- dian District of Pisiquid.....	H. Y. Hind.....	
1890.			
Feb. 13	History of Beaubasin.....	Judge Morse, Amherst	
Nov. 18	Early Reminiscences of Halifax, Part III..	P. Lynch.....	Vol. xvii.
Dec. 9	An Historical Note on "John Crowne"....	Prof. A. MacMechan..	
1891.			
Jan. 15	Richard John Uniacke.....	Hon. L. G. Power....	Vol. ix. p. 78.
Jan. 20	The Portuguese on the North East Coast of America, and the first European settlement there.....	Rev. Geo. Patterson..	
Mar. 20	Facts and enquiries concerning the ori- gin and early history of Agricul- ture in Nova Scotia.....	Prof. Geo. Lawson....	
Nov. 10	Reminiscences of Halifax, Part IV.....	Peter Lynch, Q. C....	
1892.			
Jan. 12	Extracts from Old Boston Papers.....	Miss Eliza Frame....	Synopsis, <i>Hal- fax Herald</i> , 13 Jan. '92.
Feb. 9	Hooped Cannon found at Louisburg.....	Rev. Geo. Patterson D. D...	Mentioned in <i>Halifax Herald</i> .
Nov. 8	Journal kept by Rev. Dr. Mather Byles in London, 1784.....	Hon. W. J. Almon....	Synopsis, <i>Hali- fax Herald</i> , 9 Nov. '92
Dec. 13	Chapter in History of Onslow.....	Israel Longworth.....	Vol. ix.

## Papers Read before the N. S. Historical Society.—(Continued).

Date.	Title.	Author	Where to be found.
1893.			
Jan. 10	Rambles among the Leaves of my Scrap Book.....	W. H. Hill.....	
Feb. 14	The Log of a Halifax Privateer in 1757....	Archd. MacMechan...	<i>Acadiensis</i> , July, 1892.
Apr. 27	Sir William Alexander and Scottish Attempt to Colonize Acadia.....	Rev. Geo. Patterson D. D.....	<i>Roy. Soc. Can.</i> , Vol. x, p. 93.
July 28	"Royal William" Steamship.....	Sir Sandford Fleming	<i>Halifax Herald</i> 29 July, 1893.
Nov. 14	Voyages and Discoveries of the Cabots....	Rev. Moses Harvey...	Vol. ix.
Dec. 12	Recollet Fathers in Canada.....	Geo. Patterson, M. A..	Synopsis, <i>Hali- fax Herald</i> , 13 Dec., 1893.
1894.			
Feb. 13	Critical Observations on Evangeline.....	F. Blake Crofton.....	<i>Dom. Illustrat- ed</i> , Xmas No.
Mar. 20	Origin and History of Names of Places Nova Scotia.....	Rev. Geo Patterson,.. D. D.....	Synopsis, <i>Hali- fax Herald</i> 21 Mar., 1894.
Nov. 27	Louisbourg.....	J. Plimsoll Edwards...	Vol. ix.
1895.			
Jan. 22	Irish Discovery of America.....	Hon. L. G. Power....	Synopsis in <i>Halifax Herald</i> , 23 Jan. 1895.
Feb. 12	History of the Dockyard, Halifax.....	Charles Stubbing.....	Vol. xiii.
Mar. 12	Early Military Life in Halifax.....	W. H. Hill.....	Synopsis in <i>Halifax Herald</i> , 13 Mar. 1896.
Dec. 12	Early Life in Halifax.....	W. L. Brown.....	Vol. xiii.
1896.			
Feb. 11	French Protestants in Nova Scotia.....	Rv. G. Patterson, D.D	<i>Proc. Roy. Soc. Canada</i> .
Apr. 23	Historical Gleanings.....	Dr. H. Y. Hind.....	<i>Halifax Herald</i> 24 Apr. 1896, also as separate pamphlet.
1897.			
Apr. 13	History of Wilmot and Aylesford.....	Rv. E M Saunders D D	
Nov. 9	Reminiscences of N. W. Rebellion in 1885	Rev. D. M. Gordon, D. D.....	Queen's Quart- erly.
Dec. 14	Loyalist Makers of Canada:.....	Sir J. G. Bourinot....	<i>Proc. Roy. Soc. Canada</i> ; also <i>Hali- fax Herald</i> 15 Dec. 1897.
1898.			
Jan. 21	Scottish Immigrants to Cape Breton.....	Mrs. Chas. Archibald.	Vol. xviii.
Feb. 17	Benj. Marsden of Marblehead.....	Rev. W. O. Raymond	
Mar. 15	Slavery in the Maritime Provinces.....	Rev. T W Smith, D D.	Vol. x.
Apr. 12	Early French Missionaries at Port Royal	Mrs. J. M. Owen....	
Nov. 8	Hist. of the Courts of Judicature of N. S.	Chf. Jus. Townshend..	<i>Can. Law Jour- nal</i> .
Dec. 13	History of the Law and Courts of N. S....	C. Sydney Harrington.	

## Papers Read before the N. S. Historical Society.—(Continued).

Date.	Title.	Author	Where to be found.
1899.			
Jan. 10	Military History of Nova Scotia Part I...	Harry Piers.....	
Jan. 17	Origin of Nova Scotians.....	Sir John Bourinot....	
Feb. 14	History of Education in N. S.....	Dr. A. H. MacKay....	
Mar. 14	Freemasonry in Nova Scotia Part I.....	Hon. Wm. Ross.....	Pamphlet
June 21	Hon. Edward Cornwallis.....	Jas. S. Macdonald....	Vol. xii.
Nov. 16	Chancery Courts of Nova Scotia.....	Chf. Jus. Townshend..	
Dec. 12	Military History of Nova Scotia Part II..	Harry Piers.....	
1900.			
Feb. 13	Lord Dalhousie.....	Dr. Archd MacMechan	
Mar. 29	Benjamin Marsden.....	Rev. W. O. Raymond	
Nov. 20	Legend of Evangeline.....	Rev. Dr. Brock.....	
Dec. 11	The War of 1812.....	Dr. Hannay.....	Vol. xi.
1901.			
Jan. 15	Governor Lawrence.....	Jas. S. Macdonald....	Vol. xii.
Feb. 26	Capture of St. Pierre, 1795.....	Rev. T. W. Smith....	Vol. xiv.
Nov. 26	The Real Acadians.....	Dr. Archd MacMechan	Atlantic Month ly, Feb. 1907.
1902.			
Feb. 11	Lord Charles Greville Montague.....	E. F. Hart.....	
Mar. 12	Notes on North'n portion of Queens Co...	R. R. McLeod.....	Vol. xvi.
Nov. 25	Hon. Alex. Stewart.....	Chief Justice Sir Chas. J. Townshend....	Vol. xv.
Dec. 9	John Cabot.....	Senator Poirier.....	
1903.			
Jan. 23	Relations and Conditions of Halifax during Revolutionary War.....	Miss Emily Weaver...	Am. Hist. Re- view.
Feb. 10	Hon. Joseph Howe.....	F. Blake Crofton.....	
Mar. 10	Periodicals of the Maritime Provinces from the earliest Times to the Present.....	D. R. Jack, St. John..	Acadiensis.
Apr. 14	Rev. John Wiswell and his Times.....	Rev. E. M. Saunders, D.D	Vol. xiii.
Dec. 15	History of St. Matthew's Church, Hal'x...	Prof. W. C. Murray...	Vol. xvi.
1904.			
Jan. 12	Richard Bulkeley.....	Jas. S. Macdonald....	Vol. xii.
Mar. 15	Notes on Nova Scotia Privateers.....	Geo. E. E. Nichols....	Vol. xiii.
Apr. 5	Duke of Kent.....	A. Martin Payne.....	
Dec. 6	Old Time Customs.....	J. B. Calkin.....	
1905.			
Jan. 11	Account of Celebration of Ter-Centen- ary of DeMont's Landing at An- napolis.....	Mr. Justice Longley...	Vol. xiv.
Mar. 28	Sir Samuel Cunard.....	A. Martin Payne.....	Vol. xix.
Dec. 5	Halifax in Literature.....	Dr. Archd MacMechan	Acadiensis, Ap. July, 1906.
1906.			
Jan. 23	Lt.-Gov. Francklin.....	Jas. S. Macdonald....	Vol. xvi.
Mar. 13	Sir Guy Carleton.....	Dr. Geo. Johnstone, D. C. L.....	
Dec. 11	Washington Treaty, 1871.....	Mr. Justice Longley...	Author's m/s Hist. of S. Canada.

## Papers Read before the N. S. Historical Society.—(Continued).

Date.	Title.	Author	Where to be found.
Mar. 1	Gov. Parr and the Loyalists.....	Jas. S. Macdonald....	Vol. xiv.
Apr. 9	Governor DesBarres and Sydney.....	Rev. C. W. Vernon...	
May 14	History of Beausejour.....	W. C. Milner.....	Vol. xv.
Nov. 12	Existing historic relics of the Town of Lunenburg.....	Miss Agnes Creighton.	
Dec. 10	Sir Geo. Prevost.....	Jas. S. Macdonald....	
1908.			
Jan. 14	The Militia of Nova Scotia, 1749-1830....	Major J. Plimsoll Edwards.....	Vol. xvii.
Feb. 25	John Young (Agricola), the Junius of N. S.....	John Irvin.....	
Mar. 24	Letters of S.G.W. Archibald, 1800 and 1820	Judge Patterson.....	
Apr. 21	Customs of the Micmac Indians.....	H. W. Hewitt.....	
Nov. 10	Louisburg, a notable ruin.....	John S. McLennan....	A Pamphlet pub. by Society
Dec. 8	Fisheries of British North America and the United States Fishermen.....	Mr. Justice Graham..	Vol. xiv.
1909.			
Jan. 19	Ancestry of Chinese Gordon.....	Dr. R. C. Archibald...	
Jan. 19	Early settlers of Lunenburg.....	Rev. John Forest, D.D.	
Mar. 9	Ancestry of the late Sir Fenwick Williams of Kars.....	Judge Savary.....	Published as pamphlet
Mar. 9	Sea Fights, gleaned from Prov. Archives...	George Mullane.....	Vol. xx.
Nov. 9	United States Loyalists.....	Theodore H. Boggs...	
Dec. 14	S. African campaign and Contingent.....	H. B. Stairs.....	
1910.			
Jan. 18	Capt. Jas. Cook, R. N.....	Lt. J. A. R. Jones.....	
Mar. 8	Lt. Gov. Michl. Franklin (2nd paper)....	Jas. S. Macdonald....	Vol. xvi.
Apr. 12	Memorials of Grand Pre and Basin of Minas.....	Geo. Johnson, D. C. L.	
Nov. 4	Free Masonry in N. S., Part II.....	Hon. W. Ross.....	Pamphlet
Dec. 2	The Trent Affair.....	Geo. Johnson, D. C. L.	Vol. xvi.
1911.			
Jan. 20	The Old Mail Routes and Post Roads....	E. Lawson Fenerty...	
Feb. 14	Temperance legislation for the past 100 years in Nova Scotia.....	Judge Chesley.....	
Mar. 10	Life of Hon. Judge William Blowers Bliss	Sir Chas. Townshend.	Vol. xvii.
Mar. 21	Early legislation in Nova Scotia.....	Judge Russell.....	
Nov. 3	History of the Militia of Nova Scotia, ii, 1830-1867.....	Major J. Plimsoll Edwards.....	Vol. xvii.
Dec. 1	The early settlers of McNab's Island, etc.	H. W. Hewitt.....	
1912.			
Jan. 5	The inception of the Associated Press, etc..	John W. Regan.....	Vol. xix.
Feb. 2	Life of Hon. James W. Johnston.....	John Y. Payzant.....	Vol. xvi.
Mar. 1	The Military Associations of Sir John Cope Sherbrooke.....	David Allison, LL. D..	
April 12	History of the N. S. Postage Stamps.....	Donald A. King.....	Vol. xviii.
May 3	Notes on the French and Pre-Revolution settlements of Shelburne County..	T. C. Lockwood, M. D.	
Nov. 3	Old Dartmouth.....	Mr. Justice Russell...	
Dec. 3	A Sketch of Lawrence O'Connor Doyle, a Representative of Halifax in the Early Forties.....	George Mullane.....	Vol. xvii.
Dec. 3	Short Historical Note on the so-called 'Norse Stone,' at Yarmouth.....	Moses H. Nickerson...	Vol. xvii.

## Papers Read before the N. S. Historical Society.—(Continued).

Date.	Title.	Author	Where to be found.
1913.			
Jan.	Brief Historical Note on Thomas Williams, grandfather of Sir Fenwick Williams.....	Capt. Jas. D. Ritchie..	Vol. xvii.
Jan.	An old Edition of Galen, by Laguna, 1604, in the Cogswell Library.....	Prof. D. F. Harris, M. D.	
Jan.	The Historical Method.....	Prof. J. W. Falconer...	
Feb.	Why the First Settlers came to Nova Scotia.....	Rev. John Forrest, D. D.	
Mar.	The Ancient French Cemetery near Rockingham.....	H. N. Paint.....	
Mar.	The Finding of Alexander McNutt.....	Rev. A. Weaton, D. C. L.	
April	Reminiscences of the House of Assembly.	Mr Justice Russell...	
May	Reminiscences of a Long Life (John McKay, Esq., New Glasgow, 1772-1884	Rev. Allan Pollok, D. D.	
Nov.	Charles Inglis, First Bishop of Nova Scotia.....	Archdeacon Armitage M. A., Ph. D.....	
Dec.	The Settlement of Guysboro' and Hallowell Grant.....	A. C. Jost., M. D....	
1914.			
Jan.	A Brief History of Town of Bridgetown with Sketch of career of Colone Poyntz.....	John Irvin., K. C. ..	Vol. xix.
Feb.	Wolfe's Men and Nova Scotia.....	Beckles Willson.....	Vol. xviii.
Mar.	Jonathan Belcher.....	Sir Charles Townshend, D. C. L.....	Vol. xviii.
April	The Earl of Halifax.....	A. M. Payne.....	
May	Artists in Nova Scotia.....	Harry Piers.....	Vol. xviii.
Nov.	Acadian Recollections of Fifty Years ago.	Rev. Arthur John Lockhart.....	
Dec.	A Short History of Presbyterianism in Pictou.....	Rev. Allan Pollok, D. D.....	
Dec.	The History of the First Roman Catholic Church in Chignecto.....	W. C. Milner.....	
1915.			
Feb.	Some Historical Causes for the War Spirit in Germany.....	Rev. George MacK-Wrong.....	
Mar.	The Rise of Prussia up to the Death of Frederick the Great.....	Prof. Todd.....	
Apr.	Recollections of Sixty Years Ago.....	Rev. Dr. Allan Pollok	Vol. xix.
May	Halifax Currency.....	Horace A. Flemming..	Vol. xx.
Nov.	Significance of Joseph Howe on the Literary History of Canada.....	Dr. J. D. Logan.....	
Dec.	Our First President, Hon. John W. Ritchie.....	Hon. Senator Power..	Vol. xix.
1916.			
Jan.	Thomas Chandler Haliburton.....	Beckles Willson.....	
Feb.	Some Old Provincial Laws.....	Humphrey Mellish, K. C.....	
Mar.	The Winning of Responsible Government.....	Mr. Justice Russell...	
Apr.	One Hundred and Sixty Years After.....	Placide Gaudet.....	
May	Weather Records in Halifax.....	Rev. Dr. Forrest.....	
Nov.	The Early Post Office in Nova Scotia.....	William Smith.....	Vol. xix.
Dec.	Sources of Canadian History.....	Major J. P. Edwards.	Vol. xx

Papers Read before the N. S. Historical Society.—(Continued).

Date.	Title.	Author	Where to be found.
1917.			
Jan.	Hon. Sir John S. D. Thompson.....	Mr. Justice Russell...	
Feb.	The Philosophy of History.....	Prof. H. L. Stewart...	
Mar.	French Protestant Immigrations to Nova Scotia.....	Wm. L. Payzant.....	
Apr.	Legends and Traditions of the Annapolis Valley.....	John E. Woodworth	
1917.			
Nov. 2	Historical Sketch of Tatamagouche.....	F. H. Patterson.....	
Mar. 8	(a) Sir Danvers Osborne and his services in connection with the founding of Halifax.....	Danvers Osborne.....	
	(b) The French in King's County.....	R. W. Starr.....	
May 3	The Relations between Harvard University and Canada.....	Dr. Benj. Rand.....	
Nov. 15	(a) Comments on Dr. A. W. Eaton's "Chapter in the History of Halifax,"	Judge Savary.....	
	(b) The first forty years of the N. S. Historical Society.....	Mr. Justice Longley...	
July 1	Midsummer Meeting at Annapolis Royal..		
	(a) Annapolis, 200 years ago.....	W. C. Milner.....	
	(b) Early forts of Annapolis Royal.....	Placide Gaudet.....	
Dec. 6	(a) Details of the programme and unveiling of the Sun-dial at Annapolis Royal, July 1st.....	L. M. Fortier.....	
	(b) Traditions of old Cape Sable.....	Benj. J. Doane.....	
1919.			
Jan. 10	Early History of Dartmouth.....	Mr. Justice Russell...	
Feb. 7	(a) Old Barrington Township.....	Rev. Edwin Crowell..	
	(b) Halifax, 60 years ago.....	Rev. Dr. Forrest.....	
Mar. 7	Old Taverns, Inns and Coffee Houses of Halifax.....	George Mullane.....	
April 4	The Hon. James McDonald (late Chief Justice).....	Sir Chas. Townshend.	Vol. xx.
May 2	(a) Unpublished letters, etc., in connection with the French Acadians and their deportation.....	Placide Gaudet.....	
	(b) Notes taken from an Old Ledger at Arichat.....	J. F. Blagdon.....	
June 30	Midsummer Meeting at Bridgewater.....		
	(a) Fort LaHave.....	Placide Gaudet.....	
	(b) LaHave, the cradle of some of the early Acadian families.....	Placide Gaudet.....	
	(c) General History of LaHave.....	Rev. E. A. Harris....	
Nov. 7	The Bard of Acadia, John McPherson....	Rev. C. A. Munro....	
Dec. 5	The Archives or Public Records of Nova Scotia.....	Major J. P. Edwards..	
1920.			
Jan. 9	Notes on Early History of Margaree River.....	D. S. Hart.....	
Feb. 20	Elementary Education in Nova Scotia, 1758-1867.....	Dr. Brunt.....	
Mar. 19	The oldest Railroad in Canada.....	H. S. Poole.....	
May 7	The Fenian Raid of 1866.....	A. Martin Payne.....	

## Papers Read before the N. S. Historical Society.—(Continued).

Date.	Titles.	Author.	Where to be found.
July	18 Midsummer Meeting at Windsor—.....		
	(a) Sketches of Early History of Hants	H. Percy Scott.....	
	County.....		
	(b) Windsor in the days of Judge Hali-	J. W. Bianchiard.....	
	burton.....		
	(c) Notes on Antonio Gallenga, (Luigi	Ven. Archdeacon	
	Marriotti).....	F. W. Vroom....	
Nov.	12 The Work of the Dominion Archives.....	W. C. Milner.....	
Dec.	10 Historical Sketch of Hants County.....	H. Percy Scott.....	
1921.			
Jan.	14 Major General Sir Geoffrey Twining.....	Anon.....	
Mar.	11 Donald MacKay, Shipbuilder of Shelburne	Horatio C Crowell....	
Apr.	8 The Agitation for Repeal, 1867.....	Mr. Justice Longley..	
May	13 Life and Work of Sir William Alexander	Rev. Dr. W. Bruce	
		Muir.....	



## COLLECTIONS OF THE NOVA SCOTIA HISTORICAL SOCIETY.

### Vol.

- I *Inaugural Proceedings. History of St. Paul's Church (I). Journal of Colonel John Nicholson at the Capture of Annapolis. An Account of Nova Scotia in 1743. Diary of John Thomas.* **Out of Print.**
- II. *Proposals for Attack on Nova Scotia. The First Council. Journal of John Witherspoon. History of St. Paul's Church (II, III). Rev. James Murdock. Sir Alexander Croke. The Acadian French.* **Out of Print.**
- III. *History of St. Paul's Church (IV). Journal of Colonel John Winslow. Government House.* **Out of Print.**
- IV. *Hon. Samuel Vetch. Winslow's Journal at the Siege of Beausejour.* **Out of Print.**
- V. *The Expulsion of the Acadians. Gordon's Journal at the Siege of Louisburg, 1758.* **Out of Print.**
- VI. *Acadian Boundary Disputes and the Ashburton Treaty. The Loyalists at Shelburne. Early Journalism in Nova Scotia. King's College. History of St. George's Church (I).* **Out of Print.**
- VII. *Vinland. General Return of Townships, 1767. History of St. George's Church (II). Letters relating to Early History of Church of England in Nova Scotia. Deportation of Negroes to Sierra Leone.*
- VIII. *History of Halifax City, by Thomas Beamish Akins—(With Special index.)*
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## Vol.—

- X. *The Slave in Canada*, by Rev. T. Watson Smith, D. D.
- XI. *The War of 1812*, by James Hannay.
- XII. *Hon Edward Cornwallis. Governor Lawrence. Richard Bulkeley.* By Jas. S. MacDonald.
- XIII. *Rev. John Wiswall. Recollections of Old Halifax. H. M. Naval Yard, Halifax. Nova Scotian Privateers.*
- XIV. *Tercentenary Celebration of the Founding of Annapolis. The British North America Fisheries and the United States Fishermen. Capture of St. Pierre, 1793. Governor Parr.*
- XV. *Hon. Alex. Stewart, C. B., with portrait, by Sir Charles Townshend. Records of Chignecto, Beausejour, Maps and portraits, by W. C. Milner. Nomenclature of the Streets of Halifax, with portrait, by Rev. George W. Hill, D. C. L.*
- XVI. *Lieut.-Governor Michael Francklin, with portraits, by James S. MacDonald. The Trent Affair, with portrait, by George Johnson, D. C. L. James William Johnston, First Premier of Nova Scotia under Responsible Government, with portrait, by John Y. Payzant, M. A. Notes Historical and Otherwise of the Northern District of Queens County, by R. R. McLeod, M. A. History of St. Matthew's Church, Halifax, with portraits, by Prof. Walter C. Murray, M.A., LL.B. Early Reminiscences of Halifax, with portraits, by Peter Lynch.*
- XVII. *Memoir of the Life of the Honourable William Blowers Bliss, with portraits, by Sir Charles J. Townshend. Notes on Thomas Williams of Annapolis Royal, with portraits, by James D. Ritchie. A Short Note on the Yarmouth "Runic Stone," by Moses H. Nickerson. Remarks on the Fletcher and Related Stones of Yar-*

Vol:—

mouth, N. S., by Harry Piers. *The Fenwick Family in Nova Scotia*, by Colonel G. C. Fenwick, Indian Army (retired). *The Militia of Nova Scotia, 1749-1867, with portraits*, by Joseph Plimsoll Edwards. *Early Reminiscences of Halifax*, by Peter Lynch, Q. C. *A Sketch of Lawrence O'Connor Doyle, a Member of the House of Assembly in the Thirties and Forties, with portraits*, by George Mullane. *Notes on Several Governors and their Influence*, by Joseph Howe. *Statement Relative to the Introduction and History of Responsible Government in Nova Scotia*, by Rev. E. M. Saunders, D. D. Centennial Number of "Acadian Recorder."

- XVIII. *Wolfe's men and Nova Scotia*, by Beckles Willson. *Jonathan Belcher, First Chief Justice of Nova Scotia*, by Sir Charles Townshend, D. C. L. *Dockyard Reminiscences*, by Charles Roche. *Early Scottish Settlers in Cape Breton*, by Mrs. Charles Archibald. *Artists in Nova Scotia*, by Harry Piers. *History of Nova Scotian Postage Stamps*, by Donald A. King.
- XIX. *Our First President—The Honorable John William Ritchie*, by Hon. Lawrence G. Power, K. C. *Recollections of Sixty Years Ago*, by Rev. Allan Pollok, D. D. *History of Bridgetown*, by John Irvin, K. C. *The The Early Post Office in Nova Scotia, 1755-1867*, by William Smith, I. S. O. *The Life of Sir Samuel Cunard*, by A. Martin Payne. *The Inception of the Associated Press*, by John W. Regan.
- XX. *Hon. Simon Bradstreet Robie—a biography*, by Israel Longworth. *The Privateers of Nova Scotia, 1756-1783*, by George Mullane. *Life of Sir John Wentworth, Governor of Nova Scotia, 1792-1808*, by Sir Adams Archibald. *Halifax Currency*, by Horace A. Flemming. *The Honourable James McDonald* by Sir Chas. A. Townshend. *Sources of Canadian History*, by J. Plimsoll Edwards.



# COLLECTIONS

OF THE

## Nova Scotia Historical Society

(FOUNDED 1878)

*“Out of monuments, names, wordes, proverbs, traditions, private records, and evidences, fragments of stories, passages of bookes that concern not story, and the like, we do save and recover somewhat from the deluge of time.”—Lord Bacon: The Advancement of Learning.*

*“A wise nation preserves its records, gathers up its muniments, decorates the tombs of its illustrious dead, repairs its great public structures, and fosters national pride and love of country, by perpetual references to the sacrifices and glories of the past.”—Joseph Howe.*

VOLUME XXI



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1927

*We may gather out of history a policy no less wise than eternal; by the comparison and application of other men's forepassed miseries with our own like errors and ill deservings.—Sir Walter Raleigh: History of the World.*

*“The care which a nation devotes to the preservation of the monuments of its past may serve as a true measure of the degree of civilization to which it has attained.”—Les Archives Principales de Moscou du Ministère des Affaires Etrangères, Moscow, 1898, p. 3.*

*“To discover and rescue from the unsparing hand of time the records which yet remain of the earliest history of Canada. To preserve while in our power, such documents as may be found amid the dust of yet unexplored depositories, and which may prove important to general history, and to the particular history of this province”—Quebec Literary and Historical Society.*

#### NATIONAL MONUMENTS

*Count not the cost of honour to the dead!  
The tribute that a mighty nation pays  
To those who loved her well in former days  
Means more than gratitude for glory fled,  
For every noble man that she hath bred,  
Immortalized by art's immortal praise,  
Lives in the bronze and marble that we raise,  
To lead our sons as he our fathers led.  
These monuments of manhood, brave and high,  
Do more than forts or battleships to keep  
Our dear-bought liberty. They fortify  
The heart of youth with valour wise and deep,  
They build eternal bulwarks, and command  
Eternal strength to guard our native land.*

—Henry Van Dyke.

## CONTENTS

	Page
Desiderata	v
Act of Incorporation, 1879	vii
Act for the Amalgamation of the Libraries of the Society and the Legislature, 1881	viii
Rules and By-laws	ix
Officers and Members, 1926-27	xi
Presidents, 1878-1927	xiv
Vice-presidents, 1878-1927	xv
Recording Secretaries, 1878-1927	xvi
Council, 1878-1927	xvii
Report on the Society's Work, 1920-27	xix

### PAPERS:

History of Canso, Guysborough Co., N. S. <i>By Mrs. Harriet Cunningham Hart</i>	1
The Akins Historical Prize Essays, King's College <i>By the Ven. Archdeacon Vroom, D.D.</i>	35
The Hon. Thomas Dickson Archibald, of the Court of Queen's Bench, England, 1817-1875 <i>By Mrs. Charles Archibald</i>	45
Life of the Hon. Jonathan McCully, 1809-1877 <i>By Hon. Nicholas H. Meagher</i>	73
The Fighting Fortieth Regiment, raised in Nova Scotia in 1717 <i>By Harry Piers</i>	<del>11</del> 115
Papers read before the Society, 1878-1927	} At end of volume.
Contents of the Society's Collections vol. I to XXI	



12

## THE NOVA SCOTIA HISTORICAL SOCIETY DESIRES TO COLLECT

1. Manuscript statements and narratives of pioneer settlers, old letters and journals relative to the early history and settlement of Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island, and the wars of 1776 and 1812; biographical notes of our Indian tribes, their history, characteristics, sketches of their prominent chiefs and warriors, together with contributions of Indian implements, dress, ornaments, and curiosities.

2. Diaries, narratives and documents relative to the Loyalists, their expulsion from the old colonies and their settlement in the Maritime Provinces.

3. Files of newspapers, books, pamphlets, college catalogues, minutes of ecclesiastical conventions, associations, conferences and synods, and all other publications relating to this Province, New Brunswick, Prince Edward Island and Newfoundland.

4. Drawings and descriptions of our ancient mounds and fortifications, their size, representation and locality.

5. Information respecting articles of prehistoric antiquities, especially implements of copper, stone, or ancient coins or other curiosities found in any of the Maritime Provinces. together with the locality and details of their discovery. The contribution of all such articles to the cabinet of the Society is most earnestly desired.

6. Indian geographical names of streams and localities, with their signification, and all information generally respecting the condition, language and history of the Micmacs, Malicetes, and Beothucks.

7. Books of all kinds, especially such as relate to Canadian history, travel, and biography in general, and the Maritime Provinces in particular; family genealogies, old magazines, pamphlets, files of newspapers, maps, historical manuscripts, autographs of distinguished persons, coins, medals, paintings, portraits, statuary and engravings.

8. We solicit from historical societies and other learned bodies that interchange of books and other materials by which the usefulness of institutions of this nature is so essentially enhanced — pledging ourselves to repay such contributions by acts in kind to the best of our ability.

9. The Society particularly begs authors and publishers to present, with their autographs, copies of their respective works for its library.

10. Editors and publishers of magazines and reviews will confer a lasting favour on the Society by contributing their publications regularly for its library, where they may be expected to be found always on file and carefully preserved. We aim to obtain and preserve for those who shall come after us a perfect copy of every book, pamphlet or paper ever printed in or about Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland.

11. Nova Scotians residing abroad have it in their power to render their native province great service by making donations to our library of books, pamphlets, manuscripts, etc., bearing on any of the Provinces of the Dominion or Newfoundland. To the relatives, descendants, etc., of our colonial governors, judges and military officers, we especially appeal on behalf of our Society for all papers, books, pamphlets, letters, etc., which may throw light on the history of these Provinces.

## ACT OF INCORPORATION

---

### An Act to Incorporate the Nova Scotia Historical Society

(Passed the 17th day of April, A. D. 1879.)

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Honourable John W. Ritchie, the Reverend George W. Hill, the Reverend Thomas J. Daly, the Honourable William J. Almon, Thomas A. Ritchie, William D. Harrington, George E. Morton and John T. Bulmer, and their associates, members of the Nova Scotia Historical Society, and such other persons as shall become members of such society, according to the rules and by-laws thereof, are hereby created a body corporate by the name of the Nova Scotia Historical Society.

2. The said corporation may purchase, take, hold, and enjoy real estate not exceeding twenty thousand dollars in value, and may sell, mortgage, lease, or otherwise dispose of the same for the benefit of the corporation.

3. Upon the passing of this Act the property of the said Nova Scotia Historical Society, whether real or personal, and all debts due thereto, shall vest in the said Nova Scotia Historical Society hereby incorporated.

**An Act to provide for the Amalgamation of the Library of  
the Nova Scotia Historical Society with the  
Legislative Library and the Manage-  
ment of the Joint Collection**

(Passed the 10th day of April, A. D. 1881.)

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Library of the Nova Scotia Historical Society shall be amalgamated with the Legislative Library of Nova Scotia, and the regulations and management of the Joint Collection and any additions that may be made thereto is hereby vested in a commission of nine persons to be called the Nova Scotia Library Commission, of whom the Lieutenant-Governor of the Province for the time being shall *ex officio* be one, and the remainder of whom shall be appointed annually, one-half by the Nova Scotia Historical Society and the other half by the Governor-in-Council.

2. The Lieutenant-Governor for the time being shall be *ex officio* the President of the Commission.

3. Should the Nova Scotia Historical Society at any time fail to appoint any or all of the Commissioners whom said Society are hereby authorized to appoint, the rights and powers vested by this Act in the Commission shall devolve upon the other members of the Commission.

4. The Librarian shall be appointed by the Governor-in-Council, and shall be such person as the Commissioners shall nominate, and shall hold office during good behaviour.

5. The Commissioners may make by-laws from time to time for the regulation and management of the Library and prescribing all matters necessary for the control thereof, but such by-laws shall not go into force until approved by the Governor-in-Council.

6. The Commission shall make an annual report on the expenditure, the general state of the Library, and on all such matters in connection therewith as may be required by the Governor-in-Council, which report shall be laid upon the table of each branch of the Legislature during the session.

## RULES AND BY-LAWS

(Revised May 27, 1910)

1. The Society shall be called the Nova Scotia Historical Society.

### OBJECTS

2. The objects of the Society shall be the collection and preservation of all documents, papers and others objects of interest which may serve to throw light upon and illustrate the history of this country; the reading at the meetings of the Society of papers on historical subjects; the publication, as far as the funds of the Society will allow, of all such documents and papers as it may be deemed desirable to publish; and the formation of a library of books, papers and manuscripts, affording information and illustrating historical subjects.

### MEMBERS

3. The Members shall consist of Ordinary, Life, Corresponding and Honorary Members. The Ordinary or resident Members, shall pay at the time of admission an entrance fee of Five Dollars, and Two Dollars after each succeeding annual meeting. Persons residing outside the limit of 15 miles from the city of Halifax may become members on payment of Two Dollars entrance fee, and One Dollar annually thereafter. Any Ordinary Member may become a Life Member by the payment of Forty Dollars. Corresponding and Honorary Members shall be elected by the unanimous vote of the Society, and are exempt from all dues.

4. Candidates for membership may be proposed at any regular or special meeting of the Society by a Member. The proposition shall remain on the table for one month, or until the next meeting, when a ballot shall be taken, one black ball in five excluding. No person shall be considered a member until his entrance fee is paid, and *if any member shall allow his dues to remain unpaid for two years, his name may be struck from the roll.*

## MEETINGS, OFFICE-BEARERS, ETC.

5. The regular meetings of the Society shall be held at 8 p. m., on the first Friday of each month, from November to May, both months inclusive, and special meetings may be convened on due notification by the President, or in case of his absence by the Vice-President, or on the application of any five members.

6. The annual meeting of the Society shall be held at 8 p. m., on the first Friday of April, at which meeting there shall be chosen a President, three Vice-Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer and two Auditors, and a Council of four members, who with the foregoing shall constitute the Council of the Society. No member shall be elected or shall serve as President of the Society more than three years in succession. The election of members to serve on the Nova Scotia Library Commission, under the provisions of Chapter 17, N. S. Acts of 1880, shall take place at the annual meeting, immediately after the election of office-bearers and Council.

7. All communications which are thought worthy of preservation shall be minuted in the books of the Society and the originals kept on file.

8. Seven members shall be a quorum for all purposes at ordinary meetings, but at the annual meeting in April ten members shall form a quorum.

9. No article of the constitution nor any by-law shall be altered at any meeting when less than ten members are present, nor unless the subject has either been discussed at the previous meeting, or reported on by a committee appointed for that purpose.

10. The duties of the office-bearers and Council shall be the same as those performed generally in other Societies.

11. The Publication Committee shall consist of four members and shall be appointed by the Council; to them all manuscripts shall be referred, and they shall report to the Council before publication.

## ELECTION OF OFFICERS

12. All elections of officers shall be made by ballot, and a majority of those present shall be required to elect.

**OFFICERS AND MEMBERS**  
**OF THE**  
**NOVA SCOTIA HISTORICAL SOCIETY**  
**1926-27**

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**PRESIDENT**  
Harry Piers.

**VICE-PRESIDENTS**

- (1) M. A. B. Smith, M. D. (2) George Mullane.  
(3) Albert H. Buckley.

**CORRESPONDING SECRETARY**  
Major J. Plimsoll Edwards.

**RECORDING SECRETARY**  
William L. Payzant, M.A., LL.B.

**TREASURER**  
Inglis L. Wainwright.

**OTHER MEMBERS OF COUNCIL**

Col. Frederick H. Oxley. Major J. W. Logan.  
B. E. Paterson. Ven. Archdeacon F. W. Vroom, D.D.

**LIBRARY COMMISSIONERS**

A. H. MacKay, LL.D. Major J. Plimsoll Edwards.  
Ven. Archdeacon W. J. Armitage, Ph.D. Prof. Archibald MacMechan,  
Ph.D.

**AUDITOR**  
Major Harry B. Stairs.

**LIBRARIAN**  
Miss Annie Donohoe.

## THE TREASURER'S LIST OF MEMBERS

Who have Qualified by Paying their Entrance Fee as Required  
by the Rules and By-laws.

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- |  |  |
|--|--|
| <p>Allen, Geo. W. G., Halifax.<br/>Allison, J. Walter, Dartmouth.<br/>Archibald, Charles, Halifax.<br/>Archibald, Mrs Charles, Halifax.<br/>Armitage, Ven. Archdeacon, Ph. D.,<br/>Halifax.</p> <p>Baker, George Prescott, Yarmouth<br/>N. S.<br/>Bayne, Charles A., Halifax.<br/>Bell, Charles, Halifax.<br/>Black, Hon. W. A., Halifax.<br/>Blagdon, J. F., Weymouth.<br/>Boutilier, Arthur, Halifax.<br/>Breck, Lt.-Comm. Edward, Bradford,<br/>Pa., U. S. A.<br/>Bryden, Rev. C. W., Shellbrook, Sask.<br/>Buckley, A. H., Halifax.<br/>Burchell, C. J., K. C., Halifax.</p> <p>Campbell, G. S., Halifax.<br/>Chisholm, Hon. Mr. Justice, Halifax.<br/>Comeau, F. G. J., Halifax.<br/>Cambridge Library, Halifax.<br/>Cahan, Capt. Hon. J. F., Halifax.<br/>Covey, Mrs. L. E., Halifax.<br/>Crowe, Judge Walter, Sydney.<br/>Campbell, A. J., Truro, N. S.<br/>Chesley, A. E. H., Kentville, N. S.<br/>Cahan, Hon. C. H., Montreal, P. Q.<br/>Cantley, Col. Hon. Thomas, New Glas-<br/>gow, N. S.<br/>Crisp, Rev. J. O., Kingston, Ont.<br/>Cox, Rob., M. D., Upper Stewiacke, N.S.<br/>Chambers, R. E., New Glasgow, N. S.<br/>Cox, Geo. H., New Glasgow, N. S.</p> <p>Dickie, Alfred, Halifax.<br/>Daley, G. McL., Halifax.<br/>Dennis, Mrs. Wm., Halifax.<br/>Donohoe, Miss Annie F., Halifax.<br/>Dimock, W. D., Truro, N. S.<br/>Dawson, Robert, Bridgewater, N. S.<br/>DeWolfe, Miss Annie M., Liverpool,<br/>N. S.<br/>Dobson, S. G., Montreal, P. Q.<br/>DeCarteret, Capt. W. Squares, Halifax.</p> <p>Edwards, Major J. P., Halifax.<br/>Elliott, Mrs. F. E., Halifax.</p> <p>Faulkner, Hon. G. E., Halifax.<br/>Fenerty, E. Lawson, Armdale, Halifax.<br/>Flemming, H. A., Halifax.<br/>Frame, Joseph, F., K. C., Regina, Sask.<br/>Fielding, Hon. W. S., Ottawa, Canada.<br/>Faulkner, Prof. J. A., Madison, N. J.<br/>U. S. A.<br/>Fortier, L. M., Annapolis Royal, N. S.<br/>Friel, James, K. C., Moncton, N. B.</p> <p>Grant, Hon. McC., Halifax.<br/>Grant, Mrs. McC., Halifax.<br/>Grant, Mrs. Helen E., Halifax.<br/>Griffin, Prof. A. K., Halifax.<br/>Graham, George E., Kentville, N. S.</p> | <p>Hattie, R. M., Halifax.<br/>Harris, Hon. Mr. Justice, Halifax.<br/>Hetherington, J. L., Halifax.<br/>Hensley, Mrs. G. W., Halifax.<br/>Harris, Reginald V., Bedford, N. S.<br/>Harris, Canon V. E., Halifax.<br/>Holder, George H., Halifax.<br/>Harrison, W. H., London, Eng.<br/>Howe, Sydenham, Middleton, N. S.<br/>Hendry, A. W., Liverpool, N. S.<br/>Hewitt, H. W., Saskatoon, Sask.<br/>Hart, Miss E. H., Sackville, N. B.<br/>Hill, A. Ross, Kansas City, Kansas,<br/>U. S. A.<br/>Harrington, Dr, Meade P. Bridgewater,<br/>N. S.<br/>Henderson, George, Montreal, P. Q.</p> <p>Irving, G. W. T., Halifax.</p> <p>Jost, A. C., M.D., Halifax.</p> <p>Keator, J. Gillis, Halifax.<br/>Kent, W. G., Halifax.<br/>Kinnear, Miss A. Muriel, Halifax.<br/>King, Rev. W. B., Cambridge 38, Mass.,<br/>U. S. A.<br/>Kemp, Donald, Woodside, Halifax Co.,<br/>N. S.</p> <p>Logan, Dr. J. D., Halifax.<br/>Logan, Major J. W., Halifax.<br/>Lindsay, W. T., Halifax.<br/>Lawlor, F. E., M.D., Dartmouth, N. S.<br/>Lane, Charles W., K.C., Lunenburg,<br/>N. S.<br/>Lockewood, T. C., M.D., Lockeport,<br/>N. S.<br/>Laurie, Miss Margaret, Oakfield, Hal-<br/>ifax Co., N. S.</p> <p>Munro, Dr., H. F., Halifax.<br/>Meagher, Hon. N. H., Halifax.<br/>Mitchell, Mrs. N. C., Halifax.<br/>Mullane, George, Halifax.<br/>Moffatt, T. I. D., Halifax.<br/>Morrison, Dr., M.D., Halifax.<br/>Mitchell, James E., Halifax.<br/>Milner, W. C., Wolfville, N. S.<br/>Mills, Col. D. A., London, England.<br/>Murray, Prof. D. A., Montreal, P. Q.<br/>Murray, Prof. W. C., Saskatoon, Sask.<br/>Muir, Mrs. H. R., Shelburne, N. S.<br/>Munro, Rev. C. A., Newport, N. S.<br/>Miller, Rev. W. F., River John, N. S.<br/>Milner, F. L., K.C., Amherst, N. S.<br/>Marston, Mrs. Maude L., Ventnor, N. J.<br/>U. S. A.</p> <p>McInnes, Hector, K. C., Halifax.<br/>McInnes, Mrs. Hector, Halifax.<br/>MacKay, Dr. A. H., Dartmouth, N. S.<br/>Mackenzie, Dr. A. S., Halifax.<br/>MacKinlay, Andrew, Halifax, N. S.<br/>Mackinnon, Dr. Clarence, Halifax.<br/>MacMechan, Dr. Archibald, Halifax.</p> |
|--|--|

Macdonald, Miss Margaret, L.L.B.,  
R.N.C., Matron-in-Chief, Bailey's  
Brook, Pictou Co., N. S.  
MacKinnon, G. W. Montreal, P. Q.

Nash, A. E., Halifax.  
Nichols, G. E. E., Halifax.  
Nichols, Prof. E. W., Halifax.  
Nicolson, G. B., Detroit, Mich., U. S. A.  
Noble, S. R., Montreal, P. Q.

Oxley, Col. F. H., Halifax.  
Oxley, Mrs. Harold, Halifax.  
Oxner, Dr. W. C., Halifax.  
Oliphant, Arthur, Middleton, N. S.

Piers, Harry, Halifax.  
Payzant, W. L., Halifax.  
Prescott, C. A., Halifax.  
Powell, Wm. R., Halifax.  
Paterson, B. Eaton, Halifax.  
Patterson, Judge George, New Glasgow,  
N. S.  
Purdy, Miss E. M., Providence, R. I.,  
U. S. A.

Rogers, Hon. Mr. Justice, Halifax.  
Ralston, Hon. J. L., Ottawa, Canada.  
Ralston, Mrs. J. L., Ottawa, Canada.  
Ritchie, Miss Eliza, Ph.D., Halifax.  
Ritchie, Reg. L., Montreal, P. Q.  
Reid, Robie L., Vancouver, B. C.  
Roberts, Arthur, K. C., Bridgewater,  
N. S.  
Rowley, C. W., Toronto, Ont.  
Ruggles, J. R., Lockeport, N. S.  
Robertson, Jas. G. A., Bridgewater,  
N. S.  
Rankin, Rev. D. J., Iona, N. S.  
Rogers, Prof. Norman McL., Wolfville,  
N. S.

Smith, Edmund A., Halifax.  
Smith, Dr. M. A. B., Dartmouth, N. S.  
Smith, Miss Edith A., Halifax.  
Studd, W. H., Halifax.  
Stewart, I. C., Halifax.  
Storey, D. A., Halifax.  
Symons, Prof. Norman J., Halifax.  
Stairs, Major H. B., Halifax.  
Simon, Dr. Charles E., Baltimore, Md.,  
U. S. A.  
Soloan, Dr. David, Truro, N. S.  
Steele, Rev. D. A., Amherst, N. S.  
St. Louis Mercantile Lib. Assoc., St.  
Louis, Mo., U. S. A.

Tory, Lieut.-Governor the Hon. James  
C., Halifax.

Vickery, J. Edgar, Halifax.  
Vidito, Col. I. W., Dartmouth, N. S.  
Vroom, Ven. Archdeacon F. W., D.D.,  
Halifax.

Wainwright, Inglis L., Halifax.  
Wood, George M., Halifax.  
Wilson, Prof. Geo. E., Halifax.  
Willis, Mrs. Dorothy, Halifax.  
Wallace, R. R., Halifax.  
Woodill, H. St. Geo., Halifax.  
Whiston, Howard A., Halifax.  
Willis, Rev. J. J., Westmount, P. Q.  
Whitman, F. C., Annapolis Royal, N. S.  
Whitman, C. H., Canso, N. S.  
Waterman, Henry A., Yarmouth, N. S.  
Wilson, Morris W., Montreal, P. Q.

Yorston, Fred, Montreal, P. Q.

Zwicker, Rupert G., Aspy Bay, N. S.

### LIFE MEMBERS

Borden, Sir Robert L., Ottawa.  
Curry, Hon. Nathaniel, Amherst, N. S.  
Ellis, Hon. Dr. J. F., Sherbrooke, P. Q.

Morse, Rev. Wm. Inglis, Lynn, Mass,  
U. S. A.  
Whitman, William, Boston, Mass,  
U. S. A.

### CORRESPONDING MEMBERS

Barbeau, C. Marius, Ottawa.  
Burpee, Lawrence R., Ottawa.  
Bryce, Rev. George, D. D., Winnipeg,  
Man.  
Doughty, Arthur G., LL. D., C. M. G.,  
Ottawa.  
Hammond, M. O., Toronto, Ont.

Ganong, Prof. W. F., D.Sc., Northamp-  
ton, Mass., U. S. A.  
Goldsmith, Edmund, Edinburgh, Scot-  
land.  
Greenwood, Charles, London, Eng.  
Ward, Robert, Bermuda.  
Wrong, Prof. George M., Toronto, Ont.

### HONORARY MEMBERS

Doyle, Sir Conan, London, England.  
Eaton, Rev. Arthur Wentworth H.,  
D.C.L., Boston, Mass.

MacMechan, Prof. Archibald, Ph.D.,  
Halifax.  
Roberts, Charles G. D., Toronto, Ont.  
Webster, Dr. J. Clarence, Shediac, N. B.

**PRESIDENTS**  
**OF THE NOVA SCOTIA HISTORICAL SOCIETY**  
**1878-1927**

1.	Hon. Mr. Justice John William Ritchie. (Died 1890)...	1878-1880
2.	Rev. George William Hill, D.D. ....	1880-1882
3.	Thomas Beamish Akins, D.C.L. (Died 1891).....	1882-1883
4.	Rev. George William Hill, D.C.L. (Died 1906).....	1883-1886
5.	Sir Adams George Archibald, K.C.M.G., P. C., D.C.L., formerly Lt.-Gov. of Nova Scotia (Died 1893).....	1886-1893
6.	Matthew Henry Richey, D.C.L., formerly Lt.-Gov. of Nova Scotia. (Died 1911).....	1893-1896
7.	Hon. Mr. Justice (afterwards Chief Justice Sir) Robert Linton Weatherbe. (Died 1915).....	1896-1897
8.	Hon. Mr. Justice James Wilberforce Longley. (Died 1922).....	1897-1905
9.	Rev. John Forrest, D.D., D.C.L., LL.D. (Died 1920)....	1905-1907
10.	Professor Archibald MacMechan, Ph.D. ....	1907-1910
11.	James Simon Macdonald. (Died 1914).....	1910-1911
12.	Ven. Archdeacon William James Armitage, Ph.D. ....	1911-1917
13.	David Allison, LL.D. (Died 1924).....	1917-1918
14.	Major Joseph Plimsoll Edwards. ....	1918-1921
15.	Hon. Mr. Justice Joseph Andrew Chisholm. ....	1921-1924
16.	Harry Piers. ....	1924-1927
17.	Ven. Archdeacon Fenwick Williams Vroom, D.D., D.C.L.	1927-

(According to the present by-laws a member may not serve as President for more than three years in succession.)

VICE-PRESIDENTS

OF THE NOVA SCOTIA HISTORICAL SOCIETY

1878-1927

Rev. George W. Hill, D. D.....	1878-1880
David Allison, LL.D.....	1880-1882
Rev. George W. Hill, D.D.....	1882-1883
Hon. Senator W. J. Almon, M.D.....	1883-1890
Thomas B. Akins, D.C.L.....	1890-1891

1891-1892

Dr. Thos. B. Akins. Dr. David Allison. Hon. Mr. Justice Weatherbe.

1892-1893

Hon. Mr. Justice Weatherbe. Hon. Senator Power.  
Hon. M. H. Richey.

1893-1896

Hon. Mr. Justice Longley. Hon. Senator Power.  
Rev. Dr. John Forrest.

1896-1898

Hon. Senator Power. Rev. Dr. John Forrest.  
Dr. A. H. MacKay.

1898-1902

Hon. Senator Power. Hon. Mr. Justice Townshend  
Dr. A. H. MacKay.

1902-1905

W. H. Hill. Hon. Senator Power.  
Hon. Mr. Justice Townshend.

1905-1907

Hon. Mr. Justice Longley. Hon. Senator Power.  
Hon. Mr. Justice Townshend.

1907-1910

Hon. Mr. Justice Longley. Hon. Senator Power.  
Ven. Archdeacon Armitage.

1910.

Hon. Mr. Justice Longley. Ven. Archdeacon Armitage.  
Dr. M. A. B. Smith.

1911.

Hon. Mr. Justice Longley. Lt.-Col. F. H. Oxley.  
A. H. Buckley.

1912.

Dr. David Allison. John Y. Payzant.  
A. H. Buckley.

1913-1915.

Dr. David Allison. Major J. Plimsoll Edwards.  
J. A. Chisholm.

1915.

Dr. David Allison. Mr. Justice Savary.  
J. A. Chisholm.

	1916	
Dr. David Allison.	Hon. Mr. Justice Chisholm.	Mr. Justice Savary.
	1917	
Hon. Mr. Justice Russell.	Hon. Mr. Justice Chisholm.	Mr. Justice Savary.
	1918	
Hon. Mr. Justice Russell	Hon. Mr. Justice Chisholm.	Mr. Justice Patterson.
	1919	
Hon. Mr. Justice Chisholm.	Hon. Mr. Justice Russell.	Dr. J. J. Hunt.
	1920	
Dr. J. J. Hunt.	Major J. W. Logan.	Hon. Mr. Justice Longley.
	1921	
Dr. J. J. Hunt.	Major J. W. Logan.	Harry Piers.
	1922	
Major J. P. Edwards.	Harry Piers.	Alfred Dickie.
	1923	
Harry Piers.	Alfred Dickie.	Dr. M. A. B. Smith.
	1924	
Dr. M. A. B. Smith.	George Mullane.	Albert H. Buckley.
	1925	
Dr. M. A. B. Smith.	George Mullane.	Albert H. Buckley.
	1926	
Dr. M. A. B. Smith.	George Mullane.	Albert H. Buckley.
	1927	
George Mullane.	Dr. M. A. B. Smith	Albert H. Buckley.

### RECORDING SECRETARIES

1878.	1888	1892.
John T. Bulmer.	Albert Peters.	Adams A. MacKay.
1880.	1890	1896.
Sydenham Howe.	Sydenham Howe.	William L. Payzant.

