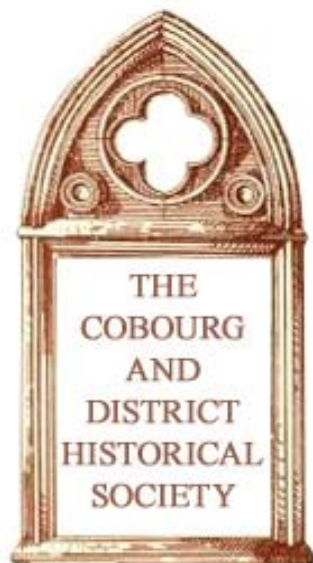


HISTORICAL REVIEW 25



2007



2008

The Cobourg and District Historical Society

2007 – 2008

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The Cobourg & District Historical Society

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**The Cobourg and District Historical Society
Programme of Speakers**

2007 – 2008

2007

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Cover Photograph: Thomas Gillbard School on George Street, circa 1915

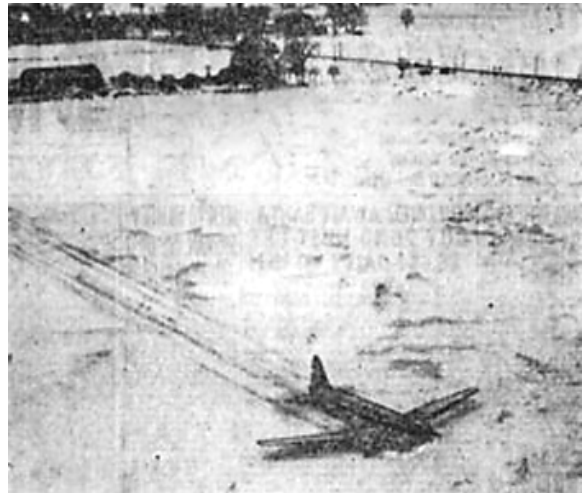
September 2007

Cobourg's Plane Crash, Dec 20, 1951 to Jan 10, 1952

By Larry Wilson

To begin, my mother and father, Ruby and Charles Wilson, purchased a farm on Hwy #2, west of Cobourg from Mr. & Mrs. Fred Roberts, moving onto the farm April 1st, 1949. Our house was located where the present Canadian Tire Store is now located, about where their receiving department is. The barn was about where their garden centre is. Rogers Road, was our driveway. The drive was lined with maple trees and father named the farm "Maple Lane Farms". Father operated the farm as a dairy farm. In the early years, taking his milk to Cobourg City Dairy. He was licensed to raise pure-bred, female calves for export to foreign countries & each calf having the name Maple on their pedigree papers.

Wednesday, Dec. 20, 1951, I was 15 yrs old and it started out just as a normal day. It had snowed and blown all night, dropping about 2 ft. of snow and it was still snowing. Our drive way was about plugged with snow drifts. Dad & his hired man, Harold Drinkwater had milked the cows and father was leaving to take the milk to the dairy. Mother had just called my brother Bob & I to get out of bed for school. I heard dad leaving, bucking the snow, milk cans banging in the back of the truck (a 1951 red Studebaker pickup) Normally, Harold would then come into the house after dad left for the dairy and wait for dad to return for breakfast.



As Harold left for the house, he saw a plane land in the field south of the barn. He ran into the house, telling our mother that a plane had landed and that there was a hundred people were getting out and



coming across the field to the house. Mother came into my brother and my bedroom, telling us to get dressed, as we had a hundred people coming from the field to the house. I could not see from our bedroom window, as frost had covered the window. It appears that dad was going out the drive, leaving for the dairy as the plane came in to land. A neighbour, Bob Staples was stopping at his brother Frank's farm to pick

up his milk and saw the plane come in. He got to the dairy, he told my dad that a plane had landed in his field and that he had guests at his house. Dad did not believe Bob, as he was always joking.

I hurriedly got dressed, ran out the back door, when a voice said "stop son, where are you going?". Standing there was one of the biggest RCMP Officers I had ever seen. I told him that I was going to help the people from the plane. He told me to bring them all to the house, as he wanted to speak to them. It was later confirmed, that he had been traveling Hwy #2, following the plane, using radio contact with his office. His car was stuck in a snow drift in our drive way. I continued to the barn, opening gates, so that the people could pass through to the house. I continued on toward the plane. I met one lady who was carrying her high heeled, strap shoes, her feet swollen so much that she could not wear her shoes. Macho me, I then carried her to the house. By this time, most of the passengers had made their way up to the house. They were in every room in the house, all forty of them, thirty six adult passengers one baby, the pilot, co-pilot & Stewardess.



It should be noted, that for the past two hours, they had no heat in the plane, so they were perished. Mother loaded the wood stove and sent me to load the furnace with more coal. Father then arrived, handing out his wool work socks. Several months after this event, one passenger sent mother several new pairs of socks to replace the pair that dad had given her. You had to know my dad, he took over and visited with each of our new guests, making sure that they were OK. (I do have a picture of dad handing out cups of tea.)

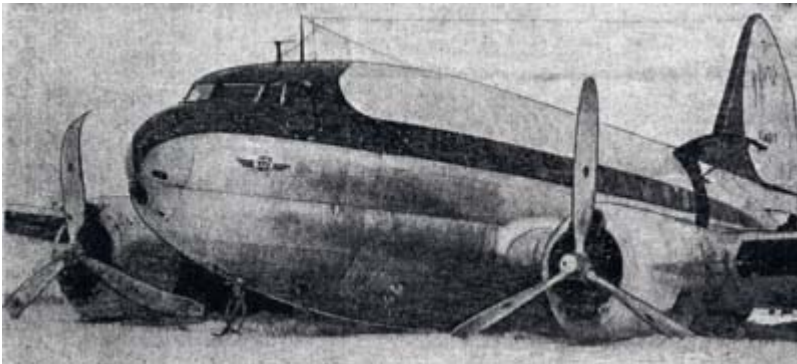
The word spread fast to the neighbours, who dug into their fridges and freezers, bringing their Christmas Cakes, breads, meats, etc. to our house, then helping to make sandwiches, serve tea and look after any need that was required. Mother made tea, not thinking about the US people drinking coffee. (We only had coffee on Sunday morning before going to church).

