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## CONDITION OF PUBLIC RECORDS IN THE MARITIME PROVINCES

By W. C. MILNER

Relics of the Micmac and Melicite Indians, the original Acadians, once numerous, are becoming very rare and difficult to procure. No official attempt has hitherto been made to collect such evidences of past times, which would prove of educative value. Much in the lapse of time has been destroyed; much has been sold to collectors for American museums and libraries. Many years ago, a gentleman on the South Shore of Nova Scotia assembled a large mass of Indian relics, which at his death were sold to the Museum of the American Indian—Hege Foundation, New York.

Dr. Silas Rand, the Micmac missionary, formed a written language for that tribe. His dictionary, grammar, poems and Indian legends, mark him as one of the most original investigators and writers in Canada.

None of the three counties of P. E. Island have Municipal Councils; their business is all done by the Provincial Legislature, which is the only depository of public records. It has suffered twice by depletion. In 1776, two American Privateers sailed into Charlottetown Harbour and made a sudden incursion on the town. They arrested Attorney-General Callbeck, who was acting Governor, and Mr. Wright, Surveyor-General, and plundered the place taking all that was portable and of any value, including the public records. Returning to Cambridge, Mass., General Washington ordered the discharge of the two officials as well as the restoration of the property. The public records were not returned and it is supposed they were dropped overboard as of no value. Ten years ago the Public Archives sent a representative to Massachusetts to search for these records but it was unsuccessful.

In late years quite a number of individuals have essayed writing a history of the Island and some one or more of them have had access to the vault in the Assembly Building where the records were stored. Books and documents once borrowed are sometimes not returned and if retained long enough become the personal property of the borrower—possession being nine points in the law. The Province in losing possession of a large part of the public records by loan has lost its ownership. No administration has sought to recover them. In the valuable history of P. E. Island issued by the late Judge Warburton, he states the work of writing a history of that Province was made more difficult by not finding documents in the place where they ought to be.

Nova Scotia rivals Québec in its wealth of historical material. As the Maritime Provinces were chiefly settled by Loyalists and Pre-Loyalists from New England, a family relationship exists between the two countries and as a great number of historical societies have been established through New England that give expression to that sentiment, there is naturally a demand there for ancient records and relics from the Maritimes. Quite a business has existed between the old farm houses in the Maritimes and these customers in the old colonies, which has greatly reduced the stock of records and relics. The local government have manifested no interest in checking this traffic in our national assets. About

twenty years ago, the Dominion Archives instituted a crusade against the traffic, which has been somewhat successful, but the historical societies of Massachusetts have come into possession of many thousands of original documents bearing on the movements in Acadia. In addition to these losses many private collections have been scattered or destroyed by fire. Haliburton's (Sam Slick) papers were stored in a building in Barrington Street, Halifax, which was burned with its contents. The papers of Hon. Wm. Crane, Sackville, a very prominent public man, were burned. None of the public correspondence of the Fathers of Confederation are available with the exception of half a dozen volumes of Sir Charles Tupper's, now in the Archives, Ottawa.

The records of the Provincial Government relate to three periods:—

1st. When Acadia was governed by French officials—from 1632 to 1712, 81 years.

2nd. When it was under British rule at Annapolis Royal from 1712 to 1749.

3rd. The modern period after settlement of Halifax by Cornwallis.

Joseph Howe, realizing the value of the historical documents under government control, secured an act of Assembly in 1857 to create a Record Commission. Under that act, a scholarly and painstaking student—Dr. Atkins—was appointed Commissioner of Public Records. His labors were monumental. He prepared and published a volume of 750 pages, of despatches, orders, letters, etc. More than one-half was devoted to documents relating to the Acadian French (1714-1755).

1. These embrace the correspondence of Governors Caulfield, Phillips, Armstrong and Mascarene at Annapolis Royal, and Edward Cornwallis and Charles Lawrence at Halifax, correspondence of the Priest Le Loutre, etc., etc.

2. Papers relating to the alleged encroachment of the French in Nova Scotia (1749-1756) and the war in North America, called the Seven Years War (1754-1761).

3. Papers relating to the first settlement of Halifax (1749-1756).

4. Papers relating to the first establishment of a representative Assembly (1755-1761).

In 1905, the Government determined on publishing another selection of documents for which work Dr. Archibald MacMechan was appointed. It was published in 1906. It contained the Governor's Letter Books (1713-17) and (1719-42) and the Commission Book (1720-1742). A third volume was published in 1908, containing the original minutes of the Council at Annapolis Royal (1720-1739). These volumes contained side references and were thoroughly indexed.

Dr. Atkins made a catalogue of books in the government collection. They consisted of 473 volumes, exclusive of 60 or 70 grant books. He also left 61 boxes of papers.

Dr. Atkins also catalogued manuscript documents dated between 1748 and 1841, 8 volumes, containing 1,108 documents. Volume 8 (1814-1816), 137 documents, is occupied with last American and Napoleonic Wars.