## COUNCIL, 1878-1927

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1878.	1888.	1898.
Dr. W. Almon. Jas. S. Macdonald. Rev. T. J. Daly. Geo. E. Morton.	Peter Lynch. Thos. Bayne. Dr. Pollok. Peter Ross.	Rev. Dr. Forrest. Rev. T. W. Smith. Prof. A. MacMechan. Rev. Dr. Saunders.
1879.	1889.	1899.
Dr. W. J. Almon. Rev. T. J. Daly. Geo. E. Morton. W. D. Harrington.	Hon. Dr. Almon. Thos. Bayne. Rev. T. W. Smith. Peter Lynch.	Rev. Dr. Forrest. Rev. T. W. Smith. Rev. Dr. Saunders. Prof. A. MacMechan.
1880.	1890.	1900.
Dr. W. J. Almon. J. J. Stewart. G. E. Morton. Wm. Compton.	Hon. Senator Almon. Peter Lynch. Dr. A. H. MacKay. Rev. T. W. Smith.	Rev. Dr. Forrest. Rev. T. W. Smith. Rev. Dr. Saunders. Prof. A. MacMechan.
1881.	1891.	1901.
Dr. W. J. Almon. G. E. Morton. J. J. Stewart. Joseph Austen.	Hon. Dr. Almon. Dr. A. H. MacKay. J. J. Stewart. Rev. T. W. Smith.	J. J. Stewart. Rev. Dr. Saunders. Rev. T. W. Smith. Prof. A. MacMechan.
1882.	1892.	1902.
Hon. Senator Almon. Dr. J. R. DeWolf. James S. Macdonald. Peter Ross.	Hon. Dr. Almon. J. J. Stewart. Dr. Pollok. Rev. T. W. Smith.	Rev. T. W. Smith. J. J. Stewart. Prof. A. MacMechan. Rev. Dr. Saunders.
1883.	1893.	1903.
Hon. Senator Power. Peter Lynch. R. J. Wilson. Peter Ross.	Hon. Dr. Almon. J. J. Stewart. Dr. A. H. MacKay. Rev. T. W. Smith.	Archibald Frame. Prof. A. MacMechan. J. J. Stewart. Rev. Dr. Saunders.
1884.	1894.	1904.
Hon. Senator Power. W. D. Harrington. Dr. D. Allison. F. B. Crofton.	Mr. Justice Townshend. J. J. Stewart. Dr. A. H. MacKay. Rev. T. W. Smith.	Rev. Dr. Saunders. Prof. A. MacMechan. Arch. Frame. J. J. Stewart.
1885.	1895.	1905.
R. J. Wilson. Dr. D. Allison. F. B. Crofton. W. D. Harrington.	Mr. Justice Townshend. J. J. Stewart. Dr. A. H. MacKay. Rev. T. W. Smith.	Rev. Dr. Saunders. Dr. A. MacMechan. J. J. Stewart. Archibald Frame.
1886.	1898.	1906.
Sir Adams Archibald. T. B. Akins. Dr. David Allison. Rev. Dr. Forrest.	J. J. Stewart. Mr. Justice Townshend. Rev. T. W. Smith. Prof. A. MacMechan.	Dr. A. MacMechan. J. J. Stewart. Archibald Frame. Harry Piers.
1887.	1897.	1907.
Mr. Justice Weatherbe. Dr. D. Allison. Peter Lynch. Rev. Dr. Pollok.	J. J. Stewart. Mr. Justice Townshend. Prof. A. MacMechan. Rev. T. W. Smith.	J. J. Stewart. J. P. Edwards. A. H. Buckley. Archibald Frame.

1908.	1914.	1920.
James S. Macdonald. A. H. Buckley. Archibald Frame. G. W. T. Irving.	Dr. A. H. MacKay. G. W. T. Irving. W. C. Milner. George Mullane.	George Mullane. Dr. A. H. MacKay. Ven. Archdeacon Armitage. Dr. M. A. B. Smith.
1909.	1915.	1921.
Archibald Frame. A. H. Buckley. G. W. T. Irving. J. H. Trefry.	Dr. A. H. MacKay. George W. T. Irving. George Mullane. Rev. Dr. Forrest.	Hon. R. M. MacGregor. L. M. Fortier. Dr. A. H. MacKay. George Mullane.
1910.	1916.	1922.
G. E. E. Nichols. A. H. Buckley. Dr. A. MacMechan. G. W. T. Irving.	Dr. A. H. Buckley. George W. T. Irving. George Mullane. Rev. Dr. Forrest.	Col. F. H. Oxley. Hon. R. M. MacGregor. George Mullane. Dr. A. C. Jost.
1911.	1917.	1923.
G. E. E. Nichols. J. H. Trefry. Jas. S. Macdonald. Dr. John Forrest.	Major J. P. Edwards. Dr. A. H. MacKay. George W. T. Irving. George Mullane.	Col. F. H. Oxley. Major J. P. Edwards. George Mullane. Albert H. Buckley.
1912.	1918.	1924.
G. E. E. Nichols. G. W. T. Irving. Dr. M. A. B. Smith. W. C. Milner.	Hon. Mr. Justice Longley. Stuart Jenks, K. C. Ven. Archdeacon Armitage. W. C. Milner.	Col. F. H. Oxley. Major J. W. Logan. B. E. Paterson. Ven. Archdeacon Vroom.
1913.	1919.	1925.
A. H. Buckley. G. W. T. Irving. W. C. Milner. Hon. Mr. Justice Russell.	Hon. Mr. Justice Longley. Ven. Archdeacon Armitage. George Mullane. Dr. M. A. B. Smith.	Ven. Archdeacon Vroom. B. E. Paterson. Col. F. H. Oxley. Major J. W. Logan.
	1926.	1927.
	Ven. Archdeacon Vroom. B. E. Paterson. Col. F. H. Oxley. Major J. W. Logan.	Harry Piers. Col. F. H. Oxley. B. E. Paterson. George E. E. Nichols.

# PROCEEDINGS OF THE NOVA SCOTIA HISTORICAL SOCIETY

SESSIONS 1920-21 TO 1926-27

(All regular meetings were held in the Chambers of the Legislative Council or Assembly, Halifax, N. S.)

## SESSION of 1920-21

### *Monthly Meeting, 12 November, 1920.*

The President, Major J. Plimsoll Edwards, in the chair. A paper on "The Work of the Dominion Archives" was read by Mr. W. C. Milner.

### *Monthly Meeting, 10 December, 1920.*

Following the receipt of a letter from Mr. Milner, agent of the Archives Department, Ottawa, desiring the transfer of Nova Scotian military documents from the Public Records of Nova Scotia to Ottawa, a committee, consisting of Mr. George Mullane, Major J. W. Logan, and Dr. A. H. MacKay, was appointed to consider the matter and report.

A resolution was passed expressing the great loss the Society had sustained in the death of its member, Mr. John Young Payzant, M.A., K.C., who was born at Falmouth, N. S., on 9 February, 1837, and passed away at Los Angeles, California, on 18 November, 1920.

A paper entitled "An Historical Sketch of the County of Hants, N. S.," was read by Mr. H. Percy Scott, M.A., of Windsor.

### *Monthly Meeting, 14 January, 1921.*

A paper on "Major-General Sir Geoffrey Twining, K.C. M.G., C.O., M.V.O.," by an anonymous writer, was read by Major Edwards.

A report from the committee on the requested transfer of military documents from Halifax to Ottawa, was read, protesting against such transfer. Mr. Milner presented the views of the Archives Department at Ottawa. Further discussion on the report was deferred to a future meeting.

### *Monthly Meeting, 11 February, 1921.*

A committee consisting of Hon. Mr. Justice Chisholm and Major Edwards was appointed to co-operate with the local com-

mittee in arranging for the celebration at Annapolis Royal next summer of the bicentenary of the establishment of the first English courts of judicature at that place in 1721. This celebration will take place at the same time as the tercentenary of the granting of a charter to Sir William Alexander in 1621, and the centenary of the year when Judge T. C. Haliburton first took up his residence at Annapolis in 1821.

*Monthly Meeting, 11 March, 1921.*

A paper on "Donald MacKay, Shipbuilder, of Shelburne," was read by Mr. Horatio C. Crowell.

The report of the committee protesting against the transfer of Nova Scotian military papers to Ottawa, was discussed, and the report was adopted.

*Annual Meeting, 8 April, 1921.*

The President, Major J. P. Edwards, in the chair.

The Society regretted the great loss it had sustained in the death of Dr. Martin Joseph Griffin, late parliamentary librarian at Ottawa. He was born at St. John's, Nfld., on 7 August 1847, but came to Halifax, where he was educated at St. Mary's College. He edited the *Halifax Express*, 1868-74, and for a few years he edited the *Halifax Herald*, successor to the *British Colonist*. He was editor of the *Toronto Mail*, 1881-85, after which he became librarian at Ottawa.

The officers elected for the ensuing year were:

*President*—Hon. Mr. Justice Joseph A. Chisholm.

*Vice-Presidents*—Dr. J. Johnstone Hunt, Major Jotham W. Logan, Harry Piers.

*Corresponding Secretary*—Harry Piers.

*Recording Secretary*—William L. Payzant.

*Treasurer*—George E. E. Nichols.

*Auditor*—Col. Frederick H. Oxley.

*Other Members of Council*—Hon. R. M. MacGregor, L. M. Fortier, Dr. A. H. MacKay, George Mullane.

*Library Commissioners*—Dr. W. D. Forrest, Dr. A. H. MacKay, E. P. Allison, Major J. P. Edwards.

*Delegate to Royal Society of Canada*—Hon. Mr. Justice Longley.

*Librarian*—Miss Donohoe.

A paper entitled "The Agitation for Repeal, 1867," was read by Hon. Mr. Justice Longley.

*Monthly Meeting, 6 May, 1921.*

A report by the retiring president, Major Edwards, was presented and discussed.

*Monthly Meeting, 13 May, 1921.*

Dr. M. A. B. Smith drew the Society's attention to the rotunda at the Prince's Lodge, Bedford Basin, urging the advisability of asking the Government for financial aid in saving the building from the danger of being torn down or falling into ruins. It is now the sole remainder of the original structures which had been on that once fine estate. The matter was referred to a committee.

A paper was read by Rev. Dr. W. Bruce Muir on "The Life and Work of Sir William Alexander."

## SESSION OF 1921-22.

*Monthly Meeting, 2 December, 1921.*

A report on the rotunda at the Prince's Lodge was adopted, and the Society hoped that the committee might be successful in obtaining a lease of the property.

A letter from Gen. Cruikshanks was read, stating that he had found the graves of Col. James DeLancey and his son, W. H. DeLancey, at Round Hill, Ann. Cc., and suggesting that the Society might have these graves cared for. The matter was referred to the Historic Sites Committee.

The President announced that volume 20 of the Society's "Collections" was ready for distribution.

A paper was read by Mr. William D. Stewart, on "The Early History of New Glasgow."

*Monthly Meeting, 13 January, 1922.*

Dr. Smith reported that an application had been made by the Society to the Department of Railways for a lease of the rotunda at the Prince's Lodge.\*

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\*On 1 Jan. 1923 the Society obtained from the Department of Railways a lease of the rotunda at the Prince's Lodge and the land between it and the railway. On 6 Nov. 1924 a meeting of representatives of various clubs and societies of Halifax was held under the auspices of this Society, at which the preservation of the building as an historic site was fully discussed. It was "resolved that in the sense of this meeting steps should be taken to preserve the belvedere, pavilion or bandstand, situated near the Prince's Lodge, for future generations, and further that a strong deputation representing the N. S. Historical Society, the Board of Trade, Rotary Club, Commercial Club, Progressive Club, Overseas Club, etc., be appointed to memorialize the Nova Scotia Government, with the object of obtaining assistance in acquiring the land on which the building stands, as a public park in perpetuity, and that the ownership be vested in the Nova Scotia Government." In accordance with this a deputation presented such a memorial to the Premier on 30 Jan. 1925. The subject still occupies the attention of the Society's Council. It should be recorded that Dr. Smith has been energetic in promoting this worthy object.

A paper was read by the Ven. Archdeacon F. W. Vroom, D.D., on "The Akins Historical Prize Essays, King's College." (Published in the "Collections," vol. 21, page 35).

*Monthly Meeting, 3 February, 1922.*

A resolution was passed expressing the great loss the Society had sustained in the death of Mr. Abraham Martin Payne, who was born in London, Eng., on 17 June 1839, came to Halifax about 1844, where he died on 29 January, 1922. He had read several papers before the Society.

A paper was read by Mrs. Charles Archibald, on "The Hon. Thomas Dickson Archibald of the Court of Queen's Bench, England." (Published in the "Collections," vol. 21, page 45.)

*Monthly Meeting, 3 March, 1922.*

The following resolution was adopted: Resolved, that the Nova Scotia Historical Society extend its hearty sympathy to the celebration proposed to be held in September, 1923, in the county of Pictou to commemorate the arrival of the ship "Hector," containing the pioneers of the wave of Scottish immigration which has left such a marked racial impress on the people of Nova Scotia; a celebration which will appeal to all interested in the history of the province and which deserves all possible co-operation from the members of the Society.

A paper by the late Mrs. James E. Hart, of Guysborough, on the "History of Canso, N.S.," being a chapter from her unpublished "History of the County of Guysborough," was read by Col. Oxley. (Published in the "Collections," vol. 21, page 1.)

*Annual Meeting, 7 April, 1922*

The President, Hon. Mr. Justice Chisholm, in the chair.

The Society regretted the great loss it had sustained in the death of Hon. James Wilberforce Longley, judge of the Supreme Court of Nova Scotia, who was born at Paradise, N.S., on 4 January, 1849, and died at Halifax on 16 March, 1922. He was the Society's eighth president, from 1897 to 1904.

Officers for the ensuing year were elected as follows:

*President*—Hon. Mr. Justice Chisholm.

*Vice-Presidents*—Major J. Plimsoll Edwards, Harry Piers, Alfred Dickie.

*Corresponding Secretary*—Harry Piers.

*Recording Secretary*—William L. Payzant.

*Treasurer*—George E. E. Nichols.

*Auditor*—Robert F. Yeoman.

*Other Members of Council*—Col. F. H. Oxley, Hon. R. M. MacGregor, George Mullane, Dr. A. C. Jost.

*Library Commissioners*—Dr. A. H. MacKay, Major J. P. Edwards, Dr. J. J. Hunt, Hon. Mr. Justice Russell.

*Delegate to Royal Society of Canada*—Dr. A. H. MacKay.

*Librarian*—Miss Donohoe.

*Monthly Meeting, 6 May, 1922.*

Hon. Martin Burrell, librarian, Ottawa, was elected a corresponding member.

A paper was read by Hon. Nicholas H. Meagher, on the "Life of Sir William Young, Chief Justice of Nova Scotia: Part I."

SESSION OF 1922-23.

*Monthly Meeting, 24 November, 1922.*

A paper entitled "The Story of James Wolfe" was read Dr. J. Clarence Webster, of Shediac, N. B.

*Monthly Meeting, 15 December, 1922.*

Dr. J. Clarence Webster was elected a corresponding member.

Mr. Piers read a report as to the name of the fisher-boy who had heroically rescued a number of people from the wreck of H.M.S. "La Tribune" at Herring Cove in 1797. He had ascertained that the lad was known as Joe Cracker. He urged that a tablet be erected to commemorate the brave action.

A resolution was passed urging upon "the Dominion Government the advisability of establishing in the city of Halifax a branch of the Archives Department of Canada, which would offer to provincial students such ample and necessary facilities for historical research as are befitting, and would worthily represent so great an institution as the Dominion Archives has now come to be, and are essential to the further development of literary work in connection with Canadian history; a branch located in its own fire-proof building, readily accessible to the public, and with the largest possible collection of reports, books, printed and manuscript material, prints, maps and similar aids to the study of our past years. The Society feels confident that such a central and altogether suitable location can be secured on property belonging to the Dominion Government, and

thus confine the cost solely to the building and furniture. Such a branch would naturally become a Maritime centre for historical study and would be of the greatest value in developing interest and fruitful inquiry into the annals of the Eastern Provinces."

The Society regretted the great loss it has sustained in the death of Mr. Edmund P. Allison, K.C., who had passed away at Halifax on the 3rd inst., aged fifty-six years.

A paper was read by Hon. Nicholas H. Meagher, on "The Life of Hon. Jonathan McCully." (Published in the "Collections," vol. 21, page 73.)

*Monthly Meeting, 12 January, 1923.*

The following resolution was passed: "Whereas there are over twenty places in the Maritime Provinces, the scenes of important or heroic events in the history of the country, which ought to be marked by monuments having suitable inscriptions, for the information of tourists and to educate and inspire the youth of the country with a sentiment of pride in and loyalty to the land of their birth; and whereas an organization, formed some years ago, called the Historic Sites and Monuments Board of Canada, has entirely neglected the Maritime Provinces, has permitted the old barracks at Windsor, N.S.—probably the oldest military building in Canada—to be burned, and has allowed the old powder magazine at Fort Cumberland to be demolished without any attempt to repair it; and whereas the Quebec Battlefields Commission has expended many hundreds of thousands of dollars in historic monuments in that province, of which the Maritime Provinces have paid their full share; therefore resolved that this Society desires to put on record its disapproval of the delay and inaction of the said Board, and in asking for a measure of justice to the Maritime Provinces suggests the appointment of an honorary committee of, say, five members, to report direct to a Minister, preferably the Secretary of State, recommending when and what monuments shall be erected."

A paper was read by Mr. W. C. Milner, on "The Attempt in 1776 to make Nova Scotia the Fourteenth State of the Union."

*Monthly Meeting, 2 February, 1923.*

Miss S. J. Wilson presented to the Society the commission of Thomas Godfrey, purser, R.N., as a justice of the peace, together with an historical sketch of the family. Mrs. J. M.

Owen, president of the Historical Association of Annapolis Royal, in bringing the greetings of the daughter to the mother Society, presented the latter with "The Book of Remembrance, Annapolis Royal, 1921."

Papers were read by Mrs. Jacob M. Owen on (1) "Lieut.-Colonel Joseph Frederick Walleth DesBarres," and (2) "Charlotte Elizabeth, a Forgotten Authoress, at one time resident at Windsor and Annapolis Royal."

*Monthly Meeting, 9 March, 1923.*

A letter was read from Mr. J. B. Harkins, Commissioner of Canadian National Parks, Ottawa, in reply to the resolution of 12 January, giving an explanation of various matters mentioned in that resolution.

A paper on "The Life of Sir William Young: Part II" was read by Hon. N. H. Meagher.

*Annual Meeting, 27 April, 1923.*

The President, Hon. Mr. Justice Chisholm, in the chair. Officers for the ensuing year were elected as follows:

*President*—Hon. Mr. Justice Chisholm.

*Vice-Presidents*—Harry Piers, Alfred Dickie, Dr. M. A. B. Smith.

*Corresponding Secretary*—Harry Piers.

*Recording Secretary*—William L. Payzant.

*Treasurer*—George E. E. Nichols.

*Auditor*.—Inglis L. Wainwright.

*Other Members of Council*—Col. F. H. Oxley, Major J. P. Edwards, George Mullane, Albert H. Buckley.

*Library Commissioners*—Dr. A. C. Jost, Dr. A. H. MacKay, Major J. W. Logan, Col. F. H. Oxley.

*Delegate to Royal Society of Canada*—Dr. A. H. MacKay.

*Librarian*—Miss Donohoe.

*Special Meeting, 14 September, 1923.*

This meeting was called to commemorate the centenary of the birth of Francis Parkman, the historian.

A paper on "The Life and Works of Parkman" was read by Hon. Mr. Justice Russell.

SESSION OF 1923-24.

*Monthly Meeting, 11 January, 1924.*

A resolution was passed expressing the loss the Society had sustained in the recent death of Dr. Snowden Dunn Scott, of Vancouver, B. C., who was born at Westbrook, N.S., in January, 1851.

Dr. J. Clarence Webster, of Shediac, N.B., was elected an honorary member.

Dr. Webster read a paper on "Sir Brook Watson."

*Monthly Meeting, 8 February, 1924.*

A paper was read by Mr. Lionel A. Forsyth on "The Life of Chief Justice Blowers."

*Monthly Meeting, 14 March, 1924.*

Mr. George Mullane read a paper on "The First Manufacture of Wood Pulp in Nova Scotia."

Mr. Harry Piers read a paper on "The Fortieth Regiment, raised at Annapolis Royal in 1717." (Published in the "Collections," vol. 21, page 115)

The Society regretted the great loss it had sustained in the recent death of Dr. David Allison. He was born at Newport, N.S., on 3 July, 1836, and died at Halifax on 11 Feb. 1924. He was Superintendent of Education for this province, 1877-91, president of Mount Allison University, 1891-1910, and the thirteenth president of this Society, 1917-18. He was also the author of a "History of Nova Scotia."

Dr. Archibald M. MacMechan was elected an honorary member.

*Annual Meeting, 4 April, 1924.*

The President, Hon. Mr. Justice Chisholm, in the chair.

Officers for the ensuing year were elected as follows:

*President*—Harry Piers.

*Vice-Presidents*—Dr. M. A. B. Smith, George Mullane, Albert H. Buckley.

*Corresponding Secretary*—Major J. Plimsoll Edwards.

*Recording Secretary*—W. L. Payzant.

*Treasurer*—Inglis L. Wainwright.

*Auditor*—Major H. B. Stairs.

*Other Members of Council*—Col. F. H. Oxley, Major J. W. Logan, B. E. Paterson, Ven. Archdeacon F. W. Vroom.

*Library Commissioners*—Dr. A. H. MacKay, Major J. P. Edwards, Ven. Archdeacon W. J. Armitage, Dr. A. M. MacMechan.

*Delegates to Royal Society of Canada*—Dr. A. H. MacKay, Major J. P. Edwards.

*Librarian*—Miss Donohoe.

*Monthly Meeting, 16 May, 1924.*

The by-laws were amended to the effect that the retiring President should be a member of the Council for the year following his retirement, in addition to the four members already provided for.

A paper was read by Reginald V. Harris, K.C., on "Some Notable Trials in the Early History of Nova Scotia."

*Excursion to Fort Cumberland, N.B., 16 July 1924.*

A number of the Society's members went to Amherst and attended by invitation the ceremony of the unveiling, by Mrs. J. Wood, of a tablet, erected by the Historic Sites and Monuments Board of Canada, in the ruins of Fort Beauséjour, afterwards Cumberland. Among those who spoke on this occasion were the Society's president and the corresponding secretary, Major Edwards, who is a member of the Historic Sites Board.

*Reception to French Canadians, 21 August, 1924.*

At the request of Hon. Premier Armstrong, officers and members of the Society welcomed to Halifax a large party of French Canadians who were touring the province under the auspices of "Le Devoir." A reception, at which the President presided, was held in the Province Building, where addresses were given by the Provincial Secretary and the Mayor, to which M. Henri Bourassa replied. During the afternoon an excursion was held on the Harbour.

*Cracker Tablet, Herring Cove, 22 October, 1924.*

On this afternoon the Society erected on the lighthouse at Tribune Head, Herring Cove, Halifax Co., a tablet inscribed, "In memory of the heroism of | Joe Cracker | a fisher-lad of thirteen years, | who was the first to rescue | survivors from the wreck of | H.M.S. 'La Tribune,' in a heavy sea | off this headland, 24 Nov. 1797."

There was a large gathering present, including, besides members of the Society and their friends, residents of the district and all the pupils of the Herring Cove, Portuguese Cove and Purcell's Cove schools. The programme was: Account of the wreck of "La Tribune," by the President; addresses by Vice-President Dr. Smith, Councillor Patrick Hayes, Rev. J. McKinnon, P.P., and Rev. E. B. Wood; and the recital of Dr. MacMechan's "Ballad of La Tribune" by Miss Margaret Sullivan, a pupil of the local school. The tablet was unveiled by Miss Nora Thomas, who had been selected for the purpose by her schoolmates, and who was of the same age as Cracker was at the time of his brave deed.

*Westphal Tablet, Preston, 29 October, 1924.*

The Society erected on the north side of the Old Preston Road, a few rods west of the bridge over Little Salmon River, at "Riverbank," about six miles from Dartmouth, a tablet inscribed, "The Birthplace of two Admirals | of the Royal Navy, | Philip Westphal, 1782-1880, and | Sir George A. Westphal, 1785-1875, | who were many times in action, | the latter having been wounded | on the 'Victory' at Trafalgar." The tablet is immediately in front of the site of the Westphal cottage.

About 125 persons attended, including members and their friends, as well as residents of Dartmouth and the locality. A printed itinerary had been prepared describing all points of historic interest which were passed during the trip. The programme was: Address on the lives of the two Admirals, by the President; addresses by Mr. H. G. Bauld, M.P.P., and the rector, Rev. Noel H. Wilcox; and a poem, "The Westphal Boys," written for the occasion by Mrs. H. Piers. The unveiling was performed by Commander F. H. Brabant, R.N., chief naval officer, H.M.C. Dockyard, a salute being sounded by a naval bugler. After Commander Brabant had spoken, there was an address by Mr. Sydenham Howe, grand-nephew of Admiral P. Westphal. The company was then invited by Mrs. A. E. Silver to her residence, where refreshments were served.

## SESSION OF 1924-25.

*Monthly Meeting, 7 November, 1924.*

The President reported on the papers read, tablets placed, and other activities of the Society during the past session. It was also stated that the members had been invited by Major Edwards, of the Historic Sites Board of Canada, to attend the unveiling by Admiral Fergusson of a tablet in the Dockyard, on 19 August, at which the President gave an address on the history of that place.

It was announced that the Society had received from the executors of Dr. Stirling, of Montreal, a fine three-quarter length oil portrait of Capt. John Houlton Marshall, R.N., son of Elias Marshall, master shipwright, of H.M. Careening Yard, Halifax; as well as a letter written by him just after the battle of Trafalgar. These were to be held in trust by the Society until called for, at such time as a naval college may be re-established in Canada.

A paper on "The History of the 82nd or Hamilton Regiment of 1778 to 1784" was read by His Honor Judge George Patterson, of New Glasgow.

*Monthly Meeting, 5 December, 1924.*

Major Edwards announced that on the 20th a tablet erected by the Historic Sites Board of Canada would be unveiled in the Province Building, to commemorate the establishment in Grafton Street, Halifax, in 1751, of the first printing press in what is now British North America.

A paper on "Modern Historical Prophecy, with special reference to the Theory of Buckle, the author of the 'History of Civilization,'" was read by Mr. H. Percy Scott, M.A., of Windsor.

*Monthly Meeting, 2 January, 1925.*

A paper on "Duels in Nova Scotia" was read by Mr. George Mullane.

*Monthly Meeting, 13 February, 1925.*

A paper on "The History of Arisaig, N.S.," by Rev. D. J. Rankin, P.P., was read by Hon. Mr. Justice Chisholm.

*Monthly Meeting, 6 March, 1925.*

The following papers were read: (1) "Charles Inglis, an appreciation," by the Ven. Archdeacon F. W. Vroom, D.D., and (2) "The Porto Bello Medal" by Dr. Archibald M. MacMechan.

*Annual Meeting, 3 April, 1925.*

The President, Mr. Harry Piers, in the chair.

The President reported on the various activities of the Society during the past year.

Officers for the ensuing year were elected as follows:

*President*—Harry Piers.

*Vice-Presidents*—Dr. M. A. B. Smith, George Mullane, A. H. Buckley.

*Corresponding Secretary*—Major J. P. Edwards.

*Recording Secretary*—W. L. Payzant.

*Treasurer*—Inglis L. Wainwright.

*Auditor*—Major H. B. Stairs.

*Other Members of Council*—Ven. Archdeacon Vroom, B. E. Paterson, Col. F. H. Oxley, Major J. W. Logan.

*Library Commissioners*—Dr. A. H. MacKay, Major J. P. Edwards, Ven. Archdeacon Armitage, Dr. A. M. MacMechan.

*Delegates to Royal Society of Canada*—Dr. A. H. MacKay, Dr. MacMechan.

*Librarian*—Miss Donohoe.

*Monthly Meeting, 8 May, 1925.*

The following papers were read: (1) "Reminiscences of H.M. Dockyard, Halifax, in the Sixties," by Mr. D. A. Story; (2) "Note on a Medal found in Halifax County," by Dr. A. M. MacMechan.

Major Edwards stated that as the result of inquiry he was assured that the earliest newspaper printed in Canada was "The Halifax Gazette," which first appeared in Halifax on 23 March, 1752.

## SESSION OF 1925-26.

*Monthly Meeting, 6 November, 1925.*

A report was made on the work of the Society during the past session. Dr. Smith stated that it had not been possible to hold this year a summer meeting at a distance from the city, as had been proposed.

A paper on "The Life of Sir William Young, Chief Justice: Part III," was read by Hon. Nicholas H. Meagher, Knight of the Order of St. Gregory the Great.

*Monthly Meeting, 4 December, 1925.*

Dr. M. D. Morrison read a paper on "The Migration of Scotch Settlers from St. Ann's, Nova Scotia, to New Zealand, 1851-1860."

*Monthly Meeting, 8 January, 1926.*

A paper entitled "Notes on Bedford Basin, its Legends and Traditions," was read by Mr. D. A. Story.

*Monthly Meeting, 12 February, 1926.*

A paper on "The Professional Drama of Yesterday in Halifax" was read by Mr. George Mullane.

*Monthly Meeting, 8 March, 1926.*

Major J. Plimsoll Edwards read "An Historical Sketch of Dalhousie University."

*Annual Meeting, 1 April, 1926.*

The President, Mr. Harry Piers, in the chair.

A resolution was passed expressing the great loss the Society had sustained in the death in March of its member, Mrs. Jacob M. Owen, of Annapolis Royal, who had been president of the Historical Association of that town.

Officers for the ensuing year were elected as follows:

*President*—Harry Piers.

*Vice-Presidents*—Dr. M. A. B. Smith, George Mullane, A. H. Buckley.

*Corresponding Secretary*—Major J. P. Edwards.

*Recording Secretary*—W. L. Payzant.

*Treasurer*—Inglis L. Wainwright.

*Auditor*—Major H. B. Stairs.

*Other Members of Council*—Ven. Archdeacon Vroom, B. E. Paterson, Col. F. H. Oxley, Major J. W. Logan.

*Library Commissioners*—Dr. A. H. MacKay, Major J. P. Edwards, Ven. Archdeacon Armitage, Dr. A. M. MacMechan.

*Delegates to Royal Society of Canada*—Dr. MacMechan, Dr. A. H. MacKay.

*Librarian*—Miss Donohoe.

A paper on "History in Government House, Halifax," was read by Dr. J. Clarence Webster, of Shediac.

*Monthly Meeting, 5 May, 1926.*

There was read a paper on "The Hon. and Rt. Rev. Robert Stanser, D.D., Lord Bishop of Nova Scotia," written by Mr. O. R. Rowley, of Montreal.

*Excursion to Mount Uniacke, Hants Co., 31 July, 1926.*

By kind permission of Major J. B. Uniacke, the members of the Society and their friends held a most enjoyable excursion to Mount Uniacke House, the mansion which was erected in 1813 by Hon. Richard John Uniacke, the eminent attorney-general of this province. The day was fine and the attendance was very large. The house was courteously thrown open for inspection. An account of the builder and a brief history of the place, prepared by Mr. George Mullane, was read, and then the President described the many objects of historic interest as the party passed through the various apartments. Later a large number of those present picniced on the margin of the beautiful lake. The notice calling the meeting gave a concise account of all points of interest passed on the way to Mount Uniacke.

*Fenerty Tablet, Upper Sackville, 25 September, 1926.*

On this date the Society erected, near the gate of Mr. Lewis L. Hamilton's property, Springfield Farm, Upper Sackville, 18½ miles from Halifax, a tablet inscribed: "Here in January 1821 was born | Charles Fenerty, | who, after experimenting from | about 1839, produced paper from | spruce-

wood pulp, which invention he made public in 1844. He died at Lower Sackville, June 1892." The site of the house in which Mr. Fenerty was born is immediately alongside of that in which Mr. Hamilton resides.

The day was an ideal one, and there was a very large number present. The programme was: An account of Fenerty and his achievements, by the President; and interesting addresses by the Vice-President, Dr. Smith, Rev. A. H. Tyers, rector of the parish, and Mr. McCallum Grant, late lieutenant-governor. The tablet was unveiled by Mr. E. Lawson Fenerty, whose father and mother were both first cousins of Charles Fenerty. The gathering then partook of refreshments kindly provided by Mrs. Hamilton and her friends.

*Uniacke House Tablet, Halifax, 9 October, 1926.*

The Society erected on the Herald Publishing Company's building, at the northwest corner of Argyle and Sackville Streets, a bronze tablet inscribed: "Site of the Town Residence of Hon. Richard John Uniacke, attorney-general of Nova Scotia. The property, which had been part of that of Anthony Henry, printer, belonged to the Uniacke family from 1784 to 1872."

The programme was: Address on Uniacke's life and character, by the President; address on him as a lawyer and legislator, by Hon. Mr. Justice Chisholm; and an address by Hon. E. N. Rhodes, premier of Nova Scotia. The tablet was unveiled by Mrs. N. Cyril Mitchell, a great-granddaughter of the eminent attorney-general. Acceptance of the custody of the tablet was assumed in an address by Mrs. William Dennis on behalf of the Herald Publishing Company.

#### SESSION OF 1926-27.

*Monthly Meeting, 5 November, 1926.*

In opening the session the President referred to the progress of the Society during the preceding twelve months. As president of this association, he had unveiled, on 10th July, a tablet erected by the Historic Sites Board of Canada at Fort Edward, Windsor, N.S.

Dr. J. Clarence Webster was appointed the Society's delegate to the bicentenary celebration of the birth of General Wolfe, which takes place in England next January.

A paper on "Abbé Le Loutre" was read by Prof. Norman McLeod Rogers, of Acadia University.

*Monthly Meeting, 10 December, 1926.*

A paper entitled "How New Brunswick entered Confederation" was read by Prof. George E. Wilson, of Dalhousie University.

*Monthly Meeting, 14 January, 1927.*

A paper on "Donald MacKay and the Ships of his Time" was read by Mr. W. W. Kenney.

*Monthly Meeting, 11 February, 1927.*

A paper on "The Communion Tokens of Nova Scotia" was read by Mr. Edgar J. Vickery. It was illustrated by a nearly complete collection of these relics.

*Monthly Meeting, 18 March, 1927.*

Mrs. Harry Piers read a paper on "Mount Uniacke, an Old Colonial Mansion, and its Historic Heirlooms." The subject was illustrated by many photographs showing the exterior and interior of the house, family portraits, etc.

*Annual Meeting, 1 April, 1927.*

The President, Mr. Harry Piers, in the chair.

The officers elected for the ensuing year were as follows:

*President*—The Ven. Archdeacon Fenwick Williams Vroom, D.D.

*Vice-Presidents*—George Mullane, Dr. M. A. B. Smith, A. H. Buckley.

*Corresponding Secretary*—Major J. P. Edwards.

*Recording Secretary*—W. L. Payzant.

*Treasurer*—Inglis L. Wainwright.

*Auditor*—Major H. B. Stairs.

*Other Members of Council*—Harry Piers, Col. F. H. Oxley, B. E. Paterson, George E. E. Nichols.

*Library Commissioners*—Dr. A. M. MacMechan, Harry Piers, Major J. P. Edwards, Dr. A. H. MacKay.

*Delegate to Royal Society of Canada*—Dr. MacMechan.

*Librarian*—Miss Donohoe.

The retiring President thanked the officers and the Society in general for the very hearty support given during his three-years term in office. During that period no meeting had lapsed for want of a paper. The new President then took the chair.

Dr. Archibald M. MacMechan read a paper entitled "A Chapter in the Life of Saint Duc de la Corne." (Published in the "Canadian Magazine," Feb. 1928.)

*Monthly Meeting, 13 May, 1927.*

A paper on "The Old Peninsular Block-houses and Road at Halifax, 1751; their History, Description and Location," was read by Mr. Harry Piers. It was illustrated by plans and drawings.

*Excursion to Brook House, Woodlawn Cemetery and Maroon Hall, near Preston, Halifax Co.; 24 September, 1927.*

The members of the Society and their friends motored first to "Brook House" (two and a half miles from Dartmouth) which was built about 1800 by Miss Margaret Floyer and where had resided for a time M. Danseville, formerly French governor of St. Pierre. Subsequently it was the residence of Rev. Charles Inglis, T. R. Grassie and Hon. Michael Tobin 2nd. An account of this historic house, its various notable occupants, and of the interesting vicinity, such as Russell's Lake, which is associated with the sad death of Miss Russell, "Mount Edward," built by William Birch Brinley, and the houses where the paroled French and American officers resided, was given by Mr. Piers; and the interior of the building was inspected.

The party then went to the neighbouring Woodlawn Cemetery (Allen's Burying Ground), opened about 1790, where were seen the graves of Miss Floyer (1814), the Meagher children ("the Preston Babes in the Woods", 1842), Andrew Shiels, known as "the Bard of Ellenvale" (1879), and John Allen, one of the earlier settlers. The grave of Miss Mary Russell (1798) is not marked. While at Miss Floyer's last resting place, Mrs. Piers read Mrs. Lawson's poem which had been written on the spot in 1879.

The next place visited was the site of "Maroon Hall" on an elevation on the Preston Road, commanding a most extensive view. Vice-President Smith gave an historical sketch of this interesting spot and of the Jamaica Maroons from whom it received its name. The original house was built by Francis Green in 1792. It became the headquarters of those in charge of the Maroons from 1796 to 1800. Later it was the summer residence of Samuel Hart, John Prescott, and Lieut. C. C. Katzmann. It was destroyed by fire in 1856. After inspecting the place, many of the members picniced on the grounds.

*St. James Church Tablet, Pictou, 21 August 1927.*

The Society supplied a tablet to mark the site of the earliest Anglican Church in Pictou county. It was unveiled on 21 August, and is inscribed: "On this spot stood the | First Anglican Church | in Pictou County | in which | Church of England worship | was maintained for fifty years. | Erected 1827—consecrated 1829."

*"Shannon" Tablet, Halifax, 15 October 1927.*

A tablet erected by the Historic Sites and Monuments Board of Canada, to the honor of Captain Broke, officers and crew of H.M.S. "Shannon," 1813, was unveiled at Admiralty House by Capt. the Hon. J. St.V. B. Saumarez, a great-grandson of Broke. Dr. J. Clarence Webster, of the Board, presided. The ceremony was under the auspices of this Society, and the chief historical address was delivered by the Society's President, the Ven. Archdeacon Vroom.

WILLIAM L. PAYZANT,  
*Recording Secretary.*



HISTORY OF CANSO,  
GUYSBOROUGH COUNTY, N. S.\*

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By HARRIET CUNNINGHAM HART (MRS. JAMES E. HART)

(Read 3rd March, 1922)

The County of Guysborough is situated at the eastern extremity of the province of Nova Scotia. It extends on the north the entire length of Antigonish and Pictou counties. At the northwest corner, Halifax, Colchester, Pictou and Guysborough meet at a large pine tree. The western boundary separating Guysborough and Halifax is a line running diagonally from this corner, passing through several lakes and following the course of Moser's River, thence to Ecum Secum River and Harbor, a distance of thirty-three miles. All the southern shore of the county is washed by the Atlantic, from which Chedabucto Bay and the Strait of Canso run in and bound it on the eastern side.

As might be supposed from its position and its extent of sea-coast, it was visited by adventurous voyagers at a very early period. The French are said to have commenced to fish and trade on the coast of Acadia as early as 1504, and during the following two hundred years numbers of expeditions and some solitary explorers visited these shores. Late in 1518 Baron de Lery left France for the purpose of making a settlement in Acadia. He found the weather becoming so cold, however, that after leaving some cattle at Canso and Sable Island, he went back with his people to France, probably expecting to return in the

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\*This paper forms a chapter in the interesting History of the County of Guysborough, prepared originally in 1877 in competition for the Akins Historical Prize, offered by King's College, Windsor, N. S. The prize essay was later revised and extended, and on August 31, 1914, was presented, with the permission of King's College, by the author to the Nova Scotia Historical Society. It is to be hoped that some day the whole work will be given to the public in book form. Mrs. James E. Hart died at Halifax on 3rd February, 1917, at the age of eighty-one years.

spring. The cattle left at Canso either died through the winter or were killed by the Indians, and De Lery and his colonists did not come again.

The name Canso is said to have been derived from *canso*, a wild goose, from the immense flocks of those birds flying past in the spring. Others trace it back to the Micmac term, *cansoke*—"facing the frowning cliff." The orthography has been much varied by different writers, and at various times, thus: Campseau, Canceaux, Canco, Cancoe, Canseau, and latterly Canso.

The French prosecuted the cod-fishery, drying their fish frequently at Canso, and crossing the ocean with full cargoes to supply the market at their homes. Haliburton says: "The harbor of Canso was distinguished at an early period as a place suitable for the fishery, and Scavalet, an old mariner who frequented that port, had made no less than forty voyages to it previous to the year 1609."

In 1603 De Monts was appointed by the French king, Henry IV, Lieutenant-General of Acadia. He fitted out an expedition to search for minerals and trade with the natives for furs. Two of his vessels sailed from Havre de Grace, the one in which De Monts took passage commanded by Captain Timothy, the other in charge of Captain Morell. Before leaving France they agreed upon Canso as a place of meeting. If De Monts arrived first he was to erect a cross in some conspicuous part of the harbor and fasten upon it a letter of instruction. When Morell arrived he did not find the signal, and passed the time while waiting for De Monts in capturing some French vessels which he found trading with the savages contrary to De Monts's patent. De Monts, meantime, not being able to find Canso, remained for a month at Port Mouton, his party amusing themselves with hunting, fishing and making excursions into the country; but as Morell did not come to look for him he became alarmed for the safety of the other ship, the more so as all their supplies for winter, their implements and

materials were on board. A party of Indians with one of De Monts's men was sent along the shore to search for them, and in a few days found them near Canso. This voyage occupied about one and a half year.

On the afternoon of Ascension Day, 1607, a pinnace arrived at Port Royal from Canso with supplies sent from France. The letters brought by this vessel informed the French at Port Royal that the Dutch had insinuated themselves into the fur trade on the east shore, having been conducted by a treacherous Frenchman. The avarice of these people was so great that they had opened the graves and taken the beaver skins in which it was customary for the Indians to wrap the dead. This conduct was so highly resented by the Indians of Canso that they killed the person who had shewn the place where the dead were laid.

In 1688, anticipating a war with England, Louis XIV sent out the Sieur de Pasquine to examine and report upon the defences of the colony. This report was most favorable as to the fertility of the soil, the security of the ports, the value of the mines and fisheries; but he recommended that the seat of government be removed from Port Royal to La Have or Canso, either of which was more central, and better situated for affording succor to Newfoundland or Cape Breton in case of need.

Again, in 1700 the report states that "Canseau is a place esteemed by many as of greater commercial and military importance than Port Royal." When Canso was first fortified cannot be ascertained, but it is probable that the French had a military post on Grass Island.

In 1713, at which time the French rule ceased, the garrison of Canso is spoken of as very small, and in 1718 the fourth company of Canso is mentioned. General Richard Philipps, who was Governor of Nova Scotia from 1717 to 1731, was colonel of the regiment quartered at Canso.

By the twelfth article of the Treaty of Utrecht, signed the 11th of April, 1713, the Most Christian King, Louis IV of France, made over to Queen Anne of Great Britain and her Crown forever, all right to Acadia. The only settlements of any note at that time and for many years after, were Port Royal, Minas and Canso. Halifax was not founded till thirty-six years after. The French never regained authority in Nova Scotia. Port Royal, with its name changed to Annapolis Royal, was made the seat of government by the British, as it had been by the French, and Francis Nicholson was the first Governor-General and Commander-in-Chief of H. M. Forces. It became necessary to keep Canso securely fortified, as Cape Breton was so near and still belonged to France, and the Indians were always encouraged by the French to be hostile to the English. The military force in the province was very small, and was divided between Annapolis and Canso.

General Richard Philipps succeeded Governor Nicholson in 1717 and was colonel of the regiment whose fourth company was at Canso.\* He continued to hold office even after his return to England, but he took very little interest in the affairs of the province, and the regiment became so destitute of clothing that his Lieutenant-Colonel, Armstrong, was compelled at his own charge to furnish them with necessary supplies. The official report to the Board of Trade, January 3rd, 1719, reads thus: "The French from Cape Breton have continued their fishing last season at Canso under a guard of soldiers, intending that for their chief settlement if their pretended right could be made out. It is by all accounts the best and most convenient fishery on any part of the King's (George I) dominions. The people from the west of England have found great satisfaction in the place and will return with many ships in the spring."

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\*This regiment was the one which was later known as the Fortieth Regiment of Foot.

The New England fishermen and traders now resorted to Canso in large numbers during the summer, where they resided in temporary dwellings which were mostly unoccupied during the remainder of the year. They had also large warehouses for the storage of their fish and merchandise. On the 9th of May, 1720, Giles Hall was appointed justice of the peace at Canso, and on May 25th of the same year, Thomas Richards received a similar commission.

The little community was not allowed to flourish undisturbed. At midnight, August 17, 1720, a large band of Indians collected from various quarters, and without the slightest warning burst into the little village of huts occupied by the traders and fishermen. Unarmed and incapable of making any resistance, the fishermen fled in boats to their vessels in the harbor, leaving the traders and their merchandise in the hands of the Indians. Four Englishmen were killed and the stores plundered of goods to the amount of twenty thousand pounds sterling. The Indians kept possession of the place until a number of French fishing vessels arrived on the following night and carried off the spoil. An English sloop happening to arrive on the following day, the master offered his services to go out and make reprisals; and being furnished with a number of men and two or three small vessels, he took a commission from Thomas Richards, Esq., and went after the French and soon brought in six or seven small fishing vessels, all having more or less English property on board. Mr. Henshaw, of Boston, a principal merchant of Canso, went to Louisbourg to complain to the French Governor, but he refused to interfere — “the Indians not being French subjects.” Governor Philipps at Annapolis was next applied to, and at once supplied them with arms, ammunition and provisions, and would have sent an officer with a detachment of the garrison, but Mr. Henshaw thought there would be no need. Five Frenchmen who were

taken prisoners, were sent to Annapolis, and as upon their examination it was found that they were acting under instructions from their employers at Petit de Grat, measures were taken to search for the property, and goods were recovered to the value of £1548 18s. 0d. Mr. John Henshaw, who took such an active part in this affair, was made a justice of the peace, and captain of the militia at Canso. Hibbert Newton was collector of customs both at Annapolis and Canso at this time. He resided at Annapolis.

In the autumn of this year the government sent a small detachment of soldiers to Canso, under command of Major Armstrong. They were to take possession of the small fort which the fishermen were erecting, and defend the place till spring, when the people returned to fish. Armstrong was empowered to allot the ground and beaches for the fishery. Lieutenant Jephson and his children were sent with them. They were shipwrecked on the passage down, were saved on Grand Manan, were taken off by Captain Boudre's sloop, and arrived at Canso.

Governor Philipps's report to the authorities at home, September, 1720, states that "Canso is the first which we think ought to be possessed and defended, in regard to the great advantage which accrues from the fishery and the number of British subjects which would resort there if a sure protection can be obtained; two hundred men to raise the fort, and one hundred to be left there after the fort is built, we humbly conceive to be necessary."

No favorable response to this suggestion could have been received, as on the 4th April next, the Governor wrote to Canso, in reply to Major Armstrong's request for stores of war so as to be prepared against an attack that was again apprehended from Indians:—"You must content yourself with that fort which the fishery have erected at their cost, which I hear is very defensible, and in case it wants any strengthening, there is no doubt but those people will be easily persuaded to do it, since it is for their own

defence.” He asks for an account of the arms, powder and ball sent them out of the Annapolis magazine in their necessity, “for militia are always obliged to defend their own property at their own expense.” He sends them five months’ provisions, the rate for each man a week to be: bread seven pounds, beef seven pounds or pork four pounds, peas three pints, butter six ounces or cheese one pound, flour one pound or rice one and a half pounds; and adds, “You have a very good baker in the company, and an oven in the place.” He also speaks of his intention of visiting Canso about the last of May in a man-of-war commanded by Captain Durell.

The anticipated Indian outbreak occurred in the night of July 14, 1721. Captain Watkins, who was there on a fishing voyage but living ashore on Durell’s Island a little distant from the fort, was killed; also a man named John Drew of Portsmouth, three other men, a woman and a child.

The sloop “William Augustus,” Captain Southack, sailed from Annapolis about the middle of August, 1721, with the Governor and an engineer on board to begin a survey of the eastern coast. A sketch of the coast and an exact survey of Canso harbor were prepared and sent to the Secretary of State.

After making himself acquainted with the trade, defence and needs of the place, Governor Philipps wrote to the Lords of Trade, October 1, 1721, telling them that it was an agreeable surprise to find Canso in a flourishing state. It would have been broken up for good if he had not sent the detachment there, which he had since reinforced by two companies. He urges the importance of Canso to the fishery and to the settlement of the province, and recommends it to be made a free port for three or four years.

His arrival gave great joy, and a stronger assurance of protection, especially when he announced his determina-

tion "to pass a bad winter there without the necessaries of life." He tells the authorities at home that he remains under an incapacity to receive families and begin the settlement. He reminds them of a regulation of the British government, which directed that all tracts of forest land suitable for masts or timber for the navy should be set apart and surveyed as crown reserves before any land for settlement could be laid out and measured. When the expected surveyor comes it will take two or three years before he can make progress. In the meantime, he had made disposition of small plots of ground and little rocks or islands in the harbor for the convenience of the fishery.

In reply to this letter, the Lords of Trade say they have proposed to His Majesty that the government should be empowered to set out the lands, that he may then grant lands to settlers. As to the small settlements on the little islands about Canso, he must remember his instructions that the coast be left free for the fishery to all His Majesty's subjects.

In July 1722, the Indians captured several trading vessels in the Bay of Fundy and eighteen vessels in the harbors on the coast, among which was a sloop that Governor Philipps had dispatched with bread for the use of the Annapolis garrison. Nothing could have been more unexpected, as but a short time before, the Governor had made a great feast for the chiefs at Canso, when they gave solemn promises of friendship. The Indians flattered themselves with the hope of reducing Annapolis by famine and blockade, but provisions arrived at Canso in the meantime from Europe, and Governor Philipps took care to arm the vessels that were now sent with supplies for Annapolis. They arrived safely and thus defeated the designs of the enemy. By this time they were in the middle of the fishing season at Canso, and its harbor was full of vessels waiting for their cargoes, when fresh advices came that the Indians were cruising upon the banks with the

sloops that they had taken, assisted by their prisoners, whom they compelled to serve as mariners, and that their intention was to attack Canso with all their strength. This alarmed the people greatly, bringing to recollection former atrocities. They were disheartened to find that measures had not been taken for the security of the place.

But just then, Governor Philipps received by express from New England, despatches from Governor Shute announcing the declaration of war that the province had made against the Indians, with a request for assistance. A meeting was immediately called, and the men of Canso were prevailed upon to unite with the Governor in fitting out and manning two sloops to protect the fishery. He placed an officer and a party of soldiers on board of each of them, and they were reinforced by volunteer sailors from the merchant vessels in the port. One of them was commanded by John Eliot of Boston and the other by John Robinson of Cape Ann. Thus equipped, the small expedition sailed out of Canso in search of the enemy. They were so successful that in three weeks they had released all the vessels and prisoners captured by the Indians, "except four, which the New England people poorly ransomed." Many Indians were killed, including four of the chiefs who had so lately received presents from Governor Philipps and had given him the most solemn assurances of their intention to live in peace and friendship with His Majesty's subjects.

In August 1723, the "William Augustus" was sent to Canso with war stores. She was laid up in September by the Governor's orders, as he could no longer sustain the expense of keeping her running. These expenses he estimated at forty-eight pounds a month, being four pounds for each of the twelve men. He asked to be allowed for her cost, and that she should be re-commissioned.

Not long after this, Governor Philipps went to England, and in a paper drawn up there, dated November 28th,

1723, he speaks of the fort at Canso which he had erected at his own expense with a battery for twelve guns. "Three guns are now mounted in the fort, which is garrisoned by four companies, and the ships that come there place their guns in the battery."

Major Alexander Cosby commanded at Canso in 1724.

In May 1725, Lawrence Armstrong, Esq., who had formerly been lieutenant-colonel of General Philipps's regiment at Canso, arrived from England with a commission as lieutenant-governor of the province. He held a council at Canso, August 11th, at which there were present Major Mascarene, Hibbert Newton and William Shirreff. Governor Armstrong laid before them a list of all the ships and fishing vessels which had up to this date in this year loaded with fish for foreign markets. The number of these vessels was one hundred and ninety-seven. It was agreed that Mr. Newton and Captain John Bradstreet should proceed to Louisbourg with a letter to the Governor, complaining of the underhand conduct of the French in giving arms and ammunition to the Indians. The gentlemen appointed went to Louisbourg, and on their return reported the result of their mission.

Another council was summoned in October, and Major Paul Mascarene was appointed commissioner of Nova Scotia in the treaty about to be made with the Indians by Governor Drummer of Massachusetts. Mr. Hibbert Newton was to accompany him to Boston.

In writing to the Secretary of State during this autumn Governor Armstrong urges the building of a fortification at Canso on account of the constant insults and massacres the English are exposed to from the Indians, supported and clandestinely encouraged by the French, who supply them with ammunition. He had induced the people to build several blockhouses for defence, chiefly at their own cost. He thinks Canso is the best place for the seat of

government, and proposes to have an assembly of twenty-four inhabitants to make laws for the good government of the province.

Again he says: "Nova Scotia has a circuit of five hundred leagues. The great number of harbors is most convenient for the fishery. Canso is the only settlement on the coast. Its inhabitants amount to forty-nine families. The New England people trade in the cod-fishery on this coast to the extent of one hundred and fifty thousand pounds New England currency annually."

A paper dated 1725 contains a list of allotments at Canso, called fishery rooms, with the names of the holders. Number one is a large island. Captain Thomas Durell and company are the occupants. Cyprian Southack has a peninsula 2,740 feet long by 1,620 feet broad. Hunking Wentworth\* has a peninsula 1,121 feet long by 400 feet broad; and another, called Wentworth's Point, 1,180 feet long by 580 feet broad. Captain Edward How has on How's Island 1,100 feet by 500 feet. Samuel Bassett and Samuel Butler's room is a high head of land with a low point of beach, the same being formerly called Petipas (now Bellenden's) Head in memory of Lieutenant John Bellenden, who was descended from a noble family and is buried there. Dr. Cuthbert has 272 feet front at Topsham's Cove. Sir Thomas Bury and Richard's room is a small island, 920 feet long and 270 feet broad.

Governor Armstrong reported to the Lords of Trade, January 18, 1726, that Canso, where he thought it requisite to place a garrison of nine companies, is to this day without other lodgments, magazines or fortifications than such as have been made at his own or his officers' expense. He recommends the protection of Canso as a frontier place within seven leagues of the settlements of Cape Breton, and as a business place. He urges the want of a vessel in the service of the government, and suggests

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\*This may have been the uncle of Sir John Wentworth.

the refitting of the sloop "William Augustus," now laid up at Canso.

In July he writes that "the fishermen at Canso grumble at having to pay six shillings and eightpence to the collector, and three shillings and fourpence to the naval officer for each vessel, having never been taxed anything before this year."

In 1727 Captain Cavelly was the commanding officer of the detachment of Philipps's regiment at Canso.