What an exciting time for me, all of these new friends, who were so happy to be safe and alive. For many, it was their first time on Canadian soil. Our guests were made up of families with children, single people & service men. Some of the service men came to the barn to help with the barn chores, some came to the pig barn with me, to feed the pigs. One of the service men asked mother if he could phone his girlfriend/bride to be, they were to be married on Dec 21. They had already cancelled one wedding date, due to the young man not being able to get home and now was the second problem. His bride to be said that it was OK, he was still alive, which was the most important thing, but this was his last chance.

About noon that day, Keith Burley of Burley Bus Lines, Cobourg, arrived with his bus to take the people to Trenton for the night. The next morning, they continued on to cross the border into the US. Keith later said that when they crossed, the border crossing officer said, "so these are the lost souls, away you go", no inspection done.

I'll go back to the beginning and tell you a bit about this plane. The plane was a C46 Curtiss Commando and was owned by a private company in California called the "49ers". They operated out of Burbank, California. This plane had been chartered by Major Air Coach Inc.

The flight originated in Burbank, California. The plane had heating problems and landed in the Arizona Desert for a day while it was being repaired. They continued on to Chicago, where they fuel up for the continuation of their trip to Newark, New Jersey. Some how, unknown how come, they went off course, heading over Lake Ontario. Malton Airport (Pearson in our present time), had them on radar, radioing to them, with no answer. Oshawa Airport had them on radar and radioed with no results and so did a station at Campbellford. At the Trenton Air Base, they were loading CF 100 jets with ammunition to intercept this unidentified plane. The RCMP were traveling Highway #2, tracing the flight of the plane. As they traveled over Lake Ontario, they were going lower and lower, to the point when off Port Hope, they were able to see the waves of the lake. The pilot and co-pilot thought that they were over the Atlantic. As they passed Carr's marsh, they saw a jut of land, (at this point, the left engine ran out of fuel.) They turned in over the Town of Cobourg. It is believed that they passed over the Cobourg Dye Works, (west side of William St., across from General Foods), up towards the Golden Plow Lodge, turning west, turning left over the Burnham's Farm and Ontario Orchards, then east over the Johns Farm, clearing the fence of the Lane Farm by inches, setting down in the snow in our field, sliding for a short distance. At some point of their travel over Cobourg, the other engine ran out of fuel. (The plane touched down behind where Chadwick's Garage is now located). When Mr. Smelser set the plane down, he then tripped the landing gear, which allowed the tail wheel to drop, give him steering, like the rudder of a boat. Afterwards, Mr. Smelser said that his big concern was a large tree at the east side of our farm, which he feared that they were going to hit. The tree was located on the line of Rogers Road. Due to dry snow, acting like a brake, the plane only slid for a short distance before stopping. He had brought the plane in so smooth, that a cup of coffee sitting on the control consul, was still there a week later, frozen of course. In the pictures, you will note that all of the blades of the right propeller are bent, the left propellers were only bent on the bottom side, as it had been feathered when it ran out of fuel.



The passengers did not know the plane had stopped moving due to the smooth landing , until the stewardess had opened the door. In those days, the planes did not have an escape slide, so the passengers had to jump five or six feet to the ground.

The next day, a TCA flight going from Montreal to Toronto, circled, showing their passengers the downed craft. Also at this point, the RCAF from Trenton brought in military men to guard the plane until the Canadian Aeronautics board released it, then civilian people were hired to guard the plane and keep people back, due to the chance of an explosion, as the fuel tanks were only filled with fumes.

It was only several days before mechanics arrived from the US to fix the plane. Due to Canadian Standards, they could not work on an aircraft in Canada, so a Toronto firm Sanderson Aircraft were given the job of getting the craft ready for flight.

The first job was to get the craft up onto its wheels. Ron Gagne and Fred Ito were hired to perform this service. Ron had a D7 Cat dozer, Fred had an old army truck with a back hoe shovel on the back and a dump truck. Fred and Ron would tow the truck each morning to get it started, due to the battery being no good and Fred could not afford to purchase a new one. (I should note that Ron started Beaverdale Construction Co. and Fred started Cobourg Construction Co.) The work began by digging ramps under the wheels. The wheels were hand pumped down, lifting the plane a small amount off the ground. The bull dozer was then attached to the plane by cables and slowly drew the plane up the ramps, turned it around, facing to the north/west, into the winter winds. Tarps were placed over the front of the plane and work began. Fred using his backhoe, lifted the damaged propellers off the engines and installed new propellers. The batteries were removed, checked for damage and recharged. Fuel was put into the tanks, the engines started and all was well, the engines ran nice and smooth. While this work was being done, Ron levelled off a 2500 foot runway, going from the south end of the farm to the north, facing Highway #2.

Mr. Charles Rector was hired to fly the plane out. He did this for a living and came from Africa, where he had just flown a plane out of the jungle. Assisting him was his mechanic, Gordon McBride. Both of these men were from North Hollywood, California. They arrived a day before the proposed day of take off. They walked and drove the airstrip for many hours, getting the feel of the ground, looking for bumps, etc.. January 10 arrived, a good day for the take off, so nylon was glued to the damaged under belly, the engines started and warmed up. After doing a few throttle ups and downs, Charles was satisfied that all was OK, so he taxied to the south end of the makeshift runway, turning the plane to the north. They would soon know if Ron had done a good job of levelling off the runway. Ontario Provincial Police stopped the traffic on Highway #2, Ontario Hydro turned off the electricity and Bell Telephone had crews on standby in case the plane did not get airborne. There was one spot on the runway that Charles was a little concerned about. It was a plough ridge at the last part of the takeoff point. Charles hoped that the plane would lift off before this point and would not touch the ridge. If it should touch, he thought that they were done, due to the ground drag.