These are about 100 volumes of transcripts of documents made in England. Each volume is indexed but there is no general index of them. The letter books from the Governors to the Board of Trade are also individually indexed.

The sixty-one boxes contain a great variety of documents relating to the public business of the Province since 1749. The contents of each box was indexed by Dr. Atkins giving a fairly good idea of the contents.

About 1880, two copyists—Messrs. Tobin and Kingston—were employed in England in transcribing documents, but their services were discontinued about 1885.

Since Dr. Atkins' time a lot of military books and papers have been obtained by Mr. H. Piers, curator of the Provincial Museum, from the military authorities at Halifax. They embrace Dockyard Record books, 3 volumes; letter books of Royal Engineers, 57 volumes; plans and maps, 319 volumes; General and Garrison orders, 213 volumes. Total 1,128 volumes. These would be valuable in any military history of the Province, in connection with similar records in the Archives at Ottawa.

In addition is the Brown collection. It has a remarkable history. It was originally made by a Presbyterian minister, who took the documents with him when he sailed for England. They were lost in a shipwreck, but later on were found safe headed up in a barrel. They were dated from 1754 to 1777 and number 74 documents. They are bound in two volumes. The contents of some of these were well known to Dr. Atkins and published by him. Others were probably not. Some of these give important evidence as to the character and conduct of the Acadian French, especially on the ground of disloyalty to the British Crown, and, it is alleged, if published would greatly modify the hostile judgement passed on them. The Acadian Convention at Madawaska (1909) passed strong resolutions asking for their publication as a matter of fair play and justice, especially the letters of de Bouillon at Louisburg, in reply to the British authorities. It is hardly fair to neglect this request.

When the Loyalists landed on our shores and applied for free grants of settlement lands, they were as a rule required to apply by petition, stating their condition and the nature of their claims. They were also required to send with the Petition a plan of the lands asked for. These petitions were valuable for historic purposes, as they not only placed the petitioners but often gave an account of their sacrifices, losses and sufferings for their loyalty to King and country. Many thousands of these were sent to the authorities at Halifax. Upon investigating for them, the writer found that the Crown Land people had carefully separated the petitions from the plans. The latter are preserved while the petitions are missing: no doubt destroyed. Thus a vast amount of information respecting the first settlers in Nova Scotia had been forever lost. In New Brunswick these same petitions were found in an out-office in the Government buildings, Fredericton, apparently abandoned. The Dominion Archives obtained possession of them and indexed them by counties and calendared them. They form the basis of the history of every parish in the Province and are therefore both valuable and interesting. A section of the Atkins collection has lost somewhat its importance from the fact that the Ottawa Archives has received from the Imperial Government extensive accessions, amongst them being originals or copies of official despatches.

Some fourteen townships in Nova Scotia were formed by the immigration from New England in 1762-63-64, under the inducements offered in Governor Lawrence's proclamation. The newly arrived settlers called meetings of the grantees, organized township government and opened township record books. These are important as first things in settlement operations, but no attempt has been made by any administration to

collect and preserve them. Later, township government was superseded by the Courts of Sessions, formed by the Justices of the Peace of each county. These ruled in local affairs until 1880 when they in turn gave place to elective Municipal Councils. The records of the Courts of Sessions covering the period of a century are also astray—no administration having undertaken to have them deposited in a place of safety, where they could be utilized by students of history.

The Nova Scotia Historical Society organized in 1879 has published over a score of reports, all of them of much value and interest. While about 160 addresses have been delivered before the Society, not over one-half of them, it is to be regretted, have been preserved by the Society. It has never secured quarters of its own and the Legislature has consequently enacted that books, etc., donated shall be in the care of the Legislative librarian.

The New Brunswick Historical Society has not been so fortunate. Organized in 1874, it has also published reports all of them dealing with provincial or local affairs. In its early years, attempts were made to establish a library, much of which has disappeared owing to the Society not possessing a permanent abode of its own. The Courts of Sessions of New Brunswick gave place in 1878 to Municipal Councils. Representations were made to the Government as to the urgency of assuming control of the Sessions documents, without avail. When Mr. Rainsford, who had been Clerk of the Peace of York County, died, the records of York, Carleton, Sunbury and Madawaska were turned out on the Court House Square and burned. Thus the early history of four counties was lost. Neither the Government nor the Legislature took steps until this present year, 1929, to recognize the existence of the records of these Courts, when an Act was passed declaring the Government ownership of them, but no provision was made for either collecting them or placing them in a place of safety or guarding them from loss by fire or theft.