General Richard Philipps, the governor, who had been in England since the autumn of 1723, now returned to Nova Scotia. He arrived at Canso in the latter part of June, 1728, in His Majesty's Ship "Rose," Captain Wellar, and remained till October 17, 1729, when the fishing season terminated. He found two hundred and fifty vessels, and from fifteen hundred to two thousand men employed in catching and loading fish. He says: "Many families would settle here if they saw the commencement of a fortification for their protection, which till then they look upon as very precarious, in regard of the number and strength of the enemy in case of a rupture at any time with France, and the near neighborhood of Cape Breton, where no industry and expense has been wanting to make themselves formidable."

He sold the government sloop "William Augustus," and with the proceeds and fifty pounds more he bought another vessel, smaller but more suitable for the service.

In 1730 Governor Philipps writes: "Canso, which is the envy and rival of Cape Breton in the fisheries, will be the first attacked in case of war with France. It will take no more than six or seven hours to march and possess it. It is computed that the return of the fish carried to markets from Canso bring from £30,000 to £40,000 yearly increase to the home duties. One-third of one year's income only laid out in a fortification will put it out of danger. It will cost three times that sum to recover it if lost."

One acre of land on Canso Island was granted to Lieut. G. Cosby, August 24, 1731, quit rent two shillings and sixpence per annum, and transferred by him to Edward How, Esq., merchant, in 1732.

In 1731 there were more fish at Canso than vessels to carry them to market. At this time there were sent yearly in British and New England vessels from Canso about fifty thousand to sixty thousand quintals of dry codfish to Spain, Portugal and the Strait of Gibraltar; and the whole revenue to Nova Scotia was thirty pounds sterling, consisting of one quintal of codfish paid yearly by each proprietor of a fishing room at Canso.

General Philipps went to England in 1731, and did not again return to Nova Scotia, though he continued to be the nominal governor and received half of the salary, the other half being paid to Lieutenant-Governor Armstrong. Upon Armstrong's death, Philipps requested that the office of lieutenant-governor should not be continued, but that the governors of the forts should administer the government of the province, which they did without additional pay, General Philipps being allowed to remain in England, and he received the whole salary of governor till 1749, when he was succeeded by Cornwallis.

In 1732 the French claimed the islands of Canso, and troops were posted there to guard the rights of the British; but without forts, magazine or provisions, or place of defence against the enemy or the weather.

In 1733, three commissions for justices of the peace were issued. The recipients were Joshua Henshaw, Moses Calley and Richard Bardin.

The fishery was prosecuted with increased success, and a new branch, the whale fishery, employed remuneratively from fifteen hundred to two thousand men. "On the 20th of September, seventy sloops put in at Canso, deeply laden with fourteen whales, and they were in daily expectation

of one hundred more sloops deeply freighted from the banks, where they report are great whales in abundance.”

The usual complaints as to the lack of fortifications, the few soldiers at hand, the need of munitions of war, fear of Indians and of war with France, continued to be made, but apparently with no result.

Lt.-Gov. Armstrong spent the summer of 1735 at Canso. He appointed Major Mascarene to command there instead of Captain Aldridge, of whom complaints were made.

In August, 1738, small grants of land were made to Christopher Aldridge, to Edward How and to Company 10th.\* Francis Cogswell was appointed justice of the peace, and Captain James Mitford was honored with a similar commission the next year.† Four companies of General Philipps's regiment, comprising about one hundred and twenty-three men, were still stationed here without proper barracks or storehouses.

“On Thursday, the 6th day of December, 1739, Lieutenant-Governor Armstrong committed suicide, being found dead in his bed with five wounds in his breast, and his sword by his side. He seems to have been of a remarkably sensitive temperament, and to have brooded over the difficulties of his position to such a degree that his mind became affected.” This took place at Annapolis. Major Paul Mascarene now administered the government.

In March, 1740, Hibbert Newton, Esq., collector of customs for the province, received a grant of one acre and two perches on Canso Hill. Otho Hamilton was, on 3rd September, 1739, commissioned captain of one of the companies at Canso, and thereupon sworn in as a justice of the peace throughout the province.

In March, 1744, France declared war against England, and despatched a fast sailing vessel to Louisbourg to

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\*That is, the tenth company of the Fortieth Regiment.

†Mitford was a captain in Philipps's (40th) Regiment.

apprise Cape Breton of the state of affairs. The governor at Louisbourg lost no time in turning this early information to account. Aware of the weakness of the Canso garrison, which now could muster barely eighty men, he decided to reduce that place before aid could be sent from Boston. Accordingly several small vessels carrying seventy soldiers and three hundred militia, under command of M. Duvivier, aide major of Louisbourg, were despatched to Canso where they were joined by three hundred Indians. As the little garrison, which had no defence but a wrecked blockhouse built by the fishermen, could offer no resistance to such a superior force with the slightest hope of success, the commandant, Captain P. Heron, capitulated, May 13th, on condition that the ladies of the officers should have liberty to go where they chose, and that the troops and inhabitants should be conveyed either to England or Annapolis within twelve months. The town and the blockhouse were then burnt, and the prisoners carried off in triumph to Louisbourg, where they remained until the autumn when at their own request, they were sent to Boston. Thus the worst fears of the people as to the defenceless condition of the place were realized; but they turned their detention at Louisbourg to good account, for it was through the reports they carried to Boston that the siege of Louisbourg was decided upon.

The harbor of Canso presented a lively scene during the month of April, 1745, as the fleet from New England gradually assembled there, to proceed to the attack upon Louisbourg. The wind prevailed from the south and east, blocking the Cape Breton coasts with ice and detaining the ships at Canso. The time was improved by drilling the men, erecting a blockhouse in which eight guns were placed, and ending with a grand review of all the forces on Canso Hill by General Pepperell just before their embarkation. The expedition sailed on April 29th, and again Canso was deserted.

Commodore Warren with his squadron from the West Indies had joined General Pepperell a few days before they left Canso, and to this combined force, Louisbourg surrendered after a siege of seven weeks. But notwithstanding the great renown accruing to English arms by the capture of this stronghold, and the great importance to the peace of Nova Scotia by retaining Cape Breton under British Rule, it was ceded to France only three years after by the Treaty of Aix-la-Chapelle.

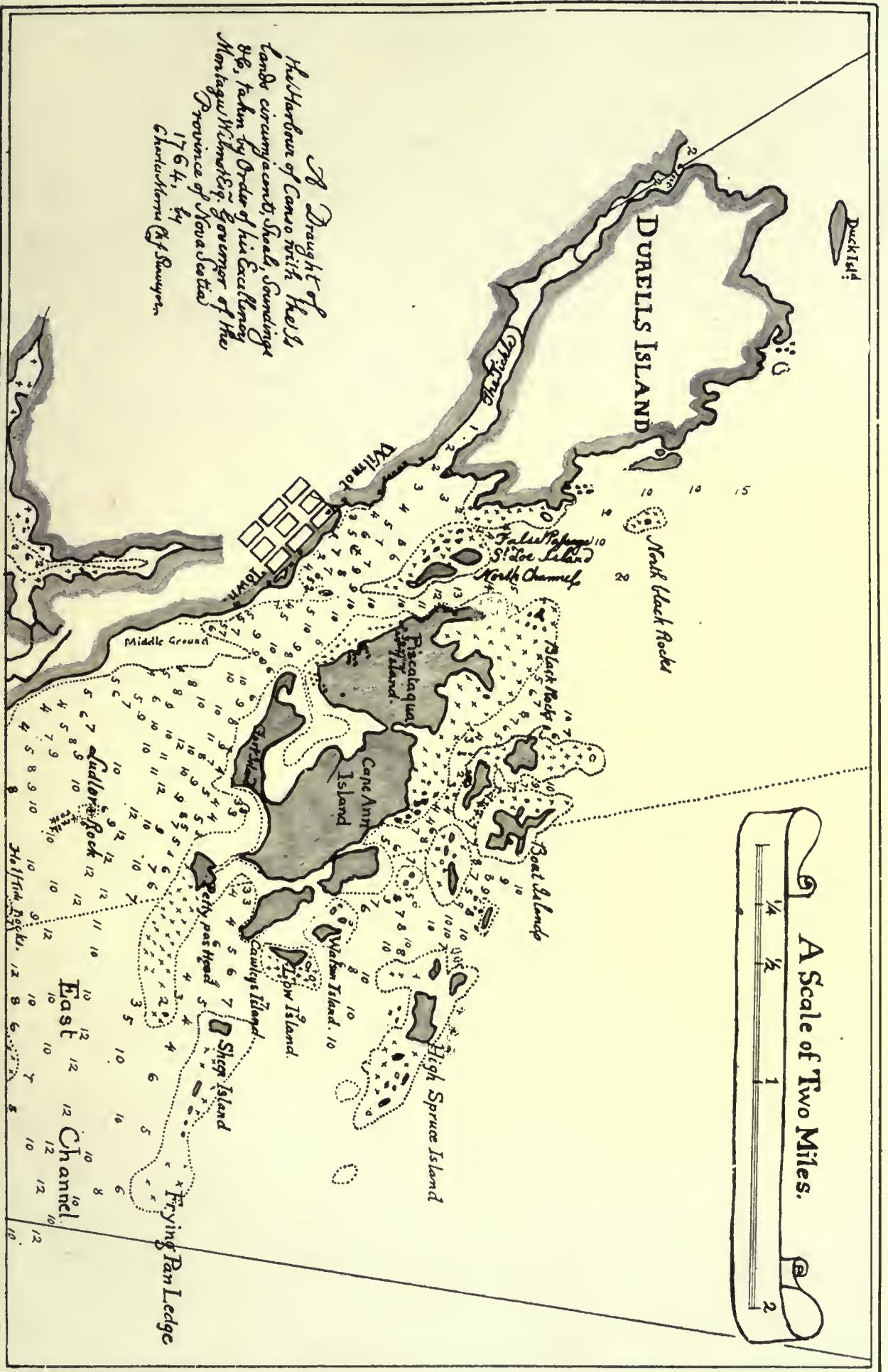
The risk attending any permanent settlement at Canso remained; but the fishery was so remunerative that some were found possessed of daring and enterprise sufficient to brave all the threatened danger. The French deputed the oversight of these to the Indians, and in 1749 they captured thirty men here who were busily engaged, and carried them in triumph to Louisbourg.

In 1752, the schooner "Friendship," belonging to Joseph Gerrish of Halifax, and the "Dolphin," a New England vessel, while fishing near Canso, were surprised and taken by Indians, and the prisoners were conducted to St. Peter's, Cape Breton, and set free, but they were obliged to pay a large ransom for their vessels.

In 1759, Halifax county comprised all the mainland and islands lying east of the county of Lunenburg and south-east of King's county, and therefore included all of Guysborough county.

In 1763 Cape Breton was finally given up to Great Britain by the Treaty of Paris. At that time there were about one hundred and fifty persons residing in the vicinity of Canso. They were Acadians, and preferring to remain under French protection they removed to St. Pierre, near Newfoundland.

On the 25th July, 1764, a town was directed to be laid out at Canso, to be called Wilmot, in honor of Colonel Montague Wilmot, who had become the governor of the province a short time previously. When the Assembly



WILMOT TOWN AND CANSO HARBOUR, NOVA SCOTIA, IN 1764

Part of a Chart by Charles Morris, Chief Surveyor, preserved in the Public Archives of Canada, Ottawa.



met at Halifax in October, Governor Wilmot in his opening speech recommended to the attention of the members the settlement forming at Canso, where a lighthouse was required, and asked them to vote a sum to build and maintain it.

The first estimate of a provincial civil list, 1766, includes the salary of a collector at Canso, to be seventy-five pounds, and that of a waiter, to be forty pounds. Mr. Jonathan Binney was collector in 1772 and had been there for eight years. It was proposed that he should have one hundred pounds per annum, as his deputy collectorship was insufficient. In 1773 fifty pounds was granted him for special services at Canso. He was son-in-law of Hibbert Newton, Esq., the former collector.

The United States declared their independence of Great Britain in 1776, and privateers were soon busy in British waters and upon the high seas attacking English vessels. The armed brig "Hope" destroyed one of these depredators at Canso in 1778. Seven of the crew escaped, but were captured by fishermen near Halifax.

The fisheries were now estimated to be worth fifty thousand pounds annually, even with the few men employed; but the work was much hampered by these marauders, and there was no military protection. George Smith, one of the early settlers of Halifax, had removed to Canso, and was engaged in the fishery. Two large vessels belonging to him were captured and destroyed, and thirteen other Canso ships, nine of them being square-rigged, were taken by United States privateers.\*

About this date, a short canal was cut from George's Harbor to a cove on the opposite side of the island. This was a great boon to the fishermen, especially in stormy weather.

In 1780, the schooner "Freemason," from Bermuda bound to New York, was driven out of her course and made

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\*A note by the author queries whether this may not have taken place in 1812.

the land near Canso. There she struck and soon sank. There were nineteen persons on board who all landed safely at White Head, but there were no inhabitants about the coast, and no vessels near just at that time to render them assistance. Before they could make their way to Canso, all but three had perished in the woods. These three had been kept alive by subsisting on the flesh of their unfortunate comrades. They were sent up to Halifax from Canso.

Peace had been concluded between Great Britain and the United States in 1783. When the Assembly met at Halifax in 1785, complaints of vessels from the United States trading at Canso were laid before the House.

George Leonard was superintendent of trade and fishing at Canso in 1787, but the place was much changed. From having been the occasional residence of governors and the scene of so much commercial enterprise, nothing remained but the small establishments of a few fishermen. Its existence had been a constant struggle with the French, the Indians and privateers. This was all past, leaving the settlement with the outward appearance of one hundred years ago, but under better circumstances in many respects to begin once more a career of prosperity.

At the court of sessions held at Guysborough in 1792, it is recorded that "the grand jury are sorry they are under the necessity of presenting Captain Rupert George of His Majesty's Ship 'Hussar' for his conduct when at Canso Harbor, in the county of Sydney, in July last, in sending an armed force on shore, consisting of a captain and six marines who fired on the peaceable inhabitants engaged in their lawful occupations."

Some years later Patrick Lannigan of Halifax removed to Canso, purchased land from George Smith, and commenced business. He displayed much taste and neatness throughout his establishment. The floors of the outbuildings and all the paths about the property were paved with

small stones and not a blade of grass was permitted to flourish there. There was a small pond not far from his house, which he called "The Duke of Bridgewater's Canal." Besides attending to a large fish business, he engaged in farming and kept many cattle and horses.

The next prominent name associated with Canso history is that of Abraham Whitman. His parents were Loyalists, who removed from Stow, Connecticut, to Annapolis, N. S., in 1761, when he was an infant. His father died only two years after, but the family remained and settled in the province. When his youngest son located in life for himself, he went to reside at Chester. He was married there in 1793 to Hannah Webber, whose parents were also from Connecticut. He engaged in the timber trade with England, building many vessels suitable for his purpose. In the year 1811 his business took him to Miramichi, New Brunswick, and as he called at Canso on his voyage he was favorably impressed with the advantages it possessed for the fishing trade. He decided to try it, but proceeded cautiously, sending his son James to make a beginning, and taking the family for a three months' trip of inspection to Canso and Guysborough in the summer of 1812. Mrs. Whitman regretted very much to exchange Chester, her native place, with its advantages for her children, for this desolate, lonely spot; but as business prospects were favorable and James was to remain, she consented to the exchange of homes, and they arrived at Canso, January 10, 1813. They were obliged to wait till this season of the year to remove, as in the previous June, war had been declared between Great Britain and the United States and privateers were again busy at sea in milder weather. Often during the next two years, the roaring of cannon was heard as vessels were seized by United States cruisers, or they in their turn struck their colors to His Majesty's ships. Frequently the crews of captured ships were placed in their boats and left to the

mercy of the winds and waves. Mr. Whitman's house was more than once an asylum for these unfortunate people.

At the time of their removal to Canso, the only families resident there were Patrick Lannigan with his wife and a niece, Miss Jackson; John Munroe, who lived by fishing and cultivating a small farm; his wife, one son and two daughters, and an older brother David, constituted this household; Mr. O'Hara, who was a cooper by trade; and Messrs. Fitzgerald and Lewis Uloth, both fishermen. There were no other settlers from Black Point to Dover.

The remains of a fort and earthworks were still to be seen on Grass Island, and other ruins nearly opposite on the mainland. There were many graves on Petipas Head, and the little island in the harbor known as Burying Island, was a full cemetery. The banks of this island gradually crumbled away, washed down by the rains and the sea, bringing to light parts of the coffins so long interred here. Both these were said to have been French burial places. Cannon balls, shot and plates of brass, such as soldiers then wore on their caps, were often found in the crevices of the rocks and on the shore.

In May, 1812, when the Whitman family was on its prospecting trip, an immense whale was driven in by the sea to Fox Island and secured by James O'Neil. It measured one hundred and twenty feet in length, and the diameter of the backbone was from five to six feet at the largest part. It appeared like a large ship, bottom up. James Whitman rowed into its mouth in a small boat, and unshipping the oars, turned the boat around and rowed out again. Mr. Whitman purchased the huge creature and had from three to four hundred barrels of oil manufactured from it, and sold the remainder for twenty pounds.

In April, 1813, James Whitman was drowned at the entrance of Salmon River near Guysborough. He was only twenty years of age.

During the war, Canso vessels were sometimes captured and plundered by United States privateers, but there was also great fear of the British impressing the crews of small vessels into the service, as was frequently the case. This made it a risk for young men to go to sea, and often very young men were cleared as captains to prevent their being taken, as the officers were usually left in charge of their vessels.

As most of the business at this time had to be transacted with Canada, generally with Quebec, as the best port to be safely reached, all the small vessels sailed under a convoy. It was sometimes very tedious waiting for one. Perhaps one hundred sail would have collected at this rendezvous. It was a very fine sight when such a fleet sailed from its harbor after a man-of-war, feeling comparatively safe under such protection. Sometimes large boats would row up through the harbor at night, causing great fear to the few inhabitants. They were probably British seamen in search of United States vessels, as they were never known to land.

There was then no road leading away from Canso, and after the long old-fashioned winter had set in, no communication with Guysborough; indeed no intercourse with the rest of the world except very rarely when a vessel would put in from sea or was wrecked upon the coast. A large vessel from the western islands was wrecked in the spring of 1814 on Lannigan's Beach. She had a valuable cargo. About a year after, a number of Irish passengers from St. John's, Newfoundland, were drowned from a vessel that went ashore on St. Andrew's Island.

The narrow strait between Durell's Island and the mainland is called The Tittle. The adjacent country also takes the same name, and in 1814 a few families located there and made some improvements, chiefly such as were needed to carry on the fishery. During the next year others came to George's Island. All the islands were thickly

covered with low pine and fir trees and inhabited by wild-cats and foxes, and the barking of the latter could often be heard on calm nights across the harbor.

In 1814 the "Polly" of New Haven was captured, brought into Halifax, and sold at auction. Mr. Whitman purchased her, and she sailed out of Canso for several years under a new register and name. She had been a packet and was very neatly and comfortably fitted up. She was afterwards sold in Halifax, altered into a brig and followed the West India trade.

At that time there was not a lighthouse on the coast east of Sambro. In the spring of 1816, a number of workmen were sent down by the government to erect a lighthouse on Cranberry Island. They brought all necessary supplies with them and were two or three years bringing it to completion.

The war closed in December, 1814, by the treaty of peace signed at Ghent on the 24th of that month. The next season, a company of marines commanded by Lieutenant Drummond was stationed at Canso to enforce the observance of the agreement which forbade United States vessels to remain in a British port more than a few hours. It was amusing to see the marines in their large boats chase vessels out of the harbor. After the Yankees were at a safe distance they would fire a gun, run up the stars-and-stripes and sail away, while the boats would frequently have difficulty in returning.

There were no mails received or sent here till 1817. Then a man walked down from Guysborough with a small bag once a month in summer, and occasionally in winter on snowshoes. After a road was made, a carrier came on horseback. Carriages were not used for the purpose until 1824.

Prior to 1830, the abundant catch of large mackerel had never failed. This fishery commenced in September and continued till the end of October. It was a common

occurrence for a seine to secure from one thousand to fifteen hundred barrels at one time. When several seines were hauled about the same time, more fish were taken than could be cured properly. The price of mackerel then ranged from two dollars to four dollars a barrel. From eighty to one hundred vessels during this season were moored along the banks of The Tittle, with a similar fleet at Fox Island and Crow Harbor. A large number were also anchored at the islands, making a very lively scene. Most of these vessels would secure full cargoes.

Among the throng of all classes of people thus centered at Canso, were many who had little regard for the Sabbath; and Mr. Whitman, who came of old Puritan stock, was anxious that his own family should strictly remember the day, and also that the whole community should be improved in this respect. There was no clergyman within thirty miles, and the only course to be pursued was that he, though now so busily engaged every hour of the week, should lay aside his work on Saturday evening and prepare to conduct services on the morrow. This he did, and, having a room arranged in his house, he sent out a cordial invitation to all to come and join in public worship. Many availed themselves of the opportunity; and Mr. David Barss, a worthy, intelligent man, residing at The Tittle, assisted Mr. Whitman and offered his house for a second service. So, on one Sunday the morning service was held in Canso, and in the afternoon the congregation assembled at The Tittle, and on the following Sunday, the reverse order was followed. Mr. Whitman was a Congregationalist and Mr. Barss a Methodist, but they never differed during the years they conducted worship together. Mr. Whitman used Watts's hymns and Mr. Barss preferred Wesley's, and sermons from the good old worthies of both denominations were read for the general edification, but there was no controversy. They organized a Sunday school, and as both men were good singers, and Mr. Whitman was scientifically versed in music, a singing school was also opened.

The sudden death of Mr. Barss in 1820 was a great loss to the community. He had a large fishing establishment at The Tittle and commanded unlimited credit at Halifax. There was every prospect that he would materially advance the interests of Canso. At the time of his funeral the fishing season was at its height and The Tittle crowded with vessels. The general feeling of mourning expressed by the display of such a number of flags at half-mast has seldom been witnessed. The coffin was placed in a large boat and was followed by a very large number of boats filled with people. They rowed to the lower part of the harbor, and then the procession moved on foot to the top of the hill where the burial-ground was located.

In 1824 Mr. Whitman completed the building of the Congregational church midway between Canso and The Tittle, and public worship and the Sunday school were transferred to this building. All evangelical clergymen visiting Canso were invited to preach to the people.

Mr. Whitman engaged in trade with the West Indies, Spain and other foreign countries. The first venture was a failure. The "Susan" of Guysborough, a vessel that had been newly topped, was chartered, and loaded with fish and lumber. Not many days after sailing from Canso, the vessel was found to be separating. Mr. Whitman's son, Isaac, was supercargo, and Captain Perry was master. It was winter, but fortunately they reached the Gulf Stream, or they would have perished from cold. A cable was passed around the vessel to hold her together, the fish were thrown overboard and the lumber left to keep her afloat. For eight days they remained in this perilous condition, the deck being completely submerged most of the time. When they were nearly dead from starvation, they were rescued by the crew of a barque and landed in New York penniless and half-clad, as they were unable to enter the cabin after the vessel filled.

The next venture was more successful. The "Alligator" built at Manchester, Guysboro' Co., by Mr. Jairus Hart, was commanded by Isaac Whitman, and in this vessel and others he made many successful voyages to the West Indies, the Azores and other foreign countries. Once on a return trip from Spain, a large black ship ran up near them and ordered Captain Whitman to come on board with his papers. He knew that it was useless to attempt to resist this mandate as the stranger was bristling with guns, and it would only be the work of a few minutes to send them to the bottom. He went alone in a small boat, and the pirate then sent men to search his vessel. They helped themselves to fruit and whatever else they fancied, but could find no money. Then they examined his papers and ascertained that he had sold at ninety days, so they gave up the search. Still they detained him, and for four hours he stood among those savage-looking creatures who said they had not been in any port for two years. He expected every moment to be his last, and his vessel was drifting away all the time. At last they gave him leave to go. He was obliged to take the painter of the boat in his hand, and make a leap from the side of the high ship down to his little boat, a feat that would ordinarily have been impossible, but it was for his life. He regained his vessel and found his men in a state of great trepidation. They had given him up and were consulting how they could bring the vessel home. Captain Whitman was a most persevering, intrepid character, often in gales being lashed to the helm for several days and nights. He left St. John's, Newfoundland, in 1831, and with all his crew, was lost on his way home.

In 1830, the first temperance reform began in this section of Nova Scotia. Its claims were presented to Mr. Whitman, who, like all merchants of that day, was a large importer of liquors. He saw that to join in this movement would seriously affect his business, but upon due consideration decided to take the total abstinence pledge,

and from that day he never imported another gallon of spirits. He died in 1854, in the ninety-fourth year of his age, greatly regretted by all classes, particularly by the young people. His youngest son, Abraham N. Whitman, succeeded him in business.

In 1835 the Canso riots occurred. There had been some ill feeling for a few years between the Irish Roman Catholics and Henry Cowley, an Orangeman resident at Canso. The immediate cause of the outbreak was that at the close of a service held by the Rev. James Grant, Roman Catholic priest of Guysborough, in a house at The Tittle, his horse was found with its mane and tail closely clipped. This had been accomplished by some mischievous boys, but it was immediately concluded that it was done through Cowley's influence, and the tide of indignation ran high. Cowley was assaulted, and those who tried to defend him or prevent further disturbance, were supposed to be his confederates, and the tumult became general. Clubs and missiles were freely used, several persons were seriously injured, and Cowley was left for dead, a woman throwing her apron over his bruised head and saying to the exasperated throng, "Surely you wouldn't beat a dead man!" The fight extended to Fox Island. Intelligence was forwarded to Guysborough and the government was applied to. Judge W. Q. Sawers was sent to Guysborough to hold a special court, eight extra constables were sworn in, and a number sent to Canso to arrest suspected parties. Martin I. Wilkins acted as attorney-general. The court was in session for a month. Every magistrate in Guysborough received threatening letters warning him to have nothing to do with the affair or evil consequences would ensue. But the judge was firm in his determination to have the whole proceedings minutely investigated. Armed constables kept watch over the jail where the prisoners were confined. The result of the strict enquiry was that nine persons were sentenced

to terms of various duration in the workhouse, there being then no provincial penitentiary.

The great source of wealth and trade to Canso—its valuable fisheries—continued to be productive, and several mercantile establishments carried on an extensive traffic. One of these, on a small island opposite Canso, leased by Reuben I. Hart, of Halifax, had for many years a prominent share in the busy scenes connected with the summer's fishing campaign.

A Baptist church was erected in 1841. Rev. J. Stevens was the first pastor. The Roman Catholics also built a church on the high hill near the public burial-ground. The building, from its elevation, was a conspicuous landmark, and is so given in directions to mariners on this coast. In 1847, the first public schoolhouse was erected. Mr. A. N. Whitman gave the land for the purpose. Mr. Whitman was also the donor of a site for the Methodist church which was built in 1851. The Baptists added a parsonage to their church property in 1856.

Francis Cook, Esq., died at Canso, April 6, 1862. Any mention of his life properly belongs to Guysborough, where he lived until towards his declining years. There he was strictly engaged in business, employing many men in ship-building, and in home and foreign trade. From his shipyard between 1836 and 1849 were launched the brigs "Manchester," "Guysborough," "Eliza," "Francis," and "Active;" the schooners "Speculator," "Harriet," and "G. O. Bigelow;" and the barque "Atlantic" of five hundred and twenty tons. He was a magistrate for many years, took a deep interest in the temperance cause and the Sunday school, indeed in all religious and public affairs. His removal from Guysborough was universally regretted. He married Eliza, daughter of John Cunningham of Antigonish, who was member for the county of Sydney in 1808 and 1815. Mr. and Mrs. Cook's names were enrolled among the seven members who comprised the Methodist Church at its organization in Guysborough.

The first temperance society was a Band of Hope under the charge of the Excelsior Club. This club, formed by the young people for their improvement in literature, purchased the old Congregationalist church, which had been enlarged and repaired many years previously. Now it was removed to the town, where it was fitted up for lectures and public meetings, and named Wilmot Hall. The "Day Star" Lodge of Good Templars was shortly afterwards organized, and the Band of Hope became a Juvenile Lodge.

The schooner "Ocean Belle," owned by J. E. and A. W. Hart, left Canso in December, 1864, for Halifax and was lost on the voyage with all on board. Captain Matthew O'Donnell, his brother Patrick, Harvey Toby, and a colored man named Reid, all belonged to Guysborough.

In 1866, when Naval Brigades were formed in different parts of the province, Canso was considered a suitable place for a company, and it was organized with James E. Hart, captain, and Alfred W. Hart first lieutenant. The non-commissioned officers were chosen and the men enrolled. Notice was received from the authorities that boats would be sent and the men drilled in their use; but these Brigades had a brief existence, and the design of their institution was never realized.

In 1867, George Norris, Esq., was removed by death. He came to Canso as one of the firm of Lannigan and Norris. This Mr. Lannigan was a son of Patrick Lannigan previously referred to. After Mr. Lannigan's departure for Halifax, Mr. Norris conducted the business alone. In 1842 he married Hannah, daughter of Abraham Whitman. He was postmaster and custom-house officer for a number of years, and one of the principal magistrates in this vicinity. His eldest daughter, Maria, now Mrs. Armstrong, has been a missionary for many years in connection with the Baptist Church in Burmah and India.

Two new branches of industry now claimed attention. The ice business, first planned by James E. Hart of the

firm of J. E. and E. W. Hart, soon proved to be such a benefit to trade that it was adopted by other business houses. The ice was cut from lakes a mile distant, and the large cakes were run in on a sort of wooden railway from the lakes to the ice-houses by the harbor shore,. After a fair trial this was discarded, conveyance by teams being found to be more advantageous. The other new business was lobster canning. Mr. Ogden opened the first establishment, and the work has been taken up by others and is still prosecuted, furnishing employment to those whose specialty is catching the lobsters, and to many persons in the packing department.

Increased accommodation was found necessary for schools, and the new building opened for that purpose in 1870 was named by Mrs. A. N. Whitman the Forrester Schoolhouse, in honor of Dr. Forrester, the late superintendent of education.

A small lighthouse was built on Hart's Island in 1872.

The great gale of 1873 in its northeasterly course attacked Canso with great severity. Many stores and wharves were demolished. Wilmot Hall was laid in ruins; the Roman Catholic church was lifted from its foundation and moved about ten feet. A Baptist church near Crow Harbor was blown down; and intense grief caused to many hearts by the loss of two Canso schooners with all on board: the "Ada," Captain David Whitman, then on the passage to Halifax, was never heard from, and the "Ocean Wave," a trader employed by Alfred W. Hart, went down off Petit de Grat. Captain Cole, his son, and William Hadley comprised the crew; the supercargo was Harold Narraway, son of H. R. Narraway of Pictou. The total damage to property in Canso and its vicinity was estimated at \$110,000.

William Bigelow died in 1875. When quite young he evinced such care in home duties during the absence of his father that the latter was wont to say, "William

never was a boy." He removed to this county from Wolfville at the age of sixteen, and at eighteen was master of a vessel in the West India trade. Upon leaving the sea he resided in Canso where he was collector of light dues for twenty-seven years, and afterwards collector of customs for eight years. He lived to be seventy-four years old. His wife was Sarah, daughter of Abraham Whitman.

In 1881, Canso received a new impulse through the landing of the ocean cable by the Western Union Company. They have now two cables from Land's End, Cornwall, England, and two from Coney Island, New York. Their staff numbers about forty operators, and the new dwelling-houses and other requisite buildings add materially to the appearance of the town, besides furnishing custom to all branches of trade.

This company had opened the first telegraph office in Canso, during 1855, in the old Bigelow House. Miss Esther Taylor was the first operator.

The Commercial Cable Company also selected Canso as the landing place for their cables, but decided upon Hazel Hill, about two miles back of Canso, as the location for their buildings. The cables were landed in Dover Bay, about five miles distant, in 1884, and were brought through lakes and trenches underground to the company's station at Hazel Hill.

There are three cables from Waterville—County Kerry, Ireland; one to Coney Island, New York; and one to Rockport, Massachusetts. The last cable from Ireland was laid in 1894 and lands near Fox Island in Chedabucto Bay. In addition to these cables, the French Atlantic Cable Company has a cable from St. Pierre, Miquelon, landed at Fox Island, and connected by underground cable to the station at Hazel Hill. The cables are all duplexed, so that each cable has the carrying capacity of two.

This is one of the two largest cable stations in the world, operating about nine thousand miles of cable, and

being in communication with all important points in and by quadruplexed land lines. The office is kept open day and night; in fact it has never been closed for an hour since first opened for business in 1884.

The buildings are arranged on two parallel streets, upon a sloping hill and overlooking a picturesque islet-dotted lake, with wooded hills and glimpses of the broad Atlantic in the distance. Each of the married men is provided with a cottage and ground for a garden; the unmarried members of the staff having accommodation in a large building known as the bachelors' quarters, located near the eastern entrance of the station grounds, and in the club-house near by, which contains dining-room, ball-room, library, billiard-room and kitchen. All are heated by hot water, lighted by electricity, and furnished in a comfortable and substantial manner. At the back of the station, on another large lake, is situated the power-house, containing the electric-lighting plant and a powerful steam pump connected with a complete system of water mains running through the grounds and tapped at suitable points by hydrants for use in case of fire; while the lakes close to the power-house, and from which the pump is supplied, furnishes an unlimited amount of water.

The office is a solidly constructed fire-proof building of brick, granite and iron, and is not accessible to the general public. It is divided into a number of apartments, the chief of which are the operating room, containing the apparatus employed in working the six cables, and the land lines through which a host of cablegrams is constantly coming and going; the mechanics' room where much of the delicate and beautiful machinery used in cable-working is made or repaired; the testing-room, fitted up with the most accurate electrical measuring instruments, with which are made the various electrical tests requisite to the maintenance and operation of the cables, and the location of breaks or faults; the battery-room, with its rows of insulated shelves, containing the seven or eight hundred cells

used in working the cables and land lines, and the dark and gruesome artificial line-room, containing and specially designed and constructed to keep the artificial cables used in duplex working at a constant temperature. Here is also to be found a little post-office, exclusively for the use of the stationites and the superintendent's office.

The permanent staff at Hazel Hill numbers about sixty, and these with their wives and families form a very pleasant little community. They are in close touch with both the old and new worlds, for almost every important item of news is conveyed to the operators before it reaches the newspaper editors. Each operator performs eight hours' duty a day, which leaves him the ideal time for recreation and sleep. In addition to several tennis courts, there is an athletic and boating club-house on the shore of the front lake and there is every facility for boating in summer and skating in winter. A telephone connects with all required points in Canso.

With the increased population, enlarged church accommodation was required. In 1884-85 the Anglicans built their first church between Canso and Hazel Hill. The first service was held on Christmas day, 1885. It was then a mission in connection with the parish of Guysborough. In 1895, the vestry requested the Bishop to allow them to become a separate parish, and this was granted. Rev. R. M. Leigh was the first rector. The parish is self-supporting.

The corner-stone of the new Roman Catholic church, popularly known as "Star of the Sea," was laid December 8, 1885. It is a fine building, eighty-four by forty-two feet, with a vestry thirty by twenty-four feet. The interior of the church is handsomely finished, the Gothic style of architecture being chosen. It was built during the pastorate of the Rev. Theophilus Richard, who was the priest of this parish from 1880 till 1892. The formal opening of the church took place on September 6, 1891. The present incumbent is Rev. D. V. Phalen.

In 1890 the old Methodist Church was superseded by the present beautiful and commodious structure, which was built during the incumbency of Rev. William Ryan at a cost of seven thousand dollars, and was dedicated on 12th June, 1890, during a session of the Guysborough and Cape Breton District Meeting held at Canso. Rev. Joseph Coffin preached the dedicatory sermon.

As far back as 1822 occasional visits were made to Canso by Arthur McNutt, a probationer for the Methodist ministry, who was stationed at Guysborough. Services were held in dwelling-houses, very frequently in that of Benjamin Kirby at The Tittle. Even after the first church was built in 1851-52, a service on Sunday at Mr. Kirby's was continued.

Canso was a part of the Guysborough circuit till 1874, though for some years previously a young man had resided at Canso under the charge of the Guysborough minister. In 1874, Canso, Crow Harbor and Whitehead were formed into a separate mission, with Rev. J. B. Giles as the first resident superintendent minister. A parsonage was then built. The ministers stationed at Canso since have been Rev. J. G. Bigney, Rev. J. W. Howie, Rev. J. Astbury, Rev. G. J. Bond, B. A., and Rev. D. W. Johnson, M. A.

In 1887, Canso became an independent circuit financially, and in 1889, Whitehead, Crow Harbor and New Harbor were formed into a separate mission. Canso has been a self-sustaining station having no outside appointments.

In 1893 occurred the death of Abraham N. Whitman. The burden of his father's business fell upon his shoulders, but he bravely accepted the trust, and prepared also to fill the place his father had occupied as head of the community. A good constitution warded off the effects of severe illness in childhood, and his intense activity and an energy that knew no bounds were manifest throughout his long life. His kindness of heart was proverbial, and none returned home during the long winter without the much

needed supplies which a due regard to good credit business would have withheld. He conducted for many years the most extensive trade of the port, and from early morn till nightfall, he would be seen moving swiftly through the stores and among the fish-flakes, personally inspecting the curing of the codfish which formed so large a part of his business. The eye of the master was ever open to the most minute details of his establishment.

A marked feature of his character was his unfailing interest in all that was for the good of the community in which he lived. He was ready to help every good cause, and any signs of material, moral or social progress were hailed by him with keen pleasure.

He spent his declining years in the peaceful enjoyment of a well-earned rest. He retained until the last, health and vigor to a more than ordinary degree, and when he was called home, in the eightieth year of his age, it was after a brief illness. His death was not anticipated and the messenger came to him when he was left alone for a few moments in his room. Mrs. Whitman, who was Miss Lavinia Hart, of Guysborough, survived him, and two sons, Clement and Edward, succeeded their father in business.

On August 16, 1896, the Baptists of Canso celebrated the jubilee of their organization. At that date in 1846, Rev. James Stevens had formed a church of eight members. These were Reuben Cohoon, Henry Gruber, Mrs. Henry Gruber, Sarah Bigelow, Matilda Publicover, Jeremiah O'Hara, and Lucy Freeman who was the only survivor at the end of fifty years. Rev. Anthony Martell became pastor in 1850, and about one hundred and fifty members were added to the church while he was in charge. Mr. Martell, still in vigorous health, came to Canso for this commemoration and took part in the services.

The Baptist Church at Crow Harbor is an offshoot of the Canso Church. The total combined membership is about two hundred and fifty.

## THE AKINS HISTORICAL PRIZE ESSAYS, KING'S COLLEGE

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By the VEN. ARCHDEACON F. W. VROOM, D.D.,  
King's College, Halifax

(Read 13th January, 1922)

Before undertaking to deal particularly with the Akins Historical Essays, it is fitting that I should say something about the founder of the Prize. We cannot afford to let such men pass out of mind. It is now nearly thirty-one years since Dr. Akins died, and the number of those who knew him personally is all too rapidly diminishing; but it was well said of him at the time of his death that "he did for Nova Scotia a work that well entitles him to rank with her most illustrious sons." This I venture to supplement by saying, without fear of contradiction, that he did more than any other man to preserve and make accessible the scattered materials of the history of this province.

First a few bare facts concerning his history. Thomas Beamish Akins was a descendant of Thomas Akin, one of the New England settlers of Falmouth, Nova Scotia, and was the son of Thomas Akins, a merchant of Liverpool, N. S., and his wife, Margaret, daughter of Thomas Beamish, port-warden of Halifax. [The final letter was added to the name by the father of T. B. Akins on his removal to Liverpool.] He was born on 1st February, 1809, and died in Halifax, 6th June, 1891. Owing to the death of his mother when he was only ten days old, he was brought to Halifax to the house of his grandfather, after whom he was named, and there he grew up. Beamish Murdoch, his first cousin, who was his senior by nine years, was admitted to the bar in 1821; and Akins, when he was old enough,

entered Murdoch's office and was himself called to the bar in 1831.

His interest in the history of the province began in his early youth. It was in 1829 that Haliburton published his "Historical and Statistical Account of Nova Scotia," and Akins assisted him materially in gathering the facts upon which that history is based. In 1839 he wrote a prize essay for the Mechanics' Institute, on the "History of the Settlement of Halifax," which was published the same year and republished in 1847; and in 1849 he published in pamphlet form "A Sketch of the Rise and Progress of the Church of England in the British North American Provinces." Then in 1865 he wrote "A Brief Account of the Origin, Endowment and Progress of the University of King's College, Windsor, N. S." In the same year Beamish Murdoch brought out the first volume of his "History of Nova Scotia," the second and third volumes following in the next two years, and for this he relied very largely on Akins to furnish him with the materials. These, except such as were the property of the province, Akins recovered after the history was published and they are presumably in the possession of the Historical Society now.

He had come across rich stores of historical matter a few years earlier among the provincial documents. It was in 1857 that he was appointed Commissioner of Public Records, an office for which he was eminently fitted, and the systematic and painstaking work which he did in this connection is beyond praise. Some idea of the magnitude of his task may be gathered from the excellent report which he presented to the House of Assembly in 1858. He describes here the accumulation of papers which he found deposited in the attics of the province building and elsewhere, tied in bundles, with little arrangement either as to date or contents. Some were in a very dirty and torn condition, but they were cleaned, pressed out and mended, and all were classified, arranged and indexed, and the most

important neatly bound. The committee of the House whose duty it was to inspect the work commended it in the highest terms, and for his months of strenuous labor he was paid the sum of £160.

An evidence of the esteem in which he was held as an historian is afforded by the number of historical societies with which he was connected either as an honorary or a corresponding member. These include the Historical Societies of Quebec, Maryland, Massachusetts, New Brunswick, Texas, and the Historical Association of America.

It was in acknowledgement of the service he had done the University in preparing his historical sketch that the degree of D.C.L. *honoris causa* was given him by King's College in 1865.

It should not be forgotten that Dr. Akins was not only a student of history. He was an artist of no mean merit, wielding the painter's brush with a skill attained by few, chiefly in making copies of historic portraits. As a book-lover he gathered together a notable library of rare volumes including numerous specimens from the famous Aldine, Elzevir, and Stevens presses, several beautiful Latin Bibles of the fifteenth century and more *incunabula* than were, or are now, included in any other collection in Canada; all of which he handed over to the library of King's College in 1871. But besides this collection of rare books, which reveal the instincts of the bibliophile, and the library of printed books relating to the history of British North America, which was bequeathed by him to the Nova Scotia Historical Society and is now in a room by itself in the province building, he had an excellent and well-selected general library in his summer home, "The Oaks," at Falmouth, where the house, its pictures, its furniture, its shrubberies, its trees and gardens all betokened a man of culture and refinement.

It might well be asked, where did he acquire this culture? and it is not easy to give a satisfactory answer

to the question. It was certainly not from foreign travel. He never crossed the Atlantic and I cannot learn that he was ever seen outside the province, or ever made a railway journey farther than from Halifax to Falmouth. He lived and worked most of the year in Halifax, and he spent his summers at his country home and was almost always present at King's College for the Encænia and for the Alumni meetings. I remember him as I first saw him in June, 1876, a frail, shy, rather wizened-looking little man, in his scarlet gown and his black velvet doctor's cap; and among his companions were Bishop Binney, President Dart (doing the honors at his first Encænia) the Rev. George W. Hill, Rector of St. Paul's, Halifax, who was the preacher for the occasion, Judge Lewis Morris Wilkins, Dr. Henry Pryor, the Hon. Philip Carteret Hill, Dr. (afterwards Senator) William J. Almon, Dr. E. E. B. Nichols, Rector of Liverpool, Frederick Allison, Dr. Benjamin D. Fraser of Gerrish Hall, Windsor, and others whose names and faces were familiar fifty years ago.

It was in 1864 that he established the Historical Prize at King's College, placing in the hands of the Governors as trustees a sum of money which yielded \$30 per annum, "to be devoted annually to the best history of some one or more counties of this province." In his letter to the Governors Mr. Akins said: "My attention has been frequently turned to the necessity of collecting and preserving the local records of the various counties in the province, as also the local traditions among the people relating to the commencement and progress of the settlements which, as time rolls on, are becoming lost in posterity. I believe there are many young men in Nova Scotia whose taste would lead them to enter on such a subject, and if stimulated by the offer of a small prize for their labor to devote some leisure to collecting material for local history and biography, thus forming valuable groundwork for the more general historian of a future day."

The subjects for the essays were announced in the College Calendar each year, and the conditions were laid down (1) That each essay was to be distinguished by a motto and to be accompanied by a sealed paper bearing the motto on the outside and containing the name of the writer; and (2) That the essays when given in were to be the property of the College. The judges of the essays were named by the Governors of the College. The names of successful candidates are always announced at the Encænia and published in the next Calendar.

The subject of the first essay was the County of Hants, and for this three essays were given in. One of these was apparently of little value and has disappeared. The other two, in the opinion of the examiners, Rev. Geo. W. Hill and Dr. W. J. Almon, were so nearly equal in merit that it was thought best to divide the sum between the two writers, Benjamin Smith, M. P. P., of Douglas, Hants Co., and Joseph Churchill Cox, of Falmouth, who was then an undergraduate attending lectures at the College.

Both of these essays may be characterized as rather amateurish, though both contain matter that is valuable and interesting. Mr. Cox's essay seems to me the better of the two, but he is inaccurate in some of his statements.

Of quite a different character is the essay on Colchester County, by Israel Longworth, barrister-at-law, of Truro, which was adjudged worthy of the Prize in 1866. In his preface he tells whence he has obtained his information and that there is much that he is unable to include in the essay and must leave till a future time. The table of contents shows 11 chapters: (1) Introductory; (2) Indian and French Occupation of Cobequid; (3) Formation of Nova Scotia into Counties and Erection of Colchester; (4) Truro; (5) Brookfield; (6) Savage's Island, Lower Village of Truro; (7) Upper Stewiacke; (8) River John; (9) Earl Town; (10) Tatamagouche; (11) Five Islands.

In 1878 Mr. Longworth submitted a second essay, which has chapters on New Annan, Truro Cemetery, the Oak Island Enterprise, Judge Robie, Mr. Justice Archibald, Col. Archibald, the Township of Onslow; and it would appear that subsequently he handed in several other sketches which were appended to his essay in the bound volume. There is a large amount of valuable matter in these two essays, which would be of great interest if it could be placed in the hands of a competent editor and published.

In 1868 three essays were submitted on the County of Lunenburg: one by Mather Byles Desbrisay, M. P. P., afterwards judge for the Lunenburg district; another by Edward Hopkins Owen, then a student at King's College; and the third by the Rev. James Cuppaidge Cochran, D. D., formerly rector of Lunenburg. Dr. Almon and Mr. Hill were still the examiners, and they awarded the prize to Mr. Owen, who certainly had taken considerable pains in the preparation of his essay. Mr. Desbrisay's essay, with some alterations and additions, was published in Halifax in 1870. Dr. Cochran's essay has an old man's memories, but he had not been able to search for material as the others had done, and his sketch is rather meagre in comparison with theirs.

In 1869, the prize was given to Charles Stotts Hamilton for an essay on the County of King's, and another essay was submitted by M. E. Roscoe of Centreville. Neither of these can be said to be quite adequate to the subject in hand. Each writer takes up about half of his essay with the Acadian period and leaves only the other half to the English settlement and development of the county.

Two essays on the County of Shelburne were given in 1871 by Thomas Robertson and the Rev. T. Watson Smith, respectively, and the judges awarded the prize to the latter. I must confess that on a cursory glance it was not clear to me why they came to their decision. Shelburne is a

county rich in historic interest and these are both interesting essays, Mr. Robertson's certainly excelling in its information concerning original settlers and allotments.

The subject for 1872 was the County of Yarmouth, and the only essay submitted was that of the Rev. John Roy Campbell, at that time curate of Yarmouth, and afterwards a well-known clergyman in the diocese of Fredericton. This essay was afterwards published, but there is no copy of the publication in the library.

In 1873, Mr. Thomas Robertson, who had before written on Shelburne, obtained the Prize for an essay on the County of Digby, a second essay being submitted by Isaiah Wilson. These are both interesting. What Mr. Robertson has done is, generally speaking, well done; but anyone familiar with the county must be disappointed at the things he has left undone. Some of his biographical sketches are very good—particularly that of Abbe Sigogne; but a number of men prominent in the early history of the county are altogether passed over.

The essay on Pictou County in 1874 by the Rev. George Patterson is particularly good, but I need not say anything more about it, as it has been published and everyone can read it.

The same may be said of W. A. Calneck's History of the County of Annapolis, which was published a few years ago under the able and careful editorship of the late Judge Savary. One excellence Mr. Calneck's manuscript essay has, which is rare in these days—it is written in such a beautiful, neat and legible hand that it is a pleasure to read it.

The history of the County of Antigonish was the essay for 1876, and was written by Dr. J. W. Macdonald. It is an admirable essay, but it suggests points which need to be further developed.

Next we come to the essay on the County of Guysborough, which was written in 1877 by Mrs. James E. Hart.

This is an excellent and carefully compiled history, and the chapter on Canso is particularly good.\*

The prize essay for 1880 was on the County of Cumberland, by Pierce S. Hamilton, barrister-at-law. This is an essay of 52 closely written pages, 44 of which are devoted to the period before the close of the eighteenth century, and the remaining eight pages only bring us to 1830. A supplement, however, of 13 pages continues the history down to 1867.

In 1881 the County of Hants was again the subject of the essay, which was written by Thomas Fraser Draper, then a student at the College, and now archdeacon of Cape Breton and rector of Louisburg, who succeeded in obtaining a number of interesting facts which were not recorded in the preceding essays.

An excellent essay by Mr. George G. Patterson, then of Baddeck, was contributed in 1885, on Victoria County; and in 1887 an essay on that part of the County of Halifax comprising Dartmouth, Preston and Lawrencetown was written by Mrs. M. J. K. Lawson. This essay, edited by Mr. Harry Piers, was printed in 1893.

For several years there were no competitors for the Prize, but in 1893 and the following year we have two more essays by Dr. George Patterson, the first A Sketch of the French Protestant Emigration to Nova Scotia, and the second, An Historical Account of Sable Island. The latter of these was subsequently published in the Transactions of the Royal Society of Canada.

In 1898 the Rev. Charles W. Vernon (now Canon Vernon of Toronto) contributed a History of the Church of England in the Various Counties of Nova Scotia in the Eighteenth Century. The materials of this essays were incorporated in the volume of "Bicentenary Sketche and Early Days of the Church in Nova Scotia" published by Mr. Vernon in 1910.

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\*Mrs. Hart's chapter on the History of Guysborough is printed in this volume.

The Rev. T. F. Draper obtained the Prize for two consecutive years, 1901 and 1902, for essays respectively on the History of the Church of England in the various Counties of Cape Breton in the Nineteenth Century, and the History of the Church of England in the County of Annapolis in the Nineteenth Century.

In 1903 we have another essay from Mr. Vernon on the History of Cape Breton County, with special reference to the Industrial Resources and Growth of Population and the Work of the Church. All the material in this essay was published in Mr. Vernon's volume on Cape Breton.

Two more essays by the Rev. T. F. Draper, who has taken a deep interest in the study of the history of the province, were submitted in the years 1904 and 1906, on the History of the Church of England in the Counties of Lunenburg and Cumberland respectively.

In 1908 the Rev. Ernest Bishop Spurr obtained the Prize for an essay on the History of the Educational Development of Pictou County; and the last one awarded was to Miss M. Creighton on Church Life and Education in the County of Lunenburg.

This brief sketch will serve to show how far the hopes of Dr. Akins, when he founded the prize, have been fulfilled, that it should be a stimulus to men to collect while available the historical material of the province. And although the histories of all the counties have been written, there is still scope for further research. Few of the counties have been adequately dealt with. Savary's Calneck has given us nearly everything that can be said about Annapolis; Dr. A. W. H. Eaton has published a full history of King's; Dr. Patterson's Pictou probably leaves little more to be done there, and Canon E. A. Harris, rector of Mahone, has been working for more than twenty-five years on the history of Lunenburg, and his history, if he can be induced to publish it, will probably be fairly exhaustive. But of most of the counties there is still much more to be

said, and it is to be remembered that some of these essays are now more than fifty years old, and much which future generations will consider of great importance has happened since they were written.

44



SIR THOMAS DICKSON ARCHIBALD, Kt.,  
Judge of the Court of Queen's Bench, England  
1817-1876

*(From a photograph)*

THE HON. THOMAS DICKSON ARCHIBALD  
OF THE COURT OF QUEEN'S BENCH, ENGLAND

1817 - 1875

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By MRS, CHARLES (EDITH J.) ARCHIBALD,  
Halifax

(Read 3rd February, 1922)

The life-story of Thomas Dickson Archibald opened at Truro, Nova Scotia, on the twenty-third of August, 1817.

He was the sixth son of Hon. Samuel George William Archibald (then lately appointed king's counsel and representing Halifax county in the Assembly of that period) and of Elizabeth Dickson, his first wife. He belongs to a family whose forbears in 1761 had helped to settle the place of his birth. He was a great-grandson of David (commonly called "Major" David) Archibald, the youngest of four brothers of that name, who, having in the early part of the eighteenth century emigrated to Londonderry, New Hampshire, England, from the parish of Maghra, county Londonderry, Ireland, were among the sixty or more original grantees of the townships of Truro, Onslow and Londonderry in Nova Scotia, about the year 1761 or '62. Immediately upon his arrival David Archibald was appointed a Justice of the Peace and afterwards Major of Militia. He was the first representative of Truro in the Assembly, in which he was succeeded by his son, Samuel Archibald, who was twice returned to parliament in 1775 and again in 1777.