The runway was lined with News Media from Canada and the U.S.A. All of our neighbours, who had been so helpful, were there. Blocks were put in front of the wheels of the plane. The brakes were held fully on, the blocks of wood were holding, as the engines were revved up. The engines were put to their full throttle, it was shake, rattle and roll. The brakes were released, it jumped the blocks and took off down the runway. It moved faster and faster, suddenly space could be seen under the tires, BUT,



NO, the tires touched the ill fated plough ridge that father had left from his fall ploughing. Don't worry, Charles was able to pull back hard on the controls, giving him that few inches to clear the power lines and off they went to the north, turning west, circling back, passing over its previous resting place. Time, 2:30pm. The crowd waved and hollered as the plane headed for Trenton for the night, as all other airports were shut down due to bad weather. The next morning, the plane flew to Malton Airport, where they cleared customs, then continued to Chicago for fuelling and then on to Burbank.

I would like to make a note about Ron and Fred. Both of these men did a great job, working in the freezing temperatures and high winds, with no wind protection. Ron wore an old fedora and Fred wore an old hat with ear flaps. The day that the plane took off the temperature was -6 F.

In the 1960s, I operated an auto parts store in Port Hope. A gentleman came into my store one day asking for Mr. Wilson. When I stepped forward, he asked if I knew who he was. The only thing that I recognized was a US accent. I gambled, saying that we had met December 20th, 1951. He had been one of the soldiers from the plane, who had help me feed the pigs. He was living in Nova Scotia. He and his wife had taken their daughter to university in Toronto and were on their way home, when he went onto Hwy #2 to show his wife where the plane had crashed. He noted that the Wilson name was not on the mail box, so he went into the Cobourg Police Department. He was met by a young police officer. He said "son, I don't think you can help me. Do you know about the plane that crashed west of town in 1951?" "No sir, I do not." With that Homer Seal stepped out of his office "I can help you." Homer knew that my mother now lived at Bewdley, my father had died and that I had the store in Port Hope. He was directed where to go and he returned to Port Hope to meet with me. It was unfortunate that mother was away that day. She was really upset that she had not met this young man again. Mother did keep in touch with a few of the people for many years.

This story has been done by memory, looking through my mother's scrap book and guidance from my brother Bob. (2007)

Thank you, Larry Wilson

October 2007

Before the Silence & What We Hold Dear
The Alderville First Nation

By Ruth Clarke

Thank you for your kind introduction.

I have been trying to remember how it was that I never got to read to you from *Before the Silence*, and I have figured it out: at the time the book was published, I was teaching at Fleming College in Peterborough and didn't have much of a life. Therefore, little promotion was done on the book. What I can report, is that there is life after teaching, and I have been going strong since then.

Last summer, *What we Hold Dear*, the second and final volume of Alderville's history was published. But because you aren't familiar with *Before the Silence*, the first volume, I will read a bit from both tonight, as well as give you a little background.

In 1989 I was invited to write Alderville's history. Those were the days of a healthier Canada Council and I received a grant to research and write. Not knowing more than the living history of Alderville, I cast a broad net. I researched at the United Church Archives, both national and provincial archives, I interviewed elders, collected photographs and memorabilia, and tried to understand Native culture, the Methodism of the 19th century, and I tried to get a sense of what Upper Canada and the government would be like then. I had a hodge-podge of all the above when I called a halt to my research and started to think about writing. For the first volume, I decided to focus on fifty years, from just prior to their conversion to Methodism in 1825. This period has a beginning, a middle and, in 1875, when the Methodist fervor died with its missionaries, there was an end –almost an aversion to things Methodist.

Before the Silence is told from the point of view of Ishpiniibin or Sarah as she is later christened. Sarah is a fictional character, chronicling the factual life of her people just prior to, and following their conversion to Methodism. The Ojibway of today's Alderville, were at that time called the Kingston and Ganonoque Mississauga Ojibway. Mississauga refers to a people who live at mouths of rivers. Ojibway identifies these people whose moccasins have puckered stitching. It would make sense that they were considered Kingston Ojibway since at that time, Kingston was the capital, where the Ojibway received their annual gifts.

While Sarah is a fictional character, her uncle, Shawundais, or John Sunday, was a real person, a great orator and an itinerant Native missionary. Through Sarah's eyes, we are able to see her uncle wrestling with the transition he and his people were experiencing before they converted to Christianity. We can glimpse some of their earlier traditions, pitted against a new God.

READING FROM 31 – 34: SHAWUNDAIS—Explanation: the settlers are referred to as HATS, and the Methodist preachers are called THE BLACK COAT MEN. In the days before churches, itinerant Methodists would hold "love feasts" — prayer or camp meetings and conversions that lasted for days in open pasture to which settlers came from as far away as 100 miles. The meetings were highly emotional, and very appealing to the Ojibway who watched from the sidelines.

To summarize what goes on in the rest of the book, Methodist leader William Case has a dream about gathering the Native people together on an island. The Ojibway leased three islands: Grape, Huff and

Saugeen; Grape became their 15 acre settlement and the other islands were farmed and housed livestock. Grape Island was called the Nursery of Indian Missions. Early on, however, Case realized that the island was too small for their purposes and in the early 1830s, sent men to scout for land to which they could migrate and settle. By 1837, the last person moved from Grape Island to Alderville, which would become the Mecca of Indian Missions, and the prototype for residential schools.

What we Hold Dear continues from the 1880s to present-day, includes 125 photographs and is told from the point of view of two fictional women who are descendents of Sarah. A young woman and her great grandmother are alone together one year during the summer months when the rest of their family has gone to the cottage.

READING: *What we Hold Dear* —pp. 7, 9, 10, 11, 12



1888 Alderville Chief & Council

(back row standing)

Councilors: Thomas Marsden, Peter Crowe, Francis Beaver

(front row seated)

Councilor George Blaker, Indian Agent John Thackeray, **Chief Mitchell Chubb**, Secretary William Loukes.

From *What we Hold Dear*

November 2007

HMCS Skeena

By Lt(N) Chris Barker, CD

I would like to start off by saying it is an honour to be your guest speaker tonight. Tonight I have the pleasure to speak to you about the Canadian World War II Destroyer, HMCS Skeena. It's story about a ship that meet a tragic end with the loss of 15 lives. Most importantly it is a story that changed that tragic event and turned it into something wonderful. It is that story I am pleased to share with you.