The successive administrations of New Brunswick have honestly earned a fine reputation for neglecting the official records of the Province. Masses of departmental correspondence and other documents and papers have been picked up in the country by the Dominion Archives. Sir Arthur H. Gordon, when Governor, removed from the Legislative building to Government House, 62 bulky volumes of despatches and other public documents to secure their safety from the legislators. When the Province was entering Confederation and Government House would be under provincial jurisdiction, the Governor communicated to the Colonial Secretary the insecurity of these records. The latter directed them to be shipped to England. This was done. Up to a recent date they have been housed in the Colonial Office. Dr. Doughty in his investigation in England discovered them and secured them. They are now stored in the Archives at Ottawa. Some 20 years of the Journals of the Assembly, dating from 1786, have within fifteen years been missing from the Assembly files, and no attempt has been made to recover them. The original election returns—some 500—bound up in books, have more recently disappeared.

The Provinces are indebted to the Dominion Archives for securing and preserving much of historic value. Collections made by the late Hon. J. W. Lawrence, Archdeacon Raymond, Col. Delancy Robinsen, Jonas Rowe, Wm. Jarvis, and others were secured. To shew the little attention given officially to the old records, an agent of the Archives retrieved from a cow stable a number of township books. The cows were encouraged to

ruminate on local history. Who shall say they did not imbibe as much as some of the politicians? The public documents, correspondence, speeches of Joseph Howe—14 cases—were also obtained from his son, the late Mr. Sydenham Howe. The Admiralty Reports—35 cases—that had been reposing for generations in the basement of the Court House, Halifax, adjacent to the coal bins, were also retrieved. They are valuable for the prizes captured and adjudicated during the Napoleonic and American wars. The Archives has also not neglected newspaper files. A file of Charlottetown papers, commencing in 1800 and extending to 1850; the *St. Andrews Standard*, the *Chatham Gleaner*, the *Yarmouth Herald*, the *Truro News*, are amongst the early journals secured for the future historian in the Archives.

It is to be regretted that neither New Brunswick nor Nova Scotia possesses an up-to-date work on Provincial history. Haliburton's History of Nova Scotia, Murdock's splendid three-volume history, Campbell's and Allison's are all out of print.

In New Brunswick, Fisher's History, published in 1827, Gesner's History dated 1847, and Hannay's two-volume history (1908) are all out of print. It is difficult to ascertain how a supposed intelligent government can expect a people to be instructed in the history of their own country without possessing historical literature! The Siwash Indians recognize this is impossible and in the absence of the printed page, institute the totem pole.

The apathy and neglect of the governments have been somewhat remedied by private enterprise. The public spirit of individuals has produced a number of non-controversial works that are a credit to the country. The late Archdeacon Raymond's "St. John River", and the "Winslow Papers", together with his numerous contributions to the press are models of research and accurate writing. Alexander Munro's History now almost forgotten; J. W. Lawrence's "Judges of New Brunswick"; David Russell Jack's "Acadiensis"; Hannay's "Acadia" and "War of 1812"; Ketcham's "Carleton County"; Mrs. Steeves' "First Store Keeper" at Moncton; Trueman's "Chignecto"; Father Albert's "Madawaska"; Dr. W. G. Ganong's Papers—are the principal works of this class in New Brunswick.

The Nova Scotia list is much larger. Dr. Wentworth Eaton's "King's County" gives a general sketch of pre-Loyalist settlements together with biographies of the leading families. It is a very valuable work. The deft handiwork of Dr. Archibald MacMecham is seen in the artistic quality of all his tales of the sea and land. In making words speak, he is the most finished of all our writers. Savary's "Annapolis"; Patterson's "Pictou"; DesBrisay's "Lunenburg"; McLeod's "Markland"; More's "Queens County"; Lawson's "Past and Present of Yarmouth"; Campbell's "Yarmouth"; Brown's "Yarmouth"; Crowell's "Barrington"; Poole's "Annals of Yarmouth and Barrington"; Wilson's "Digby"; McKay's "Tatamagouche"; Mrs. Grace Dean McLeod's "Tales of Acadia" are some of the words, the production of which, involving much research work and toil, were published at the author's cost and risk. These are irrespective of a number of Acadian works of permanent value. Senator Poirier's "Origin of the Acadian People" and other writings show research and a judicial spirit. These works prove the existence of an intellectual class, who put on the boards of the literary theatre productions combining the action, colour, shade and spirit of a stormy and, in parts, romantic history, extending over a period of three hundred years. With the excep-

tion of Quebec, no part of civilized America possesses elements so calculated to arouse the interest of the scholar or gratify the casual reader. If our people do not realize the value of their historic past, it is owing to the fact that no provincial history is in common circulation, because it does not exist. The governments have incurred debts amounting in the aggregate to seventy-five million dollars and yet not one dollar of this huge sum has been devoted to the creation of free public libraries or the production of local historic books. These would greatly tend to create an interest and pride in our country and would do much to combat the exodus that has been depopulating it.

The Federal Government at Ottawa possesses the only well organized and thoroughly efficient Archives establishment in Canada. In the interests of efficiency and economy, it is much to be desired that the Provincial and Federal authorities should unite in the work of collecting the early records of the country, preserving them and making them available for students and writers.