These energetic and enterprising people met with many difficulties at the outset, but at the time when this sketch opens, fifty-five years later, much had been done to establish some degree of comfort and even culture in Truro and the surrounding districts. The dykes and marshes, which, after the expulsion of the Acadians, had

been allowed to overflow until they were simply miles of useless bogs covered with water, had been reclaimed and rebuilt and now bore harvests of rich meadow grass and grain. The forests, extending on all sides, had been partially cleared, houses built and farms cultivated. Fields of flax were much in evidence, for these Scotch-Irish people were experts in the raising of flax and in the mysteries of linen-weaving. Indeed, in 1766, five years after the founding of the town of Truro, we find Lt.-Gov. Francklyn in a despatch to the Secretary of State in London writing thus: "The townships of Truro, Onslow and Londonderry, consisting in the whole of 664 men, women and children, composed of people chiefly from the north of Ireland, make all their own linen and even some little to spare to the neighboring towns. This year they raised 7,534 lbs. flax which will probably be worked up in the several families during the winter."

It is worth while quoting an additional passage from this despatch to shew how the government of that day regarded the policy of promoting domestic manufacture among our people. Francklyn, after saying how busily the people were employed in the art which they had probably brought with them from the great seat of the flax industry in the north of Ireland, and apparently fearful that the jealousy of the British manufacturers might be aroused, goes on apologetically to say: "This government has at no time given encouragement to manufacturers which could interfere with those of Great Britain, nor has there been the least appearance of any association of private persons for that purpose; nor are there any persons who profess themselves weavers, so as to make it their employment or business, but only work at it in their own families during the winter and other leisure hours."\*

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\*I possess a garment made of this native linen which still after a period of over one hundred years, is apparently strong and serviceable.

That the Truro of that period was not the town of Truro of today is a fact that must be kept in mind; practically all the residences, public buildings, etc., being situated on Bible Hill of which the Archibalds owned the major part under their original grants. There were the post office, the custom house and the offices of judge and registrar of probate. There was also a hotel from which ran the stage coaches which connected the town with Halifax and with Pictou.

Sir Adams Archibald, in his fine oration at Truro, on the occasion of the celebration of the 122nd anniversary of Truro, September 13th, 1883, describes the place (Bible Hill) as follows: "There were the offices of the lawyers practising in the county. There too was the Holy Well, consecrated in French Acadian times. After the English came it was at this fount that generations of lawyers, while attending the court, which generally lasted a week each sitting, slaked every morning the thirst born of the exhaustive festivities of the previous evening which distinguished those days. There too was the Free 'Masons' Hall, which preceded temperance organizations, and had perhaps something to do with creating the necessity for such societies. Then there was the Bachelors' Hall, where some eight or ten young men lived together—lawyers, doctors and merchants—many of whom afterwards achieved distinction, though at the time they were noted more for the pranks and diversions and frolics which belong to youth than for the more solid qualities of men of business. Thus the society of Truro was all on Bible Hill. There was one thing to add to its lustre. At that part of the town was the residence of the great man, not of Truro only, nor of Colchester, but of the whole province. He was our representative in the Assembly from 1806 to 1842, and during that period wielded a power in the legislature that has never been attained by any other man, before or since. His house stood on the east side of the road.

The view from the front door, looking to the west, across a rich meadow, studded with lovely elms, was one of the finest in the province, and many a gay company has stood on the platform of the old portico of that house gazing on this beautiful scene, now in raptures with the lovely picture spread out before them, now moved to laughter by the sallies of wit and humor which issued from the lips of the brilliant host. Is it any wonder, then, that with all these advantages and attractions Bible Hill was Truro - *par excellence*? It was fashionable Truro, it was official Truro, it was business Truro, it was sportive Truro. The part of the town which lay to the south of the river, the part where we are now assembled, was a mere suburb of Truro. The Hill, on the first settlement of the town, fell to the lot of a family of Archibalds, who were Presbyterians of the strictest sort, and it was probably the sneer of the less orthodox and devout, who were inhabitants of this side of the river, that gave birth to the name of Bible Hill, which has stuck to it to this day. But it is almost the only thing that has stuck to it. The whirligig of time has brought about strange reverses. Go there now and you will look in vain for court house, or registry of deeds or of probate, for post office or mail coaches, for masons' or bachelors' halls, for judges, or lawyers, or prothonotaries. No great statesman resides there, the cynosure of all eyes. All have disappeared. Lastly—and this is the strangest thing of all—when Truro came to receive a mayor and corporation, Bible Hill, so long the only Truro known to the world, was actually left out of the municipality—what had been the whole of Truro was no longer even part of it. 'Ichabod' was written over its door-posts. The glory had departed from it."

The Archibald homestead itself commanded a magnificent view from its point of vantage, looking across the fertile intervale towards the marshes and into the blue distance bounded by the Bay of Fundy. Down in the

meadows below the house stately elms reared their plume-like branches, bordering the silver thread of the Salmon River, as, with many a curve, it rippled gently along over its beds of sand and gravel toward the sea. Behind the house, which was large and commodious, lay a well-cultivated garden,\* in which fruits, flowers and vegetables grew in harmonious abundance; whilst on the steep slope of the hill beyond the paddock and pasture, the mountain trees still marshalled their serried ranks, growing out to the edge of the bluff which overhung the murmuring stream below. So beautiful was the prospect that it has been fittingly and enthusiastically described by Joseph Howe in one of his racy sketches under the head of "Eastern Rambles" published in the "Novascotian" in 1830. An interesting feature of this locality was the so-called Holy Well consecrated in French Acadian times.

At this time Truro was looked upon by the rest of the province as a stronghold and fortress of Presbyterians. The first church building was erected there in 1767. It stood in what is now the Truro cemetery, Robie street, and was used until 1854. It is said that in raising the frame of it the united strength of every man and woman in the settlement had to be called into requisition. Rev. Samuel Kinloch was its first settled pastor. He was sent out from Glasgow, Scotland, at the request of the Truro settlers, and was the second Presbyterian minister to visit Nova Scotia. Mr. Daniel Cock was its second pastor, and labored among Truro people from 1759 until his death in 1805 at the age of eighty-eight. For some years before this he had obtained as a colleague to aid his declining powers, the Rev. John Waddell, who proved most acceptable to the people of Truro. This good man served most faithfully and well during a period of nearly half a century. His death took place in 1843—universally mourned by a congregation

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\*Even when in 1865 I visited the old house as a child of ten years, I can distinctly remember my delight in this old overgrown and neglected garden. The cherries and gooseberries from the old trees and bushes had lost none of their pristine flavor.

devoted to him, as he to them. He had baptized them, he had united them in wedlock, he had blessed them, and the tie between them was very strong. His successor was the Rev. William McCulloch, son of Rev. Thomas McCulloch of Pictou Academy fame.

Mr. Waddell was a well-educated man, being a master of arts with honors of Glasgow University and well versed both in divinity and in the humanities, as the classics were then styled. His influence on the youth of the neighborhood in the matter of their education was very great, and there is little doubt that the children of the Archibald home on Bible Hill were early brought under the direction and discipline of his teaching. The schools at that time were very primitive and elementary, but we know that Mr. Waddell taught for a time at least in a little school-house which stood in a grove near the Henderson house on Bible Hill.

There was also on Bible Hill, a small elementary school taught by Mrs. Upham, a widow, a connection of the Archibald family. The books used were Dillworth's Spelling Book and the New England Primer. This latter, a gem in its way, was illustrated by coarse black woodcuts. Very few copies of it are now extant, although the writer was shewn one of them, the property of a friend, not many years ago. The old horn-book, as it was called, had not at that period (about 1810) become completely obsolete; for I remember distinctly my father (an elder brother of the subject of this paper) telling me about one of those curiosities which was in use in his family when he was a small boy. It consisted of two thin sheets of horn, semi-transparent, between which was clamped a page of reading or spelling, or possibly only an alphabet and a few figures. In view of the tremendous number of Archibald children in my grandfather's family (there were in all fifteen by his first wife and three by his second) one is led to infer

that an indestructible primer must have been a valuable educational asset!

There would not seem to have been much inducement to persons to offer themselves as instructors of youth in those early days. Teachers were generally employed for three months, and an agreement was written and signed in the following form:\*

“We whose names are annexed to this paper agree to engage Thomas Jones to teach school for us, for the term of three months, and we agree to pay him eight shillings for each scholar sent to him by us, and we also agree to board him each one in proportion to the scholars sent.

“John Brown, 1 scholar; Wm. Smith,  $1\frac{1}{2}$  scholars; John Archibald,  $2\frac{1}{4}$  scholars; David Crowe,  $\frac{3}{4}$  scholar; Jas. Walsh,  $1\frac{3}{4}$  scholars; Henry Walsh, 2 scholars.”

To add insult to injury, teachers were supposed to take what is called a “poor scholar” (a whole one, not a fraction) to every eight or ten paying scholars! The term “paying” was misleading; and not infrequently for coin of the realm there was substituted grain, vegetables, or other garden truck available at the time.

During the winter, these scholars were required to supply the fuel. A number had their portion sent from home; but others, not so fortunate, were compelled to gather wood along the road on their way to school in sufficient quantities to heat the schoolroom for the day.

So one can readily imagine young Thomas Dickson, at the age of six or thereabouts, with “shining morning face” tripping soberly along the road, a shrinking little fraction of a scholar, holding tightly to the hand of his next older brother, towards the dreaded temple of learning, presided over by Aunt Upham. For the lady, we are told, was of somewhat uncertain temper, and a tale is extant in the family that on one occasion, being annoyed by the pranks of young Peter Archibald, she kept him in and gave

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\*Truro's Natal Day Pamphlet, p. 78, published by the Halifax Herald.

him for punishment a whole chapter of the Bible to learn by heart. Peter, who was a remarkably quick and clever child, after twice hurriedly reading it through, repeated it word for word. This so exasperated his teacher that she boxed his ears with the New Testament and drove him out of the school. These were the days before the *gradus ad Parnassum* had been made as smooth and pleasant for little learners as at present, and when the rod and certain other weird punishment awaited the unlucky child who neglected his task or, haply, found it beyond his comprehension. Some of these penalties were closely allied to torture, as for instance, compelling an unlucky urchin to stand barefoot on two small stone ink-bottles—a most excruciating performance. Another favorite aid to learning was to draw a line with chalk on the wall, high above the child's head, and to compel him to stand with uplifted arm touching this line. As a child I always used to think that my dear father must have been a very naughty boy, for he seemed to have been so often punished in both these ways, according to his own story! Indeed he blamed the latter of these cruel punishments for being the cause of one of his shoulders being slightly higher than the other.

Apart from these academical severities, the life of the children in the Archibald home on Bible Hill must have been a very pleasant one. They had the freedom and the delights which only country children can know. Living close to nature, roaming at will over the beautiful countryside, fishing or wading in the river in summer and in the winter coasting and playing as only Nova Scotian boys can coast and play in the snow, all these and many other occupations made up a background to their lives which in after years they never forgot, and which they loved to refer to in their letters to each other when widely separated by land or sea. And in the atmosphere of the home there was the deepest and most touching family affection—an affection which never changed or wavered—between the

many brothers and sisters; whilst in their gentle and loving mother, refined and cultured, always ready to share their fun and frolic, notwithstanding the urgency of her many household and maternal duties, they possessed a wise and loving friend and counsellor. For their father they had an almost adoring respect and admiration which deepened and strengthened as they grew towards maturity, and as they began to understand the leading part which he played, until the day of his death, in all the public affairs of the province.

So large a household very naturally called for a number of domestics, to assist in carrying out the ordinary routine, as well as to perform out-door, farm and garden duties. In relating incidents of his home life at Truro to his own family, Mr. Justice Archibald many times referred to the negro servants who were employed by his father, the Hon. S. G. W., both at the Truro homestead and in residence at Halifax.

These no doubt were among the many domestic and other slaves from the plantations along the Potomac and Chesapeake rivers, who, when the British forces captured Washington in 1814, deserted their masters and took refuge on board the British man-of-war as she lay in Chesapeake Bay. They were sent on to Halifax by Sir George Cochran, the naval commander, in a transport ship and the brig "Jasper," and were afterwards located at Preston and Hammond's Plains. Dr. Akins in his admirable History of Halifax, tells us that many of these people attached themselves to Halifax citizens as domestic servants, no doubt receiving only a very small wage.

They proved however, both loyal and faithful to their new masters, and Mr. Justice Archibald's son, now Sir William F. Archibald,\* tells how his father used to relate the pranks which as a boy he and his brothers played upon these simple and credulous people, and also how, at the

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\*Sir William died on March 31, 1922.

opening of the Assembly in Halifax, the black coachmen and footmen belonging to prominent members of the House, would vie with each other in regard to the splendor of their respective turnouts, and always addressed each other by the titles of their masters, such as "Chief Justice," "Attorney-General," etc.

As the years passed and the constantly increasing duties of Mr. Archibald called him to take up his permanent residence at Halifax, he removed his family there to a residence opposite the old Masonic Hall, now used by the Sisters of Charity of the Halifax Infirmary. These journeys were accomplished in the old family coach, a roomy vehicle, accommodating twelve inside, packed as tightly as sardines in a box; whilst the luggage and paraphernalia occupied the top.

With so many attractive young people in the family, the home could not fail to become a centre for cheerful and harmless gaieties, into all of which both parents entered most heartily. Mrs. Archibald, who is described as amiable, handsome and distinguished, was a great favorite in the society of that day, and loved to have young people about her and to see them enjoying themselves. They were a cheerful and happy family, and all possessed musical talent to an unusual degree. Their social gatherings were very popular among the young people of Halifax, and but a few years ago, the late Miss Cassie Fairbanks, daughter of the Hon. Charles R. Fairbanks, used to relate glowing tales of happy evenings spent in brilliant company at the Attorney-General's hospitable home.

Four of the sons, Charles Dickson, Edward Mortimer, Thomas Dickson and Peter Suther, all studied law in their father's office, as did also the late Sir Adams G. Archibald.

During the brief vacations, which were all the busy attorney-general could manage in the summer months, he loved to transfer his household to his Truro home, and there he cultivated the kindly affections of his neighbors and

acquired, by his genial and hearty intercourse with the country people, that popularity and affection which he ever retained to the end of his days. To his hospitable house on Bible Hill there came as guests, not only the Dalhousies, the Kempts and Sir Charles Fox with his wife, Lady Mary, a natural daughter of William IV, but, quite as warmly welcomed, the simpler inhabitants of the county who also shared his unfailing hospitality. And it was to this delightful spot that he retired soon after his appointment as Master of the Rolls.

Having thus given a glimpse of the setting and surroundings of the home on Bible Hill, we may return to the subject of our sketch, Sir Thomas Dickson Archibald, or rather, as he preferred to be called, Mr. Justice Archibald of the Court of Queen's Bench. Following upon the elementary schooling he received in Truro, he studied for some years at Pictou under Rev. T. McCulloch, receiving from him an admirable grounding in classics. Indeed, no less than three of the Archibald sons were sent to Pictou to school. While there they received much kindness from Mr. Edward Mortimer, a staunch friend of their father, and a patron and founder of the Pictou Academy. Being somewhat inclined for the medical profession, young Thomas studied for some time with this in view. The knowledge he thus received proved in after years of great value to him, when questions of medical jurisprudence came before him as a judge on the bench. He soon found, however, that he was not strong enough for the fatigues which a general practice entailed in those days in Nova Scotia, so he turned his attention to the legal profession and in 1837, at the age of twenty, he was admitted to the bar.

At the dinner which, according to custom, was given to him by some five-and-twenty of his senior colleagues on this occasion, and which was presided over by the late Alexander Primrose, the point was noted that Thomas

Dickson Archibald was the youngest man ever admitted to the bar in Nova Scotia. Like his illustrious father, Mr. Archibald possessed the happy faculty of telling a good story and in after days he used to describe in a very comical manner the anxiety with which, in his briefless days, he used to look out the window for the clients who never came; or the dilemma in which he found himself while trying at one and the same time to land an elusive salmon at the end of his rod, and to give attention at a very critical moment to a "poor fish" of a country client who insisted in plying him with harassing legal problems from the bank above!

His health failing him somewhat, in 1838, he was advised by his physician to undertake a voyage to Europe, and accordingly sailed from Halifax in "The Purser," a brigantine of eighty tons, bound for Gibraltar with a load of salt fish. I have in my possession a letter written at this juncture to his younger brother, Blowers, then residing at North Sydney, a part of which may be of interest:

Halifax, Dec. 18th, 1838.

My dear Blowers: You will be a little surprised to hear that I am just on the point of setting out for Italy. I met the other day John Russicar who had just come down from the country to go a voyage in his brother's brigantine "The Purser" bound to Leghorn—and his suggestions started the idea of my accompanying him. I had been advised by Dr. Gregory this fall to endeavor for the benefit of my health to dodge this winter in Nova Scotia—and as I was in any event to proceed with Charles to England in the spring—immediately upon hearing of John's projected trip, it occurred to me that such an opportunity would enable me to combine most favorably the twofold object of avoiding the winter and being in a situation from which I could easily meet Charles in the spring in London. My father met my proposal most kindly and Charles' assistance and advice have been invaluable—so I am now actually going. The vessel, it is said, will sail this day week, and I cannot quit Nova Scotia without a line of farewell to you. Notwithstanding all the bright prospects that such a trip suggests to me, the dark side of the picture will frequently turn up and the departure from your native land, and from the home of your family and dearest friends upon an expedition the result of which no human wisdom can foresee, is not the happy deliverance from the thralldom of monotony and apathy which the fervid mind of youth is but too apt to imagine it. God only knows when and where we may meet again. The vessel's first port is Leghorn, and from thence we will go to Naples and turning, travel northward to Rome, thence to Florence and through the northern part of Italy—and thence through France to England, where we expect to arrive

about the same time with Charles. We are all well. Father is improving every day—for myself, though the avoidance of the Winter is expected to be of permanent benefit to my constitution, you must not therefore suppose that I am at present in ill health, but—“a pound of prevention” you know, etc! I should be delighted if at any point of my route I could get a letter from you. Charles would be able to forward me them for you. I am very much hurried and have no time for more, so farewell and God bless you my boy; only think sometimes of

Your very affectionate brother,  
THOS. D. ARCHIBALD.

The above letter would seem to be somewhat of a prophecy, in that he here expresses a doubt as to whether he will ever return to the land of his birth—a doubt which the future confirmed, for he never did. “The Purser” had a boisterous voyage and tossed about in the Atlantic for forty-eight days, and part of the cargo had to be jettisoned. Luck however came to her off the coast of Spain, where she fell in with a dead whale, the oil from which fully compensated for the loss of the salt fish. However fortunate this incident may have been from a commercial point of view, it certainly does not present to our more fastidious modern minds any very attractive conception of a pleasure trip!

After spending a short time in Italy and France, Mr. Archibald reached England, intending after a few months to return to Nova Scotia and resume his profession. But he had yet to reckon with the wiles of that little blind god, who, not infrequently, causes man’s best laid plans to “gang a-gley.” Soon after his arrival in England he met and lost his heart to Sarah, only daughter of Richard Smith, Esq., of the Priory, Dudley, formerly the agent at Sydney, Cape Breton, of the General Mining Association of London, and who had been a member of our Assembly for the county of Cape Breton, but was at this time engaged on Lord Dudley’s mineral estate in South Staffordshire. The young people became betrothed, but only on condition that Mr. Archibald should take up his residence in England. It was thus that, with this in view, a stranger in a strange land, and without any influential friends, he at once set

himself to prepare for the business of his profession. He became a member of the Middle Temple on the 11th November, 1840. He also entered the office of Mr. Sergeant Petersdorff as a pupil. Long afterwards Mr. Petersdorff wrote of his former pupil in the following terms: "His general kindly disposition, his frankness and cordiality, secured the regard and friendship of all his associates in my chambers, while as a most assiduous, zealous and persistent pupil he was invaluable to me. In the latter part of his time he wrote opinions which I could adopt with confidence. He had a natural aptitude for discovering legal analogies and legal contracts. He rendered me very special assistance in the preparation of my Common Law Abridgement and in other legal literary efforts, in all of which he exhibited an accuracy and comprehensive legal knowledge that could not be too highly appreciated."

At the close of three years he took out a certificate of practice as a special pleader without waiting to be called to the Bar. This usage of beginning a legal career as special pleader was much more general in England formerly than at present. He continued in this practice till 1852, and in after life it was to the discipline which he underwent during this long period that he attributed his very accurate knowledge of law.

He was called to the Bar shortly after the first Common Law Procedure Act was passed, and joined the Northern Circuit, but soon after left it for the Home Circuit of which he continued a member till his promotion to the Bench in 1872.

Mr. Archibald's business, meagre at first, gradually increased till it became very large. Many and many a time he longed to revisit the home of his childhood across the sea; indeed his letters to my father and to other members of his family are full of allusions to boyish rambles and expeditions. But with a growing family and ever increasing

expenses, projects such as these had to be sternly relinquished. During all the years, however, of separation from his family across the Atlantic, the brothers kept up a constant chain of correspondence.

During Mr. Archibald's practice, he was engaged in the argument and trial of many important cases, among them what was known as the Shrewsbury case,\* in which the title to the Alton Towers estate was in contest between the Earl of Shrewsbury and the Roman Catholic Talbots, another branch of the family, of which Lord Edmund Talbot, now Viscount FitzAlan, the present—(or shall we say the late or the last) lord lieutenant of Ireland, is today the representative. In this case he was associated with a number of eminent counsel, of whom, including himself, no less than seven were afterwards elevated to the Bench. Sir Richard Bethel (afterwards Lord Chancellor, under the title of Lord Westbury) was his leader on this occasion. He was a man distinctly notorious for his want of courtesy to juniors, but, after the course of the trial, he repeatedly complimented Mr. Archibald upon the accuracy of his knowledge and the extent of his research. Mr. Serjeant Shea, engaged on the side of the Roman Catholic claimants, himself a Catholic and knowing the strength, not to call it aggressiveness, of Mr. Archibald's religious opinions, often good-humoredly bantered him on shewing so much zeal for his Roman Catholic clients, as if he were one of the "faithful" himself! (This case is reported in the *Law Journal*—29, L. J. C. P. 347: 100).

In 1860, at the request of Mr. Bovill, then member of parliament for Guildford, he drew up a bill to be submitted to parliament regarding the Petition of Rights (23 & 24 Victoria, Chapter 34). This bill soon became law and has since been found of great practical use. Hon. Edward Blake's Act of 1875, of our Canadian Statutes, which pro-

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\*See Memorials of Serjeant Bellasis, p. 15.

vides for the institution of suits against the Crown, is a copy, more or less, of the English Act.

About this same time—1860—Mr. Archibald was offered, but declined, the Chief Justiceship of Madras. In 1868, he was appointed by the then Attorney-General Karlake, Junior Counsel of the Treasury, a position which besides the popular nickname of “Attorney-General’s Devil,” also carries with it as a rule the title, after a reasonable period, to a seat on the bench. The labors of this post are very onerous and far-reaching, and the range of subjects in which the counsel have to assist the attorney-general by investigation and research is exceedingly wide. There can be no better training for a judicial position, and in England, where merit is so carefully considered in the bestowal of honors, it is a natural road to the bench.

Mr. Archibald was also counsel in a leading case dealing with ancient lights (Jones v. Tapling, recorded in 11 C. B. N. S. 283, and C. B. N. S. 826), and his contentions were ultimately upheld in the House of Lords (Tapling v. Jones, H. L. C. 290).

In the well-known Tichborne case, which for many months was a topic for daily discussion on at least two continents, Mr. Archibald prepared the indictment on which the notorious “claimant”—the pseudo Roger Tichborne, alias Orton, was convicted. He was also engaged in several celebrated ecclesiastical cases, including the prosecution of the Rev. Father Mackonochie for alleged ritualistic practices. His conduct of these cases elicited the warm commendation of Sir Roundell Palmer, afterwards Lord Selborne, and also Sir John Coleridge, Chief Justice of the Court of Common Pleas, both of whom were his ardent admirers.

In November, 1872, Mr. Archibald received his well-merited promotion, being offered the vacant place on the Queen’s Bench caused by the appointment of Mr. Justice Hannan as Judge of the County Court of Probate. Mr.

Archibald's appointment was hailed by the legal profession at large, with marked approval. How he looked upon it himself may be gathered from the following extracts from a letter written to his brother, Blowers Archibald of North Sydney, the same brother to whom, thirty-five years previously he had penned his farewell when leaving Nova Scotia. What a wide field of experience and incident is covered by these thirty-five years!

7 Dorchester Gate W.

London, Dec. 28th, 1873.

My dear Brother Blowers: I am altogether ashamed to think of my long delay in replying to your most affectionate and brotherly letter of congratulation on my promotion to the Bench, a letter which I prized so much! but I must tell you some of the reasons which lead me to hope you will judge me leniently, particularly as I am looking forward now to being able to secure what I have vainly longed for for years—time and leisure for a regular correspondence with my brothers and their families. The fact is, that since I was appointed a Judge, I have had such a period of almost incessant and unremitting toil as can scarcely occur again, which has left me scarcely any opportunities for private correspondence, and has obliged me to postpone writing to those who I felt sure would not doubt my affection or judge me harshly and take up only such correspondence as was absolutely necessary. With the exception then, of letters to Edward and Adams, through whom I felt sure you would hear of me, I have on this principle postponed my letters to yourself and Peter until the last—though so much time has gone by since I received them, that I begin to fear you may feel hurt by my silence. I do trust you will not, but ever believe in my deep and sincere affection for you and my interest in all that concerns your prosperity and welfare.

When promoted, I had to undertake without delay the full burdens of my new duties. My 1st circuit was a very heavy one, my 2nd in the summer, little less so—followed immediately by the trial of the bank forgers at the Old Bailey, a trial which occupied eight days, and was one of the most important of modern times,—and I have now, just returned from my 3rd circuit (the winter circuit) during which, among a great number of other serious trials, I have had to try 4 persons for murder, and have had 3 times to pronounce the dreadful sentence of death. I have come back fagged and tired, but have a kind of holiday until the 11th Jan. and am taking advantage of it for this chat with you. "Holiday" as it is called, however, I shall have to spend great part of it in the preparation of a written judg't to be delivered when the court of exchequer chamber next meets.

I dare say you will have heard a general outline of our movements from Edward. I have been obliged to give up my country house "Inglewood" to take this one in town. I sold "Inglewood" in July, and very sorry I was to part with it. There were many things connected with it which reminded me of Truro, which still holds its place in my memory as the ideal of fairyland—our boyish days, our walks to school across the marsh, the ponds and the "polly-wogs" by the roadside which we used to scoop out for the mere pleasure of catching living cratures, our Saturday afternoons, fishing in Blair's brook, the frequent expeditions to "The Falls" and "Charles' Island," the bowers and

wigwams we used to construct in the woods, the drives and the picnics of those days at Singing Billy's and Estgonish, are all as fresh as ever in my recollection, pictures of the past which are golden memories indeed. I often long to go back and revisit the old scenes, and when my turn comes to be election judge (which I need not explain further than to say it would give me a longer vacation than usual) I shall be tempted, if spared and well enough, to cross the ocean once more. My only fear is, that I should find everything much changed—many of the old faces missing, and perhaps destroy the enchantment which at present surrounds all my recollections of the home of my youth. In the spring of 1872 our dear child, Ellen (Mrs. McNeile), came home from India with her 2 boys. She had been there nearly 4 years and had suffered somewhat from the heat. A month or two after her arrival, she had a daughter at Inglewood, making 3 grandchildren for us. She has now gone back to India, but we hope only for 2 years more. Her husband Capt. McNeile, R. E., came to her in October, and they sailed in November, and are now, we trust, safe back in Bengal. Our oldest son Willy, you may have heard was married last January. His wife has just presented him with a daughter and both mother and child are going on well. Willy 3 years ago, made a trip around the world, and partly hoped to have been able to have called and made acquaintance with you in Nova Scotia, but time did not permit him. He was nearly a year in accomplishing his tour, and a most instructive one it was. He went first to India where he spent about 3 months, then to China, and Japan, and across the Pacific to San Francisco, thence to Salt Lake City to New York. He then travelled about the U. States and Canada, and came across the Atlantic home. He at first commenced the study of engineering, but has since changed his purpose, and is now going to the bar. He acts on circuit, as my marshal, and consequently is always with me when I am absent on such duties. Both he and Sarah accompanied me on my late winter circuit, which made it of course very pleasant for me. I had rather a wandering round, the winter circuit being irregular. I had to hold the assizes at Leeds, Chester, Cardiff, and Gloucester. Douglas, my only other surviving son, has just passed his final examination at Oxford, where he has obtained a 2nd class in honours, a very creditable distinction which will entitle him to a fellowship when one falls vacant on the Faraday foundation. He is engaged to a young lady (Miss Finlay) in Glasgow. We have not yet seen her. He has no immediate prospect of being able to marry and I fear his engagement must be a long one. He is keeping terms for the bar, but cannot hope to realize any income from his profession for some years. Is there any sort of opening for a young man of his education and qualifications at Sydney, which would be likely to put him in possession of an income more speedily?

I have thus posted you up with an account of ourselves. As for health, notwithstanding my heavy work, I am fairly well, but I doubt if you would recognize me at once. My hair has long been grey and my head bald on the top. Sarah keeps her youthful appearance much better than myself. Some day we must exchange photographs, but I have none by me at present.

I hear from Edward that one of your daughters has been on a visit to them. They seemed to have been much pleased with her and say she reminds them much of our dear sister Elizabeth.

I hope you received the serjeant's ring I sent you through Edward. As there will be no more serjeants made, these rings will become curious, as relics of a professional rank in the law which existed in this country for hundreds of years. If I had not already written enough to weary you, I could tell you a good deal that would perhaps interest you as to the customs observed toward the judges, on circuit, but I must reserve that.

This will not reach you till the new year is well advanced. Still, we all here send best wishes for you and yours for the coming year. Sarah, who alone is at home with me, unites with me in kindest love to all and to Tom and his family. With earnest prayers for you, believe me, my dear Blowers,

Ever your most affectionate brother,

T. D. ARCHIBALD.

In case you have any doubt how to direct to me, it should be The Hon. Mr. Justice Archibald, 7 Dorchester Gate W., London. Mr. Justice is a great many degrees higher in rank than knighthood or baronetcy and therefore is always used by the judges instead of their title of knighthood.

P. S. Sarah has found a photo and I enclose it.

The custom of giving rings when a barrister becomes a serjeant-at-law was a very old one. It will be noted that Mr. Justice Archibald, in sending a ring to his brother Blowers, informs him that this is the last occasion of this interesting ceremony, the office of serjeant-at-law being about to be abolished. These rings consisted of a wide, thin, flat gold band inscribed with some suitable motto. In keeping with the earnest and devout recognition of the hand of Providence governing his whole career, Mr. Archibald caused the words "Deo duce, non fortuna" to be engraved upon his serjeant's rings. Two of these interesting relics are still in our family, one owned by Mr. Blowers Archibald, K. C. of Sydney, the nephew and namesake of Mr. Justice Archibald's brother, and the other by his great-nephew, my son, Dr. Thomas Dickson Archibald, of Toronto.

The charm of Mr. Justice Archibald's personality was felt by all those who came in contact with him. His gentleness, his unaffected sweetness of disposition and the kindly way in which he entered into the interests of those who sought his advice and counsel, will never be forgotten by those who had the privilege of his friendship. In his home, in his rare moments of leisure, among his children or in the company of a few intimate friends, he was at his best. During my school days in London, it was my privilege to spend my Christmas and Easter holidays with my aunt and uncle at their beautiful home, Inglewood,

in Bickley, Kent, and the kindness and affection shewn to me by both will never be forgotten.

Mr. Archibald was of medium height, his face somewhat heavily lined and careworn, with gray-blue eyes, deep-set beneath a broad and dome-like forehead. The mouth was extraordinarily fine and his expression serene and calm.

Off every morning by an early train to his arduous duties in London, he, as a rule, would retire shortly after dinner to his room, where, surrounded by grim volumes of the law reports and other learned treatises, I would find him in bed, grinding away at his studies when, later, I looked in to say good-night.

As simple as he was earnest, as sincere as he was gentle and devout, one could not see him without being reminded of "the beauty of holiness." It is but fitting that this paper should include an appreciation of Mr. Justice Archibald, by the one who is best qualified to do so—his only surviving son, for many years "Master" of the Supreme Court of England—now Sir William Archibald, Kt., of Moorside, Hindhead, Surrey—a man greatly esteemed and almost as widely known in England as the subject of this sketch. Some years ago, in reply to my request for more information about my uncle's home life, he wrote me as follows:

"As to my dear father's home life, one may truly say, he had none. He was too hard worked—and in fact worked himself to death, as did his two successors in the same post of junior counsel to the treasury. If he had lived a year or two more, he would certainly have been a Lord of Appeal, for he was a splendid lawyer and gave some notable judgments and the men at the top knew it. He did not inherit his father's popular oratory as your father did (Sir E. M. Archibald) but he was an excellent speaker and never said a foolish thing. No judge I ever heard gave more sound and dignified judgments, and if he had lived he would have been one of the best judges we ever had.

“Such home life as he had time for, mostly Sundays, was of the simplest character. He was an earnest Christian from the time he met Dr. Malan of Geneva. His conversion was as sudden as St. Paul’s and he never changed. He was a man of prayer, and prayed long for himself, his wife and children and friends. When he had condemned a man to death he always rose early on the execution morning and spent long hours praying for the man. I knew this, but the others did not. He began his professional life with prayer.

“He was at that time sidesman at St. George’s, Bloomsbury, and at a vestry meeting, a well-to-do lawyer (who told me this part of the story himself) took greatly to him, and asked a friend who he was. The friend said ‘He is a young barrister, and if you are quick you will give him his first brief.’ The solicitor (Mr. Futvoye) ran off to his office and picking up the first brief he could find suitable for so young a man, took it to my father’s home, 5 Torrington Square, and put it under the door, rang the bell and disappeared. My father and mother went to the door and found the brief and took it into the dining-room. They nearly danced for joy, and then placed it in the middle of the table and knelt down together to ask God to help him do it. Then like two lovers they read it together and discussed it, my mother giving her views about it. This was his first brief.

“It was in the same pious spirit that he went through life. He was most generous and charitable but had no talent for work among poor people himself, being put off by dirt and unrefinement.

“When the vacation came, he was always tired out, and rushed off to the continent for change and sunshine. These journeys were no great help to him, as every place had some noise or smell or drawback which made him move to another place; yet, when he got home he forgot the discomforts and enjoyed the memory of the pleasant things.

In Paris, after having tried the Bank Forgers, he was recognized as 'Le Chef de Police d'Angleterre'!

"His disposition was marvelously gentle and good-tempered. I never heard him use a rough word, and he was full of chivalry and most affectionate. He never had an enemy, but everyone at the Bar loved and respected him. He was extremely fond of your father and their dispositions were very similar. He loved music and played the violin when he was young. He had a sweet voice and sang well. He had a wonderful power of assimilating and marshalling facts in a long case and marvelous accuracy in charging a jury both with facts and law. He used to say that his own father\* was so superior to any of the other judges he met over there, that if he had practised in England, he would certainly have been Lord Chancellor"!

With the exception of Lord Lyndhurst, a native of Boston during colonial times, Mr. Archibald has the distinction of being the only person from this side of the Atlantic who has been raised to the English Bench. But Lord Lyndhurst left Massachusetts when only two years old, was bred and educated in England and never resided on this continent for any length of time. On the other hand Mr. Archibald's family had for four generations belonged to Nova Scotia, and it was here that he was fitted for his future brilliant career by receiving his initial training and being duly called to practise at the Bar of his native province.

Of his eventful but short-lived career as judge, it has been said by those competent to decide such matters, that from the first day to the last hour he continued to rise in the estimation of the Bar and of his colleagues on the Bench. He made his first circuit in 1872, and by his masterly handling of the great Durham poisoning case, in which may be traced perhaps the influence of his early medical studies, he won the admiration of the members of the Northern Circuit.

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\*Hon. S. G. W. Archibald, Master of the Rolls, formerly Attorney-General of Nova Scotia.

In the Exchequer Chamber, in *Riche vs. Ashbury*, his opinion, though dissented from by his colleagues, was upheld by the House of Lords.

Possibly the case\* of the great forgery on the Bank of England, in the trial of Macdonnell and the Bidwell Brothers, was one of the most outstanding and interesting incidents in his judicial experience, inasmuch as in the course of events he found himself collaborating with his brother, Sir Edward M. Archibald, British Consul General at New York. The facts are as follows:

In 1873, four young men, all well educated and speaking several languages, forged in all ninety-four bills on the Bank of England, and obtained in this way over £100,000. The scheme was concocted with great skill, and but for an accident, the prisoners would have been entirely successful. Success had seemed complete when one day, two bills were handed to the bank on which date of acceptance had, by an oversight of the forger, been omitted. The bank, still suspecting nothing wrong, sent it to the acceptor that the omission might be supplied; the forgery was discovered and the whole scheme collapsed. Following upon instructions from the Bank of England, through efforts made by his brother, then British Consul General at New York, the criminals, who had got away to America, were tracked to the West Indies, enticed to New York city by a clever detective, who succeeded in gaining their confidence as being ostensibly one of their own sort; and upon their arrival in the city they were arrested for some minor offence in a brawl in some waterside tavern and detained—their trial being put off from day to day until the proper authority was obtained to extradite them and officials sent out from England to take charge of their persons.

Upon their arrival in England they were placed at bar in the Central Criminal Court for trial (August 18, 1873)

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\*See *Forging His Chains: the autobiography of George Bidwell*. New York and Hartford. The Bidwell Publishing Co., 1890.

before Mr. Justice Archibald for forging a bill of exchange for \$1,000 with intent to defraud the Bank of England. They were convicted and sentenced to life imprisonment. During their detention at Newgate, an attempt was made to procure their escape. Three of the wardens of the prison were bribed, but the plot was discovered by the senior sheriff in time to frustrate it. An interesting account of the case will be found in the Annual Register for 1873, pt. 2, page 164, et seq.

The most famous case argued before Mr. Justice Archibald was *Reg. v. Keyn* (1876), L. R. 2, Ex. Div. 63, better known as the *Franconia* case, in which the question at issue was as to whether the Central Criminal Court had jurisdiction to try a foreigner for an offence committed by him on a foreign ship within three miles off the shores of England. In this case, the foreign ship, by reason of the negligence of the accused, collided with a British ship and caused the death of a British subject on board of the latter. The case was argued between fourteen judges, of whom Mr. Justice Archibald was one, on June 16, 17, 21, 22 and 23, 1876; and before the decision was rendered on November 11 and 13, the learned judge passed away, but not before forming his opinion on the matter. The surviving judges divided seven to six and the lord chief justice (Cockburn) in paying a fine tribute to his departed colleague, announced that the latter agreed with the majority of the judges in holding that the English court had no authority, as the law then stood, to try the accused foreigner. The imposing array of judges who heard the argument is worth mentioning by name: Cockburn, L. C. J., Kelly, C. B., Sir Robert Phillimore, Bramwell, B., Pollock, B., Lush, J., Archibald, J. and Field, J., were of opinion that there was no jurisdiction; while of the opposite opinion were Coleridge, C. J., Amphlett, B., Brett, J., Grove, J., Denman, J., and Lindley, J. Following the decision, a statute was passed, conferring jurisdiction in such cases upon British

courts. It is interesting to note that Lord Lindley, the junior judge of the court who heard argument in this case, died on December 9th, 1921, aged ninety-three years! He was the last of the ancient order of serjeants-at-law, and the last of those who ever sat in the historic exchequer chamber.

The following tribute to Mr. Justice Archibald's efficiency, by Lord Cockburn, chief justice of England, in his judgment in the *Franconia* case, may be quoted as expressing the high opinion held by the Bar of his merits:

“In the conflict of opinion which unfortunately exists, it is a great satisfaction to me to be able to add that the late Mr. Justice Archibald, whose loss the whole profession and especially those who had the advantage of his intimacy or acquaintance must deeply lament, and whose loss as a most learned, enlightened and conscientious judge the public has so much reason to deplore, having seen my proposed judgment, communicated to me his entire concurrence both in the conclusion at which I had arrived and the grounds on which it is founded.”

In the spring of 1875, on the death of Sir George Honeyman, Mr. Archibald was transferred from Queen's Bench to the Common Pleas, where he found himself side by side with a former colleague, Lord Coleridge, who when Attorney-General had special opportunities of becoming acquainted with his merits. In November of the same year he was appointed one of the Election Judges for the ensuing year, and he was looking forward to a term of comparative rest; for his previous hard work—including very heavy assizes in the north during one term alone of which he had tried fourteen prisoners for murder—had begun to tell upon him. From this time his health began to fail, and after a brief vacation on the continent, he returned to England in September to seek medical advice, only to discover that he was suffering from a serious disease, which quickly took a fresh turn and developed itself with such

rapidity that he died on the 18th of October, almost before anyone outside his own family knew he was dangerously ill.

The tributes paid by the entire Bar, the law journals and the Judiciary of England to his life and work, would in themselves make a volume and are wholly beyond the limits of a paper such as this. But possibly the words of Lord Coleridge on the occasion of the first meeting of the Court of Common Pleas following Mr. Justice Archibald's death, may fittingly conclude this brief account of his life:

“As Sir Balliol Brett is present, and this is the first occasion we have met since the vacation, I hope I am not doing too much in giving some notice to the great and irreparable loss which not only this court but the profession at large, both bench and bar alike, have sustained in the removal from us by swift and unexpected death of my dear friend and most honoured and valued colleague Mr. Justice Archibald. I really believe there was no man who was more beloved by all who knew him, and I am sure there was no man who better deserved the affection he received. His great powers of mind, his learning, his judgment, tempered by gentleness which was never weakness, made him indeed at once a great judge, and a most attractive man. I believe that a more stainless character than his was never borne by any man who ever sat upon the English Bench. No man was fitter than he to be called from the great task of judging others to be judged himself. I have been told, in words I am glad to make my own, that every gentleman in the profession felt that in him he had lost a friend; and if he has left us in regret, he has left us also a beautiful example. I hope I may say that we ourselves in this regret may feel towards him, as we know, from the words of the great old Roman, the Germans felt in time of sorrow—“*Lamenta ac lacrimas cito, dolorem et tristitiam tarde ponunt. Foeminis lugere honestum est, viris meminisse.*”

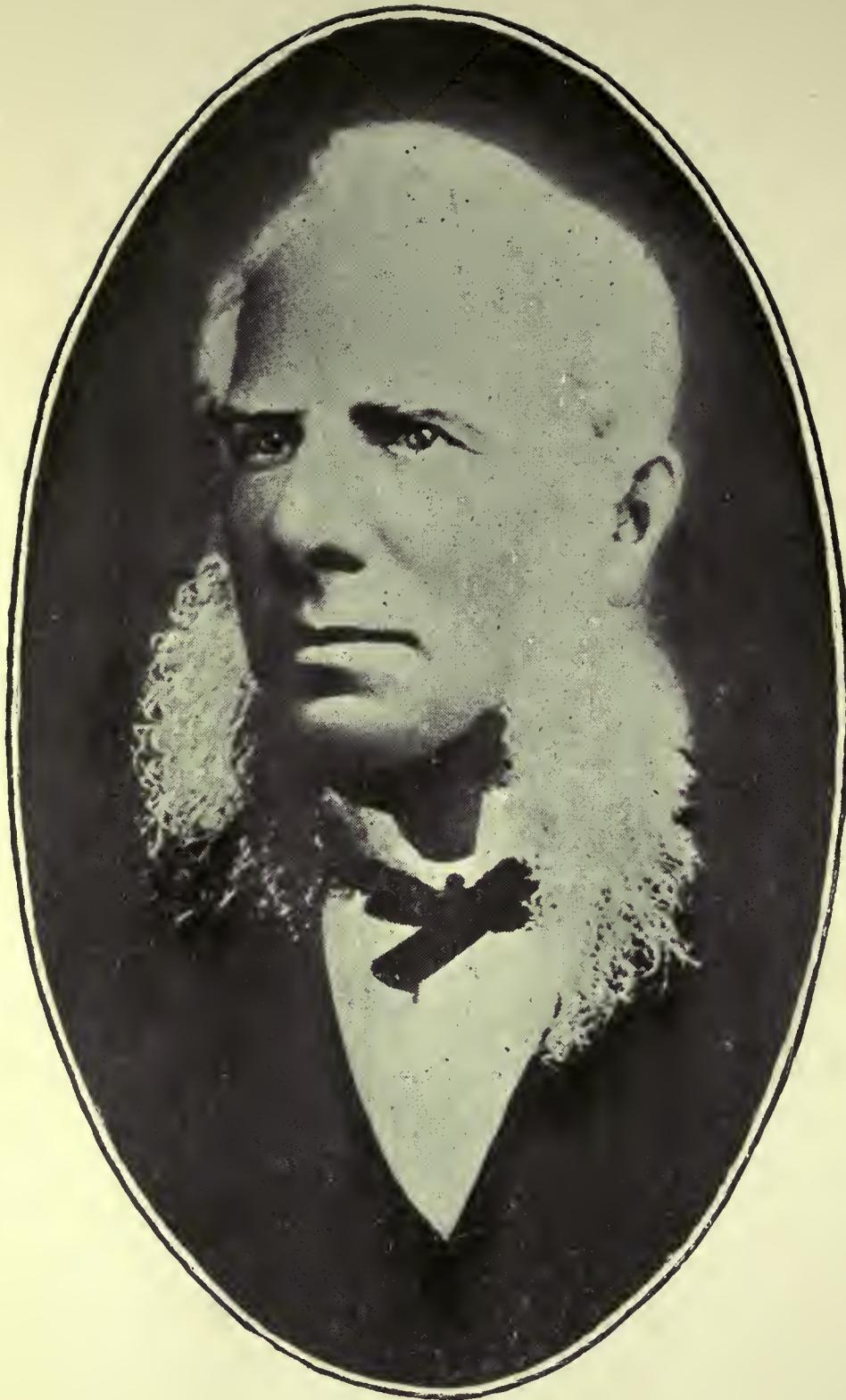
After a slight pause, Mr. Cohen, Q. C., the senior member of the Bar present, rose and said: "With your Lordship's permission, I should like to say a few words, representing as I do most unworthily the Bar on the present occasion. I should like to assure your Lordship that we heard with the most profound regret of the loss of Mr. Justice Archibald, whom myself and many of us on the home circuit knew well, and I think I may say that I am certain no barrister was ever more respected or more generally beloved. When one who was our friend took his seat as a judge, we were proud to find that the Home Circuit had the honour of furnishing the Bench of England with, I think, one of the most impartial and one of the most courteous and eminent judges who ever adorned it. Undoubtedly the bar of England felt, I may say without any pretence and perfect sincerity, a very heavy blow when Mr. Justice Archibald was so prematurely cut off. I thank your Lordship for reminding us that at the same time that we regret his loss we may all take him as a brilliant example of what may be done by a member of the bar who always performs his duty in the noblest manner."\*

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\*The writer desires to place on record her grateful acknowledgment of the valuable assistance received, in the preparation of this paper, from Hon. Mr. Justice Chisholm and Mr. Justice Wallace, and also from Chief Justice Harris of the Supreme Court of Nova Scotia; to all of whom is due the reference to and elucidation of the legal opinions and decisions in prominent cases in which Mr. Justice Archibald was engaged.







HON. JONATHAN McCULLY  
Judge of the Supreme Court of Nova Scotia  
1809-1877

*(From a photograph)*

LIFE OF  
THE HON. JONATHAN McCULLY  
1809 - 1877

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By The HON. NICHOLAS H. MEAGHER,

Knight of the Order of St. Gregory the Great, and late Justice of  
the Supreme Court of Nova Scotia, Halifax, N. S.

(Read 15th December, 1922)

Amongst the many public men who gave valuable services to Nova Scotia, there were few who gave them more devotedly and ably, or over a wider area of provincial affairs, than the Honourable Jonathan McCully, whose father, Samuel, came from the north of Ireland and settled in Colchester county. At first the name was spelt McCulley. Samuel after some time moved to Maccan, and acquired lands which now form part of the Experimental Farm, and there his distinguished son was born in July 1809. His mother's maiden name was Pipes, a descendant of an English Yorkshire family, which settled at Nappan. Samuel engaged in farming and ship-building and while pursuing these studied religious subjects, and in 1820 was ordained into the ministry of the Baptist Church, and for nearly thirty years gave his services gratuitously over a large district to the people of that communion. He had the reputation of being a capable theologian and took part in many of the religious controversies of the day.

Jonathan received his first education in his home; later in the nearest school, and finally in the Grammar School at Amherst, which at one time was directed by the Rev. Charles Tupper, D.D. He did not receive a college education; but he was a diligent observer, reader and student, and this added much to what he acquired in school. He was not a classical scholar, but appears to have had a

fair, though rough, knowledge of Latin and often interlarded his writings with Latin quotations. In some of his judicial opinions and writings the phrase *cui bono* will be found, which he pronounced after the Irish fashion *ki-bono*—probably learned from his father.

It is reported of him that in his early days, when candles, the only light then in general use, were scarce, he often sat on the hearth-stone with his back against the chimney jamb and read by the light of the wood fire. One of his sisters, it is said, could repeat from memory "Paradise Lost," and begin at any line that might be suggested to her. Until twenty years of age he worked on his father's farm and thus acquired much of his great physical strength. He taught school for some time and in 1830 entered on his law studies under James S. Morse in Amherst.\* His father then resided at Amherst Point, and tradition tells that he rode on horseback to Amherst in the course of his studies, taking a bunch of hay for his horse's dinner. He was admitted an attorney on Jany. 14th, 1836, a barrister on Jany. 16th, 1837, and an attorney in New Brunswick the next October, but never became a barrister of that province.

He was equipped with the best elements to ensure success, viz: poverty, ambition and determination, reinforced by a love of work and fidelity to duty. These impelled him speedily onward in his professional career. He was not a very quick thinker; but though the process may have been somewhat slow, his industry generally enabled him to reach the material points of every matter of law or fact entrusted to him. His thoroughness, the surest guarantee of success, won public confidence. While, as I have said, he was not a quick thinker he was not slow to grasp the main features of a subject, and the general principles applicable to it; yet he required time and study

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\*Mr. McCully while so teaching had as one of his pupils the afterwards justly celebrated Right Honourable Sir Charles Tupper.

to attain its full bearings, and to see it in all its aspects, direct and collateral.

He was not what popular opinion would call an orator; but spoke with much force and directness, had his facts well arranged, and supported his views with homely but apt illustrations and pointed quotations from Shakespeare, Addison, etc. He was quite familiar with the classics of English literature. It was exemplified in his work. He knew the country people well, and rarely failed to gain their attention, and often their sympathy, for the cause or matter he advocated, be it political or otherwise.

In person he was considerably above the average size, was rugged in appearance, had large features and a clear but somewhat florid complexion. The portrait in the Court House is far from being a correct likeness. While chairman of the Railway Commission he received an injury to one of his legs when on duty. It did not produce lameness, but when walking at all rapidly, created an awkwardness in gait.

He began the practice of law in Amherst on his admission, and remained there until late in the forties, when he removed to Halifax and formed a partnership with Howard D. Steele, who later became a clergyman. During his professional life in Amherst he struggled against odds which would have discouraged one of more than ordinary mould; but not so Jonathan, who faced and fought every obstacle, individual, and party, confronting him, and resolutely contested every inch of ground barring his way, and with more than moderate success; so much so that his few friends admired him, and all his opponents feared him.

He became interested in politics at an early stage, was an earnest advocate of responsible government and its accompanying reforms, and supported them strongly on every opportunity; often with his pen in the Press. One of the first political battles he took part in was the election of 1836, when he, in association with James S.

Morse, led the liberal army in opposition to Alexander Stewart and a Mr. Oxley in a contest against Messrs. McKim and Lewis, in which Stewart was elected by a small majority and Oxley was defeated by Lewis.

In manner he was somewhat cold; he never wasted compliments or dealt in flattery. If there was business to be done (and he was a thorough business man) he dispatched it without loss of time and in a few words. No one who consulted him upon a subject left him with any doubt that he grasped it fully. He was a devout member of the Baptist communion and gave it generous service as superintendent of a Sunday school, clerk of the church, and a deacon, as he did every position he filled, and these were many and varied. In all of them he won respect and confidence despite continuous hostility and much political misrepresentation. Whatever duty was assigned to him, or fell to his lot, be it great or small, public or private, it enlisted his best energies. Tasks or duties were never neglected by him, and when possible were never left unfinished. His coldness of manner—reserve is perhaps more accurate—was apparent rather than real; whichever it was, it gradually melted under a frank approach and enhanced the friendship which sometimes followed. His mind was always centered on his work; he never sought popularity. Those who understood his real nature, and the number was not large, discovered a generous spirit and a fairly warm heart, but somewhat slow to display feelings. He was unpopular. Many causes contributed to it, and his manner augmented it. It was said he was not generally liked even in his own communion, nor in his political party; but all were impressed with his great strength of character, straightforwardness and ability. A trifling kindly act, a generous tribute, would gain his friendship and gratitude in full and lasting measure.

He was regarded by many as mean in his mode of life, and towards others. This was true in a sense; but not in

the ordinary acceptation of the term. He led a frugal life, and was close and exacting in money and business matters, and always insisted on receiving to the full whatever he deemed himself entitled to, and invariably sought the fullest measure of protection for financial risks; and in this respect friend and stranger were treated alike. He would not employ a coachman without an enquiry into his character and capacity, but I knew him to engage, after a short interview, a young seaman, whom he had never met before, as captain of a large barque of which he was the principal owner, and of whom he knew nothing but what the applicant told him in a short interview. The selection proved satisfactory. With all his reserve or coldness, he was fond of fun and greatly enjoyed a good story, and told many himself when in congenial company. He became a large shipowner and through it accumulated considerable of his wealth.

Several causes rendered him unpopular. First: He was distant in manner, but intimacy begot confidence and removed the cloak of reserve which enfolded him.

Second: Amherst, during his stay there, was a hot-bed of what was then called "toryism." It was exclusive and domineering. Its members exceeded the Liberals in wealth, numbers and influence. Politics practically governed every aspect of life. Tories were rated high; those who were not, were opponents to be obstructed, and if possible, crushed. McCully encountered these in full force. He was a vigorous and outspoken opponent, fought back and thus drew upon himself the concentrated opposition of "the sanctified" in every aspect of life. He combated it with untiring energy; never concealed, nor qualified his opinions; never altered his course; never shirked a discussion; feared no antagonist, spared no adversary; and his sword when swung in battle, personal, political, or forensic, generally clove to the chin, and was always ready to be swung. The party chip was often on his shoulder, and no

doubt increased and intensified his struggles. Such a man must make opponents, even personal enemies, in such an atmosphere, and he made them in increasing numbers, with but few additions of friends. His business prospered even under such adverse conditions, because he had a reputation for legal knowledge, industry, capacity, good faith, and an acquaintance with business methods, and the habits of the people, and fought his cases with unflinching spirit.