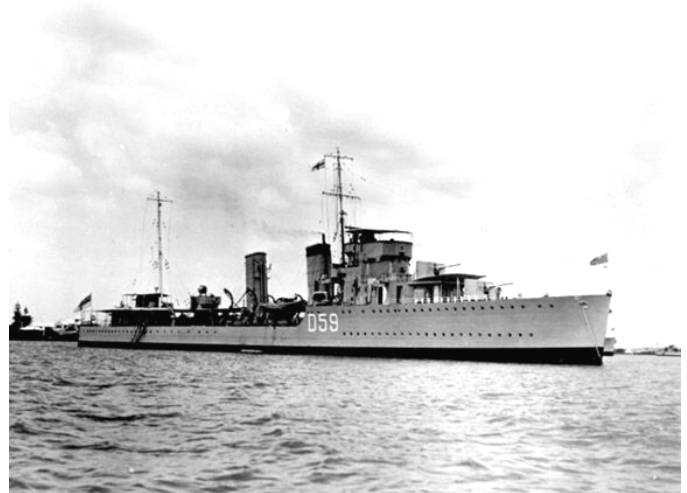
It was in 1929, that the Canadian Government began negotiations for the delivery of two new destroyers. At this time Canada only had two destroyers in her inventory. Up until this time, all Canadian naval vessels had been, or were, "hand me downs" from the British Royal Navy. Although the contract was awarded to Thornycroft-Woolston Works of Southampton England, these two new vessels were built to Canadian specifications, including stronger construction to withstand winter ice conditions in Canada. Although built overseas, these two ships were truly Canadian.

The two destroyers, HMC Ships Saguenay and Skeena were delivered in 1931. These two sister ships, named after Canadian rivers, became to be known accordingly as River Class Destroyers. In later years, additional vessels of the same design were also named after Canadian Rivers.

Skeena's launching on October 10th, 1930 was a memorable occasion. The ship's bow was decorated with maple tree branches complete with leaves, sent specially from Canada. The Prime Minister's sister, Miss Mildred Bennett had the honour of releasing a bottle of Empire wine across the bow. She declared, "I name you Skeena and wish you and all who sail in you the best luck". As soon as Skeena had taken to the water, she was berthed along side her sister, HMCS Saguenay.

HMCS Skeena was commissioned at Portsmouth on June 10, 1931 and under the orders of Saguenay sailed for Canada a few weeks later. It was on 3rd of July that Saguenay and Skeena entered Halifax harbour as steam whistles and air horns from all types of vessels in the harbour burst through the fog announcing their arrival. The editorial section of the Halifax Herald expressed the hope that "this country never will need to send them into action".

Prior to the war, Skeena served as a training ship for Canada's small peacetime navy. In 1937 Skeena and Saguenay represented Canada at the Spithead Naval Review for the Coronation of His Majesty King George VI.



In 1939, three months before the outbreak of war, their Majesties King George and Queen Elizabeth paid a visit to Canada and embarked in Skeena during their maritime portion of their visit. Upon leaving Canada, the Skeena provided local escort as the king and queen returned back to England.

With the outbreak of war on September 10th, 1939, HMCS Skeena was one of only six destroyers that made up the entire Canadian Naval Force. However by war's end Canada had risen to the occasion and was the third largest navy in the world. Skeena and Saguenay were the original workhorses of this new wartime navy.

During the war, HMCS Skeena was credited with the confirmed sinking of U-588. Skeena along with HMCS Wetaskiwin worked as one, and which has been termed “an almost perfect anti-submarine team performance” kept close contact with the submerged enemy. Laying depth charges in near perfect patterns they kept on top of the submerged enemy vessel. During the battle, Skeena and Wetaskiwin are best remembered in Naval Logs for their famous signal between each other. Skeena first signalled “Acts 16 Verse 19”. As Wetaskiwin thumbed through her bible, she read, “ there stood a man...and prayed him saying, come over...and help us”. Wetaskiwin replied “ Revelations 13, verse 1” which Skeena read “ I saw the beast rise up out of the sea...and upon his head the name of blasphemy”. For hours, both ships laid patterns of depth charges until a huge explosion was heard underwater. Floating debris, human remains and wreckage was seen on the surface. Skeena, along with Wetaskiwin was credited with a kill.

Besides regular convoy duties, Skeena also participated in Normandy. Operation Neptune sent Skeena into the English Channel a full 24 hours before the invasion of France. Her task was to clear the shipping lanes of enemy U-boats before the main invasion left the ports of England. Operations Dredger and Kinetic also saw Skeena further participate in the English Channel after D-Day, carrying out successful attacks against enemy surface ships along the French Coast.

HMCS Skeena won battle honours for her duty in the North Atlantic, her actions against the enemy in the English Channel and for her role during the landings in Normandy. However she is seldom recognized for her battle honours or for her confirmed kill of an enemy U-boat, and is usually remembered for how she meet a tragic end.

On October 24, 1944, HMCS Skeena was employed with Escort Group 11, an anti-submarine patrol south of the island of Iceland. During the day an extremely strong gale developed and very high seas was the result. Due to the worsening conditions, the following ships, the Quappelle, St Laurent, and the Skeena were ordered to proceed to Reykjavik Harbour Iceland, and proceed to the lee side of Engey Island and anchor between Engey and Videy Islands. It was around 2230 hours Skeena completed her anchorage, however due to the volcanic ash sea bottom the holding ground was adverse.

Just before midnight the jarring motion of the ship woke officers and men who had already retired to their bunks. This fierce North Atlantic storm caused Skeena to drag her anchor and she was blown and smashed on the shores of Videy Island, in Reykjavik Harbour, Iceland. The ship yawed to the great swell and lifted in amongst the off shore rocks stern first. The huge waves caught Skeena and swung her broadside onto a reef some ninety yards from the shores of Videy Island. Extensive flooding had set in, and the ship was pounding heavily. The 15-foot high seas mixed with escaping fuel oil were coming over the entire ship. The forward part of the ship was being held firmly as the stern of the ship moved about. The men and officers were in grave danger as the ship was beginning to break up. Fearful that the ship was going to roll over, explode, or break up amongst the rocks, men believing that they were to abandon the ship, left the ship with the use of Carley Floats. Waves mixed with fuel oil, crashing over the entire ship caused the Carley Floats to become adrift. Two floats drifted away carrying men into the darkness, and a third overturned sending men into the cold icy water. It was no more than five minutes later that the order to Abandon Ship was cancelled and all remaining hands were ordered to stay aboard. The captain realizing that further attempts to abandon the ship would result in further loss of life decided to accept the risk and keep the remaining crew members aboard the stranded ship.

The hours between midnight and daylight were a period of extreme danger. All night the ship twisted and turned, grinding on the rocks that made the shores of Videy Island. In attempts to reach the island, that was less than 100 yards away, men either drowned or died from exposure in the wet and freezing conditions.

In the morning a line was secured ashore, and with the assistance of Einar Sigurdsson and his Icelandic rescue party, men were pulled from the ship and dragged onto the shores of Videy Island. The result; 15 members of the ship were either missing or dead, another 35 men found themselves recovering in a US military hospital suffering from shock and immersion.

The funeral for the Skeena dead was carried out on October 28th, 1944, 3 days after loss of the ship. The men were buried with full naval honours in the war section of the Fossvogur Cemetery in Reykjavik. The US Army provided wooden coffins to the Canadians, however the British Naval Authorities refused their use. Wood was a scarce commodity in Iceland and was not going to be wasted. The bodies were wrapped in the naval white ensign and carried to the graveside by members of Skeena crew. The oldest among the dead was 30, the youngest 19. Most of the men were in their twenties.



Over 500 personnel, made up of men from the St Laurent, Quappelle and other Canadian ships in Reykjavik, attended the service. Services were read and a firing party discharged their salute. Last post and reveille were sounded. It has been written that this was the most impressive funeral ever seen in Iceland.

My personal connection with HMCS Skeena began when I was first posted to the Royal Canadian Sea Cadet Corps Skeena, the local Northumberland Sea Cadet, created in 1941 and named in honour of this ship.

And this is where my story begins.

In 1956 a new destroyer was launched. In post war naval shipbuilding, it was customary to name the new vessels after vessels that fought in the Second World War. This second Skeena served Canada well, however by 1993 age and technology had caught up to her and she was decommissioned in November of that year. In 1994 I held a remembrance service on the 50th anniversary of the loss of the first ship. With recent decommissioning of the second ship to bear the name Skeena, and now with the fact that the cadet unit was the only ship's company in Canada to bear the name Skeena, I believed it was their duty to remember the loss of the ship and her crew.

It was a very simple service; no more than 15 minutes long. We laid fifteen poppies in front of a picture of the ship, recited the naval prayer and rang our ships bell 15 times. At that point I thought it was the end of the story. I was proud of myself and of the cadets; hopefully the memory of the ship and of these men would not be forgotten. At least I was doing something, small but hopefully meaningful and something the cadets could do each year. That's how it started almost 15 years ago.

It was here that my involvement with the ship, has lead me to three visits to the island of Iceland. Twice I have had the honour to be the naval escort officer to groups of Canadian Naval Veterans and leading them back to Iceland. I have been asked to tell about my experience and my relationship with the ship, I never thought my simple service would ever amount to this.

However my experience is not about what I have done, but learning something about that fatal night, over 60 years ago, and knowing that is it more than just a single paragraph in a history book.

From the beginning of my first remembrance service and each year after, more and more people were coming out to attend it. Naval Veterans, family members, and Skeena survivors all started to attend, more and more each year. From what was just a simple service was now annual event, getting bigger and bigger each year. On the 60th anniversary of the cadet unit, we held a HMCS Skeena reunion at our home unit in Port Hope. This was the result of our annual remembrance service gaining popularity each year.

Up until this time, many of the crewmembers were still very private about the night their ship sank and were not willing to share their thoughts with me. It was at this reunion that I started to ask these elderly veterans what it was like being so young attending a funeral service for their “buddies”. To my surprise, not one of the 2 dozen men that I talked to could remember the service. Even they were amazed, as they all knew they were there, not one could remember. I could see these men struggle with their thoughts all weekend, starting to recall different events that fatal night, however still struggling with the loss of memory of the funeral service. I happened to then meet the reverend that buried the Skeena dead. Surly he would remember, and it was what he told me that also affected me.

Chris he told me, “I was stationed in Iceland with the air force for the most part of the war. All through the war I buried allied sailors and airmen. I oversaw the service of many men, but it is the Skeena crew that I remember the most. I cannot get it out of my mind. I cannot get over the size of the hole in the ground for so many men”. For you see the Skeena dead were buried in a mass grave. Although they were laid side by side, a single grave was dug. Here was a man of faith, a person that we would all turn to help when we are in despair; 60 years later still affected by the size of the hole in the ground for so many men.

Now imagine, you are 18-20 years old, may be attending your very first funeral service, and then you are looking down at the bodies of your buddies side by side in a mass grave. I for the first time realized how this tragic event could affect one’s mind. It was for the first time that I realized that the story of HMCS Skeena was more than just a small paragraph in a history book.

It was at that time I decided I was going to travel to Iceland for the 60th anniversary of the loss of the crew and the ship. When I first mentioned my idea, everyone thought I was crazy. Even the veterans had doubts, “why in the world would we want to go back, there’s nothing there”, “I was there 60 years ago, so why would I want to go back” were the common responses. However I had decided that if there was no interest, I would go by myself.

But in the fall 2004, after 3 years of frustrating planning, I escorted 22 Canadians, made up of veterans, family members of the deceased, cadets, and fellow naval officers back to Iceland. We all gathered from as far as way as British Columbia, Winnipeg, Montreal, New Brunswick and the state of Florida. We all gathered in Boston flew from Boston International Airport, as there are no flights to Iceland from Canada at that time, and landed at Keflavik Airport, Iceland’s International Airport.

When we first got onto the bus at the airport, I remember the bus driver asking me what this Skeena was all about. After telling him why we were in country, he said not to worry he would take care of us. Take care of us is an understatement; the country treated us like royalty. A bigger bus was provided for us, so the veterans would be more comfortable, Canadian flags were flown at the hotel and at different

places we went to, and the local bus excursion company treated us to an exclusive tour of the Icelandic country side.

Later I had the honour to officiate the remembrance service at the gravesite of the Skeena crewmembers. Thinking it was only going to be attended by our group, I was shocked as over 200 people gathered in the cemetery, Canadians and Icelanders coming together in remembrance of this ship.