Third: Newspapers opposed to his political views, realizing his growing influence with those who were neutral or predisposed towards liberal opinions, devoted considerable attention to him in the tense terms and methods in vogue in Amherst Corner, and in self-defence he had recourse to similar weapons, which he used with much dexterity. He contributed, even in his earliest professional days, articles of much force, political, and otherwise, to the Halifax press, principally to the "Acadian Recorder," which in its obituary notice of him said: "Among the many articles from his vigorous pen that gave relish to the public taste of that day for political food, were the trenchant communications of 'Clim o' the Cleugh.' There are doubtless some who will remember the avidity with which these were read, and the great commotion they created in the political circles of that time. This probably won him a seat in the Legislative Council a year or two later."

In the "Recorder" of 1839, I found some letters under that name addressed to the Governor, Sir Colin Campbell, dealing with the complaints made against him; amongst others his action touching responsible government, illiberality in making appointments to Legislative Council, and for sending Stewart and Wilkins as delegates to London to oppose William Young and Huntington. They were concise and well expressed, but were too severe considering the relative positions of the parties and the circumstances. He discussed the delegates, especially Stew-

art, with great fierceness, and somewhat after the pattern of Junius. On 16th January, 1841, "Clim" addressed Lord Falkland in the "Recorder" and presented several grievances. I did not follow "Clim" any further.

Fourth: The tactics employed against him in Amherst were repeated in Halifax, in much the same fashion, after he took up his abode here. The Tory press applied unfair criticism, tinged with unwarranted personal reflections, toward him; but he never faltered or hesitated in any attack or controversy; his pen was always inked and poised for action, his vocabulary unclasped for use. Whether the fight was personal or party, he contested it with equal earnestness and persistency, neither sparing person, statesman, clique or party; and all with a style peculiarly his own; never in every-day productions specially ornate; not often elegant, but in homely phrases, direct and telling; often tinged with slanginess, always forcible, which never failed to attract, if only by its picturesqueness. I shall not venture into further details of it, but later on shall read some editorials, and submit them for judgment.

Fifth: He was leading editorial writer on the Halifax "Chronicle" newspaper from about 1855, or perhaps earlier, until some time in 1865. During that time he received "the slings and arrows," and these were forceful, of the Conservative press, in return for those he sent them. Some time after the promulgation of the Quebec scheme of union the proprietor of the "Chronicle" became dissatisfied with his advocacy of it and dismissed him. It can be fairly said that at no prior period of the "Chronicle's" existence was its influence as great as, it certainly never was greater than, when he editorially guided it. In fact his writings gave it such a circulation and position as to lead to its becoming a daily instead of a tri-weekly. He promptly transferred his restless pen to the "Journal" newspaper. This was not known at first, but his style betrayed him and brought upon him the vengeance of the

liberal and anti-confederate press embracing the "Chronicle," the "Recorder," the "Citizen," the "Eastern Chronicle," and some country papers. Even the more moderate of their references to him were at times offensively personal and some of them imputed to him motives and conduct abhorrent to his nature. The Confederate press defended him; but having maligned him so long in previous days, their newly-born zeal in his defence received a liberal discount. Besides this, during the years 1856 to 1860 he was the subject of very severe criticism in the Catholic press. I did not see this, and can only judge of it by what I assume were replies written by himself.

No man, even if his life and conduct were angelic, could withstand all this opposition and abuse, and possess popularity. He was often referred to as "Baron Munchausen" and "The Cumberland War Horse." A curious incident in his life was mentioned in the "Recorder" of August 26th last. An election occurred in his home county: the voting lasted over several days and, while it was on, a Liberal candidate died. McCully had himself proposed as a candidate, but only three votes were polled for him. He said he had himself proposed so as to keep the poll open until another candidate, if possible, was substituted for the dead one. I do not see how it could be done, but he thought it possible. The fact of his only receiving three votes in his home county at an election was extensively used by public speakers and writers in the press to prove his unpopularity and insignificance. He wrote the weather predictions for Belcher's Almanac for years, so it is reported. On one occasion he predicted a snow-storm on the 16th of July and it came on time, so that in addition to many other respect-compelling qualities may be added that of an accurate weather seer and astronomer. It is said that the sale of the almanac fell off seriously when he ceased writing its weather predictions.

The shield has another side, but it was not generously shewn until his eyes closed in death.

“The Journal” newspaper became “The Unionist” soon after he began writing for it. Howe accepted office in the Dominion cabinet in January 1869. The many matters demanding McCully’s attention during the Senate sessions absorbed so much of his time that he ceased writing generally for the Press, but now and then sent a brief article descriptive of parliamentary affairs, or discussing some matter of policy. Personal attacks on him were rare; what there were, were upon the body of men who brought about Union, rather than upon individuals.

Some weeks before Howe’s election in Hants, “The Unionist” came under the direction of those opposed to his “accepting the situation” as it was called. They were “The Repealers” and they gave him in that paper, and their general press, constant and bitter opposition, often very coarse in character, imputing corrupt motives to him, and declaring John A. Macdonald bought him with office. Amongst other means used to defeat him was an attempt to impress liberal electors with the belief that old-time liberal leaders, including McCully and all Liberals who supported Confederation, were hostile to Howe. This view was generally urged by that paper, and in order to give it greater force a barrister, whose powers of imitation were good, and who had a fair conception of McCully’s style of leader writing, having personally writhed under his pen, wrote articles for “The Unionist,” closely imitating it, even using his pet words and phrases. These denounced Howe from every angle adapted to promote the object sought, and as if the writer was one who supported Confederation, and had suffered from Howe’s voice and pen in consequence.

It was asserted again and again in these articles that many old-time Liberals, disgusted with Howe’s course, and all Liberals who supported Confederation, were united in

opposition to him, and his defeat was assured. These were attributed to McCully, and their style and language cited in proof. I cannot recall what public steps, if any, he took to refute the calumny; I know he was outspoken in denial of his authorship of them. The Confederation leaders, liberal and conservative alike, and nearly all the rank and file, if not all of that party, took no stock in the accusation. The trick, however, did some damage. It was an election cry which the most ignorant heeler could shout noisily.

Shortly before nomination day, through some agency never disclosed, a portion of the manuscript of one of these articles was obtained. It was compared with the printed one and found to be an exact copy as far as it went. It remained to discover the author, who was generally believed to be James Foley, then editing the "Chronicle." It was shown to me by the custodian, and I recognized the handwriting at once and proved it by comparison with a law paper in McCully's office written and signed with his name by the same hand which wrote the manuscript. The discovery was kept secret until A. W. McLellan spoke on nomination day, when, referring to the many "human devices" employed to defeat Howe, he mentioned the attempt to delude liberal electors by articles said to have been written by McCully, and then disclosed the name of the actual writer. I was purposely near him at the moment, and in language far more emphatic than pious he loudly denied the authorship. But "the blot wouldn't out." The proof was conclusive, and McLellan had possession of it. It did more harm to Howe's opponent than he ever realized. The author in question was at one time a supporter of Union, and wrote a pamphlet in its advocacy entitled "The Dawn of a New Empire."

In 1859 McCully formed a partnership, under the name of McCully and Blanchard, with Hiram Blanchard, Q. C., the leader of the Cape Breton and Eastern circuits,

and a member for Inverness. It continued until McCully left the bar. His professional practice was fairly extensive and Blanchard's great capacity and genial manner gave it, as the phrase went, "a valuable impulse." The skill and ability he displayed in the successful defence of a Mr. Smellie, a civil engineer who held a prominent place on the governmental engineering staff in charge of railway construction, and who was indicted on a charge of fraudulently altering some prices in the schedule to one of the contracts, gained Blanchard, soon after he joined McCully, a front-rank place at the bar in Halifax, with the leaders of that day. The question involved in the trial caused intense political warfare over a long period. The government was accused of wrong doing, or of having approved it, and the trial for that reason was stubbornly contested at every step. The result added greatly to the firm's practice. He had an active professional life and was engaged in many cases, but I did not find any of great importance in which he took part, apart from those arising out of the Amos Seaman estate; and in defeating an effort made by a relative of William Murdock to deprive the Blind School of the benefit of the legacy he gave for the purpose of founding it and to which it owes its rise.

While a member of the Legislative Council, apart from his services in debate and on general and special committees, and in relation to proposed legislation, which were always helpful, he was instrumental in securing legislation of general interest, amongst which were acts enabling aliens to inherit, purchase and hold, real estate; regulating gold mining; prescribing the qualification of voters at elections to the Assembly; in relation to trusts and trustees; for the protection of married women deserted by their husbands; and to compensate land owners and occupiers for damage caused by a railway crossing their holdings. He also sought the passage of a Bankruptcy Act and one to repeal the Usury Laws. I am speaking

apart from his work on the commission to revise the Statutes in 1851, which covered the entire period of legislation from the first session of our Legislature, and called for an enormous amount of work and study, in examining existing statutes, and to see whether in force or not, ascertaining their scope and purpose, their adaptation to the times, and shaping and placing, the aggregate of them in simple and clear language, and convenient order. The work was well done, and he was not the type of man to do less than his full share. His knowledge on every subject arising in the Legislative Council, on the revising commission, and other committees, was comprehensive, his industry unflagging, and he gave both freely in initiating, shaping and making effective every step and proceeding. The absence, except for a few years in the late fifties, of the reports of debates in that body prevents my shewing the extent and nature of his labours there.

I did not trace his course in the Senate during his short service in it, less than four years; but I know from recollection that he participated in the consideration and enactment of all the legislation which came before it, especially as to banks and banking, the western country immigration and immigrants, the tariff, the customs, the inland revenue, insolvency, postal service, construction of the Intercolonial, the currency, the navigation of Canadian waters, fisheries, criminal offences and procedure thereon, summary convictions and procedure, the duties of justices of the peace on indictable offences, the census, the civil service, organizing and shaping the government departments, increasing the sums payable to Nova Scotia under the Act of Union, incorporating joint stock companies, patenting inventions, the temporary government of Rupert's land and the government of Manitoba.

During his stay in the Senate he sat on several important committees, and gave special attention to the work of a

committee to gather information respecting the western prairies and Manitoba in particular. Much valuable information was thus acquired about the soil, the climate, the lakes, streams, wood and timber lands, and possibilities of the West. He became very intimate with Sir Alexander Campbell, Senator McMaster, Sir John A. Macdonald, and formed a high opinion of them, and others whom I cannot recall. When Mr. Campbell moved the resolution respecting the acquisition of the North West Territories from the Hudson Bay Company, McCully made an important speech upon it. His recent committee experience qualified him to speak with authority. Howe opposed that purchase; he was still fighting the Union, and in angry opposition.

The terms upon which Canada acquired the North West may have been forgotten by many—and it will not be out of place in connection with the speeches then made by Messrs. Campbell and MacCully to restate them. The Hudson Bay Company was allowed to retain its trading posts with adjacent lands to the extent of 50,000 acres in all; and also one-twentieth of all the lands which should be laid out for settlement in the fertile belt lying south of the North Saskatchewan. All its other property rights and privileges were ceded to Canada for £300,000 sterling. The area thus obtained was stated by Mr. Campbell to be “all the lands north of 49 degrees latitude and measuring 3000 miles from east to west and 1400 from north to south, and containing over 2,210,000 superficial miles.” Confining it to the section bounded by the north branch of the Saskatchewan, Canada was receiving a length of country of 880 miles by a breadth of 760; all equal to any part of Ontario. It, as a whole, embraced the whole country north of the United States except the area that country obtained from Russia.

In the course of Senator McCully's speech he said: “It was a subject of great importance to the Dominion.

No precedent could be found for the transfer of so large a tract of territory by legislation, or by cession from one country to another. The government, in assuming the burden of it, was undertaking a responsibility of great difficulty. Even those who studied the question, and mastered all the information available, must feel that little was known of the magnificent territory in the north-west. The responsibility was all the greater because of the many other subjects of great importance the government had to grapple with at that early stage of Dominion affairs.

“The Hudson Bay Company occupied but a very small part of it. They only used it in connection with their fur business. Our use of it must be for wholly different purposes. Matters must be so managed as to prevent a conflict between the natives and the new inhabitants. It will be no easy matter for the government to set up a municipal government by which the rights of the natives and of immigrants will be respectively protected. The amount of labour necessary to organize suitable governments, schools, and other institutions will be tremendous. It has come upon us before we are fully prepared for it. We are scarcely organized ourselves. Our own house is not set in order, and we are asked to take charge of this immense territory and make arrangements to bring people from other countries into it, and provide for their welfare and protection for some time at least. A very large amount must be expended to provide travelling and transportation facilities at the outset, and roads, railways, and perhaps canals, later on. He was desirous mistakes should not be made, but our possession of that country would not create a paradise for us. Canada had no spare population to send there, and therefore people from Europe should be induced to come into it; nothing more could be expected from it than what was necessary to maintain needed municipal institutions there. The expense of a road to it must be borne by the Dominion. He did not think £300,000 was a

very large sum to pay the Hudson Bay Company for their rights; neither did he feel that their occupation of one-twentieth part of it would be as advantageous as some members thought. Their presence, and their sympathy with the people, would enable their officers to govern it as well as we can. But these conditions, and their ownership of one-twentieth of the land, would render it exceedingly difficult for the government to control and manage that country, if the interests of that company should at any time run counter to those of the Dominion. It would not be remarkable if under the new conditions the Indians should become somewhat demoralized. Within a very short time swarms of speculators would be there to buy furs. These would be liable to do harm with the Indians unless the government could prevent the introduction of intoxicating liquors amongst them. If it were not for the danger of that country falling into the hands of another nation we could dispense with it for a long time to come, as our own territory is quite sufficient for us. But, as the time has come to deal with it, we are taking this step advisedly and should do all we can to bring these fertile lands as rapidly as possible under cultivation and so add to the greatness and dignity of the Dominion."

He saw the danger liable to arise from Indians and half-breeds occupying part of these lands, who feared the destruction of their rights. The troubles which eventually arose were due: (1) To the neglect of the Hudson Bay Company to prepare them for the change, and to assure them no wrong would be done them. (2) The lack of tact, and conciliation, perhaps even worse, by the surveyors who were sent there in 1869 to survey and map the acquired areas. (3) The failure of the government to realize the necessity of fully explaining to the settlers, and those within that territory, the change wrought by the purchase, and to assure them of just and considerate treatment, and finally the injudicious, abrupt and irritating course pur-

sued by Hon. Mr. McDougall, on his arrival there in his capacity of lieutenant-governor.

He also fully realized its great value and foresaw the burdens it would put upon us, and the difficulties we would encounter; but I am sure his greatest anticipation of it fell very far short of what that territory is like today with its railways, its large cities and towns, and its production this year of nearly four hundred million bushels of wheat apart from all else. It is said the entire grain yield this season exceeds nine hundred million bushels.

In 1858 he opposed with great earnestness the act to ratify the settlement made with the General Mining Association in 1857. Amongst other grounds he contended, but without giving reasons, the lease was unconstitutional, and sacrificed the best interests of the province; and as to the alleged richness and extent of our minerals, beyond what was reserved, we know no more about them than if we lived in Van Diemen's Land. He mentioned the fact that in 1856 the friends of the Association were so ardent that Hon. M. B. Almon sought by a resolution of the house to transfer to it all our mines and minerals on the same terms as the lease. That was an iniquitous proposal. One finds it difficult to realize how any man desiring the welfare of the province could have even suggested it. His speech afforded evidence of an intensely strong conviction of the unfairness to us of the agreement. But in truth it was founded on an incorrect view of facts (probably imparted by his leader) which did an injustice to the delegates in respect to the course they pursued, while his opinion as to its ruinous effect on provincial affairs in the future was totally astray. Hon. R. B. Dickey in reply corrected his mistakes of fact and made an effective speech in support of the measure. The vote for ratification was 14 to 3, the latter consisting of McCully, McKeen and Comeau. Hon. Hugh Bell did not vote. His speech has been referred to in my paper on Sir William Young.

An enumeration of the various positions he filled discloses the manifold opportunities he had of serving the public, namely as:

1. A member of the Legislative Council from March 1848 until after the session of 1867 ended. He was a leader in that body as a liberal almost from the outset, and about 1853 to 1855 became its actual leader, and so continued during all periods of liberal rule, as well as when that party was in opposition, until the political parties became disarranged through the Confederation controversy, some time in 1866, and when that break took place he led the Confederates in the Council until he ceased to be a member.

2. A Queen's Counsel in May, 1863. He, together with Archibald and Annand, constituted the board of statistics in connection with the census of 1861.

3. A commissioner to revise the Statutes in 1851 in association with William Young, John W. Ritchie and Joseph Whidden. I have already alluded to the work then accomplished.

4. A Judge of Probate for the County of Halifax from July 6, 1853 to the end of August 1858, when he was dismissed by the Johnston-Tupper government. I shall deal with that step now. An election was held in Hants to fill a vacancy caused by the death of Mr. Dimock, one of the members. Howe was not at the nomination; McCully was, and so was Dr. Tupper. The usual extreme and uncharitable language of the time was employed by the speakers. The executive felt sore over the defeat of its candidate and that possibly had something to do with the dismissal. The reason assigned in the official letter sent him was that his participation was contrary to the policy of chap. 36 of the Acts of that year, relating to the independence of parliament, which, amongst other things, provided that after the dissolution of the present House of Assembly no person holding any office of profit or emolument under the government should continue to hold a seat

in the Legislative Council, unless within thirty days after such dissolution he should resign such office, and signify such intention to the Provincial Secretary. Judging from newspaper reports this Act was introduced by Howe, and was in part intended to head off an Act introduced into the Legislative Council, the object of which, though not in terms aimed at McCully, was to prevent his holding a seat in the Council and Judge of Probate at the same time. The policy of chap. 36 was apparent. McCully in a letter in the "Novascotian" of Sept. 13th, 1858, several columns long, spiritedly defended himself, and in addition to other points, contended that the statute did not affect him, and could not until after the dissolution of the House. It is true he had not violated any of its provisions, but I make bold to say that he offended against its policy, which he should have respected, and the more so as his course embittered partizan feelings. He had this excuse however: he followed several examples of the same kind none of which, except perhaps one, were punished—not even noticed by the government. In the same letter he said he favoured the appointment of chief justices from the bench, not from the bar.

A debate took place in the House on his dismissal. Messrs. Howe and Young alleged it was a case of political proscription. Mr. Johnston replied, "He would not have been dismissed for the exercise of his political privileges if he had kept within the bounds of propriety, but when he saw fit to violate the decent restraints which the office should have exercised upon him, he put himself beyond the pale of the principles which the government avowed as part of their public policy." "What this meant I am unable to say, unless it referred to what McCully was alleged to have said about the Kennedy case. The Provincial Secretary, Dr. Tupper, said: "He was not dismissed for political reasons, but it was for conveying the impression, when called upon as a man and a lawyer to vindicate the

judges of the land from aspersions, concerning the reprieve of Kennedy, and said that he had not been executed because he was a Catholic, when he well knew the commutation of the sentence was effected by the judges, and thus he assailed the very foundations of justice, and attempted to degrade the bench in the estimation of the public." The facts relating to that case were: the accused was convicted of murder at Windsor. Mr. Justice Wilkins, who tried him, having doubts about the correctness of the conviction, referred it to the full court which decided that he should only have been convicted of manslaughter, and under a statute then in force, enabling the government to deal with the case and pardon, or award suitable punishment, remitted the matter to the government to be dealt with. The result was, he was awarded two years' imprisonment by the executive. McCully discussed the matter on the hustings at Windsor, and Tupper replied. Their speeches were not stenographically reported, but only by newspaper men representing each side of the Press, and therefore more or less partial to their friends. What they said cannot be ascertained with certainty. Tupper and McCully differed upon it. If his criticism was directed against the judges it was grossly wrong in fact and otherwise. If against the government on the ground that it saved Kennedy from the gallows because he was a Catholic, it was equally false in fact and otherwise. The judges reduced the conviction from murder to manslaughter and his execution was therefore out of the question; and his attack upon the government, if any, should have been limited to the amount of punishment awarded. The incident in itself shewed the impolicy of a judge entering into a political controversy. His strongest ground in respect to his dismissal, and it was a substantial one, was that he was removed without a hearing, even without notice, upon a ground to which he claimed he had a good answer.

5. A member of the Railway Commission under Howe's chairmanship from April 1853 until superseded by the Johnston Tupper government in the spring of 1857. Upon the defeat of that government in February 1860, he was appointed a member of the executive, Solicitor-General, and Chairman of the Railway. He received no pay as Solicitor-General, due perhaps, to the fact that double pay would afford a fruitful grievance to the Conservatives. The work cast upon him while a member of the railway board, and especially while its chairman, was arduous to a degree. His reports as chairman were precise and full, covering every detail of the work and expenditures, the situation for the past year, present conditions, and the prospects, financial and otherwise.

During the reign of the Johnston-Tupper government, a fierce political controversy arose in the House and the press, and at political meetings, over the dismissal of Mr. Forman, chief engineer of the railway. It was claimed he was dismissed because he was a member of "The Protestant Alliance" and through Catholic pressure. McCully took the leading part in that controversy probably because of his previous connection with the railway while he was chairman. There were almost daily accusations in the press against its management. He replied forcibly to the more serious ones.

In his report for 1861, in the Journals of 1862, App. 15, he detailed unsuccessful efforts he had made to secure a telegraph line along the railway, and said its absence caused much confusion, delay, expense, and often danger. All trains then consisted of passengers and freight. The places for them to meet and cross were fixed by schedule and could not be changed, except by order given before departure. I was told by the late Mr. Ryan, a conductor for many years, and later stationed at North Street Depot, that when trains were delayed by snow for a very long time at a crossing place, he sometimes became bold enough

to proceed onward, and in order to avoid a collision he would go into the engine cab and lean out on one side, while the driver leaned out on the other, looking and listening intently for the oncoming train. Such were some of the conditions confronting McCully. A letter from him to Howe, then Provincial Secretary, will be found at page 123 of the Journals of 1861. It shews his grasp of railway matters and his industry.

The railway was really the people's road then, and was most generous towards the travelling public. For example, if a person came to a station at the beginning of, or along, the line with a horse and light waggon, or one laden with goods, the railway provided him with a seat in a first-class car, a box car for his horse, and a flat car for his waggon; all for the price of the first-class ticket. This rule prevailed from the outset and until Mr. Carvell became superintendent in or about 1869. It caused great delay at many stations. When changed the outcry was loud, long and widespread, but it was a great boon to the general travelling public in the matter of comfort and speed.

While discharging the duties of chairman of the Railway Commission he was venomously (the word is not too strong) pursued by the leading opposition paper, and some of the lesser ones, and accused of all sorts of wrong doing, and attacked with much bitterness in the House. Mistakes may have been, probably were made, and, so far as they may have related to him, he was blamable, but I am confident so far as work, oversight, study, and attention went, he did his best! As an instance, when disaster occurred or snow blocked the trains, he was amongst the first on the scene to assist in remedial measures. While on an engine during a snow blockade, assisting in the work of relief, an accident occurred in which a good-sized sliver off a board was driven up the back of one of his legs. This happened as I remember near Windsor Junction, and hours elapsed before he received medical attention, but mean-

while, though suffering greatly and losing considerable blood, he is said not to have even moaned.

6. A delegate to Quebec under a resolution passed by the Assembly. In April, 1861, Howe moved a resolution—the one alluded to—to this effect: “That the Governor be requested to put himself in communication with the Colonial Secretary, the Governor-General, and the Governors of the North American Colonies, in order to ascertain the policy of Her Majesty’s Government, and the opinions of the other Colonies, with a view to the enlightened consideration of a question involving the highest interests on which the public mind in all the provinces ought to be set at rest.” The question thus adverted to was mentioned in the preamble to be a maritime, or general, union of the North American Provinces. Delegates appear to have been appointed and to have met at Quebec, probably at the same time as the delegation next referred to, and after some discussion decided it was not expedient at that time to discuss the matter further. See Saunders’s “Three Premiers,” p. 347.

7. In September 1861 he was a delegate to the New Brunswick Government, on the prospect of building the Intercolonial Railway. His report appears in appendix 49 of the Journals of 1862. Soon after, he was a delegate to Québec City to confer with the Canadian government on the same subject. His co-delegates were Howe and A. G. Archibald. In the same appendix the report of these delegates appears. The governments of Canada and New Brunswick were represented at that conference. Amongst other things it was resolved to renew the offer made to the Imperial government on October 26, 1858, to aid in its construction, and to connect Halifax with Quebec; and that a delegation from each government should immediately proceed to England to press it upon the Home government, and further that necessary legislation, if possible, should be enacted and that the Imperial government should select

the route. The delegates selected were VanKoughnet, Howe and Tilley. Howe's report is also in appendix 9 of Journals of 1862, accompanied by a letter these delegates wrote to the Duke of Newcastle on the subject of their mission. There are other documents there on the same subject setting forth the efforts made to secure the Intercolonial Railway.

8. A delegate to the Convention at Charlottetown held on Sept. 1st, 1864, to consider a union of the Maritime Provinces.

9. A delegate to the further conference at Quebec when delegates from the Canadian government and the other provinces, met to consider the larger union—the lesser one considered at Charlottetown having been deemed impracticable by that convention. The Quebec Conference lasted sixteen days and resulted in the unanimous adoption of a plan called the Quebec scheme of union. After it ended its labors the delegates visited Montreal, Ottawa, Toronto and other places, and were entertained in excellent style. Much speaking was indulged in. McCully spoke at Toronto in response to the toast of "The Maritime Delegates," and referring to the proposed scheme said: "We dug deep, and laid strong and broad the foundation, as we hope, of an Empire, and when it is unfolded let no savage hostile criticism attack it, till it has been weighed and duly considered; and if after weighing it and considering it, you have anything to say against it let it be in a spirit of moderation; let there be no attempt to make political capital out of it. Nothing could be more fatal to the measure. One thing, more than another, ought to be kept in mind, that it should not bear too heavy financially upon the people"; and referring to our tariff, then 10% ad valorem, he added: "One of the difficulties would be to reconcile our people to a raise in it, unless for defence, or some great public improvement, or necessity." It was a very practical speech and touched upon the points

which alarmed and inflamed public opinion in Nova Scotia against it in advance of its accomplishment. His wise words fell upon deaf ears in Nova Scotia. "We were sold for the price of a sheepskin" was the cry, and our young men would be drafted to defend the Great Canadian Lakes; and we would be ruinously taxed to develop Upper Province schemes. He also spoke at a banquet given at St. John, N. B., but it does not appear to have been reported. Some time after returning home, in a speech referring to the parliament buildings at Ottawa, he said "it contained acres of plaster and miles of cornice." This was eagerly seized upon, and used to excite us; so also his statement that wherever the delegates went on that occasion, they were entertained with "exhaustive festivities."

10. A delegate to London in 1866-7, during which the scheme was matured and carried into effect by the British North America Act of 1867, passed by the Imperial Parliament.

While on that mission to secure the Act of Union, he threw himself heart and soul into the work of settling its terms, securing its passage through Parliament, and aiding in the struggle which Howe and his co-delegates caused. In that interval he published a pamphlet of thirty-two pages reviewing and answering two of Howe's, more especially one just published on "The Organization of the Empire." It was in McCully's best style and free from the somewhat rough, but forcible, expressions found in his editorials and correspondence at home. His objectives appeared to be: (1) To shew from Howe's past writings and speeches he had been an ardent advocate of the Union he now opposed, and his present testimony and opinions were therefore not entitled to much weight; (2) to shew forth our conditions, and the consequent necessity for, and the advantages to accrue from, a Union, and (3) that there were in the proposed Union five provinces, treating Ontario and Quebec as one, possessing five different post office

departments, five militia systems, and five legislatures, making laws subordinate only to the Imperial government. These it was contemplated so to re-construct, that one central parliament would take cognizance of the whole, with one legislature in each province, having jurisdiction over local subjects. The proposed scheme would thenceforth constitute them a single country, and the germ of a future nation. He met Howe's and Annand's arguments with great force, and, from the standpoint of existing conditions, shewed the impracticable nature of Howe's proposals to substitute representation in the British House of Commons for the Colonies. The report of these conventions are meagre, but they show that he took a useful and fairly prominent part in them.

11. A Senator of the Dominion from July 1867 until August 1870, when he was elevated to the bench, where he remained until his death January 2nd, 1877, after a few months' illness. The fact of his filling so many and such varied and difficult positions over so many years, affords strong testimony to the high opinion of his character and qualities entertained by his party, and the several governments which selected him for them. The persistency and virulence with which he was assailed by the press, in both branches of the legislature, and in the public speeches of his adversaries, be they in the first instance conservatives, and in the next anti-confederates, prove conclusively they regarded him as a formidable opponent, whom it was necessary to oppose, and denounce, at all hazards. They were not afraid of any special following he had. They knew he never had one personally of any moment numerically, but they realized that his influence on public opinion, through his pen and voice, was great—hence the course pursued towards him; and

12. Finally Judge of the Supreme Court of Nova Scotia.

Mr. Justice Bliss's last circuit was in the autumn of 1866—the midland one. He did little or no judicial work after that, and resigned somewhat late in 1869. The vacancy thus created was not specially filled. Legislation was enacted at the next session, chap. 2 of 1870, providing for two additional judges, and John W. Ritchie and Jonathan McCully were appointed accordingly. Upon his first appearance judicially on the several circuits of the province he received very flattering, and what in view of his past were to him very consoling and gratifying, addresses from the officials of the court, the grand and petit juries, the bar, justices of the peace, magistrates of the county and prominent residents of the shiretowns. These were balm to the bruises received in public life, and as such he treasured them. The family preserved them—but as all his children, two daughters and one son, and the husbands of his daughters, are deceased, and none of his grandchildren reside in the Dominion, recourse to them cannot be had. His wife, who was a Miss Creed, the daughter of an official in the commissariat department at Halifax, died not long after his accession to the bench. At the time of his appointment some of the then members of the bench were aged, some were slow in taking evidence upon trials, and some leading members of the bar were much given to making frequent objections to evidence, and long arguments in support of them, in the course of a trial, and equally long arguments were made in reply. Most of the judges endured these patiently. On one occasion two leaders of the bar were both addressing Mr. Justice Wilkins on a point of evidence, in loud and angry tones, each trying to be heard above the voice of the other, when Alfred Bayers entered the court-room. The judge addressed him very cordially, and then turning to the excited, loud-talking, counsel he said, pointing to Mr. Bayers, "Gentlemen, there is the best cock-shot in the country." This rendered the situation so ludicrous that the tornado of altercation

ceased, and the question argued was not ruled on. On another occasion when counsel had several times indulged in reflections upon each other, which were neither pious nor kindly, but may have been truthful, before the same learned judge during a trial—one of them appealed to the judge if he had heard what his opponent had said to him, and the other made a like appeal as to himself, the learned judge, who at the time was somewhat deaf, replied “No, gentlemen, I did not hear what either of you said of the other, and I have great reason to thank God for my infirmities.”

All causes were tried by jury, and speeches of three to four hours from counsel were common. There was much litigation in those days to recover marine losses—and these occupied much time, and embraced many and various facts—and expert opinions. Progress was often painfully slow, and dockets were large. More than two years elapsed as a rule before a cause could be brought to trial in Halifax. The county dockets suffered from the same causes. The new judge was deeply impressed with the evils arising from such conditions and resolutely set himself to the task of ending them, and removing the congestion they created, and to that end applied drastic, but fairly legitimate, remedies. Few idle words were permitted on objections, in his court; long-winded harangues were not tolerated; speeches to the jury, under cover of a legal argument to the court upon an objection to evidence, were promptly repressed. The points involved were heard briefly, and prompt rulings were made and further discussion not allowed. Trials proceeded rapidly, and counsel were kept strictly to the issues for trial, and no time was wasted. When necessity existed he sat long hours, and used every reasonable means to secure dispatch of business, but always affording fair opportunity to elicit and present all that was material. This brought him at times in sharp conflict with some members of the Bar, who loved alter-

cations and long speeches, but the public, the suitors, the witnesses and the jurors, approved his methods. He rarely left a circuit with causes untried—a fact of which he seemed very proud. He was very liberal in allowing amendments of pleadings; sometimes in the last stages of a trial, and at times refusing the opposing party a postponement to consider and meet the change produced. This course was liable to work injustice, and I have been told of cases where it so operated. The bar justly complained of such procedure. When an occasion for plain speech arose he employed it. I remember an instance when counsel refused to yield to his suggestion not to ask a question he proposed and persisted in putting it. The case was a capital one and the judge became annoyed at the persistency shewn, and when all argument and suggestions on his part were exhausted, and counsel still pressed the question, he exclaimed, “Good Heavens, Mr. . . . . ., do you want to hang your client?” Attorney-General Wilkins prosecuted on that occasion, and when a brother barrister asked who was assisting him, pointed to the defending counsel and said quite audibly “That young gentleman.” As a rule he was patient and courteous to counsel, but his earnest manner was sometimes taken for asperity. He saw that witnesses were fairly treated. At an early stage of the trial he became fully advised of the questions for disposal, and, if not familiar with the law applicable to them, took pains to ascertain it before he charged the jury, to whom he gave simple, but clear, directions on the law and facts. If the jury went wrong the fault, as a rule, was not his.

He heard many arguments in the appeal court; and most if not all of his decisions are contained in volumes 8, 9, 10 and 11 of the Nova Scotia Reports. They are of good quality and deal with the questions for decision clearly and concisely without any attempt at oratory, straddling or qualification, to meet future cases. They give forth

no uncertain sound and therein lies their value. His general qualities as a judge are so fairly summed up in the press obituaries that it is not necessary to do more than quote from them, and also as to other points of his character. The "Chronicle" said: "He earned the reputation of being the ablest political writer in the Maritime Provinces. He was a faithful party man in the days of his party warfare. A faithful judge after his withdrawal from political conflict. A warm friend to those who won his friendship either in public or private life." The "Reporter" said: "He soon acquired eminence as a writer which brought him into collision with many opponents, through which he received many hard knocks, and for many years was the best abused man in Nova Scotia. He possessed sound common sense, was patient, and industrious, and gave ample proof of these in every capacity of life he occupied, whether as a member of a party, or of the various offices and commissions he filled, and had an inflexible will and resolute purpose. As a judge he exhibited great independence and firmness, but secured a warm place in public estimation for his uprightness and impartiality. He had the reputation of being close and hard with those who didn't know him, but who took their ideas from hostile political writers. To many he seemed to have too much granite in his composition. He may have been a rock, but when struck with the rod of sympathy a stream of kindly feeling and beneficent action was sure to follow."

The "Recorder" states that "he entered into law practice with Howard D. Steele, in Halifax, now Reverend Mr. Steele. Mr. McCully soon became a leader at the bar. His knowledge of law, and astuteness, won him that position, but he didn't possess these qualities in an eminent degree; his great industry alone, a trait of character universally conceded to him, would have earned for him no inferior position. In all the public positions he held he brought to their fulfilment a large amount of intelligence,

the most unflagging industry, and no small modicum of common-sense. He was for years a vigorous writer in the 'Chronicle,' later in the 'Unionist,' and was perhaps the most prominent editorial journalist in his time."

The "Herald" said: "As a lawyer, a journalist, a politician, a senator, a judge, he filled a fairly large space in public and official life, and filled it at all times with a high degree of credit. As a judge he had all the rugged good sense and clear practical wisdom which are valuable in that position, and his loss will be felt particularly. We do not say he was a great man, or always a wise one, but he was a man of exceptional ability, fortunate in life because he was industrious rather than because he was brilliant, and respected by a very much larger number of people than from his rugged and brusque manner would have been imagined by the younger generation."

The "Messenger," the organ of his denomination, after giving a detailed account of his work in the Baptist communion and the times when he received positions in it, and stating he had faithfully and remarkably performed their duties, said: "Some of the most eventful scenes in our provincial history were associated with his life:" After referring to the more important of the public positions he filled, it said: "He was faithful to his trust in all of them, and as a judge had no superior"; and then proceeded: "He loved the Church; her interests were dear to his heart. Seldom was he absent from the stated seasons of prayer; even in his busiest days, he loved to gather with the saints. It was in the prayer meeting that he shone. Many, besides the members of the church, will remember with what a loving and reverent spirit he approached the mercy seat. He had no mock humility. He used no cant phrases, no childish epithets of endearment, as if on familiar, caressing terms with the Deity; he always seemed impressed with the majesty of the Supreme Being while profoundly grateful to the Redeemer who had bought him with His Blood.

How at times his soul glowed with holy fire as he communed with his Saviour! When he spoke, everybody listened, for he always had something to say. His religious life was not fitful and varying like the flash of a firefly, but calm and steady like a burning flame.

“Political differences kept him aloof for a time from the larger gatherings of the denomination; but his time came, and for the last few years his influence has been felt not only in the cause of education, but in that of missions as well. On these great subjects he had his own views—and expressed them. He thought for himse’f. The conclusions which he reached may not have been always the wisest, frequently they were not those which were held by the majority of his brethren; but he could always give a good reason for his opinion.

“He was a leader—his nature and early training made him such in the church he led. Good judgment, strong common-sense and an inflexible will gave him power over others. He never had a large following, but he always had an intelligent one.

“Judge McCully was a strong man, a man of marked individuality of character. He could stand alone; he never leaned. He would battle for what was right against all odds. Fearless in the discharge of duty, he never swerved from the path which he had marked out for himself. He was incorruptible and firm in his moral integrity. Neither man nor woman, crown nor devil, could move him from his fixed resolve, but he was meek and humble in the presence of his Divine Master.

“His nature was intense; he never could do anything by halves. What he did, he did with his might. You always knew where to find him. He was never one thing today and something else tomorrow; he hated shams and all pretence. He cared very little for public opinion; I do not think he was ever known to ask, ‘What will people

think?' If he were satisfied a thing was right, that was sufficient.

"Our departed brother had his faults—who has not? But as with other men they were closely allied to what was most excellent in his character, and should be viewed charitably on this account. His professional training made him quick to see imperfection in others, and sometimes his criticism would sound harsh and severe."

Upon his death the following resolution was passed at a meeting of the Bench and Bar:—Resolved that this meeting of the Bench and Bar has learned with regret of the death of the Honourable Mr. Justice McCully who, while at the bar, and after his elevation to the bench of this province, was distinguished by his legal learning, sound judgment, great energy, industry and integrity, and as such justly earned the respect and confidence of the profession." The above did not unduly flatter him; nor exaggerate his qualities; his strict impartiality as a judge was never challenged.

One feature in his life remains untouched, namely his course in the religious conflict which began some time in 1855 and became acute in 1856 and remained so until after the defeat of the Johnston-Tupper government in February, 1860. I have dealt briefly with that unhappy time in my paper on Sir William Young, and incidentally McCully's participation in it in support of Howe's crusade. McCully did not originate it; did not welcome it, tried to prevent it, and entered into it with great reluctance. He told me he saw that Howe's course meant the destruction of the Liberal party if his lead was not followed, consequently he bowed to his then idol, and engaged in the fight to save the party, despite his dislike of religious controversy. It shews that strong men, men ordinarily fair-minded, may be led by their affiliations to do things at times contrary to their better judgments. I knew him intimately for nearly ten years, and have never faltered in

my belief that what he did in that struggle was distasteful to him; but the party had to be saved, its opponents defeated at all hazards, and he never did things by halves. Nevertheless I cannot avoid saying that if he were the author of the harsher editorials in the "Chronicle," touching that religious controversy, it were better for his fair-mindedness and Christian character if they had not been penned. They did much to arouse and stimulate sectarian anger and hostility. I shall cite himself to prove there was no occasion for them; at the most but little. In his letter of September 13th, 1858, addressed to the Provincial Secretary, as the proper channel to reach the Governor, he said: "At no previous time in our history have party, and *sectional animosities*, been so rampant as now, and yet at no period for the last thirty years, it will be admitted, have there been so few great distinctive principles in agitation to *produce or justify* such a state of things."

When he and Howe separated on Confederation, Howe assailed him ferociously on every occasion he could, and in one of his speeches, referring to the lowering of the flag on Government House on the death of Archbishop Walsh, said: "McCully raised that cry. I was in the United States at the time, and knew nothing of it until I found it was accepted as a party cry, and then I used it as party cries are generally used." In the course of that speech, Howe said: "The lowering of the flag was the act of a servant, and which in quiet times would not be considered more than a usual compliment." In the debates of 1858 and 1859, Howe's attitude supported the denunciation given to that event, at the time of its occurrence.

McCully said in the "Unionist" of Nov. 13th, 1867, referring to the Irish Catholics and Howe: "They supported him with the devotion and fidelity with which Irishmen alone are capable of. When the hat went around they rushed eagerly to put in their contributions. Foreseeing that he was losing power in the country, and

that it was necessary to change his tactics, he insulted the Irishmen of Nova Scotia, their nationality and their religion, created a religious feud in this country which arrayed in deadly hostility to each other Catholic and Protestant, but which created new political combinations that proscribed every Catholic from holding a position in the government, while he himself, as the reward of his black ingratitude, received the highest gift in the office of the government."

He was an ardent advocate of Confederation and few labored more earnestly with voice and pen to promote it. We were at a low ebb in needed public works; he saw they were only starting. We had entered upon heavy expenditures for them, such as railways, St. Peter's canal, and the post office. Others were urged, and could not be delayed, including our share of the projected Intercolonial Railway, necessary lighthouses, breakwaters, wharves, increased postal facilities, greater protection of our fisheries, and the maintenance and expansion of our educational system. These would involve heavy burdens which, with other necessary outlays, could only be met by a very substantial increase in our excise and customs tariff, and perhaps a resort to direct taxation. They would mean an increase in the cost of living. He saw relief from them in the Union, and also securing the Intercolonial Railway, through the aid the Home Government would give to a United Canada, but would refuse to separated provinces; and these, with the abolition of our custom duties, as against the neighboring provinces, and the levelling of the varying currencies, and the greater facilities for commercial and other intercourse with them, would afford much expansion in trade and give us a position and power we could never gain as an individual province.

He supported Dr. Tupper's free school bill, but opposed making the executive the council of public instruction, and much was said then, and many think more can be said now, in favor of that view.

During the Confederation struggle, he addressed large public meetings in Halifax, Windsor and elsewhere. He was present at the Truro meeting in June, 1867, but did not speak. Howe on that occasion, in answer to accusations of inconsistency, especially in relation to his speech on Johnston's resolutions in the House in 1854 on the subject of Union, said: "I was taking Johnston into deep water to drown him." The next morning I ventured to call Mr. McCully's attention to some striking passages in that speech. He at once prepared an editorial, headed with that observation, and contrasted it with what he said in his 1854 speech. It placed Howe in an awkward plight. I have searched for that editorial and if I find it later I shall supplement this with a few extracts from it. Howe felt keenly the strength and force of his opposition and rarely failed in his speeches and letters of that day to attack McCully savagely. Finally the latter was driven to publish a short review of Howe's career. It appeared in the "Colonist" of May 23rd, 1867.

E. M. Macdonald, then editor of the "Citizen," and a candidate for the House of Commons, made some very coarse allusions to the Senator which aroused his ire and he paid his respects to Macdonald in the columns of the "Colonist" of July 23rd, 1867. I copied both of the articles for the printer. They are average examples of his style.

I am happy to be able to state publicly, and I believe it has not been done before, that all the bitterness of the Confederation struggle between Howe and McCully was wiped out upon his appointment to the bench. A few weeks after that event, he wrote Howe as follows:

"Excepting a note to Sir John before I left Ottawa, last spring, to say that I should like that my professional claims might be considered in the new Nova Scotia appointment to the bench, not having attempted in any way to influence the Privy Council, or any of its members, I am almost at a loss to know to whom, in particular, I am

indebted for the honour conferred in my recent appointment to the Supreme Court bench of my native province. I shall assume however that to yourself as well as Dr. Tupper, as the representatives of Nova Scotia, having seats in the Privy Council, I am placed under obligations for a recognition of services in the past and an appreciation of my qualifications for the situation. When you said, 'let by-gones be such' I felt, as] with men of honor it ever should be, it would be in our case. I think I have abundant proof that it is so. I only hope I may prove not unworthy of the confidence reposed in me.

"Lacking, no doubt, some of the qualifications for winning the thing called 'popularity,' perhaps not prizing it quite so highly as some do, I have struggled on, most of the time beating homeward as you know, and now I owe somebody kind thanks for a harbour to which I have long been naturally enough shaping and looking, but never to my knowledge, I am proud to add, forsaking my party principles; and I prize this gift the more that it is conferred by a government and a ministry that have not found in me an obsequious supporter. When my judgment dictated otherwise, I have more than once, as Sir John as well as my good friend Hon. Mr. Campbell knows, reluctantly, but fearlessly, recorded my vote, defeating the ministerial policy of the Senate. But Sir John, to his great credit be it spoken, not in this instance alone, in others to which I could refer, has proved that he possesses a noble, manly nature, allowing to others, what he claims for himself, the right conscientiously to differ on public questions.

"One of the greatest lights of the law has left upon record, and Lord Campbell recently reproduced the sentiment in his lives of the Lord Chancellors, 'That a popular judge is a deformed thing, and plaudits are fitter for players than magistrates.'

"So, if I am no better than mine enemies say, I need not be discouraged. But enough, my dear Sir. Make my

best regards, and Mrs. McCully joins me in this, make them acceptable to Mrs. Howe, and believe me,

Yours very sincerely."

Mr. Howe's reply was as follows:

"My Dear McCully:

"From your own and Ritchie's standing on the roll, and from the fact that you had both held the office of Solicitor-General, it was not possible to pass you over, as there could be no question as to fitness and qualification.

"Looking at the matter from a political point of view, Ritchie was a conservative, and you were a fair representative of the old liberal party.

"Our modern differences of opinion on the question of Confederation were left out of view as the policy, whether right or wrong, had been accepted and the experiment was to be fairly tried.

"Personal feelings I had none to indulge, as we had a good deal that was pleasant to remember, and whatever there was of an opposite character it was a duty to forget.

"With every wish that you may succeed in giving general satisfaction, I am,

Very truly yours."

If one of his students sought help from him on a question of law, he enquired, "Have you read it up in the books?" If the answer was yes, he would discuss it patiently and with much assistance to the enquirer; if it had not been read up, the answer was go read it carefully and then come back and we will discuss it; and he never forgot his promise to do so. By that course the student would come to the discussion equipped to some extent to take part in it and gain profit from it.

In the preparation of a pleading or document at all out of the ordinary class, he bestowed exceeding great pains upon it. I have often engrossed his drafts three and even four times before the changes satisfied him. In work of that kind he wrote rapidly; it was not easy to read it,

but it became plain to me. On one occasion in the full court, with many lawyers and laymen present, he was reading an opinion of his own writing and came to a place he could not make out. After several ineffectual attempts he looked around the room until he discovered me and called me to his aid. I was able to do what he couldn't do, read his own writing. It created much merriment at the moment.

If a client's matter involved much detail, he would direct me to take his story in writing and to examine him closely so as to elicit all the facts. He would go over my statement with the client minutely and add to it or cut it down until the full story, and as much of that of the other side as he could get, were on paper. If a suit upon it was necessary, or a defence in a pending one, he directed me to prepare it. In the early stage I was forced to say "I don't know how," and his answer was, "You must learn—go to the books of forms." This threw upon a student a heavy responsibility and to maintain his self-respect he had to do something. But it stimulated thought, it forced study and enquiry upon him. But whether the product was a mouse or a mountain it was submitted to the teacher. I often stood by his desk, trembling, and watched my bantling put out of recognizable shape, but it was good training and discipline.

An amusing incident occurred in the spring of 1867, when election fever ran high, in which he participated. Some young anti-confederates issued a paper called "The Gunboat." It was well edited and contained many witty items hitting off confederate arguments and their associates in an amusing way, especially putting in a ludicrous form any odd habits, or peculiarities of character, or speech, the parties under description possessed. It took well. It was announced in its second or third number that it would come out again at a certain hour of a certain day in the following week. It stirred confederates; a meeting of choice

spirits was called, and plans were adopted. Writers were assigned to places. Mr. McCully, a promising young doctor, and a staid old-time journalist, were to be the writers; artists were chosen to design and prepare the illustrations for a "New Gunboat." An hour or so before the time fixed for "The Ancient One" to appear, the lads who had charge of its sale were gathered awaiting its appearance. They were made use of to sell the "New Gunboat" which was, in size and appearance a perfect copy of the older one. They were told to rush its sale, and were sent with armfuls to all the robust anti-leaders in the city. One old gentleman bought out several boys' stocks. The appearance and name sufficed to warrant the investment. He sent them aboard the Lunenburg packet, then casting-off from the wharf, to aid the election in that county, and do deadly work in confederate ranks. He soon discovered his error and endeavoured to recall them, but it was too late. Another gentleman on his way to Dartmouth bought out several other boys' stocks, and laden with them boarded the boat. Distributing them to all he said, with great emphasis, "There's the grand litheratur for ye." When he disposed of his precious wares he sat down and began to read, but after reading two or three sentences became surprised, took off his glasses, wiped them, then sought better light, then changed his seat, read a little more, grew more surprised and then angry, and discovering he had been fooled, set about recovering "the grand litheratur" he had unwittingly scattered. The plot was sprung, the fun was on, but not exhausted, and was too enjoyable to be abandoned, and refusal followed. One of the jokes of the situation was that the first sentence or two of every paragraph and article, was true to anti-confederate form. The trick succeeded so well that that issue of the ancient one failed to sell, and but one more issue appeared which was so flat and vulgar that it forfeited all claims to respect. Some of the illustrations and descriptions in the bogus one were

excellent, and the letterpress witty and pungent. The coats-of-arms assigned to several leading "anti"-families, descriptive of their early origin, were somewhat cruel, but were witty and suggestive, and in point of retaliation, not undeserved.

One of the candidates had recently developed a most ardent affection for fishermen. He was depicted in a pretty fair likeness of himself down to the hips; the rest was a codfish, and he began his speech at a fishing village: "Mr. Fishermen and gentlemen." The speech he made was twisted into apt Confederation arguments in a very happy and effective vein. It supplied the best and most successful joke of any election campaign in the province; and created much amusement even with many who were hit by it. It was very largely enjoyed and was real sport in an otherwise cruel contest.

A suit was brought while I was in his office, which had what a crusty old bachelor would call, a "tragic ending." It was by a young woman against a neighbour to recover a sum of money she claimed he owed her. It was defended and when the trial was at hand the defendant came to the office, said he and the plaintiff were married a few days before and he came to pay the solicitor's costs. Litigation is rarely ended after that happy manner. It is generally fought to a finish; but then a new suit of love ended a stale one of conflict.

During the election of 1867, Howe was advertised to speak at Parrsboro against Tupper. He was at Rawdon the night before. The tide obliged the steamer to leave Windsor early next morning. His friends gathered at the wharf to greet him, but he did not appear. Time was passing, the tide was disappearing to its accustomed haunts, despite the hopes, the whispered prayers, the impatient ejaculations, the feverish anxieties, of the agitated waiters, and when Howe reached the wharf the steamer was miles away. The next issue of the "Unionist" contained a well-

developed description of the scene by McCully. In part it said: "Tide waits for no man whatever time does, and the Avon Sea-god didn't pretend to know Mr. Howe or to consider him of sufficient importance to alter his arrangements. The steamer could hold on a few minutes, and so away ran Monsie (the reference was to Goudge) after Howe. Tam O'Shanter with the witches after him was nothing to it. 'Dead or alive, drunk or sober, did you see Howe?' was the question put to the affrighted travellers as Monsie met them one after another, without even waiting for an answer; and as if the deuce was in it, Howe took one road and Monsie the other. The boat departed without Howe, and for once the shadow got ahead of the substance. Annand was aboard, Howe was ashore. A shout went up. 'A boat! a boat! the Dominion for a boat!' The Kempt ferryman was requisitioned, and the last seen or heard of it was Monsie shedding tears that mingled with the muddy brine of the Avon. Towards evening the sound of revelry was heard and recognized as the Canadian Boat Song:

Row, brothers, row, the stream falls fast,  
The drill-shed is there, the rapids are past;  
Row, brothers, row, that is Blomidon's height;  
The island is over there, Annand's in sight."

I have gone over most of the leading features of his busy professional and political life, and although he had not reached the allotted span at its close, it was such an active and fruitful one, and embraced so many movements, struggles and conflicts, that if one were to write it fully he would disclose the political history of the province from about the early forties to 1870.

Despite this he has practically gone out of public memory, and the fact proves that

"Men fade like leaves, they drop away  
Beneath the forest shade;  
Others again succeed, but they  
Are in oblivion laid."

May his mistakes and faults whatever they may have been be viewed charitably and never imitated, and his good qualities serve as an inspiration to those who assist in guiding our destinies!

# THE FORTIETH REGIMENT, RAISED AT ANNAPOLIS ROYAL IN 1717; AND FIVE REGIMENTS SUB- SEQUENTLY RAISED IN NOVA SCOTIA

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(Read 14th March, 1924)

## CONTENTS

	Page		Page
Introduction . . . . .	115	Other Nova Scotian Regiments in Eng-	
Formation of the 40th Regiment, 1717.	116	lish pay, 1775-1816 . . . . .	148
Early officers . . . . .	118	(a) 2nd Batt. 84th Regiment, 1775-83	149
Uniform . . . . .	122	(b) Royal Fencible Americans	
Garrison and outpost duty, 1717-43. . .	123	Regiment, 1775-83 . . . . .	152
King George's War, 1744-48. . . . .	128	(c) Royal Regiment of Nova	
Halifax founded and French encroach-		Scotia Volunteers, 1775-83. . . . .	158
ments, 1749-54 . . . . .	131	(d) Royal Nova Scotia Regiment,	
Seven Years' War, 1756-63 . . . . .	135	1793-1802 . . . . .	164
Its history after leaving Nova Scotia,		(e) Nova Scotia Regiment of	
1764 to present time . . . . .	145	Fencible Infantry, 1803-16. . . . .	173
		Authorities consulted . . . . .	189

There is one fact in British regimental history which should be of particular interest to all Nova Scotians, and yet it is only known to a very few persons and those such as take pleasure in delving into the past. With the view of calling attention to the subject, this sketch has been prepared, which it is trusted may serve to foster in us an interest in one of the most famous regiments in the Empire's service.