It was here that I first met the family of the late Einar Sigurdsson. I had read that Einar rescued many of the stranded sailors, bringing them safely ashore; even today this rescue in numbers is the largest in Icelandic Marine History. Einar's family greeted us with the warmth that is usually reserved for family and friends. They treated us to a great reception, attended by all members of their family and the Canadian Ambassador to Iceland. Traditional Icelandic food was served and we had the opportunity to try over 14 different kinds of Icelandic fish dishes. Our visit was a special event for our new Icelandic friends as the loss of the Skeena is part of their family history. Throughout the offices of their family fishing business, were pictures of our ship the Skeena. Also proudly displayed was Einar's medal and his citation from King George VI. For his efforts Einar was awarded The Order of the British Empire for his bravery, however because of the war and the need for secrecy, was told to keep his efforts private. Later in his life, although his grand children pressed him for information about his medal he always said it really was for nothing.

It was also during this first trip that Einar's family put us aboard their two fishing trawlers, both named Adalbjorg after Einar's original trawler that was used to ferry many of the survivors back and forth from the stranded ship. They sailed us to the shores off Videy, the exact location where the Skeena was lost. It was here that the veterans were able to cast into the waters, a wreath made by the cadets, adorned with 15 poppies, both ships using their horns saluting the memory of the Skeena. The ship's name Adalbjorg I have been told is an Icelandic women's name, but I have been told that if translated into English, it means "the main rescue". What an appropriate name for a ship that saved many a life from the Skeena.

We were also treated to a reception and tour of the headquarters of the Icelandic Coast Guard. It was here that one of the veterans told a story about removing the pistol charges from the depth chargers; this small detonator was removed to prevent a charge from exploding in the event of a sinking. Standard practice was to throw this small blasting cap overboard before abandoning ship. In miscommunication between English and Icelandic the Icelandic Coast Guard thought the entire depth charge was thrown overboard. After we returned back to Canada, they sent divers down looking for hazardous material, found none, but to everyone's surprise, located and raised the ship's propeller. This was a rare find, as the hull of the ship was raised and sold for scrap metal at the end of the war. Finding the propeller, which had been ripped from the ship as she was blown against the rocks was a total shock to everyone, including our new Icelandic friends. It was at this point we decided that we would raise funds and erect a monument in memory of the lost crew using the propeller as the main feature of the monument.

In the summer of 2005 I traveled back again to Iceland with my daughter to see this propeller first hand and assist with the selection of a proper spot to build the monument. It is hard to explain the feeling, seeing this huge relic setting in the shipyard, all covered in seaweed and mud, knowing that it is the only surviving part of the ship. Being the first Canadians, my daughter and I, to see such a sight was quite the sensation.

I borrowed a scraper and wire brush from one of the shipyard workers, cleaning part of the hub off trying to reveal some sort of builder's markings or stamp on the hub. To our surprise, we uncovered the letters HMCS. We frantically kept working hoping to see the first letter in the word Skeena, and

there it was, the “S”. Both my daughter and I working together, hands covered in mud, scraping away, only for her to announce, “Dad, it does not say Skeena”. I looked down and to my amazement she was right, it said HMCS Saguenay.

Earlier I told you that the Saguenay is the sister ship to the Skeena. So how in the world did the propeller from the Saguenay end up on the bottom of the ocean floor in Iceland, when the Saguenay was never in Iceland? She was taken out of service in 1942 after a collision with another vessel and spent part of the war as a training vessel in St John.

My daughter and I, immediately went to the Canadian Embassy to use their phone, a couple of phone calls back to Canada to discover that the Skeena went into refit around 1943 and in the efforts to repair the Skeena, spare parts from the Saguenay were used to repair the Skeena, thus it was at this time the propeller was replaced.

In August 2006, once again I traveled back to Iceland for a third time. This time being in attendance with the Canadian Ambassador, military reps from Canada, the United States, Italy and Norway, veterans from the ship, Einar’s family, members of the Videy Island Association and Ministers of the Icelandic Government, we unveiled the newly cleaned up propeller as a monument in memory of our ship, in memory of the men who lost their lives and in memory to a special man who is remembered for saving so many lives. The propeller, now a monument, sits on a very large flat rock, in a field where the men of the Skeena had to walk through to be rescued. A short walk away, on a wooden boardwalk that was built, is the cove where the men came ashore and died. Alongside the propeller is a bronze plaque, inscribed with the history of the ship, the story of the rescue mission, and the names of all 15 crewmembers who perished that fatal night.

However my true experience is learning something about each of them and being able to share it with others so that it will never be forgotten.

Norm, touching and seeing his brother’s grave for the first time, crying and hugging me, thanking me for taking him to Iceland. He shares with me a story; the last time he saw his brother was standing in the doorway in his new naval uniform, going off to war. Norm was only 8 years at the time, proud of having a big brother in the navy, but now crying seeing his brother’s grave for the first time.

A veteran by the name Swede, hugging me, then saluting me, thanking me for getting him to Iceland. He then curses me, as this had been first time in 60 years that he shed a tear. He also smiles, nods his head, and says well done.



Norm, who tells me how he entered a life raft and at the last moment gets out. Jumping back on board he turns and watches the raft washing away, still today questioning why he got out, and so many of his friends did not. Norm was a survivor; today his friends are buried in Iceland.

Gordie, who fought through the huge waves, swimming for his life to reach shore, spending the entire night, huddled among the rocks, in the dark cold freezing conditions. Today he still cannot understand why he survived, but the fellow who he was with, being much larger and stronger would not wake up in the morning. Gordie survived but his shipmate died during the night from exposure.

Ted, who tells me of his travels across the island in the dark, being wet, freezing in the cold wind, snow being blown all around him, the sound of the wind and the surf as the waves crashed on shore behind him, not understanding why he survived nor how he made his way across the island.

Leighton, who shared his personal war diary with me, twice I have spent the entire night with him as we read his diary about each and every day he was a member of the ship's crew. He shares with me, memories of enemy attacks, and stories regarding Skeena's role during the landings at Normandy.

Gord; presents me with a pyjama top that he wore in the hospital. At first it appears to be an old stained piece of clothing. But as he turns it around, you see that he had each and every survivor sign it back in 1944.

Lou; another veteran and another survivor. His son contacts me after I got back from Iceland the first time. Lou is close to death and he can't remember what happened so long ago in Iceland. For all he can remember is being on the shores of Videy Island. He wants to tell his story to his son, but cannot remember any details. I present the pyjama top to Lou, hoping that he may remember one of his shipmates. He studies each and every name, and stops at one name. At this very moment he remembers what had happened so long ago, for he found his own name on that old pyjama top. Before he dies he is able to share his story with his son.

Isaac, shares with me the story of his brother, the officials had a hard time identifying one of the last bodies before the funeral. His brother's body was almost unidentifiable because of the bruising, and broken bones as his brother's body was smashed repeatedly against the rocks. This body was only identified after the others were identified first, no scientific methods here, only a series of elimination.

I was also with Einar's family as a letter is read that we here in Canada received from a veteran in England, who writes to us describing how an Icelandic man, chest deep in ice cold water, pulled guys out of the water, hour after hour, wishing that I may be able to find out who this man was, and if I did, I would pass his thanks to his family for saving his life. I read this in the presence of three granddaughters, who for the first time hear about their grandfather's bravery.

The story of the family at Mogilsa, across the bay from Videy Island, who awoke in the morning to find, confused why there were so many men of "colour", as she describes it, washed up on their beach. She describes that the colour of their skin did not matter; they brought these men into their home hoping to revive them. Using bedding and linens to clean them up, now realizing that these men were from the stranded ship Skeena. The kitchen floor in their home was ruined from the oil and salt water. After the fact the British government wish to compensate the family for their financial losses, but all the family asked for was a new battery operated radio for their home.

Finally Olivia, widow of Ed, on the first trip to Iceland, Ed became sick and I spent the entire night in the hospital with him. Before leaving for Iceland, Ed was only a stranger to me, however as he lay in the hospital, we laughed and we cried all night long as he shared his life with me, telling me stories about the navy and what life was like being on the ship Skeena. Ed never really recovered and passed on shortly after getting back to Canada. On my third trip back to Iceland, his widow Olivia also came, as on his deathbed, Ed said that if Chris ever went back to Iceland, she was to go with him. At the time of the unveiling of the monument, Olivia whispered in my ear that Ed was here with us. Being polite, I said it was a beautiful day, and of course Ed was with us in spirit for the entire trip. She said no, as Ed was in her purse, for she had brought Ed's ashes back to Iceland, and as part of Ed's wishes I spread Ed among the rocks where he and his buddies came ashore so many years ago. Olivia and I shared a giggle together at dinner that night, for you see it was very windy that day, and I think I had more Ed on me than what was scattered amongst the rocks.

Over 60 years have passed since the loss of the ship, and with each passing year there are less veterans from the ship around to tell the stories, however the memory of the ship is very much alive. My new friend Ottar in Iceland has just completed and released a book in Iceland. Although it is in Icelandic it tells the story of HMCS Skeena and the men who sailed her. Another friend in Iceland, Sievenn is an independent filmmaker. He has filmed all of the events, and is hopeful that one day a documentary film may be produced. Even in Port Hope, we are now in possession of other artifacts that many of the men saved from the stranded ship. One sailor returned to the stranded ship and cut off the helm in the wheelhouse. It now hangs on the wall in our hall. Another sailor took all of the banners in the flag locker when he returned back to the ship. These flags now hang on the walls of our building. Another survivor presented to us the white battle ensign of the Royal Canadian Navy that flew on the stern of the Skeena. All pieces of the ship that we thought were lost now are proudly displayed in the current ship Skeena.

On behalf of all veterans that I have escorted back, they would like to say thanks to the people of Iceland for their warm hospitality that was shown to them during every part of their journey.

It has been a journey where naval sailors have been able to share stories with Icelandic fisherman, a journey where veterans who are now grandfathers can tell the story to the granddaughters of the man who saved them. It was a journey that started with friendly handshakes and smiles and ended with sincere embraces and tears, and for that we are grateful to the people of Iceland, for what was done 60 years ago and what is done today.

Since my 3 trips from Canada, my journey with the ship has not diminished. Last fall I was the guest of the Icelandic Government, and was received by the Icelandic Ambassador to Canada in our nation's capital. I spoke about my experience at an event hosted by the Ambassador and that evening my wife Tracey and I were dinner guests of the Ambassador at the Embassy. Also in attendance were the wife and Mayor of Reykjavik, and also the wife and the President of the Icelandic League.

Recently I have obtained papers from Ottawa, detailing the investigation into the events that happened that night the Skeena went aground. The commanding officer and members of his staff were court-martialled and were found guilty of hazarding the ship. Believe it or not, but the court proceedings did not make one mention of the men who lost their lives. Not one mention of the daring rescue mission that saved so many lives. Surprisingly I discovered a letter, where senior naval personnel were fearful that if the truth was released, family members of the deceased could hold the officers of the ship personally responsible and their lives would be ruined forever.

And just last week a movie producer from the History/Discovery Channel contacted me. Wishing to interview me about my story and relationship with HMCS Skeena.

People ask me why I have spent so much time and money on this project? What is my passion, what drives me to keep doing this? In short I say I never started this looking for any type of fame, nor did I ever imagine that my simple act of laying 15 poppies in front of a picture would ever end up like this.

But what I do is for my dear friend Norm Perkins, a Skeena survivor.

I also do this in memory of my dear friends the late Ed Parsons, the late Leighton Steinhoff, and the late Ted Maidman. All survivors of the Skeena, who I have escorted to Iceland, and who have now passed on. All friends that have shared their stories with me.

I also do this in memory of those still in Iceland:

1. JOSEPH **BLAIS**,
2. ARCHIE **APOSTOLOS**
3. DESMOND **COOK**
4. GORD **DAVIDSON**
5. MELVIN **ELLIS**,
6. LLOYD **GABOUREL**
7. RALPH **HANCOCK**
8. JOSEPH **JANOS**
9. JOSEPH **JOHNSTON**
10. ED **PRESSNER**
11. RITCHIE **SEATH**
12. JIM **SILK**
13. KEN **STEWART**
14. AB **UNGER**
15. LEO **WATSON**

In closing I would like to quote the words of Isaac, brother of Ab Unger. Isaac has been with me twice in Iceland and his brother Ab is buried in Reykjavik Cemetery.