The fact referred to is the raising in Nova Scotia of a regiment which is the only one at present on the strength of the British army that can point to this part of Canada as its birthplace.<sup>1</sup> Five other regiments were later raised in Nova Scotia, all of which apparently were supported by money from the British treasury; but they were only in existence for periods varying from eight to thirteen years, and furthermore they were mostly, if not all, for service in Nova Scotia, Canada or America. Their names were: The

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<sup>1</sup>One of various 104th Regiments was raised in New Brunswick in 1806, did good service in the War of 1812, and was disbanded at Montreal in 1817. In 1858 there was raised in the United Provinces of Upper and Lower Canada the 100th (Prince of Wales's Royal Canadian) Regiment of Foot, afterwards known as the Prince of Wales's Leinster Regiment (Royal Canadians).

2nd Battalion of the 84th (Royal Highland Emigrants) Regiment of Foot (John Small, lieut.-colonel), the Royal Fencible Americans Regiment of Foot (Joseph Goreham, lieut.-colonel), and the Royal Regiment of Nova Scotia Volunteers (Govs. Legge and Parr, lieut.-colonels), all three of which were in existence from 1775 to 1783; the Royal Nova Scotia Regiment of Foot (Lieut.-Gov. Wentworth, colonel), which existed from 1793 to 1802; and the Nova Scotia Regiment of Fencible Infantry (Frederick A. Wetherall, colonel), from 1803 to 1816. An account of these is appended to this paper.

The regiment with which we are chiefly concerned antedated the earliest of these by fifty-eight years and is still in existence after the passage of over two eventful centuries. It is the present First Battalion of the Prince of Wales's Volunteers (South Lancashire Regiment) formerly known as the Fortieth Regiment of Foot, the brave old "Fighting Fortieth" as it has been deservedly nicknamed. This corps was entitled to display more "battle-honours" than any other possessing colours, with the exception of the ancient First Foot or Royal Scots, facetiously referred to as "Pontius Pilate's Body Guard," which dates its present existence from 1633.<sup>1</sup> The Fortieth was the first foot regiment added to the army after the accession of the House of Hanover.

#### FORMATION OF THE REGIMENT, 1717.

Subsequent to the capture of Port Royal, afterwards Annapolis Royal, in 1710 by four New England provincial regiments under Nicholson, certain Independent Companies of Foot, doubtless also of New England origin, were maintained there for defensive purposes after the withdrawal of the rest of the troops. The number of these

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<sup>1</sup>In 1901 the 1st Battalion of the Prince of Wales's Volunteers had twenty battle-honours, and the two battalions of the Royal Scots had twenty-five. Since the recent Great War, many additions have been made to the battle-honours of the British Army, but the number of those which may be displayed on the regimental colour have been limited to a selected few.

companies at Annapolis Royal was four; while four similar companies were stationed at Placentia on the southeast coast of Newfoundland.

Each of these was commanded by a captain, under whom were one lieutenant, one ensign, three sergeants, three corporals, two drummers, and eighty privates—a total of ninety-one. This, however, appears to have been merely the nominal strength, and the actual number was less than this, for in December 1716 Caulfield reports to the Secretary of War that the strength of the four companies at Annapolis was: Caulfield's, 55 men; Williams's, 65; Armstrong's, 43; and Aldridge's, 66; or "219 in all" (evidently a mistake for 229). They, he says, if recruited and kept full, with the assistance of the train of artillery, are necessary to hold the place in peace and war<sup>1</sup>. These companies were mostly recruited, I believe, in New England and they were experienced in Indian warfare. It is quite likely that their pay came from England.

From these eight companies what became the Fortieth Regiment of Foot was formed on 25th August 1717 by a royal warrant, which, however, was not dated till 10th January 1718. The authority for the establishment of the corps is as follows:

George R.

Our Will and Pleasure is, that this our establishment of our Regiment of Foot, commanded by our trusty and well-beloved Colonel, Richard Phillips, and for the garrison of Annapolis Royal and Placentia, do commence and take place from the 25th day of August last inclusive, from which time all former establishments for our eight Independent Companies and Garrisons at Annapolis Royal and Placentia are to cease and determine.

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<sup>1</sup>Nova Scotia Archives, vol. 2, p. 45.

Given at our Court at St. James, this 10th day of January 1717--18. In the fourth year of our Reign.

By His Majesty's Command,

Stanhope	G. Baillie
Torrington	Thos. Micklethwaite
J. Wallop	

The regiment was to consist of 434 officers and men, in ten companies (eight of thirty-five and two of thirty-four privates each), one of which was to be a grenadier company. There were to be ten drummers. The staff under the colonel was a lieutenant-colonel, a major, an adjutant, a quartermaster, a surgeon and a mate, a chaplain, and a drum-major; and each company had a captain, a lieutenant and ensign, two sergeants, two corporals, and a drummer. As there were only eight companies already in existence, from which to form a regiment of ten such units, it might be thought that recruits had to be obtained for the two new companies. Apparently, however, there were enough men in the eight large companies to constitute, when redistributed, ten smaller ones. Murdoch (p. 351) seems to indicate that recruits were sent from England.

#### EARLY OFFICERS.

A partial roll of the original officers is as follows, all with the exception of Colonel Philipps and Captain Mascarene having been of the late four Independent Companies serving at Annapolis Royal:

*Colonel*—Richard Philipps.

*Lieut.-Colonel*— —————

*Major*—Alexander Cosby.

*Captains*—John Caulfield, Lawrence Armstrong, Paul Mascarene, Christopher Aldridge, John Williams, [Names of five others not known].

*Lieutenants*—James Campbell, John Jephson, Edward Bradstreet. [Names of seven others not known.]



**COLONEL RICHARD PHILIPPS**  
1661-1751

**Governor of Nova Scotia, 1717-1749**  
**First Colonel of the Fortieth Regiment, 1717-1750**

From an oil painting by Thomas Hudson, which belonged to the late Rev. Sir James Erasmus Philipps, Bart., of Picton Castle, Co. Pembroke, Wales.)



*Ensigns*—James Erskine, John Keeting, [Names of eight others not known.]

The names of the officers of the four late Independent Companies at Placentia have not been found, but if discovered they would have to be added to the above list of the original officers.<sup>1</sup>

A number of these men played a prominent part in the history of Nova Scotia, which is additional evidence of how the annals of the regiment are intimately associated with those of our province.

Colonel Richard Philipps, who received the command, was an officer of considerable experience. He had been an active supporter of the Prince of Orange, and for his zeal in that cause at one time narrowly escaped execution. He had been commissioned governor-in-chief of Nova Scotia on 17th August 1717, although it did not please him to assume office and personal command of his corps till the spring of 1720.

His career is an interesting one, too long to enter into here, but as a parsimonious, careless governor of the colony, nominally from 1717 to 1749, he is well but not at all favourably known. In 1731 he finally returned to England, which it would have been better had he never left; and his remains now lie in Westminster Abbey, an honour they hardly deserve.

Alexander Cosby, later the second lieutenant-colonel of the corps, was a brother-in-law of Philipps and a brother of the governor of New York. He was a member of the council at Annapolis Royal, became lieutenant-governor of the town and fort in 1727, and died in December 1742.

Armstrong (1682-1739) became the first lieutenant-colonel of the regiment on 1st Dec. 1720, provisional lieutenant-governor of Nova Scotia from Sept. 1726, and as-

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<sup>1</sup>For accounts of the formation of the regiment, see Murdoch, *Hist. of N. S.*, vol. 1, p. 351; and Smythies, *Hist. of 40th Regt.*, pp. 1-3 497 note. Calnek-Savary, *Hist. of Ann.*, p. 183, gives very little information about the inception of the corps. Murdoch's account is somewhat obscure in parts.

sumed the administration of government and command of the regiment when Philipps returned to England in 1731. Poor Armstrong, a man of fine character but broken down with care, finally ran himself through with his sword on 6th Dec. 1739.

Then good old Paul Mascarene the Huguenot (1685-1760) is another man of such note in our history that we need not dwell much upon his career. This most worthy man and distinguished officer became lieutenant-colonel of the corps on 27th Dec. 1742. On 24th March 1740 he had assumed the office of administrator of government and was the virtual head of the colony and generally referred to as the lieutenant-governor till Cornwallis arrived in 1749, and a thankless job it proved to be. His letters and other papers place us in close touch with this staunch official who had so much to contend with in an unruly and little-thought-of colony and as commandant of a shamefully neglected corps.<sup>1</sup>

Captain Aldridge became a member of H. M. council. Captain Caulfield (or Caulfeild as no doubt the name should be spelt) was probably a son of Thomas Caulfeild, who was lieutenant-governor from 1711 to 1717. Captain Williams was doubtless an ancestor of General Sir Fenwick Williams. Lieutenant Bradstreet died after a lingering illness about December 1718 (N. S. Archives, vol. 2, p. 94). Jephson, as we shall see, was a man of poor character.

Of subsequent officers, Otho Hamilton senior had received his first commission as ensign on 16 June 1710, became captain on 3 June 1739 and major on 30 Jan. 1745-6, acted as secretary for the government in 1736-37, and was generally prominent in Nova Scotia. In later years he deserved the lieutenant-colonelcy, but his claims were passed over. His son, who bore the same name, was also in the regiment, joining it as an ensign 25 May 1744, and becoming its major, by purchase, in Nov. 1761. In 1764

<sup>1</sup>An extensive Life of Mascarene, by J. M. Hubbard, is given in Smythies' History of the Regiment, pp. 527-545. A collection of his letters and other papers is in the British Museum and several are in the Public Record Office, London.

he was in command of the troops in Nova Scotia. He became lieut.-colonel of the 59th Regiment in 1770, holding that commission for eight years.

John Handfield, also well known in our history, joined as ensign in 1720, became a member of H. M. council in 1736, was commissioned captain in 1740, and major in 1754. As commander of the garrison at Annapolis Royal, he superintended the deportation of the Acadians from that district in 1755. On 18th March 1758 he became lieutenant-colonel in succession to Governor Charles Lawrence, but died the same year.<sup>1</sup>

Before proceeding with the general history of the regiment, we will summarize the succession of colonels and lieutenant-colonels from 1717 till the corps left Nova Scotia in 1764.

The colonels were: 1st, Richard Philipps (governor of Nova Scotia), from 25 Aug. 1717, nominally till Mar. 1750; 2nd, Hon. Edward Cornwallis (governor) from 13 Mar. 1749–50, or his formal appointment, 13 Mar. 1752–3, till Mar. 1754; 3rd, Peregrine Thomas Hopson (governor) from 4 Mar. 1754 till his death at Guadaloupe, 27 Feb. 1759; 4th, Hon. John Barrington (son of Viscount Barrington) from 9 June 1759 to Sept. 1759; and 5th, Robert Armiger from 10 Dec. 1760 to 1770.<sup>2</sup>

The lieutenant-colonels were: 1st, Lawrence Armstrong (lieut.-governor) from 1 Dec. 1720 till his death, 6 Dec. 1739; 2nd, Alexander Cosby (lieut.-governor of the fort and garrison of Annapolis Royal<sup>3</sup>) from 22 Mar. 1739–40 till his death, 26 Dec. 1742; 3rd, Jean Paul Mascarene (lieutenant-governor of the province or administrator) from 27 Dec. 1742 to 1750; 4th, Charles Lawrence (governor) from 1 June 1750 to Mar. 1758; 5th, John Handfield (who as we have seen had risen from ensign in the corps) from 18 Mar. 1758 till his death in the same year; and 6th, James Grant of Ballindallock (governor of East Florida) from 26 July 1760 to 11 Dec. 1775.<sup>4</sup>

<sup>1</sup>Akins, Pub. Doc. of N. S., p. 274; Smythies, p. 511.

<sup>2</sup>Smythies, pp. 495–499.

<sup>3</sup>For some time there were a governor-in-chief of the province, a lieutenant-governor of the province, and also a lieutenant-governor of the town or fort and garrison of Annapolis Royal. These three different titles, held by different men, often led to confusion.

<sup>4</sup>Smithies, pp. 508–512.

Thus we see that the regiment was successively commanded by three governors of this province; and has had among its lieutenant-colonels one governor (Lawrence) and three lieutenant-governors of the province or of the fort and garrison of Annapolis (Armstrong, Cosby and Mascarene). Many of its other officers have sat in H. M. council. Space precludes us from following the careers of all these notable men who were so closely identified with our annals.

#### UNIFORM.

The original uniform of the regiment was probably a red, collarless coat with ample skirts, lined with buff which showed broadly on the turned-up sleeves. In 1742 we find that the coat, long waistcoat and breeches were each of red cloth; the coat being broadly faced with buff on the cuffs, on the buttoned-back lapels or breast, and where the corners of the skirts were fastened together on the outside of the thighs so as to show the lining. The lace on lapels, sleeves, cuffs, pocket-flaps and waistcoat, was white in which were woven a blue and a yellow wavy stripe. On the legs to above the knees, were worn long white, buttoned leggings or spatterdashes, with black garters below the knees. The hat was a black felt, three-cornered or "cocked" one, bound with white lace, and bearing a jaunty black cockade on the left side. The privates carried a long, heavy, brass-mounted flint-lock musket, the range of which was about two hundred yards; and also a short sword and bayonet which were suspended in frogs from the brass-buckled waist-belt. A very broad belt over the left shoulder supported a large black leather ammunition pouch just below the opposite hip. These belts were of buff leather. The company officers, whose lace was of gold, carried spontoons (short pikes) besides swords; and the sergeants, halberds. Altogether the uniform and accoutrements presented a most picturesque and dashing appearance.



Private  
1742

Grenadier  
1751

UNIFORM OF THE FORTIETH REGIMENT  
while serving in Nova Scotia

*Private, 1742.*—Hat black with white lace and black cockade; coat, waistcoat and breeches red; facings buff; lace white with a yellow and a blue wavy line; gaiters white, with black garters; belts buff, with oblong brass buckles; pouch and scabbards black.

*Grenadier, 1751.*—Hat red, with buff band and plate, the latter with the royal cipher in black, and a red patch bearing the White Horse and motto; coat, waistcoat and breeches red; facings buff; lace white, with red-and-black worm and a yellow line; gaiters white with black garters; belts buff, with oval brass buckles and brass slow-match case; pouches and scabbards black. The ordinary private's uniform and accoutrements were the same, except that the hat was a cocked one, and no match-case was worn.



By 1751 the uniform had changed very little in essential features, but the waistbelt was then worn under the coat and bore a small black pouch in front, and the white lace on the coat and waistcoat had a "worm" of black and red parallelograms, bordered inside by a yellow stripe. After the regiment left Nova Scotia the colour of the waistcoat and breeches was changed to buff, and of the leggings to black. The grenadier company, as customary in all corps, continued to wear a high mitre-shaped, red cloth cap encircled by a buff band, and surmounted by a small cockade. On the front was a tall buff-coloured plate ornamented with a gold-and-red crown above, the royal cipher (G. R.) in black, and a crimson patch (over the forehead) bearing the grenadier badge of the White Horse of Hanover<sup>1</sup> and the motto, *Nec aspera terrent* (Nor do difficulties terrify). At the back of the cap was the number 40 in white. Another mark of distinction among the grenadiers was the carrying of an obsolete slow-match case of brass, above the buckle on the shoulder-belt.<sup>2</sup> These picturesque uniforms were a familiar sight in Halifax during the early years of the town. (See plate.)

#### GARRISON AND OUTPOST DUTY, 1717-1743.

We will now follow the history of the regiment during its very long term of service in Nova Scotia. We have seen that at its formation in 1717 there were four companies at Annapolis Royal and four at Placentia, an ancient and quaint fishing station of strategic importance, located amid exquisite scenery in Newfoundland.<sup>3</sup> Captain Mascarene was in command of one of the companies at the latter place from 1717 till he and his company were ordered to Annapolis in May 1720 owing to scarcity of provisions.<sup>4</sup>

<sup>1</sup>About this time the Hanover Horse became the distinguishing badge of grenadiers in all regiments.

<sup>2</sup>Excellent coloured illustrations of "A Private Man, 1742" and "A Grenadier, 1751" will be found in Smythies' *Hist. Records of the Regiment*, opp. pp. 6 and 16. See also his "Notes on the Uniform and Equipment," p. 459 *et seq.*

<sup>3</sup>Placentia was founded and fortified by the French in 1660 and passed in 1713 to the British, who took possession on 11 May 1714.

<sup>4</sup>Nova Scotia Archives, 2, p. 59.

Nothing of note is known about the corps for the first three years of its existence. When Philipps, just after his arrival at Annapolis, formed the original council of ten on 6 May 1720 (new style), four of the members of the board belonged to the regiment, namely, Captain John Doucet (lieutenant-governor of the fort and garrison from 1717), Major Armstrong, Major Mascarene, and the chaplain, Rev. John Harrison.<sup>1</sup> Officers continued to constitute a part of the council till a new one was formed at Halifax in 1749. Mascarene held his seat during the entire period. The following were among those appointed at various times: Captain C. Aldridge, Captain Joseph Bennett, Captain John Blower, all in May 1727; Major Henry Cope in Nov. 1727; and Lieut. Otho Hamilton, sen., in Oct. 1731.

At midnight 16-17 August 1720, Indians surprised some New Englanders at Canso who resorted there in summer to carry on the cod fishing. Philipps would have sent an officer and some men to protect the place, but it was thought there was no occasion for so doing.<sup>2</sup> In the autumn of that year, however, at the request of the fishermen, the government sent there one company of the regiment, under command of Major Armstrong, recently returned from Placentia, to take possession of a small fort which the inhabitants were erecting. They were to defend the place till spring, when the people would return to fish. Armstrong's detachment left Annapolis for Canso about 24 October in the sloop "John" which was cast away on Grand Manan. Another sloop was sent to take up the wrecked men, and on 26 November Armstrong left Annapolis in a schooner with the rest of the company.<sup>3</sup> He remained there till 1723 when he was relieved by Major Cosby. The former was commissioned lieutenant-colonel on 1 Dec. 1720.

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<sup>1</sup>Murdoch, p. 363.

<sup>2</sup>Murdoch, p. 374; Hart, Hist. of Canso, p. 5.

<sup>3</sup>N. S. Archives, 2, pp. 69-70; Hart, p. 6.

As an instance of what misfortune and hardship were endured by some of the officers of the regiment at that period, we find that on 24 October 1720 Philipps wrote to Armstrong, then at Canso, that Lieutenant John Jephson, who had long been confined in the garrison, had "a large family of small children in a starving condition," that "his subsistence is engaged for the payment of his debts," and that there were not enough officers to try him by court martial; but he gave permission for him and his family to be removed to Canso as a place in which it was easier to live. He was to be sent back to Annapolis for trial should such a demand be made.<sup>1</sup> Later we shall find him involved in further disgrace.

Early in September of that year Governor Philipps himself arrived at Canso, where he spent the winter and following summer, leaving to return to England in the autumn. On 1 October, he wrote that he was surprised to find the fishing settlement in a flourishing state, and that it would have been broken up for good if he had not sent the detachment of troops there, which force he had since strengthened with two companies of his regiment.<sup>2</sup> That would make three companies then stationed there. Next summer two sloops were fitted out to protect the fisheries, soldiers were placed on them, and they did good service against the Indians.<sup>3</sup>

On the reduction of the works at Placentia, about 1721-23, the four companies<sup>4</sup> there were removed to Canso, where they garrisoned the fort, which was protected by three pieces of cannon. There was also a battery upon which guns from the shipping were mounted during the fishing season.<sup>5</sup> The companies from Placentia probably relieved those sent from Annapolis. In 1723 Major Cosby succeeded Armstrong in command at Canso; later we find

<sup>1</sup>Calnek-Savary, *Hist. of Ann.*, p. 71; Hart, p. 6; N. S. Archives, 2, p. 69.

<sup>2</sup>Murdoch, p. 393; Hart, p. 7.

<sup>3</sup>Hart, Canso, p. 10.

<sup>4</sup>It is just possible that only three companies may have been removed from Placentia to Canso, as Armstrong in Sept. 1736 reports that there was then one company at Placentia (N. S. Archives, 2, p. 109). There were four companies at Canso in Nov. 1723 (Murdoch, p. 406).

<sup>5</sup>Smythies, p. 5.

Captain Cavelly in charge, then Captain Aldridge, who was succeeded about 1735 by Major Mascarene.

In June or early in July 1724 an attack was made upon Annapolis by a party of fifty or sixty Indians. The garrison then appears to have consisted of five companies, comprising some two hundred men exclusive of officers. A sally was made from the greatly delapidated fort, which resulted in the killing of a sergeant and one private, the wounding of an officer and three privates, and the repulse of the troops. Having committed various depredations the Indians disappeared, carrying off several prisoners.<sup>1</sup>

A clerical scandal occurred at Annapolis in the autumn of this year, as a result of the actions of Rev. Robert Cuthbert, who had succeeded Harrison as chaplain to the garrison. The manner in which the council dealt with the matter is described in Calnek-Savary's *History of Annapolis*, p. 72.

In 1727 the establishment of the regiment was fixed at a total of 394 officers and men, there being 8 companies, nominally of 31 privates each, and 2 companies of 30 privates.<sup>2</sup> We must remember, however, that the companies were often not up to full strength. They were also badly accoutred. In a report on the state of the province in case of war, dated July 1734, it is noted that there were then four companies at the important settlement of Canso, but that they were very badly provided for.<sup>3</sup>

From 1739 to 1742 the ten companies were distributed as before, namely five at Annapolis, four at Canso, and one at Placentia. On 5 Sept. of the first-mentioned year Philipps stated that those at Canso were without regular barracks or storehouses for provisions, and for want of these the wretched men were reduced to the greatest extremity and several had actually perished from hardships. He also said that the low establishment of the companies was hardly enough for common duty in peace time, and

<sup>1</sup>Calnek-Savary, *Hist. Ann.*, p. 72; N. S. Archives, 3, p. 57; Smythies, p. 5, erroneously gives the date as Feb. 1723.

<sup>2</sup>Smythies, p. 5.

<sup>3</sup>N. S. Archives, 2, p. 91.

very insufficient for defence should war occur. The garrison at Canso could scarcely hear from that at Annapolis in a year, there being no vessel for communication.<sup>1</sup>

At this time two officers of Philipps's Regiment got into serious trouble at Canso. On 11 September 1737 Captain John Jephson was put under arrest there by Major A. Cosby "for frequent breach of orders and his irregular conduct as an officer." This is the same officer who had previously been confined for debt. He was tried by a general court martial at Annapolis on 13 December 1738, and was no doubt cashiered, as his name does not appear in the roll of officers for 1740.<sup>2</sup>

The other case is that of Captain Patrick Heron (commissioned in June 1730) who was confined by Cosby at Canso on 3 December 1737 and ordered to Annapolis for trial by court martial, which took place on 22 November of the next year. One of the accusations against him was that he had been indebted to some of the men of his company for their subsistence, by giving them notes and refusing to pay. As the evidence on this point was not clear, Captain James Mitford, commandant at Canso, was to hold a regimental court martial in April 1739 to ascertain the facts.<sup>3</sup> Heron must have been exonerated, as we will find him in command at Canso in 1744 when that place was captured. I believe that there is a document in the Akins Library (Province Building) which states that Heron was at Fort Lawrence, Chignecto, about 1750-51, and was court-martialled and broke for habitual drunkenness and conduct unbecoming a gentleman. He particularly molested one of the ensigns whom he derided while he was saying his prayers. Heron was not proved exonerated from a second charge of cowardice.<sup>4</sup> His name is not on the roll for 1752 (Smythies, p. 17), and it is therefore supposed that he died in that year, but he may have been dismissed.

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<sup>1</sup>Murdoch, pp. 528-529; Smythies, p. 7. <sup>2</sup>N. S. Archives, 2, p. 122. <sup>3</sup>N. S. Archives, 2, p. 122. <sup>4</sup>Information from Mr. G. Mullane.

A lamentable occurrence took place at Annapolis on 6 December 1739, when, as before noted, the unfortunate lieutenant-colonel, Armstrong, in a fit of despondency took his life with his sword. The executors of his will were John Handfield and Edward Amhurst, and a witness was Walter Ross—all officers of the regiment.

In 1740 the officers of the regiment were listed thus: *Colonel*, Philipps; *Lieut.-Colonel*, Armstrong (dead); *Major*, Cosby; *Captains*, P. Mascarene, Christopher Aldridge, James Mitford, Patrick Heron, Henry Daniel, Joseph Gledhill, Otho Hamilton, sen.; *Captain-Lieutenant*, John Handfield; *Lieutenants*, Thomas Prendergast, William Strahome, Donald McQueen, Edward Amhurst, Archibald Rennie, Christopher Aldridge jun., Henry Trep-sack, Thomas Armstrong, James Gibson, Rowland Philipps, Charles Vane, Samuel Cottnam, John Hamilton, John Bradstreet; *Ensigns*, John Budd, Walter Ross, Hugh Williams and John Adlam.<sup>1</sup> A return of the regiment, dated 1742, gives the actual strength as 20 sergeants, 20 corporals, 10 drummers and 237 privates, or a total of 287, exclusive of 27 commissioned officers some of whom were absent. If up to strength, the number of privates would have been 309. There were expected from England 35 recruits, which would leave 37 still required.<sup>2</sup>

During the period we have so far been considering, 1717 to 1743, the regiment had been employed in garrisoning Annapolis, Placentia and Canso, thereby protecting the settlers from Indian incursions, restraining French influence, overawing the Acadians, maintaining law and order, and generally upholding the rights and dignity of the Crown. More stirring times were now imminent.

#### KING GEORGE'S WAR, 1744-1748.

In March 1744 war was declared by France against England. Du Quesnel, the French governor of Cape Breton,

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<sup>1</sup>Smythies, p. 6, where dates of their commissions are given. <sup>2</sup>Smythies, p. 8.

was early informed of the outbreak of hostilities, and on 13 May he sent Du Vivier with several vessels and about nine hundred men, regulars and militia, who suddenly appeared before Canso, the little garrison of which was not even aware that war had begun. On the 24th, Captain Heron and his force of four nominal companies, which totalled only eighty-seven men, one-third of whom were sick or lame and the rest supplied with damaged powder and poor flints, were forced to surrender. The town with its blockhouse was burnt and the troops and inhabitants went as prisoners to Louisbourg.<sup>1</sup> This was the first affair of any real consequence that the regiment took part in, its previous activities having been directed against marauding Indians.

At Annapolis, where the fortifications were in a decayed state, but under repair, the detachment of the regiment consisted of not over eighty dutiable men under command of Lieut.-Col. Mascarene. On 1 July the place was surprised by some three hundred Indians under the priest Le Loutre, who killed two soldiers in a garden near the fort gate. Mascarene was threatened and called on to surrender, but made a defiant reply; and the enemy, after setting fire to some houses, withdrew and finally went to Minas. On 5 July a vessel from Massachusetts had arrived with a reinforcement consisting of a captain, ensign and seventy men for the beleaguered garrison, and soon after there was landed the first of four companies raised in the same place.

The danger, however, was not past, for about the first of September Du Vivier arrived with a company of French regulars and two or three hundred militia, together with the Indians who had awaited him at Minas. They appeared before the fort with colours flying. Though numerically strong, they lacked resolution, and while awaiting the expected arrival of some French ships, they contented them-

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<sup>1</sup>Murdoch, p. 27; Calnek-Savary, Hist. Ann., p. 98; Hart, Hist. Canso, p. 15; Smythies, Hist. 40th, p. 9.

selves with skirmishes by day and attacks at night, which resulted in little of consequence. After a half-hearted siege of about four weeks, Du Vivier retired, much to the relief of the plucky garrison, which was doubtful of the result had a vigorous assault been made.<sup>1</sup> Soon after Du Vivier had gone, two French men-of-war and a sloop arrived in the basin; but finding the siege had been raised, they departed.

Later in the year three companies of the regiment went to St. John's, Newfoundland, as a garrison, and some of the men served as volunteers on an armed vessel which, after an engagement of several hours, took five French ships of fourteen and twelve guns in Fishette Harbour. In this gallant affair they suffered losses in killed and wounded.<sup>2</sup>

In December orders were issued to increase the regimental companies to seventy men each, and men were impressed in England for that purpose, but they had not arrived after the lapse of several months.<sup>3</sup>

Annapolis was once more to be put into a state of alarm. In May 1745 Marin, a young Canadian officer, with some six hundred French and Indians, made a short and futile demonstration against the town. He and his force, however, were hurriedly summoned to Louisbourg to assist the French who were themselves being besieged by Pepperell and Warren.<sup>4</sup> That stronghold fell on 15 June.

From 1744 to 1748 the regiment's companies were stationed at Annapolis and St. John's. Otho Hamilton, sen., succeeded Cosby as major in Jan. 1745-6. The regiment took no part in the capture of Louisbourg, the troops employed there being from New England. The threatened attack on Annapolis by d'Anville's ill-fated expedition fortunately did not materialize, much to the relief of the small garrison. The treaty of Aix-la-Chapelle brought the war to a close.

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<sup>1</sup>Calnek-Savary, p. 101; Murdoch, p. 33; Smythies, p. 10.

<sup>2</sup>Smythies, p. 12.

<sup>3</sup>Smythies, pp. 13, 14.

<sup>4</sup>Calnek-Savary, p. 106; Smythies, p. 13.

HALIFAX FOUNDED, AND FRENCH ENCROACHMENTS IN  
NOVA SCOTIA, 1749-1754.

In June 1749 Halifax was founded by Cornwallis, and in July one company of the Fortieth was sent from Annapolis to the new town where it was joined by the Twenty-ninth and Forty-fifth Regiments and perhaps another from Louisbourg. Mascarene and members of his council also proceeded to Halifax, where a new council was sworn in. Another detachment, under Captain Handfield, was posted in November at Minas where a picketed fort containing a blockhouse was erected to guard the road between the old and the new capitals. Eighteen of these men were later surprised by Indians who killed or took prisoners the entire party, among those captured being Lieut. John Handfield, son of the captain of that name.<sup>1</sup>

Mascarene, in a letter to Cornwallis dated 18 September 1749, gives a pathetic incident. He says that on the previous day a ship sailed with military invalids. Just as they were going on board, an old man, one of the number, died, having been "seized with a greater flow of spirits than nature could bear," the result of "the joy of going home or sorrow of parting with his comrades." "I am afraid," he adds, "several of these poor old soldiers will not live to see their mother country; but as they had so long wished for it, it would have hastened their end to have detained them longer."<sup>2</sup>

By October some men of the Fortieth, apparently under Lieut. Robert Pateshall, were ordered to remain at the new post at the head of Bedford Basin (Fort Sackville). In March 1750 Goreham and his Rangers were ordered to Pisiquid (now Windsor), and near the St. Croix River had a skirmish with Indians, whereupon he sent back to Halifax for reinforcements. Capt. Clapham's Rangers and a company of the Fortieth under Capt. St. Loe, with two wall-pieces, went to his aid and Goreham was able to

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<sup>1</sup>Smythies, p. 14.

<sup>2</sup>Smythies, p. 14.

march into Pisiquid, where he posted himself in order to guard the line of communication with Annapolis.<sup>1</sup>

In March 1750-1 Lieut.-General Philipps was transferred to the 38th Fort. He had been absent from the province and his command for many years, and Lieut.-Colonels Armstrong (till 1739), Cosby (till 1742), and Mascarene (till 1750) had been commandants in his stead. On 1 June 1750 Major Charles Lawrence of the 45th became lieutenant-colonel of the regiment; and a year later good old Mescarene sold out of the army.

Although Governor the Hon. E. Cornwallis appears to have been acting as colonel of the corps since 13 March 1749-50, and that is the date given in the "succession of colonels" in the Army List, yet it seems that his formal commission is dated 13 Mar. 1752-3.<sup>2</sup> He reported on the very neglected state of the troops in this colony, and by his order two companies of the regiment, then on detachment at St. John's, were transferred in July or August 1750 to the headquarters at Halifax.<sup>3</sup>

On 1 July 1751 the British regiments were first officially designated by numbers, and that which had been known as Cornwallis's, late Philipps's, became the Fortieth Regiment of Foot, a name held for a hundred and thirty years until territorial designations were introduced in 1881. The royal warrant also directed that the regiment carry two colours: the King's colour being the "Union," and the regimental colour being buff-coloured with the "Union" cantoned in the upper corner, while the centre bore the number "XL" in gold roman letters on a red ground, surrounded by a wreath of roses and thistles. They were unfringed and measured 6 feet 6 inches in the fly and 6 feet on the poles, which, spear-head and ferule included, were 9 feet 10 inches long. These dimensions remained in use till 1857. Buff facings to the uniform continued to be worn until 1881.<sup>4</sup>

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<sup>1</sup>Murdoch, pp. 174-175.  
<sup>2</sup>Smythies, p. 15.

<sup>3</sup>Murdoch, pp. 15, 17, 498.  
<sup>4</sup>Smythies, p. 15.

<sup>3</sup>Murdoch, pp. 183, 197;

Desertions from the army occasionally took place, and we find at this time a record of the direful consequences of such acts. About May 1750 six deserters from the Fortieth were tried and sentenced to death at Grand Pré. Cornwallis ordered two to be shot and the rest relieved. Three others of the same corps were sentenced for desertion and other crimes, and he directed that they should be hanged and their bodies suspended in chains as a lesson to others. These nine men had each asserted that they had been encouraged and assisted by the French inhabitants, and four of the latter were to be put on trial on that charge.<sup>1</sup>

In 1752 the senior officers of the regiment, and the dates of their then commissions, were: *Colonel*, E. Cornwallis (13 March 1749–50); *Lieut.-Colonel*, C. Lawrence (1 June 1750); *Major*, Otho Hamilton (30 Jan. 1745–6); *Captains*, John Handfield (22 March 1739–40), George Fothringham (1 Sept. 1745), Christopher Aldridge, (30 Jan. 1745–6), Matthew Floyer, (24 Oct. 1747), George St. Loe (24 Nov. 1749), George Scott (28 June 1751), Edward Amhurst (29 July 1751); *Captain-Lieutenant*, John Hamilton (29 July 1751). The *Lieutenants* were: John Drew, Samuel Cottnam, Walter Ross, John Adlam, George Cottnam, Otho Hamilton, jun., Robert Pateshall, William Handfield, Freke Dilks Hore, Philipps Newton; and the *Ensigns*, Paston Gould, Hebert [Hibbert] Newton, Francis Gildent, Alexander Hay, Thomas Smith, John Hudson, John Hall, Thomas Myddleton, and George Parker.<sup>2</sup>

Of the subalterns, we find that F. D. Hore, who was judge advocate and commissary of musters at Annapolis in 1777, received a grant of land where the Royal Engineers Park is now situated in Halifax, and it is probable that his brother officer, Adlam, had the cultivated plot in that vicinity which was afterwards known as "Adlam's Gar-

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<sup>1</sup>Murdoch, p. 180.

<sup>2</sup>Smythies, p. 17.

den." The two Newtons were sons of Hibbert Newton, collector of customs at Annapolis. Philipps Newton was later a major in the 48th Regiment and also a sheriff in this province. His daughter, Eliza, was the second wife of Attorney-General R. J. Uniacke. George Cottnam is referred to in Akins's History of Halifax. He died at Louisbourg about 1780 (Murdoch, p. 610). Alex. Hay could not have been the surgeon's mate who came with Cornwallis in 1749, as the former was appointed to the regiment in April 1747.

From 1752 to 1755 the regiment still had its headquarters in Halifax, but detachments were stationed in several forts and outposts on the Nova Scotian frontier and in various settlements, as a bar to the pressure and incursions of French and Indians at that critical period. When the Peninsular Blockhouses and Patrol Road were constructed on the isthmus of Halifax about 1752, it is probable that men of the Fortieth were engaged therein, as an old road from one of the posts to Dutch Village was sometimes called "the Scott Road," and we find that George Scott was serving as a captain in the corps in that year.<sup>1</sup> This Capt. Scott was commanding at Fort Lawrence, Chignecto, in 1754, and it was with him that the French spy, Thomas Pichon *alias* Tyrrell, of Fort Beauséjour, carried on a secret correspondence at that time.<sup>2</sup> On 1 Aug. 1754 Captain Matthew Floyer of the Fortieth was instructed to dismantle the fort at Minas. The next year this officer was wounded, while serving under Brad-dock at Fort Duquesne, and later died.<sup>3</sup> Gov. Peregrine Thomas Hopson, late of the 29th Regiment, on 4 Mar. 1754-5 succeeded Cornwallis as colonel and retained the command till 1759.

In June 1755 the Fortieth formed part of the force under Lieut.-Col. Monckton which invested the French

<sup>1</sup>Piers, The Old Peninsular Blockhouses (MS.).

<sup>2</sup>Pichon's correspondence is preserved in the Public Records of N. S., vol. 341.

<sup>3</sup>Akins, Pub. Doc. of N. S., p. 212; Smythies, p. 19. Floyer became a captain of the 40th in Oct. 1747.

fort of Beauséjour at Chignecto, which after four days' siege surrendered on the 21st, an event which assisted much in strengthening British control in these parts. Ensign Alexander Hay of the Fortieth had been made a prisoner by the Indians while on his way to the camp, and by ill luck was killed by a British shell which fell in the French works. A detachment of the Fortieth with other troops was left as a garrison for the place, which was renamed Fort Cumberland.<sup>1</sup> The corps also assisted in the removal of the Acadians in August of the same year, the detachment at Annapolis on that occasion being in charge of Major John Handfield, who commanded the garrison.

#### THE SEVEN YEARS' WAR, 1756-1763.

Although open hostilities had thus taken place on the disputed frontier, it was not till a year later, June 1756, that war with France was formally declared—a war that was to end with the extinction of French rule in this part of the world.

The preparation of an expedition against the fortress of Louisbourg was one of the earlier undertakings of the English. Accordingly at the end of June 1757, after nearly a year's delay at New York, the inefficient commander-in-chief, Lord Loudon, arrived at Halifax with a large force intended to take the French stronghold; and in July Admiral Holburn joined him with a fleet and transports. The detachment of the 40th then at Halifax, as well as men drawn from the 45th and 47th, joined these forces as a reserve under Colonel Charles Lawrence. The whole undertaking proved to be a miserable fiasco and has gone down in history as "the cabbage-planting expedition." Having abandoned the proposed attack, Loudon and Holburn left Halifax on 16 August.

Lawrence went by vessel to the Bay of Fundy with the 28th (Bragg's) and 43rd (Kennedy's) Foot to relieve

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<sup>1</sup>Smythies, p. 18; Murdoch, p. 261; Winslow's Journal, Coll. N. S. Hist. Soc., vol. 4.

the troops stationed there. The 43rd was to be posted at Annapolis and Pisiquid, and the 28th at Fort Cumberland. Accordingly late in October the détachments of the 40th, 45th (Warburton's) and 47th (Lascelle's) amounting in all to a battalion, sailed under Lawrence on the return to Halifax, where they arrived on 1 November. On their arrival, there were eight companies of the 40th concentrated in the town; the only part then on detachment being one company at St. John's and another at Placentia, Newfoundland.<sup>1</sup> So ended a year that had been expected to bring success to British arms in this region.

In 1758 another expedition against Louisbourg was prepared under the capable command of General Amherst and Admiral Boscawen. Under them was Pitt's enthusiastic and brilliant young protégé, Brigadier Wolfe. Our reference to this expedition will be very brief, as the story is well known. The force of over twelve thousand men, in which were the eight Halifax companies of the 40th under its lately-commissioned Lieut.-Col. John Handfield, sailed from Halifax on 28 May; and the strong fortress of Louisbourg was invested early in June.<sup>2</sup> On the 8th of that month the grenadiers and light company<sup>3</sup> of the 40th, in a division commanded by Wolfe, were the first to land under a deadly fire and in a tumultuous surf which smashed the boats to pieces as they reached the shore of Gabarus Bay; while the remainder of the 40th, with the 15th (Amherst's), 22nd (Whitmore's), 35th (Otway's), and 45th (Warburton's) Regiments, under Brigadier Lawrence made a feint to land at another point, then followed Wolfe's division which had gained a footing on shore, and forced back the enemy to the gates of the town. This landing was a brilliant piece of work, in which the British lost fifty men killed and as many wounded.

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<sup>1</sup>Smythies, p. 20; Murdoch, pp. 327, 329.

<sup>2</sup>The strength of the 40th when it embarked for this expedition was, eight companies (two being in Newfoundland), one lieut.-colonel, seven captains, sixteen lieutenants, six ensigns, five staff, thirty sergeants, sixteen drummers, and five hundred and fifty rank and file. (*vide* Gordon's Journal).

<sup>3</sup>The precise date is not known when one of the flank companies was formed into a light company, but this is the first reference to it which we find. These light companies were of great service when operating in wooded country.

Boscawen's ships guarded the narrow entrance to the harbour, while Amherst's engineers threw up batteries about the town. The grenadiers of the 40th, 45th and 47th were posted at Lighthouse Point; and the remainder of the regiment was among those who, under Wolfe's directions, threw up the batteries and did other service throughout the siege. For about two months the town withstood the ever-increasing pressure from the British, whose trenches and saps crept nearer and nearer, and whose batteries breached the parapets and walls and demolished the crowded buildings. On 26 July Governor Drucour surrendered at discretion, and so the "Dunkirk of America" finally passed into British possession and the lily flag ceased to fly over the land which is now Nova Scotia. England received the news with joyful demonstrations. During the siege the 40th lost Lieut. Moses Lilley of the light company, who was wounded while repelling a sortie; one corporal and seven rank and file killed; and one sergeant, one corporal and nineteen rank and file wounded: total casualties, thirty.<sup>1</sup> In this memorable siege, the 40th won its first "battle-honour," although it was not till 1882 that authority was given to place "Louisbourg" on its regimental colour.

In August the light company of the 40th was among the troops, under Lieut.-Colonel Lord Rollo of the 22nd, which seized the Island of St. John, now Prince Edward Island. When on 21 August the embarkation of the rest of the troops took place, the 40th, 22nd, 23rd and 45th, were left under General Whitmore, the governor, to garrison Louisbourg. The succeeding winter was terribly severe, and the men suffered great hardships both from cold and insufficiency of food. One hundred and thirty men, drawn from the various regiments, were sent as a covering party for the miners who were digging coal for the shivering garrison.

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<sup>1</sup>For further particulars of the 40th's part in this siege, see Smythies, pp. 21-24; Gordon, *Journal of Siege of Louisbourg* (Coll. N. S. Hist. Soc., vol. 5); Murdoch, p. 337; etc.

A still more important event was pending. In 1759 the expedition against Quebec, under Amherst and Wolfe, was prepared. Among the latter's forces, which assembled at Louisbourg and left there in the latter part of June, was the stalwart grenadier company of the 40th, which had covered itself with glory at the landing in the previous year. The battalion and light companies remained in garrison at the Cape Breton fortress. The grenadiers of the regiment, with those of the 22nd and 45th, totalling two hundred and fifty-one men of all ranks, were formed into a special corps for this service, called "The Louisbourg Grenadiers," under Lieut.-Colonel Alexander Murray of the 45th, and placed in the third brigade which Major-General the Hon. James Murray commanded.

The expedition arrived near Quebec on 26 June, and found Montcalm strongly entrenched from Montmorenci to the St. Charles River. On the 31st Wolfe decided to attack him at the former place. To thirteen companies of grenadiers, of whom those of Louisbourg formed part, was assigned the honour of making the first landing, their orders being to form on the beach and there await the arrival of Monckton's supports. But the impetuous and proudly over-confident grenadiers, exasperated by a long delay, broke orders and charged pell-mell up the slippery height and flung themselves upon the entrenchments; which they reached bespattered with mud, exhausted and in disorder, and with their ammunition useless from a sudden downpour of rain. A withering volley at point-blank range drove back the courageous but unsoldierlike fellows. Under a terrible fire, which woefully thinned their ranks, they doggedly tried to reform; but were most peremptorily ordered to retire, which they sullenly did, leaving no less than over two hundred dead or wounded men on the ground, of whom eighty—a third of their number—belonged to the Louisbourg Grenadiers. Captain John Hamilton and Lieut. Samuel Bradstreet of the 40th were among the wounded, they being hit while endeavouring

to hold their men in hand. The foolhardy and disorderly onslaught had frustrated the attack, and brought forth a fitting rebuke from Wolfe. "The check," he said, "which the grenadiers met with will it is hoped be a lesson to them for the time to come. Such impetuous, irregular, unsoldierlike proceedings destroy all order and put it out of the general's power to execute his plans. The grenadiers could not suppose that they alone could beat the French army . . . . The very first fire of the enemy was sufficient to have repulsed men who had lost all sense of order and military discipline."

On the night of 12-13 September, Wolfe successfully landed his forces and they stood in line of battle, three deep, under a lowering sky on the now famous plains of the old pilot, Abraham Martin, an elevated, wind-swept tract covered with wild grass interspersed with patches of corn and bushes. On his right were the humbled but brave Louisbourg Grenadiers, the 28th and the 35th, brigaded under Monckton; in the centre were the 43rd and 47th; and on the left the 78th Highlanders and the 85th. There were also in the line four hundred light infantry under Howe; making a total of 3,265. The French numbered between 4,500 and 7,000.

I shall not describe in detail this momentous but short and decisive combat. After the first deadly British volley at fifty yards, Wolfe, placing himself at the head of the Louisbourg Grenadiers and the 28th, charged the French left. The impetuosity of the grenadiers, coupled with the chastening they had received at Montmorenci, no doubt made him fully confident that their proved boldness had been duly tempered with a sense of discipline and discretion. They behaved in a manner fully worthy of his confidence. Then, as he ordered a general advance at the crucial moment, he fell mortally wounded. The day was won, and the fortress capitulated a few days later. In this battle the Louisbourg Grenadiers made up nobly for their previous error, and suffered a loss of

fifty-five killed or wounded—over a quarter of their original number and probably a third of their numerical strength on that day. The total British loss, killed and wounded, was 674.<sup>1</sup> The black mourning stripe seen in the lace and epaulets of the 40th from 1768 to 1856, was probably worn in remembrance of Wolfe's death.

Soon after the capture of Quebec, the grenadiers of the 40th rejoined the headquarters of the regiment at Louisbourg.

The British were determined to crush French dominion in this part of the world, and the next spring an attack was planned upon Montreal, the last place of strength held by Louis XV in Canada. The 40th (eight companies) and 22nd Regiments, under Lieut.-Colonel Lord Rollo of the latter corps, embarked at Louisbourg about June and proceeded up the St. Lawrence River to take part in the pending operations. On the way they landed for the purpose of disarming men in two or three parishes near the river. Then they joined General Murray's division before Montreal on 17 August, and the two regiments were formed into the third brigade, with the exception of the grenadier companies which were again united into a separate battalion under Major Scott. On 7 September Montreal was invested, and capitulated the same day, thus completing the conquest of Canada. The eight companies of the 40th were then posted as detachments at neighboring villages as follows: Lieut.-Colonel J. Grant's, Capt. John Adlam's, and Capt. Otho Hamilton's (jun.) companies at St. Sulpice; Major Christopher Aldridge's (jun.) and Capt. George St. Loe's at Assumption; Capt. George Scott's at Isle du Pas; Capt. Adam Williamson's at Dantry; and Capt. Samuel Mackay's at Berthier. Later they were concentrated at Montreal where they remained until the summer of 1761. It will be noticed that two of the regiment's ten companies did not take part in this ex-

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<sup>1</sup>Smythies, pp. 25-30.

pedition, as they were still stationed under Captains Walter Ross and John Hamilton at St. John's and Placentia, Newfoundland.<sup>1</sup>

An expedition under Monckton was then organized to take some of the French West Indian islands and so carry the conquests further afield. In August 1761 the eight companies of the 40th from Montreal, with ten other battalions, rendezvoused on Staten Island near New York and later embarked for Barbados. Reinforced there by seven regiments they proceeded in January 1762 to Martinique, which after little resistance surrendered in the next month; the neighbouring islands of St. Lucia, St. Vincent and Grenada being given up at the same time. In this affair the 40th suffered the loss of Lieut. George Parker wounded, one private killed, two sergeants and five privates wounded, and one missing. The total British losses were ninety-six killed and three hundred and eighty-nine wounded.

War having been declared between England and Spain, nine companies of the 40th, numbering three hundred and eighty men, under Lieut.-Colonel Grant, left Martinique in 1762 with Albemarle's and Pocock's forces which had been sent from England for the capture of Havana, Spain's most flourishing seaport in that region. The fifth brigade, in which the 40th was placed, was commanded by Brig.-General Lord Rollo. The light infantry companies of the whole force were formed into one corps. A landing was effected on 7 June.

After a trying siege of two months, which brought out the greatest perseverance and pluck in the face of almost insupportable hardships occasioned by sickness, lack of fresh provisions and water, the capture of the place was accomplished on 13 August, but only after heavy losses. The casualties of the 40th were eleven men died from sickness, nine killed, and twenty-six wounded or missing.<sup>2</sup>

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<sup>1</sup>Smythies, pp. 30-31.

<sup>2</sup>Smythies, p. 32.

The regiment was left there as part of the garrison and remained in that unhealthy tropical climate till the summer of 1763.

In June, while the siege of Havana was progressing, a French expedition consisting of four ships and twelve hundred troops descended upon the weakly garrisoned posts in Newfoundland. Captain Walter Ross's company of the 40th, sixty men, stationed at St. John's, was forced to surrender as prisoners of war.<sup>1</sup> This event created much apprehension in Halifax, which feared an attack.

The Treaty of Paris was signed in February 1763 and brought to a close the Seven Years' War. On 30 June word was received at Havana that that place was to be restored to Spain. Thereupon the 40th and four other regiments sailed for England with hearts overflowing with joy, for the men were worn out with long and arduous colonial service, the hardships of which were accentuated by the severe winters of a northern country and the pestilential climate and withering heat of the tropics. We therefore can imagine their deep chagrin and despair when their transport was overhauled by a sloop bearing orders for them to proceed to New York.

There they arrived on 29 July, only to find directions to continue the voyage to Halifax, where they were to be once more stationed after an absence of five eventful years. Previous to the return of the main body of the regiment, Captain John Hamilton's company, which for a number of years had been garrisoning Placentia, returned to Halifax, so that on the arrival of the men from the West Indies there were nine companies there. In August 1763 detachments of the 40th were stationed thus: at Halifax five companies; at Annapolis one company; at Fort Cumberland two companies; and at Fort Frederick, St. John, N. B., one company; while at Acton and Ealing, near London, England, was Captain Walter Ross's company

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<sup>1</sup>Smythies, p. 34; Akins, Hist. of Hx., p. 66.

which had been taken prisoners at St. John's, Newfoundland, and which had no doubt been released at the close of the war.<sup>1</sup>

Under instructions received in 1763 from England, a stoppage of fourpence a day was made for each ration issued to the troops. This created great discontent at Quebec, and it also produced a respectful protest from the soldiers at Halifax. On 23 April 1764 the garrison at the latter place, consisting of the 40th and an artillery company, was paraded and the order read relating to these stoppages. Major Otho Hamilton (jun.), their commandant, who was then also commanding the troops in this province, informed the men that they knew their duty and that the King's orders must be immediately carried out. The sergeant-major of the 40th then delivered a paper containing the following somewhat pathetic statement, which represented the sentiments of all the men:

We, the soldiers presently serving in the 40th Regiment, conscious of having at all times faithfully discharged our duty to His Majesty, and considering ourselves after the war in a state of banishment when we hoped to return home, the regiment having served upwards of forty [actually forty-seven] years abroad, do acknowledge that we thought it hard to pay for provisions in a country where they had always been allowed, and where the same are so dear; and we were sorry to be under a necessity of declining the stoppages till His Majesty's pleasure was further known, which indulgence the General [Gage] first promised us. But having this day received His Majesty's final order for the stoppages, with his most gracious promise of relief by rotation, we think it our indispensable duty most humbly to obey, and beg you would be pleased to acquaint the General and His Majesty's Secretary of War with our intentions.

(Signed per order) W. Ross, Sergeant-Major, 40th Regiment. Halifax, April 3 [23?] 1764.

To Major Otho Hamilton of H. M. 40th Regiment, Commanding His Majesty's Troops in Nova Scotia.<sup>2</sup>

In 1763 a plan for relief by rotation had been established for the troops in the colonies. Accordingly to-

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<sup>1</sup>Smythies, p. 35 and footnote. He states that it was Capt. Otho Hamilton who was at Placentia, but that officer had been in the West Indies. The footnote on p. 31 correctly says that it was John who was in Newfoundland. <sup>2</sup>Murdoch, p. 439; Smythies, pp. 35-36.

wards the end of the year 1764 the war-scarred regiment at last left Halifax and landed in Ireland.<sup>1</sup> This was the first time it had ever set foot in the kingdom, or "home" as the men fondly termed it, since the formation of the corps forty-seven years previously. During that period it had its headquarters for forty-one years in Nova Scotia, for two years in the Island of Cape Breton, three years at Montreal, Staten Island, Martinique and Havana, and one year again in Nova Scotia—making a total of forty-four years in this province and its dependencies. No other regiment has ever been associated with our history for such a remarkably long period. Its service here was at a time when great events were taking place and the future of this country was often in doubt. It is no wonder that the veterans of the brave and hardened corps had come to consider themselves in virtual banishment. Other regiments, more fortunate, came and went, but this one was left for nearly half a century to uphold British prestige, power and dominion in the settlements and woods of North America.

During much of the earlier period it had been miserably clothed, quartered and otherwise provided for; and it is a fact that the general maintenance of the regiment at that time reflected very scant credit upon the British Government. In some cases the commanding officer may have been considerably to blame, and we have seen that in Philipps's time the regiment was woefully neglected, yet to do him justice we find despatches of his in which he complains of the parsimonious attitude of the home government regarding his corps. His long periods of absence in England would not, however, tend to make him over solicitous about his men serving in America.

At the time we are now writing about, Major-General Robert Arminger was the colonel, but was away on leave; and James Grant of Ballindallock, who appears

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<sup>1</sup>Smythies, p. 36.

to have been a good soldier, was lieutenant-colonel, but during much of the time was acting as governor of East Florida and therefore also absent from his command. Consequently the whole duties of commanding officer devolved upon Major Otho Hamilton the younger, a thoroughly capable, faithful and experienced officer, who had been wounded at Quebec and served in the West Indies, and who during twenty-five years' service had only been absent one year from his regiment.<sup>1</sup> He obtained belated but deserved consideration when he was promoted to lieutenant-colonel of the 59th Regiment in 1770, which command he held till 1778.

Before leaving this phase of the 40th's history, it is worth noting that the astoundingly long, continuous service in America of the regiment is, so far as I know, without an equal in the British army if we disregard those corps, such as the West India Regiment, which were mainly for local defence. The next longest continuous service of any battalion in Nova Scotia was that of the 1st Battalion of the Rifle Brigade, which was on the station for eleven years from September 1825 to August 1836. Even the aggregate of the various services in this province of any other battalion, only equals a third of the years the old 40th was here. The 62nd Regiment, or a wing of it, was here from August 1814 to September 1823 and again from June 1856 to December 1861, or a total of 14 years and 7 months; which ranks in this respect next to the regiment with which we are now dealing.<sup>2</sup>

#### ITS HISTORY AFTER LEAVING NOVA SCOTIA, 1764 TO THE PRESENT TIME.

Having reviewed the regiment's history during the period which most interests Nova Scotians, we will in the

<sup>1</sup>See memorial of Major Otho Hamilton and Capt. Adam Williamson in Smythies' History, p. 37. Hamilton had purchased his majority in Nov. 1761. He was son of the Otho Hamilton of the 40th who had become captain on 3 Sep. 1739 and Major on 30 Jan. 1745-6.

<sup>2</sup>Record of Corps and Regiments which have served in the Nova Scotia Command, 1783-1907. MS. in Public Records of Nova Scotia.

very briefest manner touch upon its subsequent brilliant career. This necessitates the omission of all the glorious details of the story.

For over ten years (1764-75) it was stationed in Ireland.<sup>1</sup> Then when affairs in the colonies became critical it was ordered back to America in May 1775 and landed at Boston just after the engagement on Bunker Hill. That town becoming untenable, it sailed in March 1776, with Howe's forces, for its former station at Halifax, where it arrived on 1 April, but early in June left for Staten Island, N. Y. It did good service at the battles of Brooklyn (where its lieut.-colonel, James Grant the younger, fell), Princeton, Brandywine and Germantown.

In 1778 it went again to the West Indies where it took part in the conquest and subsequent defence of St. Lucia; and was at Antigua till June 1781, when it returned to Staten Island and participated in the assault on Fort Griswold. When county titles were adopted in the British army in 1782, it became the 2nd Somersetshire Regiment of Foot.

At the close of the War of Independence, the regiment was one of the last to leave what was henceforth to be the United States of America. A detachment of the corps arrived at Halifax with a large body of other troops from New York in October 1783 and embarked for Europe the next month. This was the last occasion on which the regiment or any part of it was ever in Nova Scotia, the country of its birth. On 25 November the remainder of the regiment, under Lieut.-Colonel Musgrave, left the United States and landed at Portsmouth. This was the first time the entire battalion had ever been in England. It left England for Ireland in 1790 and was there till the autumn of 1793.

War with France having again broken out as a result of the Revolution, the flank companies in 1794 went

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<sup>1</sup>In 1766 we find one of the lieutenants in the 40th was Francis Green. He was the second son of Hon. Benjamin Green of Halifax, and was sheriff of Halifax county in 1784-86. It is said that he had seen service at Louisbourg.

on active service to the West Indies. The same year the regiment served in Holland, and then it embarked for the West Indies where it remained till 1798. The next year it was once more engaged in Holland, and in 1800 it went on a secret expedition to the Mediterranean. The four flank companies served with great distinction in Egypt in 1801, for which the regiment received the badge "Egypt" with the Sphinx; and in 1806 it took part in the capture of Monte Video, S. A.

Two years later it went to the Peninsula and won laurels in the never-to-be-forgotten actions of Roleia, Vimiera, Talavera, Badajoz, Salamanca, Vittoria, the Pyrenees (where desperate fighting occurred), Neville, Orthes, and Toulouse. Its loss in men killed during the six years' operations amounted to three hundred and fifteen. In 1814 it went to the Gulf of Mexico to reinforce the unfortunate expedition against New Orleans. Next spring it proceeded to Belgium and won undying fame at Waterloo, where it had twenty-five killed and one hundred and forty-two wounded out of seven hundred and sixty-one of all ranks. Thereafter it formed part of the Army of Occupation in France.

During 1823 and 1824 the regiment went in detachments to New South Wales. In 1829 it arrived in India, where it served in the First Afghan War (1838-42), participating in the defence of Kandahar, the recapture of Ghazni and the taking of Kabul; and in 1843 it was at Maharajpore where it captured four standards. Two years later it returned home after a long service of twenty-three years in that part of the world.

In 1852 the regiment returned to New South Wales, where it preserved law and order among the gold diggers; and in 1860-64 it was in New Zealand, where it took part in the Maori War (1860-61). For fourteen years, 1872-1886, it was once more stationed in India. Then it took part in the South African War, which began in 1899. The

grand old regiment's services in the Great War are too recent and too numerous to be recounted here.

In 1881, under the new territorial designations, the corps had discarded its name of the "Fortieth (2nd Somersetshire) Regiment of Foot" which it had held since 1782, and having been linked up with the 82nd, became officially the "First Battalion the Prince of Wales's Volunteers (South Lancashire Regiment)," without the familiar number, although it is still fondly remembered in history and to fame as the old "Fighting Fortieth." I am one of a large number who still hope that some day there will be restored to the regiments the time-honoured numerical designations about which clusters so much that is grand.

Among all the famous regiments of the Imperial Service, the Fortieth is the one in which the people of Nova Scotia should take the greatest interest and about which they may justly feel a sense of keen pride.

#### OTHER NOVA SCOTIAN REGIMENTS IN ENGLISH PAY, 1775-1816.

In the opening part of this paper reference was made to five other regiments or battalions which were raised at Halifax or elsewhere in the province between 1775 and 1803, all apparently as units of the British army and supported by the national treasury, though some of them were not actually placed on the permanent establishment and therefore are excluded from the Army List.

The first three were contemporaries, being organized on the outbreak of the American War of Independence in 1775 when very few troops were available for the defence of the province, which consequently lay open to an attack which might have ended disastrously for the British. They served till the conclusion of the war in 1783. Next we have one raised for service during the War of the French Revolution (1793-1802), when troops were again scarce in this part of the world. The last one was in existence

throughout the period which embraced the Napoleonic and American Wars (1803-1815) and was disbanded in 1816. They are to be distinguished from militia regiments and the strictly provincial troops maintained by colonial funds, such I believe, as the various independent companies of half-breed or Indian Rangers commanded by Captains John Goreham, Ezekiel Gilman and Francis Bartelo in 1749 and 1750. As considerable confusion exists regarding some of the five regiments to which we refer, and as to which of them certain notable men belonged, it will not be amiss to give a concise account of these corps, for like the Fortieth, they had their inception in this province.

(a) *2nd Batt. 84th (Royal Highland Emigrants) Regiment, 1775-1783.*

We will first treat of the 2ND BATTALION OF H. M. 84TH (ROYAL HIGHLAND EMIGRANTS) REGIMENT OF FOOT, a corps of fine, sturdy men which gained an enviable reputation and saw considerable active service during its short existence of eight years. At the outbreak of the American Revolution in 1775, a regiment, at first known as the 84th Royal Highland Emigrants Corps, consisting of two battalions, was raised in what is now the Dominion of Canada. It was clad in full highland costume with the facings and regimental tartan of the Black Watch (42nd). The First Battalion was recruited in Canada by a veteran soldier, Colonel Allan Maclean (1725-84), a relative of Brig.-General Francis Maclean of Halifax; the men being drawn from the families of soldiers of the 42nd and old 77th and 78th Highlanders who had settled there on the reduction of the army in 1763. This battalion did good service in Canada and was disbanded about 1784.

The Second Battalion, with which we are directly concerned, was raised in Nova Scotia in 1775, probably during the summer, and Major John Small, late of the 21st Regiment, an experienced and capable officer who

had been wounded at Bunker Hill, was appointed its lieutenant-colonel.<sup>1</sup> Captain Alexander Macdonald, a 42nd Regiment veteran of the Seven Years' War, was one of the recruiting officers and another was named Duncan (?) Campbell. The recruits were mostly Scottish settlers and disbanded soldiers of the Seven Years' War as well as emigrants who had just arrived from Scotland. They were promised land grants when their service was completed.

The battalion's lieutenant-colonel, afterwards Major-General Small, rose to distinction. He was born in 1726 and had served under Amherst in Canada from 1757 to 1759. He commanded a battalion of engineers against the Americans from 1775 to 1782, was appointed adjutant-general of the Nova Scotia militia, with the rank of brigadier, about June 1784, and went to England in that year. In 1793 he became lieutenant-governor of Guernsey; was commissioned major-general in the next year, and died in 1796.<sup>2</sup> Trumbull portrayed him prominently in his painting of the Battle of Bunker Hill, where he is shown arresting the bayonet of a British grenadier who is about to stab a wounded man.<sup>3</sup> It is known that Copley made two crayon portraits of him. Mr. T. Howland White, of Shelburne, N. S., has a fine pastel of Small in civilian dress, 24 by 18 in., which is believed, and probably correctly, to be also by the same artist. It represents him with powdered hair, blue eyes and a florid complexion, and wearing a dark mouse-coloured coat and waistcoat.

Small's Highland battalion by October 1777 did not amount to quite four hundred, but it was described as a very fine body of men. At that period the outposts in Nova Scotia were Fort Anne at Annapolis, Fort Edward at Windsor, and Fort Cumberland on the Isthmus; as well as Fort Howe on the St. John River, which was then being erected. Part of Small's battalion was then station-

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<sup>1</sup>The roll of original officers will no doubt be found in the Army Lists, but these do not happen to be available at the time of writing.      <sup>2</sup>Diet. Nat. Biog.

<sup>3</sup>Dunlap, *Hist. of Arts of Design in U. S.*, new ed., vol. 2, p. 34. Trumbull has been censured by the Americans for having taken Small's version of the battle on Bunker Hill.

ed in Fort Cumberland and part at Windsor. In January 1778 it was mustered and reviewed by General Massey at Halifax, and the lieut.-colonel then left on a visit to England. Its name was slightly altered in that year to the 2nd Batt. 84th (Royal Highland Emigrants) Regiment of Foot.

Probably in the spring of 1779 this very promising battalion went to New York and there saw its first active service as a part of Cornwallis's expedition to Carolina and Virginia. Part of it was with Lord Rawdon in Carolina, and another detachment surrendered with Cornwallis at Yorktown, Va., in October 1781, an event which decided the outcome of the war.

After that, the free remainder must have gone to the West Indies, for it arrived at Halifax from there in 1783. For a short while a detachment was stationed at Annapolis. The battalion was disbanded at Windsor, N. S., on 10 October of that year.

At that time the officers were: *Lieut.-Colonel*, John Small; *Major*, Thomas Murray; *Captains*, Major Alexander McDonald, Duncan Campbell, Ronald McKinnon, Murdoch Maclean, Gilbert Waugh, Allan McDonald, Robert Campbell, Hon. Alexander Murray; *Capt.-Lieutenant*, James Lundin; *Lieutenants*, Samuel Bliss, James McDonald, Lauchlan Maclean, Hugh Fraser, John McDonald, Joseph Hawkins, James Robertson, Donald McDonald, Hector Maclean, Kenneth McDonald; *Ensigns*, Robert Robertson, Donald Smith, James Rivington, Duncan Campbell, Angus McDonald, James McDonald, Alexander Stevens, Milbourne West; *Chaplain*, William Duncan; *Adjutant*, John McPhadzen; *Quartermaster*, Angus McDonald; *Surgeon*, George Frederic Boyd (afterwards of Windsor, N. S.).<sup>1</sup> All of these were placed on English half-pay.

In 1784 the township of Douglas, Hants Co., N. S., was granted to Colonel Small, to be allotted among the

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<sup>1</sup>Officers on English Half-pay, Army List for 1787.

late officers and privates of the disbanded battalion, who with their families numbered about six hundred and sixty. Small went to England and neglected to duly assign the land to the various proprietors, which led to considerable inconvenience to the settlers. Many descendants of these men now reside in that district, where they are farmers and noticeable for their fine physique.<sup>1</sup>

Hector Maclean appears to have been the only officer who remained there for any length of time. He was son of Gillian Maclean of the Independent Companies and nephew of Sir Allan Maclean (died 1783) of Dowart, chief of the Clan of Macleans. It is said that he afterwards served successively as captain in the Royal Nova Scotia Regiment, the 5th and 7th Fusiliers and the Canadian Fencibles. He was on the staff as town major in Halifax and brigade major at Sydney, C. B., and was also aide-de-camp to Sir John Coape Sherbrooke. In 1793 he was member for Hants Co. in the Assembly. His death took place at Halifax in 1812. He was the last male descendant of the Macleans of Dowart.<sup>2</sup>

(b) *Royal Fencible Americans Regiment, 1775-1783.*

Contemporary with the previously-mentioned corps was H. M. ROYAL FENCIBLE AMERICANS REGIMENT OF FOOT of 1775 to 1783. Whether the precise date of its formation would make it slightly senior to the 84th, which is quite possible, is a detail I have not yet been able to determine. In the absence of any clear evidence on this point, precedence has been tentatively given to the more notable corps.

As the garrisons in Nova Scotia were left extremely weak at the outbreak of the American War of Independence, and reinforcements could not be spared from Boston,

<sup>1</sup>H. P. Scott, Hist. of Hants Co. (MS.).      <sup>2</sup>Vide an authoritative manuscript note on page 345 of Army List for 1794 in the Cambridge Library, Halifax.

This account of the 84th Regiment is based on material obtained from the following sources, in addition to those mentioned in the preceding footnotes. Chichester and Short, Records and Badges of the British Army, p. 422; Report on Canadian Archives for 1894; Murdoch, Hist. of N. S.; Gen. Orders for 1783 (Pub. Records of N. S., vol. H. Q. 1); MS. Record of Regts. in N. S. (Pub. Records of N. S., vol. H. Q. O.); Army Lists.

General Gage wrote on 7 June 1775 that he had sent from there Captain Thomas Batt and Lieutenant McLean to raise in this province a regiment to be called the Royal Fencible Americans—a fencible being a soldier liable only for service at home. The men were to be formed into companies at Halifax, but he did not state what the strength of the corps was to be.

Joseph Goreham, as he himself spelt the name, or Gorham as it usually appears in documents, was appointed the lieutenant-colonel commandant. He was a native of Barnstable, Mass., where he was born in 1725 or 1728, and was a brother of the less-noted Captain John, of H. M. Council, who commanded here an independent company of provincial Rangers till about 1752. Joseph was at first a lieutenant in the Rangers, became major of the same in 1760, and lieutenant-colonel in 1771. In December 1764 he married at Halifax, Anne Spry, sister of a lawyer, William Spry. She was possibly a daughter of Col. William Spry, who about 1775 erected several of the fortifications at Halifax. From 1766 to 1772 Joseph held a seat in H. M. Council, and in 1770 succeeded Otho Hamilton as lieutenant-governor of Placentia. He also had the ambition of becoming lieutenant-governor of Nova Scotia, to which position he thought he was entitled. He died at Halifax in 1790 or '91 at which time he ranked as major-general in the British army. He had considerable military experience and also a thorough knowledge of Indian character, which at a critical period gave him much influence over the chiefs of the tribe.<sup>1</sup>

A roll of the early officers of the regiment is not available. Thomas Batt, however, received the majority and he continued with the corps till the last few years of its existence, when it appears that James Brace succeeded him. Captain Gilfred Studholme was one of the earlier company officers, he having early in 1776 transferred from

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<sup>1</sup>L. D. A. Jackson, *Memoir of Maj.-Gen. Gorham* (MS.); Akins, *Sel. from Pub. Doc.*, p. 231 n.; Murdoch, *Hist. of N. S.* For the spelling of his surname see his signatures to proclamations, etc., *Rept. on Can. Archives for 1894*, pp. 364 *et. seq.*, also those to his letters in *Pub. Rec. of N. S.*

Legge's Loyal Nova Scotia Volunteers. In 1765 he had been a lieutenant in Capt. George Scott's company of the 40th Regiment; then in Ireland after its arrival from Nova Scotia. He was a capable officer, who remained with the Fencible Americans till they were disbanded. The outstanding names in the history of the regiment are Goreham, Studholme and Batt.

Very scanty information is available regarding the formation of the corps. In July 1775 Gage sent officers also to Newfoundland to recruit, and the men so enlisted were to join those at Halifax. On 7 November Legge reported that seventy of the recruits had arrived. We do not know when the whole regiment was mustered.

The young corps was soon to have its first experience in active hostilities. A detachment of the regiment under Goreham was ordered to form the garrison of Fort Cumberland at Chignecto, and by July 1776 we find him posted there with two companies, about two hundred men, of his Fencibles. That fort was in a region inhabited by many discontents, and it lay open to assault by a marauding force sent from Machias, Me., via St. John River.

On 25 October the enemy, consisting of nearly two hundred men under Colonel Jonathan Eddy, appeared in the vicinity and were joined by local rebels and Indians. Some reports state that the total number was swelled to several hundreds. Forty-eight men, including Capt. Barron (acting engineer), a lieutenant, and Rev. J. Eagleson, the acting chaplain, were captured by Eddy. On 10 November Goreham was summoned to surrender. The latter's force had then been reduced to 172 of all ranks, namely 1 field-officer, 2 captains, 8 subalterns, 13 sergeants, 6 drummers and 142 rank and file. In addition to these he had 32 men, mostly carpenters, some of whom were armed. Not half of the soldiers had a shoe to their feet, and for lack of overcoats some of the men wrapped rugs about their bodies.

Eddy began a series of night attacks but these were repulsed. Then H. M. S. "Vulture" arrived with Major Batt and Capt. Studholme in command of men of the Fencibles from Fort Edward, reinforced by a company of marines. On 28 November Batt led a sortie party consisting of the marines and seventy-five of the Fencibles, which put the enemy to flight. In this affair the Fencibles lost two killed and one wounded. Batt reported that both corps behaved with great activity and resolution. The commander-in-chief at Halifax, however, thought that Goreham should have been able to inflict more punishment upon the enemy.

Among the officers mentioned by Goreham in his journal of the investment, were Major Batt and Captains Grant, Walker, Barron and Pitcairn, and Lieutenant Ambrose Sherman.<sup>1</sup> All or nearly all of these belonged to the Fencibles.

About September 1777 Brigade-Major Studholme of the Fencible Americans was sent in command of a detachment from Halifax and Windsor, which drove several armed whale-boats from the St. John River where there was a little village of settlers from New England. Then he took post there and erected a frame blockhouse defended by four six-pounders, to which was given the name Fort Howe. Fifty picked men formed the garrison. He remained in command of this post, which was of much strategical importance, till the regiment was disbanded in 1783. Governor Parr, in a letter of 30 Sept. of the latter year, commends Studholme for his integrity and judgment, and for having procured at St. John River masts for the Royal Navy.

In December 1777 Arbuthnot, reporting upon the small force available for the defence of the province in the event of an anticipated attack, referred to the Fencible Americans and Legge's regiment as "very young and very incomplete and not to be reckoned upon."

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<sup>1</sup>Goreham's journal appears in the Report of Can. Archives for 1894, pp. 355 and 359; also in MS. in Public Records of N. S., vol. 365.

I am thoroughly convinced that the Fencible Americans served only in Nova Scotia and its dependencies throughout the war, as troops were much needed there. In the "Record of Regiments serving in Nova Scotia," however, the regiment is bracketed with two others which arrived from New York in 1783. Undoubtedly this is merely a copyist's error in judging the extent of the "brace" connecting several successive names,

The regiment was disbanded, with other corps, at Halifax and Fort Howe on 10 October 1783, after having been in service for eight years.<sup>1</sup> A general order of 1 October, which stated that British American officers were to receive half-pay and permanent provincial rank in America, would probably apply to this corps. Such of the officers and men who desired them, received grants of lands in the province and they were supplied with axes, shovels, bill-hooks, and other requisites, as well as provisions. Within a few days after being disbanded, the settlers were conveyed by vessel or otherwise to their lands. Studholme was appointed an agent or commissary to superintend the settlement of Loyalists and reduced soldiers on St. John River, and the next year the northern part of Nova Scotia was made a separate province and named New Brunswick.

As has been said, a complete roll of the officers and staff of the Royal Fencible Americans at any period is not available. However, the following approximately correct, partial list of those at about the time it was disbanded, has been compiled from Sabine's "American Loyalists" and incidental references in general orders. The names are not given in order of seniority. *Lieut.-Colonel*, J. Goreham\*; *Major*, James Brace\*; *Captains*, G. Studholme, George Burns\*, Richard Wilson (commission-dated 2 Aug. 1783—Sabine gives the name as Robert Wilson\*), Philip

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<sup>1</sup>This account of the Royal Fencible Americans is based on material from the following sources: Rept. on Canadian Archives for 1894, pp. 332, 334, 340, 351, 355, 357, 358, 359-366 (Goreham's Journal), 373; Murdoch, *Hist. of N. S.*, vol. 2, pp. 595-6, 600, etc., and vol. 3, p. 20, etc.; MS. Record of Regts. in N. S. (Pub. Records of N. S., vol. H. Q. O.); Gen. Orders, 1783 (Pub. Records of N. S., vol. H. Q. 1); Sabine, *Am. Loyalists*.

Bailie or Bayley\* (3 Aug., 1783); *Captain-Lieutenant*, Peter Clinch\* (*vice* Bailie, 3 Aug., 1783); *Lieutenants*, Ambrose Sherman\*, Alexander Achinson\*, Constant Connor\*, John Walker (resigned owing to age and health, about May, 1781, and reverted to his half-pay as a capt.-lieutenant in the army), Alexander Sutherland\* (*vice* Wilson, 2 Aug., 1783), Samuel Denny Street (*vice* Clinch, 3 Aug. 1783); *Ensigns*, Thomas Batt\*, John Goreham\*, (son of the lieut.-colonel, died at Bath, Eng., Mar. 1782), Joseph A. (William?) Goreham\* (promoted to the Royal Artillery on 16 Sep. 1783, died 1783), Winckworth Tonge jun.\*, (became ensign in the 22nd Regt. on 12 May 1783), Henry Lane (*vice* Street, 3 Aug. 1783),—McNabb, late quartermaster sergeant of the 42nd Regt. (14 Sep. 1783), William Hewetson (*vice* Goreham, 16 Sep. 1783); *Chaplain*, Rev. John Breynton\* (rector of St. Paul's, Halifax); *Adjutant*, Peter Clinch\*; *Quartermaster*, Robert Spears\*; *Surgeon*, Walter Cullen\*; *Surgeon's Mate*, Lieut. Ambrose Sherman\*. Those distinguished by an asterisk (\*) are stated by Sabine to have been in the regiment in 1782. I believe Major Thomas Batt was attached to the regiment as late as 1780.

Of these. Peter Clinch settled in New Brunswick and died in Charlotte Co., and his descendants still reside in that province. Constant Connor was grandfather of the prominent politician, Lawrence O'Connor Doyle, at whose house in Halifax he died. He was once stationed with Capt. Studholme at Fort Howe and also at Fort Hughes (at Cornwallis). Sabine says that while in Nova Scotia, Connor fought a duel in which he killed his antagonist. Tonge was afterwards a lieutenant and adjutant of the Royal N. S. Regiment. He was a son of a military officer of the same name who is frequently referred to in the early history of the province and who died in February 1792, at which time he was naval officer of Nova Scotia. The younger Tonge was brother of William Cottnam Tonge, whose democratic views startled Governor Went-

worth and whose utterances in the Assembly were the first evidences of the forthcoming struggle for responsible government with which the name of Joseph Howe is associated. It was Tonge who prepared the ground for the harvest which Howe reaped.

(c) *Royal Regiment of Nova Scotia Volunteers, 1775-1783.*

The third of these corps raised during the trouble in America was H. M. LOYAL (AFTERWARDS ROYAL) REGIMENT OF NOVA SCOTIA VOLUNTEERS which existed from late in December 1775 till the autumn of 1783. During its earlier years it was a paltry corps of little promise, and was shunned by men who desired to join the colours, and derided and criticized by officials of the province. This was owing to the unpopularity of its commander. After he left Halifax the regiment came up to strength and eventually was highly praised by the commander-in-chief in general orders.

On 31 July 1775, when recruiting for the Fencible Americans had begun, Governor Francis Legge, an earnest but highly prejudiced and therefore much disliked man, proposed to the Secretary of State the formation of a regiment of one thousand men to be recruited from the German, neutral and Irish settlers here and in Newfoundland, as he persisted in doubting the loyalty of many inhabitants who had come from New England. The name he suggested for it was the Royal Nova Scotia Volunteers, but the word "Royal" was probably not permitted and was later changed to "Loyal," under which title it was officially referred to for several years. Some time after 1780 the designation "Royal" was bestowed upon it, and as the Royal Nova Scotia Volunteers it appears in the general orders of the year it was disbanded.

In a despatch dated London, 16 October, he was authorized to raise, for local defence only, a thousand men divided into ten companies properly officered, to be under control of the commander-in-chief. He was to draw on

the British treasury for their pay and allowances which were to be the same as those in the regular army. The regiment was to be commanded by himself with the local rank of colonel.

About 22 December Legge began the formation of the corps. Henry Denny Denson, whom Arbuthnot described as emaciated with gout and rarely able to go about, was appointed lieutenant-colonel. Captain Stanton, of the 14th Regiment, accepted the majority on certain conditions, but was later directed to rejoin his own corps. With a few exceptions the original captains were lawyers and such persons who had no experience in military affairs, and the subalterns young men obtained from the warships.

A return of officers of the regiment applying for garrison allowances, dated 16 January 1776, gives as follows the names of those then holding commissions: *Colonel*, F. Legge (25 Dec. 1775); *Captains*, (1) Henry Barry (26 Dec.), (2) Gilfred Studholme (27 Dec.), who soon transferred to the Royal Fencible Americans, (3) George Henry Monk (28 Dec.) who afterwards became major and served with the corps throughout its existence, later became major of the Royal N. S. Regiment, and finally a judge of the Supreme Court, (4) George Vanput (29 Dec.) who formerly had been a captain in the Halifax militia and who also served with the present corps till it was disbanded; *Captain-Lieutenant*, Richard Gibbons (1 Jan. 1776) who was afterwards chief justice of Cape Breton; *Lieutenants*, (1) William Morris (25 Dec. 1775) who no doubt was a son of Hon. Charles Morris the first, (2) John Solomon (26 Dec.), late lieutenant of the Halifax militia, who was father of George Solomon of Lunenburg, (3) Thomas Green (29 Dec.) who was a member of the family of Hon. Benjamin Green, (4) Jones Fawson (30 Dec.) who had been a junior officer in the Royal Navy and subsequently became a captain in the Royal N. S. Regiment, and finally was sheriff of Halifax, where he died,<sup>1</sup> (5)

<sup>1</sup>One of Fawson's sons, a lieutenant in the British army, was killed in Spain when serving under Wellington. Lieut. Pyke of Halifax lost his life at the same time.

William Pringle (31 Dec.), (6) Edmund Cotter (1 Jan. 1776), (7) Thomas Murray (2 Jan.), (8) Charles Morris jun. (5 Jan.) who must have been the second of that name, born about 1732, surveyor-general from 1781 to 1802, (9) ——— Ross (9 Jan.), and (10) ——— Hogg (10 Jan.). It will be seen that several of these men afterwards became prominent in our history. The return states that Captains Barry and Studholme arrived at Halifax on 3 Jan. and that Lieutenants Green and Cotter went recruiting on the 10th.<sup>1</sup>

Recruits received a bounty of two guineas, and one and a half for necessaries; such gratuities apparently being also offered to men joining the other corps. As to the uniform, we find that in November 1776 a thousand uniforms, without doubt for Legge's regiment, were received by Arbuthnot. They were green faced with white and the breeches and waistcoats were white.

The pleasing vision which Legge had of soon commanding a fine regiment was quickly dispersed, for the testy and suspicious governor, owing to his increasing unpopularity, could induce but very few to take his levy money. In May 1776 he went to England and Arbuthnot assumed the administration of government. The latter did not mince matters when describing his predecessor's pet project. The officers of the regiment felt keenly the difficulties and discouragements under which they laboured, and on 14 June they sent to the Secretary of State a petition respecting their grievances, which they begged might be laid before the King.

Although by a despatch of 24 February 1776 the number of rank and file to be enlisted had been reduced to a half battalion of five hundred, yet by April only sixty had been mustered and these at very heavy expense. During that summer they were not fitting themselves for defending their country, but were at Spanish River (Sydney), C. B., under Lieut. Clarke, menially engaged in digging coals

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<sup>1</sup>Pub. Archives of Canada, Colonial Office Records, Nova Scotia, A95.

for the army, and even at that work could not be made to earn their pay. The next summer, 1777, forty were again employed as colliers and twenty were serving on a sloop. Ere this, most of the subalterns had returned to the sea.

The regiment, however, did not for very long remain at this paltry strength, and it eventually attained such a high standard that in 1783 it was highly praised by the commander of the forces.

A return of the Loyal Nova Scotia Volunteers for February 1780 shows that 568 men had enlisted and 92 had deserted, leaving 476 then in the ranks. From this we learn that the half battalion was then almost up to its authorized strength of 500. The document also shows that there were six (five?) companies, and that the full complement of commissioned officers was 1 colonel, 1 lieut.-colonel, 1 major, 6 captains, 6 lieutenants, and 6 ensigns; and of the staff, 1 chaplain, 1 adjutant, 1 quartermaster, 1 surgeon and 1 surgeon's mate. Besides the sergeants and corporals, there were drummers and fifers. Of the above-mentioned officers and staff, the major, a captain, three lieutenants; three ensigns, and the quartermaster had not then been appointed, but Messrs. Bowling and McCullach had qualified for ensigncies, having raised a necessary proportion of men.

Besides these vacancies, Col. Legge was absent in England, and Lt.-Col. Denson, Chaplain William Ellis, and Surgeon John Phillips were on leave from 18 June 1776 until such time as the corps was brought up to a full half battalion. It will be seen that the corps was not properly officered, and in the absence of all three field-officers, the senior captain was in command. Captain John Solomon was then in command at Fort Sackville at the head of Bedford Basin, Capt. Thomas Green was in charge of a detachment at the coal workings on Spanish River, and Lieut. Pringle and Ensign Cunningham were recruiting.<sup>1</sup>

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<sup>1</sup>Public Archives of Canada, Series A (Nova Scotia), vol. 100, p. 5; also Rept. on Can. Archives for 1894, p. 386. The names of all the men are given in the original return.

The chaplain, Rev. William Ellis, was an Englishman who came to Nova Scotia in the latter part of 1774, and was rector of Windsor, N. S., for twenty-one years till his death there on 5 June 1795 in his sixty-fifth year. The surgeon, Dr. John Phillips, was also an Englishman, and besides practising in Halifax, he conducted a business as chemist or druggist, between 1780 and at least 1800, near the Dockyard, on what was known as Phillips's Hill, now Gerrish Street. We shall see that he received for his services the thanks of the commander of the forces. In 1794 he was appointed a magistrate. Having acquired considerable wealth he returned to his native land. His portrait was obtained by the late Dr. R. S. Black and presented to the Halifax Medical Society.<sup>1</sup>

On 9 January 1780 Christopher Birch, Daniel O'Brien and Henry McKay, three ruffians from the regiment, got into dire trouble. At night they broke into the house of a fisherman named Williams, which occupied the site of Pine Hill College on the shore of the Northwest Arm, stabbed the owner and cracked the skull of a Mrs. Jordan, plundered the place and attempted to set it on fire. For these non-military belligerent actions they were tried for felony and burglary, and on the 10th of the next month the first two were strung up, and the third was pardoned.<sup>2</sup>

The corps was now taking its full share in garrison duty at Halifax and the outposts. About 1782 it or a detachment was stationed on the Island of St. John (Prince Edward Island).

Legge, though in England, retained the colonelcy till he was succeeded as governor by Lieut.-Colonel John Parr in 1782, whereupon the latter became the colonel. Timothy(?) Hierlihy, formerly of the Loyal American Regiment, appears to have been the last lieut.-colonel. The family to which he belonged is an interesting one. Cornelius Hierlihy, an Irishman, came to America as lieutenant

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<sup>1</sup>Campbell's *Pioneers of Medicine in N. S.*

<sup>2</sup>Murdoch, vol. 2, p. 606; *Pleas of the Crown* (Pub. Records of N. S., vol. 475).

in a British regiment and was killed in action in Canada, at which time he held a major's commission. His son, Timothy, served in America, Europe and again in America, and retired with the rank of colonel, settling at Middletown, Conn. When the War of Independence broke out, it is said he raised the Loyal American Regiment, which was disbanded about 1783. His sons, Timothy Cornelius and John, joined that corps, the former as captain. At the close of the war Capt. T. C. went to Antigonish, N. S., with disbanded officers and soldiers to form a settlement, and remained there. His brother, Capt. John, entered the Royal N. S. Regt. and then the Royal Newfoundland Regt. as a subaltern, and still later was in the Royal Newfoundland Fencibles. Timothy C.'s son, John George, was an ensign in the Newfoundland Fencibles. He was in the action at Chrysler's Farm, Canada, 1813, and was promoted to lieutenant and awarded a medal and clasp. He also settled at Antigonish.<sup>1</sup>

In a general order of 27 May 1783 Surgeon Phillips of this regiment was thanked for "his great attention and regularity in the disposal of the hospital on George's Island." On 19 August of the same year the following complimentary general order was issued: "Brigadier-General Fox expresses the great satisfaction he has received in seeing the two provincial battalions of Royal N. S. Volunteers and the King's Orange Rangers, and highly approves of their discipline and military appearance, more particularly of the soldierlike manoeuvres and quick-step of the Royal N. Sco. Volunteers which has so much the appearance of troops that have been employed in active service." Such praise shows that the corps which had been so much derided in Legge's time, had attained an appearance and proficiency which made it comparable with the highly-trained British regulars.

Under the title of the Royal Nova Scotia Volunteers the regiment was disbanded at noon on Monday, 20 Oct-

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<sup>1</sup>Morning Herald, Hx., 14 March 1887.

ober 1783, after an existence of eight years. As in the case of the preceding corps, the general order of 1 October, which stated that British American officers were to receive half-pay and permanent provincial rank in America, would probably also apply to the present corps. Such officers and men as desired them, received the customary grants of land in the province. Within a few days these were transported to the districts where they were to hew out homes in the forest.<sup>1</sup>

(d) *Royal Nova Scotia Regiment, 1793-1802.*

The next time a regiment in English pay was raised in Nova Scotia was some years later, on the outbreak of the War of the French Revolution. Its name was H. M. ROYAL NOVA SCOTIA REGIMENT OF FOOT, the colonel was Lieut.-Governor Sir John Wentworth, and the corps was an excellent one although not on the regular establishment of the British army.

On 2 January 1793 the Secretary of State wrote that the question of raising a provincial corps was under consideration. On 8 February, a week after the declaration of war, he directed Wentworth to raise without any delay a corps of six hundred rank and file, divided into six companies, for service solely in the province and to be under the control of the commander-in-chief in North America. Wentworth was to command, with the provincial rank of colonel without pay; Beverley Robinson was to be lieut.-colonel, and Francis Kearney, major. The other officers were to be selected by the colonel from those on half-pay. We find that a number had belonged to Loyalist corps disbanded here in 1783. As most of the half-pay ensigns in Nova Scotia were married men advanced in age and with farms and families, the commandant had to select others

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<sup>1</sup>This account of the Royal Regiment of N. S. Volunteers is based on material from the following sources: Murdoch, *Hist. of N. S.*, vol. 2, pp. 551-559, 568, 570, 573, 581 (interesting particulars), 587, 594, 606, etc.; Rept. on Can. Archives for 1894, pp. 335-404, *passim*; General Orders, 1783 (Pub. Rec. of N. S., vol. H. Q. 1); MS. Record of Regts. in N. S. (Pub. Rec. of N. S., vol. H. Q. 0).

for the junior commissions. None of the officers were to have rank in the army, nor were they or the rank and file to be entitled to half-pay for service in the proposed corps.

Wentworth received these instructions on 11 April and immediately took steps to organize the regiment. On 14 April Winckworth Tonge<sup>1</sup> was appointed adjutant, who the same day began to recruit the men. A bounty of two and a half guineas was at first given each recruit, but this soon had to be increased. By 17 April men were joining briskly, on 8 May 80 were in barracks, and on 23 May, 350.

Ogilvie, the commander-in-chief at Halifax, ignored the young organization; and when requested to have it mustered, neglected to do so. This curt behaviour greatly irritated its enthusiastic colonel. On 11 September Lieut.-Colonel Kearney arrived at Halifax from Cork, Ireland, to join the regiment.

On 2 May Wentworth asked that it might be named the "King's Nova Scotia Regiment," and it was so referred to for some time. The next day he wrote to Under-Secretary King that he had requested that it might have the prefix "Royal," which would be a mark of distinction and mean that the Sovereign would present the colours and that the facings would be blue instead of green. This request was at first not granted, but on 3 October the Secretary of State informed Wentworth that the corps might retain its original title of Royal Nova Scotia Regiment, but "without special sanction." This honour greatly delighted the colonel and his men.

The clothing and accoutrements were ordered in May from England, and Captain Stewart of the Life Guards was requested to advise and aid "in the fashion and selection of them."

The colonel was directed on 31 October to raise two additional companies of one hundred men each; making

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<sup>1</sup>Archibald in his *Life of Wentworth*, makes the mistake of saying this was Wentworth's political antagonist, William Cottnam Tonge, instead of his brother, Winckworth Tonge jun.

an establishment of eight companies or eight hundred men. It was also stated that the regiment might be required to serve in other of the North American provinces, such as Cape Breton, to which the regiment gladly assented. By May 1794, 493 men had enlisted. Unlike Ogilvie, Prince Edward, who had just arrived, took a keen interest in the regiment, and clothed and then reviewed it. It is probable that this review was the one of 24 May when all the troops were inspected. Wentworth reported on 23 August that it had been mustered and that a detachment had been ordered to St. John's, Newfoundland, to relieve the 4th Regiment and the men were then on the snow "Earl of Moira." The MS. "Record of Regiments in Nova Scotia" notes, however, that the corps was "raised in September 1794," at which time it numbered about 628. The month (September) there given seems to be an error. We have seen that recruiting began on 14 April 1793 and the regiment had been mustered not long before 23 August 1794.

A return of 7 June 1795 states that the effectives then were: 1 colonel, 2 lieut.-colonels, 1 major, 6 captains, 17 lieutenants, 4 ensigns, 1 chaplain, 1 adjutant, 1 quartermaster, 1 surgeon, 1 surgeon's mate, 31 sergeants, 32 corporals, 18 drummers, and 554 privates. There were wanting 214 privates to complete the establishment, which shows that the authorized strength was 800 rank and file (i. e. corporals and privates).

Trouble was experienced in appointing the first field-officers, exclusive of the colonel. As Robinson was in New Brunswick it was directed in February 1793 that Thomas Barclay of Annapolis, major of the late Loyal American Regiment and speaker of the Assembly, was to be lieut.-colonel; but he resigned soon after. Wentworth thereupon appointed Major S. V. Bayard, but was overruled, as the latter was junior to Kearney. On 6 July it was directed that Kearney be appointed *vice* Barclay, and that Bayard be major. To salve the latter's feelings, he on 3 August 1794 was commissioned lieut.-colonel *en second*,

and on the same date G. H. Monk became major. This finished the preliminary shuffling into places.

By the time the regiment had been mustered, the roll of officers, as compiled by me from casual references in the returns, was apparently as follows: *Colonel*, Wentworth; *Lieutenant-Colonel*, Francis Kearney, late major of the Pennsylvania Loyalists Regiment, of whose history I can find almost nothing,<sup>1</sup> although he must have belonged to Pennsylvania, and we know that he had gone to Cork after the peace of 1783; *Lieutenant-Colonel en second*, Samuel Vetch Bayard, a descendant of Gov. Vetch, and formerly major of the King's Orange Rangers, who afterwards settled in Annapolis Co., where he died in 1832; *Major*, George Henry Monk sen., late major of the Royal N. S. Volunteers, who was Indian superintendent, 1793-99, supreme court judge, 1801-16, when he joined his brother, Sir James, in Lower Canada where he died in 1823; *Captains* (in alphabetical order), (1) Christopher Aldridge<sup>2</sup>, late captain of the 40th Regiment (transferred to Newfoundland Regt., Oct. 1795); (2) Jones Fawson of the late Royal N. S. Volunteers who was afterwards sheriff of Halifax, (3) Alexander Howe, late of the old 104th Regiment of 1780-83, who was then a member of the Assembly, and who was in command of the Maroons at Preston, 1797-98, (4) Hector Maclean, late of the 84th Royal Highland Emigrants, and then member for Hants Co. in the Assembly (see p. 152), (5) James Moody,<sup>3</sup> lieutenant in the late 1st Batt. New Jersey Volunteers and then a member of the Assembly, (6) John Solomon of the late Royal N. S. Volunteers.

The subalterns and staff then were: *Lieutenants* (alphabetical order), (1) DeLancey Barclay, who after-

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<sup>1</sup>Francis Kearney is not among the active or half-pay officers in the Army Lists of about 1792. Wentworth says he had been major of the Pennsylvania Loyalists, a corps disbanded in 1783. It was formed in 1778 under Lieut.-Col. William Allen, son of the chief justice of Pennsylvania (Murdoch, p. 110; Sabine, p. 408).

<sup>2</sup>About Oct. 1795 Capt. Aldridge was promoted to the Royal Newfoundland Regiment.

<sup>3</sup>James Moody was a Loyalist whose regiment, the N. J. Volunteers, was disbanded at Halifax in 1783. He settled at Weymouth, N. S., was member of the Assembly, 1793-99, and died in 1809 aged 65. See Calnek-Savary, p. 362, and Sabine, p. 471.

wards distinguished himself at Waterloo, became aide-de-camp to the Duke of York, afterwards George IV, and died a colonel in 1826, son of Major Thomas Barclay, (2) William Bayard, (3) Donald Campbell (transferred to 7th Regt., Sep. 1795), (4) Job Bennet Clarke, who became member of the Cape Breton Council, 1802-07, son of James, a Loyalist from Newport, R. I., (5) William Cox, (6) Thomas Fitzsimons, (7) Brenton Halliburton, afterwards Chief-Justice Sir Brenton (transferred to the 7th Regt., 14 Feb. 1795), (8) John Hierlihy, member of a well-known family in this province (transferred to Newfoundland Regt., Nov. 1795), (9) Anthony George Kyshe, (10) Michael T. Scott (transferred to the 7th, Sep. 1795), (11) Alexander Sutherland, ensign in the late (Goreham's) Royal Fencible Americans, (12) George Thesiger (promoted to captain, Oct. 1795) to whom further reference will be made, (13) Winckworth Tonge, late adjutant of the 60th (Royal American) Regiment and formerly of the Royal Fencible Americans and the 22nd, son of the former military officer of the same name who had died in Feb. 1792 (transferred to 7th Regt., Aug. 1795), (14) Philip Van Cortlandt jun., ensign in the late New Jersey Volunteers, whose sister married Sir Edward Buller, R. N., (transferred to Newfoundland Regt., Nov. 1795, and was town major of Halifax, 1811), (15) John Weeks, (transferred to 7th Regt., Aug. 1795), (16) Joshua Wingate Weeks, sons of the well-known Loyalist clergyman; *Ensigns*, (1) John Gotlave De Greben, (2) Benjamin James jun., who was drowned in 1797<sup>1</sup>, (3) George Henry Monk jun., (4) Michael S. Pernette and (5) Charles Rudolf, both of Lunenburg, (6) Eric Sutherland; *Paymaster*, G. Thesiger, succeeded in Oct. 1795 by B. Wentworth; *Adjutant*, Winckworth Tonge, succeeded in Jan. 1795 by Lieut. William Cox; and *Quartermaster*, John (?) Allen "who had served in the

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<sup>1</sup>See Calnek-Savary, p. 350. Benjamin James was the eldest son of a Loyalist of the same name who had been acting commissary of a brigade towards the close of the American War of Independence. The elder James was a member from Granville, in the Assembly, from 1785 to 1793 and in 1799 removed to Halifax.

last war." The names of the then chaplain and surgeon are not known. A fair proportion of the officers had either been in various Loyalist regiments which had been disbanded at Halifax in 1783, or were sons of such officers.

It will be seen that through the influence of Prince Edward several officers were transferred to the 7th Royal Fusiliers, a crack regiment commanded by the Prince. Also a number of the rank and file were exchanged for others of the 7th. Wentworth complained that the Fusiliers were getting some of his best young men and he was receiving soldiers who were old or infirm.

The officers of 1801 are representative of the regiment's personnel shortly before it was disbanded. They were: *Colonel*, Wentworth; *Lieut.-Colonels*, Kearney and Bayard; *Major*, George Thesiger<sup>1</sup> (promoted from captain, *vice* Monk, 31 Oct. 1797) who was brother of Capt. Sir F. Thesiger, Nelson's gallant aide at Copenhagen, and uncle of Lord Chancellor Baron Chelmsford, whose daughter married Sir John Inglis; *Captains*, (1) J. Solomon, (2) J. Fawson, (3) A. Howe, (4) John Allen, (5) W. Cox, and (6) J. W. Weeks; *Captain-Lieutenant*, J. G. DeGreiben; *Lieutenants*, (1) Thomas Morris, (2) Otto Schwartz (lieut., Aug. 1795), probably a grandson of Otto W. Schwartz who was one of the original settlers of Halifax, (3) Philip Kearney, (4) E. Sutherland, (5) G. H. Monk jun., (6) M. Pernette, (7) C. Rudolf, (8) John C. Ritchie, uncle of Hon. J. W. Ritchie, (9) John Emerson, (10) Timothy Amherst Ruggles, grandson of Gen. T. Ruggles of Wilmot, (11) Richard Wenman Green, probably a son of Benjamin Green the second, treasurer of Nova Scotia, (12) Isaac Glennie, (13) Hibbert Newton, of a prominent Halifax family, (14) Thomas A. C. Winslow, a descendant of Edward Winslow the Loyalist, (15) Alexander Hamilton, (16) Charles Wm. Solomon, and (17) John Frazer;

<sup>1</sup>G. Thesiger and Francis Green were temporarily appointed in Dec. 1793 to act as joint treasurers of the province on the death of Benj. Green. On 30 Jan. 1802 Thesiger was appointed, by Wentworth, collector of provincial customs at Halifax on the death of Hon. H. Newton. In Aug. 1803 the British government appointed T. N. Jeffery collector of customs here. We shall see that Thesiger became major of the N. S. Fencibles in 1803 and died at Quebec in 1812.

*Ensigns*, (1) James Moore, (2) Robert Bayard, (3) Henry Green, son of Benj. Green the second, and afterwards a resident of Lawrencetown, Halifax Co., (4) Thomas Wright, (5) Richard Gibbons, and (6) ——— Walker; *Paymaster*, Benning Wentworth, the governor's brother-in-law and late secretary of the province; *Chaplain*, Robert Stanser, afterwards bishop; *Adjutant*, James Moore; *Quatermaster*, Alexander Fraser; *Surgeon*, John Frazer, who was no doubt the surgeon of that name in the late King's Orange Rangers; and *Assist.-Surgeon*, John W. Clarke. These officers were nearly every one then residents of Nova Scotia and belonged to notable families. We find many of them afterwards occupying prominent positions in the community. Colonel Wentworth was regular in attending the inspections, and Lieut.-Colonel Kearney seems to have been always with his regiment, but Bayard had bad health and was very often absent on sick leave.

During its existence the regiment had its headquarters at Halifax where it assisted in doing garrison duty and had small parties at all of the outposts in the neighbourhood. A fairly large detachment, successively under command of Capt. H. Maclean, Capt. C. Aldridge and Lieut. Van Cortlandt, was at St. John's, Newfoundland, from August 1794 till the middle of November 1795, and assisted in drilling the recruits of the Royal Newfoundland Regiment which was then being raised.<sup>1</sup> Other detachments, usually under a captain or lieutenant, were also in garrison at Annapolis, Windsor and Sydney. Lieut.-Colonel Bayard was once in command at the last place where a company or so was stationed; and Major Monk was at Windsor for some time till April 1798. For a short while a guard was posted at Parrsborough. About April 1796 some men of the regiment were employed as workmen at Prince Edward's quarters, The Lodge, Bedford Basin; and later

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<sup>1</sup>Maclean commanded at St. John's, Nfld., from about Aug. 1794, Aldridge from June 1795, and Van Cortlandt from Oct. to Nov. 1795.

the corps maintained there a guard of about four sergeants, one drummer, and fifty men. Also some fifteen to twenty men under a sergeant or subaltern were posted at Fort Sackville, Bedford.

As an illustration of how the regiment's detachments, etc., were distributed, we note that on 1 July 1797 the men were located as follows, the numbers including officers as well as rank and file: doing duty at Halifax, 66; at the Lt.-General's (Prince Edward's) quarters at Birch Cove, 42; Eastern Battery, 96; George's Island, 77; Point Sandwich (York Battery), 91; Point Pleasant Battery, 50; Northwest Arm Battery, 23; Kavenaugh's (Melville) Island, 16; Fort Sackville, 34; Windsor, 31; Annapolis, 31; "Earl of Moira," as marines, 36; Duncan's Cove (Chebucto Head), 7; Sambro Lighthouse, 4; on leave, 2; orderlies at Regimental Hospital, 2; telegraph (semaphore) men on Citadel Hill, 2; King's workmen at Halifax, 5; total, 618, of whom 527 were rank and file. There were wanting 273 to complete the establishment (*vide* Monthly Return).

Captain Fawson had been an officer in the navy, and in Sept. 1777 was commissioned captain of the armed schooner "Revenge" of 10 guns and 8 swivels. In May 1793 he went with the expedition which captured St. Pierre. He served for a long time on H. M. armed snow "Earl of Moira," a vessel of 14 guns in the pay of the province, and he had a detachment of from 14 to 36 of his men serving as marines. These men no doubt saw active service. Capt. John Crosskill had command of this vessel, but about July of that year Fawson succeeded him.

The story of the drowning of poor Lieutenant Benjamin James, aged twenty-nine, and six men of the regiment, while heroically endeavouring to rescue the crew of H. M. S. "La Tribune" on 23 September 1797, is well known, but our histories do not record that the equally brave men who lost their lives with him were sergeants William Mullens and Sniffen Baker, and privates Michael

Brown, Cornelius Kenrick, John Bush and William Barry.<sup>1</sup> A rare engraved silver medal, 1.30 inch in diameter, was presented to some of the men who distinguished themselves on this occasion. One of these which I have seen is inscribed on the obverse, in script letters, "Jno. Donnelly|R. N. S. R.," and on the reverse, in similar characters, "Boarded|The Tribune|23d. Novr.|1797."<sup>2</sup> These medals must have been made at Halifax by order of Prince Edward. The latter erected in St. Paul's Cemetery, Halifax, a monument to the memory of Lieut. James, "as a testimony of the high esteem entertained of his humane endeavours on that memorable occasion." It is said that the Prince, in referring to him, stated that "the flower of my regiment is gone."

In the spring of 1798 the officers and men of the regiment contributed one week's pay, £199 12s. 10d., to the King, toward the public service "now menaced by bitter, cruel and wicked enemies," and Captain Allen offered half his pay during the war. The inhabitants of Halifax subscribed nearly four thousand pounds for the same object.

After having served nine years in the province, this regiment was disbanded at Halifax on 24 August 1802, when, after the Peace of Amiens in March, hostilities between England and France ceased for about a year. On that occasion it presented an address to the colonel, Sir John Wentworth, to which he made a reply. Wentworth deserves great credit for the energetic manner in which he organized the regiment, in which he took a justifiable pride. Also in other ways he assisted much in preparations for the defence of the province.

By the latter part of October most of the men had been dispersed on land granted to them in various districts. The names of the officers are not given in the Army Lists

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<sup>1</sup>Monthly Returns of Royal N. S. Regt. (Pub. Rec. of N. S., box 6).

<sup>2</sup>Prov. Museum of N. S., accession no. 5559.

and they did not receive English half-pay. The regiment was about contemporary with a similar corps, the Royal Newfoundland Regiment, which was raised under Colonel Skinner in September 1794; and probably with one raised in New Brunswick.

The uniform was no doubt red with blue (royal) facings.<sup>1</sup>

(e) *Nova Scotia Regiment of Fencible Infantry, 1803-1816.*

The fifth and last corps was H. M. NOVA SCOTIA REGIMENT OF FENCIBLE INFANTRY, which was raised at Halifax on or about 9 July 1803, a couple of months after the renewal of the war with France. This phase of the struggle is known as the Napoleonic War, and lasted from May 1803 to June 1815. The War of 1812-14 with the United States, also occurred in this period. The regiment was for service in British North America and it was placed on the regular establishment of the British Army, so that its commissioned officers and the dates of their commissions, which were issued under the royal sign manual, are fully recorded in the Army List. This gave it more prestige than its predecessors had, with the exception of the disbanded 84th Regiment. It consisted of a full battalion of ten companies.

The *Colonel* was Frederick Augustus Wetherall, formerly military secretary to Prince Edward at Halifax and late colonel of the 82nd Regiment, whose commission is dated 9 July 1803. He had a brilliant career and became General Sir Frederick A. Wetherall. He was born in 1754; entered the army in 1775, and served in America

<sup>1</sup>This account of the Royal N. S. Regiment is based on material from the following sources:- Can. Archives Rept. for 1894, pp. 480-507 *passim*; Wentworth's Letter-Books (Pub. Records of N. S., vol. 50 *et seq.*); Murdoch, 3, pp. 109, 110, 131, 161, 163, 210 (roll of officers in 1801), 224, 225, etc.; Akins, Hist. of Hx.; Archibald, Life of Wentworth, pp. 58-59, 63; MS. Record of Regts. in N. S. (Pub. Records of N. S., vol. H. Q. 0); MS. Monthly Returns and Weekly States of Royal N. S. Regt., 1 Jan. 1795-14 Apr. 1799 (Pub. Records of N. S., box 6), which gives details of the strength of the regiment, enlistments, commissions, transfers, where detachments were posted and under whom, men on leave, deserters, etc. An excellent account of Col. Bayard is in Calnek-Savary, Hist. of Ann., pp. 233 and 81, and one of Capt. A. Howe (son of Capt. Edward Howe who was killed in 1750) on p. 355 of the same work.

the next year; was an officer of marines at the Battle of St. Vincent, 1780; became captain, 1781; was at Gibraltar, 1783-89; served in Canada and the West Indies, 1790-1806; became lieut.-colonel, 1795; major-general, 1809; was in command of the Java expedition of 1810 (medal); at Mysore, 1811-15; received G. C. B., 1833; became a general in 1837; and died in 1842. He was in the confidence of the Duke of Kent (Prince Edward) and successively his aide-de-camp, equerry and executor.<sup>1</sup>

The seven successive *Lieut.-Colonels* were: (1) W. Roberts, late brevet lieut.-colonel of the 85th, commissioned 9 July 1803, and died the same year; (2) John Agmondisham Vesey, a relative of Viscount de Vesci and late lieut.-colonel of the 52nd, commissioned 13 Dec., 1803; (3) Augustus Prevost, late lieut.-colonel of the 10th Garrison Battalion, commissioned 6 Feb. 1805, *vice* Vesey transferred to 29th Regt.; (4) Paul Anderson, 17 Oct. 1805; (5) John Taylor, 30 Oct. 1806; (6) Edward Baynes, 17 Sept. 1807; and (7) Henry C. Darling, 10 Sept. 1812 to 24 July 1816, who later was military secretary to Lord Dalhousie. These men were in actual command of the regiment. The two successive *Majors* were: (1) George Thesiger,\* commissioned 9 July 1803, of whom we have already spoken and who died while the regiment was at Quebec in Aug. 1812; and (2) William Haley, 20 Aug. 1812, who then held the rank of lieut.-colonel in the army.

The other officers appear thus in the Army List for 1805: *Captains*, (1) Henry Wright, formerly of the 99th Regt., (2) Arthur Lloyd, formerly of the 110th, (3) Adrian de Yonge, formerly of the 43rd, (4) Luke Allen, formerly of the 6th Regt. Irish Brigade, (5) George Gray,\* (6) Joshua W. Weeks,\* and (7) Winckworth Tonge,\* formerly of the Orange Rangers, all appointed from July to Nov. 1803, (8) Peter Beaver,\* late of the 27th, and (9) Nathaniel Lindegreen,\* appointed 1804; *Lieutenants*, (1) George Augustus Wetherall, formerly of the 6th Regt. Irish Bri-

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<sup>1</sup>Dict. of Nat. Biog.

gade (son of the colonel, and afterwards General Sir G. A. Wetherall, 1788-1868, governor of Sandhurst College, etc.) (2) George Westphal\* (no doubt the father of Admirals Philip and Sir George A. Westphal)<sup>1</sup>, (3) Henry Bowerman, (4) Otto Schwartz,\* (5) Timothy [Amherst] Ruggles,\* (6) Richard Green,\* and (7) Isaac Glennie,\* all appointed in 1803, (8) John McNab (father of Mrs. Joseph Howe) and (9) R. E. Armstrong, 1804; *Ensigns*, (1) Henry J. Reynett, (2) John Wetherall, (3) William Hulme (afterwards major and brevet lieut.-colonel of the 96th Regt.) and (4) Robert Hammill, 1803; and (5) Henry B. Armstrong, 1804; *Adjutant*, John Moore,\* 1803; *Quartermaster*, Francis Gillman, late serjeant of the 7th Royal Fusiliers, son of Major Ezekiel Gillman of the old Rangers, 1803; and *Surgeon*, John Frazer,\* 1803. Those distinguished by an asterisk (\*) had been attached to the late Royal Nova Scotia Regiment. Some of the original company and subaltern officers had been on the half-pay of the regiments named. It will be noticed that there were originally the names of a number of Nova Scotians on the roll, but some of these dropped out in later years.

My grandfather, Temple Foster Piers, when a young man, was commissioned ensign in the corps on 15 May 1806, was appointed its paymaster on 14 August of the same year, and was promoted lieutenant on 2 August 1809. His accounts as paymaster extend from 25 September 1805 to 24 April 1810. On taking over the duties of this office he found that his predecessor's books were in an involved and unsatisfactory state. After four years' service at St. John's, Newfoundland, he retired in order to enter business, and returned to Halifax about May 1810 when he became senior member of the mercantile firm of T. and L. Piers and was such till his death in 1860.

For nearly two years the regiment served as follows in Nova Scotia. In the spring of 1804 its headquarters

<sup>1</sup>George Westphal, father of the two admirals, was a retired Hanoverian officer, who had belonged to one of the Hanoverian corps disbanded at Halifax in 1783. In the next year he received a grant of land at the Salmon River, Preston, near Dartmouth, where he erected a cottage.

were transferred from Halifax to Annapolis, and a detachment went to garrison Fort Edward, Windsor; only a recruiting party being left in Halifax. The first division, under Colonel Wetherall, was transported in vessels, at six in the morning of 2 May, from Fort Clarence to Fort Sackville (Bedford), and thence marched to Annapolis. This was a journey of a hundred and twenty-one miles and occupied about eight days. Seven double-horse waggons bore the luggage, and each man had two blankets and carried six rounds of ball cartridge. Second and third divisions left the next day and a few days later. Probably seven companies went to Annapolis and two to Windsor. The colonel later returned to Halifax, leaving the major in command at Annapolis.

In July a small detachment under a subaltern was ordered from Windsor to Charlottetown, P. E. I., to assist in erecting fortifications. The detachment at Fort Clarence, Halifax, furnished a sergeant, two corporals and about eighteen privates as a guard over the French prisoners in the wooden building in the cove at Dartmouth, near Halifax.

On 18 April 1805 Captains Wright's and Allen's companies, which had been at Fort Edward, marched for Fort Sackville, the journey occupying about two and a half days. From Sackville they took ship to Fort Clarence, joining the company there.

In the latter part of May orders were received for the Nova Scotia Fencibles to exchange stations with the Royal Newfoundland Fencibles then in Newfoundland. Accordingly the seven companies at Annapolis marched to Fort Sackville where they embarked for Halifax; and the three companies at Fort Clarence crossed to the town.

Before leaving Nova Scotia, the regiment, which had gained a high reputation for good character and behaviour as well as attention to duty, was inspected by General Bowyer. On 30th May the following well-merited tribute appeared in general orders: "The Lieut.-General having

completed his inspection of the Nova Scotia Fencible Regiment of Infantry, is happy to have it in his power to express his full approbation of its appearance under arms, which is creditable to the officers in general, particularly to those who have been in the immediate command of it. The Lieut.-General will embrace the earliest opportunity of making a special report to His Royal Highness the Commander-in-Chief, of the regular and laudable behaviour of the non-commissioned officers and soldiers of the Nova Scotia Regiment in their quarters and on their march to embark for Newfoundland.”

On the King's birthday, Sunday, 2 June 1805,<sup>1</sup> the regiment, each man with twenty rounds of ball cartridge, was embarked on warships at Halifax for St. John's. These vessels were to return with the Royal Newfoundland Fencibles, the sister corps which had come into being at the same time it did<sup>2</sup>.

The Nova Scotia Fencibles were stationed at St. John's until about the outbreak of the War with the United States in June 1812. Then it, or a portion of it, proceeded to Quebec, where it served under Lieut.-Colonel Darling till after the close of the American and Napoleonic Wars. It is possible that a detachment was left at St. John's. As events proved, this period of garrison duty in Lower Canada placed it beyond the sphere of active hostilities between England and the United States.

After the advent of peace in 1815, a general reduction of the army took place. Early in June 1816 six companies of the Fencibles embarked on the "Archduke Charles" at Quebec for Halifax, under Colonel Darling. On 28 June the transport struck on Jeddore Ledge to the east of Halifax, and four privates, two women and two children were drowned, and the baggage and regimental papers lost. One of the captains is said to have shown symptoms of impatience or something worse on this occasion and was jeered by his comrades. The commander also came in for

<sup>1</sup>The MS. Record of Regts. in Nova Scotia, erroneously gives this date as 24 May. The date given above is that recorded in General Orders.

<sup>2</sup>In the spring of 1804 the Newfoundland Regt. of Fencible Infantry was permitted to use "Royal" in its title.

some criticism. The regiment was landed on the ledge chiefly through the heroic exertions of Adjutant-Lieutenant Charles Stewart, who volunteered to carry a cable to the rock, by means of which the people were safely taken from the vessel. It is said that Stewart was courtmartialled for some trifling offence, supposed to have been a breach of orders.<sup>1</sup>

The shipwrecked men, in a destitute condition, were brought in coasting vessels to Halifax, where they arrived about 1 July and were quartered in the barracks on Melville Island.

The regiment was disbanded on Wednesday, 24 July 1816, after an existence of just thirteen years during which period it had served in Nova Scotia, Newfoundland and Quebec, but without, so far as I happen to know, having an opportunity of taking part in any military engagement. The officers were placed on English half-pay the day they were disbanded. Such of them and of the men as desired to become farmers received grants of land in the province. For this purpose some, under Captain William Ross, embarked at the King's Wharf, on the sloop "Earl Bathurst," on 25 July, and were conveyed to Chester. Thence they proceeded inland to Sherbrooke, now New Ross, on the then new Dalhousie Road in Lunenburg County, where with much labour and hardship they made homes for themselves in that primeval forest. There their descendants still reside.<sup>2</sup>

The regiment was contemporaneous with the Royal Newfoundland Fencible Infantry, which was raised under Col. John Skerrett in July 1803 and was disbanded at Halifax on 24 June 1816, after having taken part in several notable engagements in Upper Canada. Some men of this

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<sup>1</sup>Akins, *Hist. of Hx.*, p. 176; Murdoch, 391. I have not been able to find a record of such a court martial among those recorded in the general orders.

<sup>2</sup>This account of the N. S. Regiment of Fencible Infantry is based on the following sources: Army Lists (roll of officers with dates of commissions); Murdoch, *Hist. of N. S.*, pp. 386, 391, etc.; Akins, *Hist. of Hx.*, p. 176, etc.; MS. Record of Regts. in N. S. (Pub. Rec. of N. S., vol. H. Q. 0); General Orders (Pub. Rec. of N. S., vol. H. Q. 4, &c.); DesBrisay, *Hist. of Lunenburg*. Full lists of the officers and staff with the dates of their appointments will be found in the annual Army Lists.

1281



LIEUTENANT OTTO SCHWARTZ  
in the uniform of  
The Nova Scotia Regiment of Fencible Infantry  
about 1806

(From a water-colour silhouette by an unknown artist, possibly William King, although tradition says it was by a brother officer.)

Coat and sash deep red; facings on collar and lapels clear yellow, with brown cords; shoulder-belt white; epaulet, breastplate, badges and buttons white (silver); cravat and queue ribbon black.



corps, who were fishermen and desired to follow their former avocation, were taken on 25 June in a shallop to the shores of the mouth of Halifax Harbour, where land had been allotted them. Others who chose to settle in the interior were conveyed to Chester on the same day, thus preceding the settlers from the Nova Scotian corps. Some went to England.

The New Brunswick Fencibles were also raised in July 1803 by Col. Martin Hunter, and disbanded in January 1816; and the Canadian Fencibles, which had seen considerable active service during the War of 1812, ceased to exist on 24 June of that year. The old 104th Regiment of Foot was formed in New Brunswick in 1806, and in the winter of 1812-13 performed a memorable march on snowshoes from Fredericton to Quebec. It took part in the war in Canada and was disbanded at Montreal in May 1817. The officers of all these were placed on half-pay.

As to the uniform of the Nova Scotia Fencibles, we know that it was red, with yellow facings. A water-colour profile, by an unknown artist, of Otto Schwartz in uniform, with the head done in silhouette (black), wearing a thin queue and an epaulet on the right shoulder, is of interest in this respect.<sup>1</sup> (See reproduction). He had been an ensign (April 1795) and lieutenant in the Royal Nova Scotia Regiment, and a lieutenant (1803) and captain in the Nova Scotia Fencibles; so that he might have been represented in the costume of either corps. However from the colour of the facings, which are yellow instead of blue as worn by "Royal" regiments, and for other reasons, we may definitely accept it as showing the uniform of an officer of the Nova Scotia Fencibles.

It shows a scarlet coat with yellow facings on its very high collar, on the wide turned-back pointed lapels, and doubtless also on the cuffs; two rows of silver buttons on the breast; a scarlet sash; silver epaulet bearing the

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<sup>1</sup>This small portrait and a companion one of his wife, formerly belonged to Capt. John McNab and then to the Howe family, and they are now in the possession of the writer.

arms of the baronets of Nova Scotia near the outer end of the broad strap which is fringed with silver bullion; and a pipe-clayed belt over the right shoulder, bearing an oblong rectangular silver breastplate, upon which is an oval containing the before-mentioned badge surmounted by a crown. The sitter wears a high black stock, white shirt-collar and elaborately goffered frill, and his hair is gathered into a slim queue tied with a black ribbon. The breeches were doubtless white and the gaiters or leggings black. It may be noted that the rank and file abandoned cocked hats in 1800, a cylindrical shako taking its place; but officers continued to wear the former till December 1811, when grey pantaloons or overalls also came into use. The troublesome queue was abolished in 1808.

The colours of this regiment and of the four that preceded it, are not known to be in existence, but it may be assumed that at least some of them possessed such insignia. Knowing the regulations then in force, we can with a fair degree of certainty reconstruct those which were borne by the Nova Scotia Fencibles. The King's colour would have been the Union flag throughout, with the regiment's title in gold in the centre, surrounded by a Union wreath of roses, thistles and shamrocks. The regimental colour would have been yellow (the colour of the facings), cantoning the Union, while the centre would have a red heart-shaped shield with the regiment's title in gold, surrounded by a Union wreath. The dimensions would be 6 feet 6 inches in the fly and 6 feet deep on the pole; the total length of the pike, 9 feet 10 inches, and of the cord and tassel, 3 feet. Both colours would have been of silk, without fringe on the edges.

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## LIST OF PAPERS

Read before the Nova Scotia Historical Society, June 21, 1878 to May, 1927

Date	Title.	Author.	Where to be found.
1878.			
June 21	Inaugural Address.....	Hon. A. G. Archibald.	Vol. i. p. 18.
Sept. 5	History of St. Paul's Church, Part I. ....	Rev. Dr. Hill. ....	do. 35.
Oct. 3	Autobiography of Rev. Wm. Cochran.....	Rev. Dr. Cochran....	
Nov. 7	Telegraphy in Nova Scotia and neighboring Provinces.....	G. E. Morton.....	
1879.			
Jan. 2	Early Settlement of Shubenacadie. ....	Miss E. Frame.....	
Mar. 6	Journal of Colonel Nicholson at Siege of Annapolis.....	Dr. T. B. Akins. ....	Vol. i. p. 59.
June 5	Translation from the French, relating to the religious beliefs of the Indians prior to the discovery by Cabot. ....	Robt. Morrow.....	
Nov. 6	Journey to Yarmouth in '17—by Mather Byles.....	Hon. Dr. Almon.....	
1880			
Feb. 5	Early Journalism in Nova Scotia.....	J. J. Stewart. ....	Vol. vi. p. 91.
Mar. 11	History of St. Paul's Church, Pts. II, III....	Rev. Dr. Hill.....	Vol. ii. p. 63.
Apr. 1	Governor Cornwallis and the First Council.....	Dr. T. B. Akins.....	Vol. ii. p. 17.
May 6	Witherspoon's Journal of the Siege of Quebec.....	do. ....	Vol. ii. p. 31.
May 13	Walter Bromley and his labors in the cause of Education, by late John Young (Agricola).....	J. T. Bulmer.....	
June 3	Sketches of the Winniett, DeLancy, and Milledge families. ....	W. A. Calnek.....	Hist. of Ann. Co
Nov. 11	Revolutionary Incidents in Nova Scotia 1776-1778.....	J. T. Bulmer.....	
Dec. 3	Sketch of Brook Watson, by Rev. Hugh Graham.....	do.....	Vol. ii. p. 135.
	Brook Watson's account of the Expulsion of the Acadians.....	do.....	Vol. ii. p. 129.
1881			
Jan. 6	Early History of the Dissenting Churches in Nova Scotia.....	Rev. Dr. Patterson. ...	
	Biographical Sketch of Rev. Jas. Murdoch.....	Miss E. Frame.....	Vol. ii. p. 100.
Feb. 3	Biographical Sketch of Alexander Howe ...	W. A. Calnek.....	Hist. of Ann. Co.
Mar. 14	Account of the Manners and Customs of the Acadians, with remarks on their removal from the Province, by Moses Delesdernier, 1795.....	Dr. T. B. Akins.....	
Apr. 7	Letter (dated June 27, 1751) from Surveyor Morris to Governor Shirley, with a plan for the removal of the Acadians.....	do.....	
May 5	Extracts from the Boston News Letter 1704-1760, and from Halifax Gazette 1752.....	Miss E. Frame.....	
Sept. 1	Judge Croke (a biography).....	Hon. Sir. A. Archibald	Vol. ii. p. 110.
Oct. 6	Chapter from the life of S. G. Archibald ...	Israel Longworth.....	
Nov. 3	Government House.....	Hon. Sir A. Archibald	Vol. iii. p. 197.
	Nicholas Perdue Olding, (a biography) ...	Rev. Dr. Patterson. ...	
Dec. 8	Petitions to the Council of Massachusetts Bay from residents of Yarmouth, and from Council of Cumberland.....	Dr. T. B. Akins.....	
	Proposal of Capt. John Allen as to capture of Halifax and conquest of Nova Scotia.....	do.....	Vol. ii. p. 11.

## Papers Read before the N. S. Historical Society—(Continued).

Date.	Title.	Author.	Where to be found.
1882.			
Jan. 5	Who was Lebel ?.....	Jas. Hannay, St. John N. B.....	
Feb. 2	Nomenclature of Streets of Halifax, Part I.	Rev. Dr. Hill.....	Vol. xv.
Mar. 2	A visit to Louisbourg.....	P. Lynch.....	
July 3	History of St. Paul's Church, Part IV....	Rev. Dr. Hill.....	Vol. ii. p. 13.
Oct. 5	Chapter in the Life of Sir John Wentworth.....	Hon. Sir A. Archibald	Vol. xx.
Nov. 2	Edward How and his family.....	W. A. Calnek.....	
Dec. 7	M. S. Journal of Mr. Glover, Secretary of Admiral Cockburn, when conveying Napoleon to St. Helena in 1815.....	Nepean Clarke.....	
1883.			
Jan. 4	The Province Building.....	Hon. Sir A. Archibald	Vol. iv. p. 247.
Mar. 1	Reminiscences of Halifax.....	P. Lynch.....	Vol. xcii. p.111
Apr. 5	The Stone Age of the Micmacs.....	Rev. Dr. Patterson...	
May 4	Newfoundland, past, present and future...	E. Hepple Hall.....	
July 12	Early Life of Sir John Wentworth.....	Hon. Sir A. Archibald	
Nov. 15	Nomenclature of Streets of Hfx. Part II....	Rev. Dr. Hill.....	
Dec. 6	Tour with General Campbell, in July and August, 1785, along the coasts of Nova Scotia, by Lieut. Booth, R. E....	Dr. T. B. Akins.....	
1884.			
Jan. 3	Celebrated persons who have visited Nova Scotia.....	P. Lynch.....	
Mar. 6	Ships of War wrecked on coasts of Nova Scotia and Sable Island in 18th century.....	S. D. Macdonald.....	Vol. ix. p. 119.
May 1	Hon. S. B. Robie (a biography).....	Israel Longworth.....	Vol. xx.
Nov. 13	Plans submitted to the British Government in 1783 by Sir Guy Carleton. (1.) For the founding of a Seminary of learning at Windsor, N. S..... (2.) For the establishment of an Episcopate in N. S.....	Dr. T. B. Akins.....	Vol. vi. p. 123.
Dec. 4	Samuel Vetch. 1st English Governor of Nova Scotia. Part I.....	Rev. Dr. Patterson...	Vol. iv. p. 11
1885.			
Feb. 5	Samuel Vetch, 1st English Governor of Nova Scotia. Part II.....	do .....	Vol. iv. p. 64.
Mar. 12	Exodus of the Negroes in 1791, with extracts from Clarkson's Journal.....	Hon. Sir A. Archibald	Vol. vii. p. 129.
Apr. 9	Saga of Eric the Red, with an account of the discovery of Vinland. Translated (by Capt. Ove Lange).....	P. Jack.....	
May 7	Early History of St. George's Church. Part I.....	Rev. Dr. Partridge....	Vol. vi. p. 137.
Oct. 1	Old Churches of Cornwallis and Horton...	Rev. A. W. H. Eaton.	
Nov. 5	Letters from Rev. Jacob Bailey to Rev. Mather Byles.....	Hon. Dr. Almon. . . .	
Nov. 5	Letter from Duke of Kent to Dr. William Almon.....	Rev. Dr. Patterson. . .	
Dec. 3	The League of the Iroquois.....		
1886.			
Jan. 7	Expulsion of the Acadians, Part I.....	Hon. Sir A. Archibald	Vol. v. p. 11.
Feb. 11	Method of the Acadian French in cultivating their land especially with regard to raising wheat. Judge Isaac DesChamps 1785.....	Dr. T. B. Akins.....	
May 13	Bermuda.....	Hon. Sir A. Archibald	
Dec. 2	Centennial Memories.....	Rev. Dr. Burns.....	
1887.			
Jan. 14	Vinland.....	Hon. L. G. Power.....	Vol. vii. p. 17.
Feb. 3	Reminiscences of Halifax, Part II. ....	P. Lynch.....	Vol. xvii.
Mar. 3	Early Hist. of St. George's Church Pt. II..	Rev. Dr. Partridge....	Vol. vii. p. 73.
Mar. 16	Acadian Boundary Disputes and the Ashburton Treaty.....	Judge R. L. Weatherbe	Vol. vi. p. 17.
Apr. 7	Colonist Plants of Nova Scotia.....	Dr. Geo. Lawson. . . .	
Apr. 7	Memoir of John Clarkson, by his brother (the celebrated) Thos. Clarkson.....	Hon. Sir A. Archibald	
Nov. 10	A Study of "Sam Slick".....	F. B. Crofton.....	
Dec. 3	Early Journalism in Nova Scotia. . . . .	J. J. Stewart.....	Vol. vi. p. 91.

## Papers Read before the N. S. Historical Society—(Continued).

Date.	Title.	Author.	Where to be found.
1888.			
Jan. 20	Statement with reference to "French Cross" at Aylesford.....	John E. Orpen. ....	
"	The settlement of the early Townships, Illustrated by an old census.....	Dr. D. Allison. ....	Vol. vii. p. 45.
Feb. 24	T. C. Haliburton, Writer and Thinker.....	F. B. Crofton.....	
Feb. 29	The Aroostook War.....	Dr. C. G. D. Roberts.	
Mar. 27	Howe and his contemporaries. ....	Hon. J. W. Longley...	
Apr. 10	The Loyalists at Shelburne.....	Rev. T. W. Smith. ...	Vol. vi. p. 53.
Nov. 13	Photographs on Rocks at Fairy Lake.....	Geo. Creed.....	
Dec. 20	Northwest Territory and Red River Expedition.....	Lt.-Col. Wainwright. .	
1889.			
Jan. 15	The Early Settlers of Sunbury Country... .	James Hannay, Saint John, N. B. ....	
Mar. 12	Memoir of Governor Paul Mascarene. ....	J. Mascarene Hubbard Boston.....	See in Smythies <i>Fortieth Regiment</i> , 1894.
Apr. 9	Legends of the Micmac Indians. ....	Rev. Silas T. Rand. . .	
Nov. 12	United Empire Loyalists.....	C. F. Fraser.....	
Dec. 10	Inquiries into the History of the Acadian District of Pisiquid. ....	Dr. H. Y. Hind.....	
1890.			
Feb. 13	History of Beaubasin.....	Judge Morse, Amherst	
Nov. 13	Reminiscences of Halifax, Part III.....	P. Lynch.....	Vol. xvii.
Dec. 9	An Historical Note on "John Crowne"....	Prof. A. MacMechan	
1891.			
Jan. 15	Richard John Uniacke.....	Hon. L. G. Power. . . .	Vol. ix. p. 73.
Jan. 20	The Portuguese on the North East Coast of America, and the first European settlement there.....	Rev. George Patterson	
Mar. 20	Facts and enquiries concerning the origin and early history of Agriculture in Nova Scotia.....	Prof. Geo. Lawson....	
Nov. 10	Reminiscences of Halifax, Part IV.....	Peter Lynch, Q. C....	
1892.			
Jan. 12	Extracts from Old Boston Papers.....	Miss Eliza Frame....	Synopsis, <i>Halifax Herald</i> , 13 Jan. '92.
Feb. 9	Hooped Cannon found at Louisburg. ....	Rev. George Patterson, D. D.....	Mentioned in <i>Halifax Herald</i> .
Nov. 8	Journal kept by Rev. Dr. Mather Byles in London, 1784. ....	Hon. W. J. Almon....	Synopsis, <i>Halifax Herald</i> , 9 Nov. '92.
Dec. 13	Chapter in History of Onslow.....	Israel Longworth.....	Vol. ix.
1893.			
Jan. 10	Rambles among the Leaves of my Scrap Book.....	W. H. Hill.....	
Feb. 14	The Log of a Halifax Privateer in 1757. . . .	Prof. A. MacMechan..	<i>Acadiensis</i> , July, 1892.
Apr. 27	Sir William Alexander and Scottish Attempt to Colonize Acadia.....	Rev. Geo. Patterson, D. D.....	<i>Roy. Soc. Can.</i> , Vol. x. p. 93.
July 28	"Royal William" Steamship.....	Sir Sandford Fleming	<i>Halifax Herald</i> 29 July, 1893.
Nov. 14	Voyages and Discoveries of the Cabots . . .	Rev. Moses Harvey . .	Vol. ix.
Dec. 12	Recollet Fathers in Canada.....	Geo. Patterson, M. A	Synopsis, <i>Halifax Herald</i> , 13 Dec., 1893.
1894.			
Feb. 13	Critical Observations on Evangeline.....	F. Blake Crofton....	<i>Dom. Illustrated</i> , Xmas No.
Mar. 20	Origin and History of Names of Places in Nova Scotia. ....	Rev. Geo. Patterson D. D.....	Synopsis, <i>Halifax Herald</i> , 21 Mar., 1894
Nov. 27	Louisbourg.....	J. Plimsoll Edwards...	Vol. ix.

## Papers Read before the N. S. Historical Society—(Continued).

Date.	Title.	Author.	Where to be found.
1895.			
Jan. 22	Irish Discovery of America.....	Hon. L. G. Power....	Synopsis in <i>Halifax Herald</i> , 23 Jan. 1895.
Feb. 12	History of the Dockyard, Halifax.....	Charles Stubbing....	Vol. xiii.
Mar. 12	Early Military Life in Halifax.....	W. H. Hill.....	Synopsis in <i>Halifax Herald</i> , 13 Mar. 1896.
Dec. 12	Early Life in Halifax.....	W. L. Brown.....	Vol. xiii.
1896.			
Feb. 11	French Protestants in Nova Scotia.....	Rv. G. Patterson, D.D.	<i>Proc. Roy. Soc Canada.</i>
Apr. 23	Historical Gleanings.....	Dr. H. Y. Hind.....	<i>Halifax Herald</i> 24 Apr. 1896, also as separate pamphlet.
1897.			
Apr. 13	History of Wilmot and Aylesford.....	Rev. E. M. Saunders DD	
Nov. 9	Reminiscences of N. W. Rebellion in 1885.	Rev. D. M. Gordon, D. D.....	Queen's Quarterly.
Dec. 14	Loyalist Makers of Canada.....	Sir J. G. Bourinot. . . .	<i>Proc. Roy. Soc. Canada.</i> also <i>Halifax Herald</i> , 15 Dec. 1897.
1898.			
Jan. 21	Scottish Immigrants to Cape Breton.....	Mrs. Chas. Archibald .	Vol. xviii.
Feb. 17	Benj. Marsden of Marblehead.....	Rev. W. O. Raymond.	
Mar. 15	Slavery in the Maritime Provinces.....	Rev. T. W. Smith, D. D.....	Vol. x.
Apr. 12	Early French Missionaries at Port Royal..	Mrs. J. M. Owen....	
Nov. 8	Hist. of the Courts of Judicature of N. S...	Chf. Jus. Townshend	<i>Can. Law Journal.</i>
Dec. 13	History of the Law and Courts of N. S....	C. Sidney Harrington..	
1899.			
Jan. 10	Military History of Nova Scotia, Part I...	Harry Piers.....	
Jan. 17	Origin of Nova Scotians.....	Sir John Bourinot....	
Feb. 14	History of Education in N. S.....	Dr. A. H. MacKay....	
Mar. 14	Freemasonry in Nova Scotia, Part 1. . . . .	Hon. Wm. Ross.....	Pamphlet.
June 21	Hon. Edward Cornwallis. . . . .	Jas. S. Macdonald....	Vol. xii.
Nov. 16	Chancery Courts of Nova Scotia. . . . .	Chf. Jus. Townshend..	
Dec. 12	Military History of Nova Scotia, Part II..	Harry Piers.....	
1900.			
Feb. 13	Lord Dalhousie.....	Dr. A. MacMechan... .	
Mar. 29	Benjamin Marsden.....	Rev. W. O. Raymond..	
Nov. 20	Legend of Evangeline.....	Rev. Dr. Brock.....	
Dec. 11	The War of 1812. . . . .	Dr. Hannay.....	Vol. xi.
1901.			
Jan. 15	Governor Lawrence.....	Jas. S. Macdonald....	Vol. xii.
Feb. 26	Capture of St. Pierre, 1795. . . . .	Rev. T. W. Smith....	Vol. xiv.
Nov. 26	The Real Acadians.....	Dr. A. MacMechan... .	<i>Atlantic Monthly</i> , Feb. 1907.
1902.			
Feb. 11	Lord Charles Greville Montague.....	E. F. Hart.....	
Mar. 12	Notes on North'n portion of Queens Co. . .	R. R. McLeod.....	Vol. xvi.
Nov. 25	Hon. Alex. Stewart. . . . .	Chief Justice Sir Chas. J. Townshend....	Vol. xv.
Dec. 9	John Cabot. . . . .	Senator Poirier.....	

## Papers Read before the N. S. Historical Society—(Continued).

Date.	Title.	Author.	Where to be found.
1903.			
Jan. 23	Relations and Conditions of Halifax during Revolutionary War.....	Miss Emily Weaver...	Am. Hist. Review.
Feb. 10	Hon. Joseph Howe.....	F. Blake Crofton.....	
Mar. 10	Periodicals of the Maritime Provinces from the Earliest Times to the Present.....	D. R. Jack, St. John..	Acadiensis.
Apr. 14	Rev. John Wiswall and his Times.....	Rev. E. M. Saunders, D. D.....	Vol. xiii.
Dec. 15	History of St. Matthew's Church, Halifax.	Prof. W. C. Murray...	Vol. xvi.
1904.			
Jan. 12	Richard Bulkeley.....	Jas. S. Macdonald....	Vol. xii.
Mar. 15	Notes on Nova Scotia Privateers. ....	Geo. E. E. Nichols....	Vol. xiii.
Apr. 5	Duke of Kent.....	A. Martin Payne.....	
Dec. 6	Old Time Customs.....	J. B. Calkin.....	
1905.			
Jan. 11	Account of Celebration of Tercentenary of DeMont's Landing at Annapolis. ...	Mr. Justice Longley...	Vol. xiv.
Mar. 28	Sir Samuel Cunard.....	A. Martin Payne.....	Vol. xix.
Dec. 5	Halifax in Literature.....	Dr. A. MacMechan...	Acadiensis, April, July, 1906.
1906.			
Jan. 23	Lt.-Gov. Francklin, Part I.....	Jas. S. Macdonald....	Vol. xvi.
Mar. 13	Sir Guy Carleton.....	Dr. Geo. Johnson....	
Dec. 11	Washington Treaty, 1871.....	Mr. Justice Longley...	Author's MS. History of Canada.
1907.			
Mar. 1	Gov. Parr and the Loyalists.....	Jas. S. Macdonald....	Vol. xiv.
Apr. 9	Governor DesBarres and Sydney.....	Rev. C. W. Vernon	Vol. xv.
May 14	History of Beausejour.....	W. C. Milner.....	
Nov. 12	Existing historic relics of the Town of Lunenburg.....	Miss Agnes Creighton.	
Dec. 10	Sir. Geo. Prevost.....	Jas. S. Macdonald....	
1908.			
Jan. 14	The Militia of Nova Scotia, 1749-1830. ...	Major J. Plimsoll Ed- wards.....	Vol. xvii.
Feb. 25	John Young (Agricola), the Junius of N.S...	John Irvin: .....	
Mar. 24	Letters of S. G. W. Archibald, 1800 and 1820.....	Judge Patterson.....	
Apr. 21	Customs of the Micmac Indians.....	H. W. Hewitt.....	
Nov. 10	Louisbourg, a notable ruin.....	John S. McLennan....	A pamphlet pub. by So- ciety.
Dec. 8	Fisheries of British North America and the United States Fishermen.....	Mr. Justice Graham..	Vol. xiv.
1909.			
Jan. 19	Ancestry of Chinese Gordon.....	Dr. R. C. Archibald...	
Jan. 19	Early settlers of Lunenburg.....	Rev. John Forrest, D. D.....	
Mar. 9	Ancestry of Sir Fenwick Williams of Kars.....	Judge Savary.....	Published as pamphlet.
Mar. 9	Sea Fights, gleaned from Prov. Archives...	George Mullane.....	Vol. xx.
Nov. 9	United States Loyalists.....	Theodore H. Boggs...	
Dec. 14	S. African Campaign and Contingent.....	H. B. Stairs.....	

## Papers Read before the N. S. Historical Society—(Continued).

Date.	Title.	Author.	Where to be found.
1910.			
Jan. 18	Capt. Jas. Cook, R. N.....	Lt. J. A. R. Jones. . . .	
Mar. 8	Lt.-Gov. Michl. Francklin (2nd paper) . . . .	Jas. S. Macdonald. . . .	Vol. xvi.
Apr. 12	Memorials of Grand Pre and Basin of Minas. . . . .	Geo. Johnson, D.C.L..	
Nov. 4	Free Masonry in N. S. Part II. . . . .	Hon. W. Ross. . . . .	Pamphlet.
Dec. 2	The Trent Affair. . . . .	Geo. Johnson, D.C.L..	Vol. xvi.
1911.			
Jan. 20	The Old Mail Routes and Post Roads . . . .	E. Lawson Fenerty. . .	
Feb. 14	Temperance Legislation for the past 100 years in Nova Scotia. . . . .	Judge Chesley. . . . .	
Mar. 10	Life of Hon. Judge William Blowers Bliss..	Sir Chas. Townshend	Vol. xvii.
Mar. 21	Early Legislation in Nova Scotia. . . . .	Judge Russell. . . . .	
Nov. 3	History of the Militia of Nova Scotia, 1830-1867. . . . .	Major J. Plimsoll Edwards. . . . .	Vol. xvii.
Dec. 1	The Early Settlers of MacNab's Island, etc	H. W. Hewitt . . . . .	
1912.			
Jan. 5	The Inception of the Associated Press, etc. . . . .	John W. Regan. . . . .	Vol. xix.
Feb. 2	Life of Hon. James W. Johnston. . . . .	John Y. Payzant. . . .	Vol. xvi.
Mar. 1	The Military Associations of Sir John Cope Sherbrooke. . . . .	David Allison, LL.D.,	
April 12	History of the N. S. Postage Stamps. . . . .	Donald A. King. . . . .	Vol. xviii.
May 3	Notes on the French and Pre-Revolution Settlements of Shelburne County. . . .	T. C. Lockwood, M.D.	
Nov. .	Old Dartmouth. . . . .	Mr. Justice Russell. . .	
Dec. .	A Sketch of Lawrence O'Connor Doyle, a Representative of Halifax in the Early Forties. . . . .	George Mullane. . . . .	Vol. xvii.
Dec. .	Short Historical Note on the so-called 'Norse Stone,' at Yarmouth. . . . .	Moses H. Nickerson. .	Vol. xvii.
1913.			
Jan. .	Brief Historical Note on Thomas Williams grandfather of Sir Fenwick Williams. . .	Capt. Jas. D. Ritchie. .	Vol. xvii.
Jan. .	An old Edition of Galen, by Laguna, 1604, in the Cogswell Library. . . . .	Prof. D. F. Harris, M.D..	
Jan. .	The Historical Method. . . . .	Prof. J. W. Falconer. .	
Feb. .	Why the First Settlers came to Nova Scotia. . . . .	Rev. John Forrest, D.D	
Mar. .	The Ancient French Cemetery near Rockingham. . . . .	H. N. Paint. . . . .	
Mar. .	The Finding of Alexander McNutt. . . . .	Rev. A. W. Eaton, D. C. L. . . . .	
April .	Reminiscences of the House of Assembly . .	Mr. Justice Russell. . .	
May .	Reminiscences of a Long Life, John MacKay, Esq., New Glasgow, 1772-1884 . .	Rev. Allan Pollok,	
Nov. .	Charles Inglis, First Bishop of Nova Scotia. . . . .	Archdeacon Armitage M. A., Ph. D. . . . .	
Dec. .	The Settlement of Guysboro and Hallowell Grant. . . . .	A. C. Jost, M. D. . . . .	
1914.			
Jan. .	A Brief History of Town of Bridgetown with Sketch of Career of Colonel Poyntz. . . . .	John Irvin, K. C. . . . .	Vol. xix.
Feb. .	Wolfe's Men and Nova Scotia. . . . .	Beckles Willson. . . . .	Vol. xviii.
Mar. .	Jonathan Belcher. . . . .	Sir Charles Townshend, D. C. L. . . .	Vol. xviii,
April .	The Earl of Halifax. . . . .	A. M. Payne. . . . .	
May .	Artists in Nova Scotia. . . . .	Harry Piers. . . . .	Vol. xviii,
Nov. .	Acadian Recollections of Fifty Years ago . .	Rév. Arthur John Lockhart. . . . .	
Dec. .	A Short History of Presbyterianism in Pictou. . . . .	Rev. Allan Pollok, D. D. . . . .	
Dec. .	The History of the First Roman Catholic Church in Chignecto. . . . .	W. C. Milner. . . . .	

## Papers Read before the N. S. Historical Society—(Continued).

Date.	Title.	Author.	Where to be found.
1915.			
Feb.	Some Historical Causes for the War Spirit in Germany.....	Rev. George Mack Wrong.....	
Mar.	The Rise of Prussia up to the Death of Frederick the Great.....	Prof. Todd.....	
Apr.	Recollections of Sixty Years Ago.....	Rev. Dr. Allan Pollok.	Vol. xix.
May	Halifax Currency.....	Horace A. Flemming..	Vol. xx.
Nov.	Significance of Joseph Howe on the Literary History of Canada.....	Dr. J. D. Logan.....	
Dec.	Our First President, Hon. John W. Ritchie..	Hon. Senator Power...	Vol. xix.
1916.			
Jan.	Thomas Chandler Haliburton.....	Beckles Willson.....	
Feb.	Some Old Provincial Laws.....	Humphrey Mellish, K. C.....	
Mar.	The Winning of Responsible Government..	Mr. Justice Russell...	
Apr.	One Hundred and Sixty Years After.....	Placide Gaudet.....	
May	Weather Records in Halifax.....	Rev. Dr. Forrest.....	
Nov.	The Early Post Office in Nova Scotia.....	William Smith.....	Vol. xix.
Dec.	Sources of Canadian History.....	Major J. P. Edwards..	Vol. xx.
1917.			
Jan.	Hon. Sir John S. D. Thompson.....	Mr. Justice Russell. . .	
Feb.	The Philosophy of History.....	Prof. H. L. Stewart...	
Mar.	French Protestant Immigrations to Nova Scotia.....	Wm. L. Payzant.....	
Apr.	Legends and Traditions of the Annapolis Valley.....	John E. Woodworth..	
Nov.	2 Historical Sketch of Tatamagouche.....	F. H. Patterson.....	In book form
1918.			
Mar.	8 (a) Sir Danvers Osborne and his services in connection with the founding of Halifax.....	Danvers Osborne.....	
	(b) The French in King's County.....	R. W. Starr.....	
May	3 The Relations between Harvard University and Canada.....	Dr. Benj. Rand.....	
Nov.	15 (a) Comments on Dr. A. W. Eaton's "Chapters in the History of Halifax"	Judge Savary.....	
	(b) The first Forty years of the N.S. Historical Society.....	Mr. Justice Longley..	
July	1 Midsummer Meeting at Annapolis Royal..		
	(a) Annapolis, 200 years ago.....	W. C. Milner.....	
	(b) Early Forts of Annapolis Royal.....	Placide Gaudet.....	
Dec.	6 (a) Details of the programme and unveiling of the Sun-dial at Annapolis Royal July 1st.....	L. M. Fortier.....	
	(b) Traditions of old Cape Sable.....	Benj. J. Doane.....	
1919.			
Jan.	10 Early History of Dartmouth.....	Mr. Justice Russell. . .	
Feb.	7 (a) Old Barrington Township.....	Rev. Edwin Crowell. .	
	(b) Halifax, 60 years ago.....	Rev. Dr. Forrest.....	
Mar.	7 Old Taverns, Inns and Coffee Houses of Halifax.....	George Mullane.....	
April	4 The Hon. James McDonald (late Chief Justice).....	Sir Chas. Townshend	Vol. xx.
May	2 (a) Unpublished Letters, etc., in connection with the French Acadians and their deportation.....	Placide Gaudet.....	
	(b) Notes taken from an Old Ledger at Arichat.....	J. F. Blagdon.....	
June	30 Midsummer Meeting at Bridgewater.....		
	(a) Fort LaHave.....	Placide Gaudet.....	
	(b) LaHave, the cradle of some of the early Acadian families.....	Placide Gaudet.....	
	(c) General History of LaHave.....	Rev. E. A. Harris. . .	
Nov.	7 The Bard of Acadia, John McPherson.....	Rev. C. A. Munro....	
Dec.	5 The Archives or Public Records of Nova Scotia.....	Major J. P. Edwards..	

## Papers Read before the N. S. Historical Society—(Continued).

Date.	Titles.	Author.	Where to be found.
1920.			
Jan.	Notes on Early History of Margaree River.	D. S. Hart.....	
Feb. 20	Elementary Education in Nova Scotia 1758-1867.....	Dr. Howard S. Brunt..	
Mar. 19	The Oldest Railroad in Canada.....	H. S. Poole.....	
May 7	The Fenian Raid of 1866.....	A. Martin Payne.....	
July 13	Midsummer Meeting at Windsor—		
	(a) Sketches of Early History of Hants County.....	H. Percy Scott.....	
	(b) Windsor in the days of Judge Haliburton.....	J. W. Blanchard.....	
	(c) Notes on Antonia Gallenga (Luiga Mairotti).....	Ven. Archdeacon F. W. Vroom.....	
Nov. 12	The Work of the Dominion Archives.....	W. C. Milner.....	
Dec. 10	Historical Sketch of Hants County.....	H. Percy Scott.....	
1921.			
Jan. 14	Major General Sir Geoffrey Twining.....	Anon.....	
Mar. 11	Donald McKay, Shipbuilder of Shelburne.....	Horatio C Crowell....	
Apr. 8	The Agitation for Repeal, 1867.....	Mr. Justice Longley..	
May 6	Agitation for Repeal, 1867.....	Mr. Justice Longley..	
May 13	Life and Work of Sir William Alexander...	Rev. Dr. W. Bruce Muir.....	
Dec. 2	Early History of New Glasgow.....	William D. Stewart...	
1922			
Jan. 13	Akins Historical Prize Essays, King's College.....	Ven. Archdeacon Vroom	Vol. xxi
Feb. 3	Hon. Mr. Justice T. D. Archibald.....	Mrs. Charles Archibald.....	Vol. xxi
Mar. 3	Historical Sketch of Canso, N. S.....	Mrs. Jas. E. Hart....	Vol. xxi
May 6	Life of Chief Justice Sir William Young, Part 1.....	Hon. N. H. Meagher..	
Nov. 24	Story of James Wolfe.....	Dr. J. Clarence Webster.....	
Dec. 15	Hon. Jonathan McCully.....	Hon. N. H. Meagher..	Vol. xxi
1923.			
Jan. 12	Attempt in 1776 to make Nova Scotia the 14th State of the Union.....	W. C. Milner.....	
Feb. 2	(a) Lt.-Col. J. F. W. DesBarres (b) Charlotte Elizabeth.....	Mrs. J. M. Owen.	
Mar. 9	Life of Sir William Young, Part II.....	Hon. N. H. Meagher..	
Sept. 14	Parkman's Life and Works.....	Hon. Mr. Justice Russell.....	
1924			
Jan. 11	Sir Brook Watson.....	Dr. J. Clarence Webster.....	
Feb. 8	Life of Chief Justice Blowers.....	Lionel A. Forsythe....	
Mar. 14	First Manufacture of Pulp Wood..... The 40th Regiment raised in 1717.....	George Mullane..... Harry Piers.....	Vol. xxi
May 16	Notable Trials in Nova Scotia.....	R. V. Harris.....	
Nov. 7	82nd or Hamilton Regiment, 1778.....	Judge George Patterson.....	
Dec. 5	Modern Historical Prophecy.....	H. Percy Scott.....	
1925			
Jan. 2	Duels in Nova Scotia.....	George Mullane.....	
Feb. 13	History of Arisaig, N. S.....	Rev. D. J. Rankine..	
Mar. 6	Bishop Charles Inglis.....	Ven. Archdeacon Vroom.....	
	The Porto Bello Medal.....	Dr. Archibald MacMechan.....	
May 8	H. M. Dockyard in the Sixties..... Medal found in Halifax County.....	D. A. Story..... Dr. Archibald MacMechan.....	

## Papers Read before the N. S. Historical Society—(Continued).

Date	Titles.	Author.	Where to be found.
Nov.	6 Life of Sir William Young, Part III. . . . .	Hon. N. H. Meagher..	
Dec.	4 Migration of Nova Scotia Settlers from St. Ann's, C. B., to New Zealand. . . . .	Dr. M. D. Morrison..	
1926.			
Jan.	8 Notes on Bedford Basin, its Legends and Traditions . . . . .	D. A. Story. . . . .	
Feb.	12 Professional Drama in Halifax. . . . .	George Mullane. . . . .	
Mar.	5 Historical Sketch of Dalhousie University.	Major J. P. Edwards..	
Apr.	1 History in Government House. . . . .	Dr. J. C. Webster. . . . .	
May	5 Hon. and Rt. Rev. Robert Stenser, D.D..	O. R. Rowley. . . . .	
Nov.	5 Abbe LeLoutre. . . . .	Prof. N. McL. Rogers.	
Dec.	10 How New Brunswick entered Confedera- tion. . . . .	Prof. Geo. E. Wilson..	
1927.			
Jan.	14 Donald McKay and Ships of his Time. . . .	W. W. Kenney. . . . .	
Feb.	11 Communion Tokens of Nova Scotia. . . . .	Edgar J. Vickery. . . . .	
Mar.	18 An Old Colonial Mansion (Mount Uniacke)	Mrs. Harry Piers. . . . .	
Apr.	1 A Chapter in Life of St. Duc de la Corne..	Prof. A. MacMechan, Ph.D. . . . .	
May	13 The Peninsular Blockhouses and Road at Halifax, 1751, . . . . .	Harry Piers. . . . .	



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- XIV. *Tercentenary Celebration of the Founding of Annapolis.—The British North America Fisheries and the United States Fishermen.—Capture of St. Pierre, 1793.—Governor Parr.*
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- XVII. *Memoir of the Life of the Honourable William Blowers Bliss, with portraits, by Sir Charles J. Townshend.—Notes on Thomas Williams of Annapolis Royal, with portraits, by James D. Ritchie.—A Short Note on the Yarmouth "Runic Stone," by Moses H. Nickerson.—Remarks on the Fletcher and Related*

Vol.

*Stones of Yarmouth, N. S., by Harry Piers.—The Fenwick Family in Nova Scotia, by Colonel G. C. Fenwick, Indian Army (retired).—The Militia of Nova Scotia, 1749-1867, with portraits, by Joseph Plimsoll Edwards.—Early Reminiscences of Halifax, by Peter Lynch, Q.C.—A Sketch of Lawrence O'Connor Doyle, a Member of the House of Assembly in the Thirties and Forties, with portraits, by George Mullane.—Notes on Several Governors and their Influence, by Joseph Howe.—Statement Relative to the Introduction and History of Responsible Government in Nova Scotia, by Rev. E. M. Saunders, D.D.—Centennial Number of "Acadian Recorder."*

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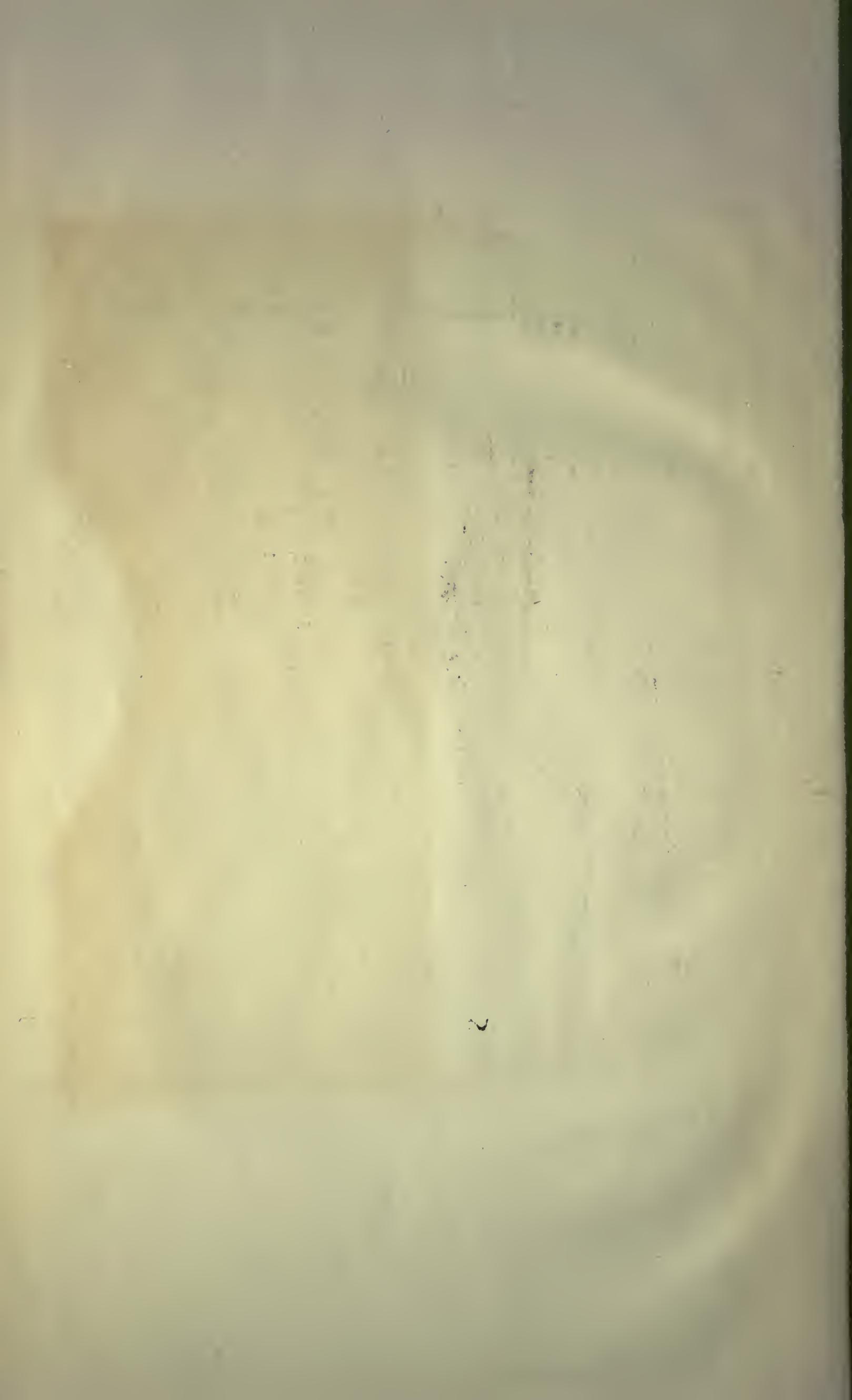
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- XXI. *History of Canso, by Harriet Cunningham Hart.—The Akins Historical Prize Essays, King's College, by the Ven. Archdeacon F. W. Vroom, D.D.—The Hon. Thomas Dickson Archibald, by Mrs. Charles Archibald.—The Hon. Jonathan McCully, by the Hon. Nicholas H. Meagher.—The Fighting Fortieth Regiment, raised in Nova Scotia in 1717, by Harry Piers.*









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