*They died, not in battle but in the tempest shock,
In the midnight in the snow.
As heroically as men in armed conflict die, at sea or in the air
Or on some distant shore.
Hail to the brave! The brave that are no more.*

To Isaac's quote, I would like to add,

I will remember them.

Thank you,

Lt(N) Chris Barker, CD

January 2008

The Judge's House - 262 Walton Street, Cobourg

By Ann and Greg Hancock

It is not one of the grandest homes in Cobourg but it has a quiet significance of its own in the town's history, in connections with some of the people who shaped the course of Ontario and in some interesting and unique features of its construction. We are here to share with you our ten-year journey of discovery & restoration.

History

The land it stands on was part of a crown grant of 150 acres to The Hon G. S. Boulton registered on July 12 1839. On August 15 1856, it was bought by a Mr. Beck who subsequently sold to Henry Howard Meredith on August 25 1856.

We believe that the first house was built in 1856 probably a modest two up and two down structure with verandah and side entrance, but after 1874 it had been enlarged and become the square two-storey structure you see today. Meredith, more closely associated with Port Hope, probably did not live in the house.

From 1874 to the turn of the century the ownership was chequered, with estate settlements, mortgage defaults and an unsuccessful auction. Owners/residents included Eliza Jane Urquart, Gideon & Susan Clark, Ella Therese Mackenzie, Mr. Laird, Mr. Williams and finally Judge George Mackenzie Clark.

We have a note that Gideon Clark who was born in Grafton was the American Consul in Cobourg from 1888 - 1894.

The house appears to have been leased to Americans until 1919 when it was sold for \$3500 to Mr. & Mrs. Selby from Washington D.C. In 1933, for \$1, love and affection, title passed to Margaret Falkner, Selby's daughter living in Keene, New Hampshire.

From 1933 – 1937 the house was tenanted by the retired Detroit judge, De Forest Paine. His granddaughter, Phyllis Grant who lived here, and attended Hatfield Hall, has provided us with information and pictures of those years. In 1939, the house reverted to Canadian ownership when it was bought by Arthur Roy Willmott. Owners after 1974 were the Warrens, the Purvises the Carleys, the Gibsons and the Barrs.



The Judge's House

Drawing reproduced by permission of Barry King

The Judge's House

People have often remarked “ Oh, that’s the Judge’s House” but from the history, there have been at least four judges in the house. They were: Judge G.M. Clark 1889 – 1904; Judge de Forrest Paine 1933 -1937; Judge Roy Willmott 1939 – 1974; Judge Robert Carley 1980s.

We are inclined to believe that the house’s name refers to Judge Willmott who, after graduating from Osgoode Hall in 1921 and opening a practice in Cobourg in 1923, was later to be Cobourg’s Mayor (1930), its Town Solicitor (1939-1959), a County Judge and a Chief Judge of Ontario County & District Courts (1962-1969). He moved to Toronto in 1974 and died at the age of 92 in 1986.



Roy Willmott
1930

Architecture and Construction

Although built later than the true regency period, the house is described as a regency because of such features as the extensive verandahs and French windows. The front door being placed modestly at the side of the house is also a common feature of the style, as are the high chimneys.

The 1874 bird’s eye map of Cobourg shows it as smaller than the present day with detached outbuildings and open land to Chapel Street. Additions to the rear section of the house were probably added shortly after this but were of the same construction and stucco finish as the original part.

The front half of the house has a full basement and in earlier years contained a laundry and the servants’ bathtub. The rear is a dirt- floored crawl space. There are signs of former stairs that suggest access to the basement was changed several times.

The romantic purchase

We both were brought up in houses built in the 1800s and our house in Toronto dated from 1904, so when we began looking for a home for our retirement we focused on established small communities and older houses. When we saw and then walked into 262 Walton Street we just felt that this was intended to be “our” house. We fell in love with:

- the maples and horse chestnut trees shading the street
- the pillared verandah to shelter us from summer heat and winter winds
- the clean & elegant look of the stucco finish
- the huge French windows that opened on to the veranda
- the potential expansion of the “tail” building
- the spacious garage and attached garden storage
- the period-sensitive interior decoration of the previous owner, Diane Kennedy Barr
- sufficient space for garden development

The reality

But when you actually start living there things have a way of intruding themselves into your tranquil contentment...

- some of the trees were very old and sadly decayed, home to wildlife
- the pillars had suffered
- the old pine stair was warped
- the stucco was falling off in places

- the original storms and screens were stored in the garage but had to be put on and off each year (the French windows are 8 feet by 4 feet)
- the servants' quarters had pulled away from the main house and the sky visible through the crack
- carpenter ants had home in the garage door supports
- the water main and the drains gave out on us
- and there was knob & tube wiring everywhere
- not to mention roofs, furnaces etc

Little by little we are repairing and restoring as best we can in a house that is very unusual in its construction.

The construction

Stucco houses are quite common in Cobourg, the stucco often being applied over the soft local brick

But the only brick in 262 is in the two large chimney stacks. Apart from the tail, the house is a stacked plank construction .

The walls – even the interior ones- are built with horizontal planks about six inches wide & one inch deep stacked on top of each other and dowelled together. Alternate planks are offset to give a good surface for exterior stucco and interior plaster. As the walls are solid wood such a house has good heat & sound insulation. It is, however, a rare system, used when lumber was plentiful during the clearing of virgin forests. Perhaps the most famous example of a stacked plank house is “Chiefswood” , the birthplace of Pauline Johnson on the Six Nations Territory near Brantford, which is now a national historic site and was also built in 1856.



Major restoration projects

Maintaining the stucco can be difficult because it must match the existing texture. Acrylic stucco just will not work and lime based stucco is highly specialized and just about unobtainable. After several years of searching, we have found a local contractor who is a master of the dying art of mixing and hand throwing stucco.

The stucco on the south wall was cracking and had to be removed. Similar work was also done on the coach house/ garage walls.

The tail of the house is a mish-mash of frame and vertical boards grafted together over the years from sheds and some very old 12 over 12 windows, but is unified with the house by a stucco finish and mock ashlar curtain walls at the base. Urgent work was needed to prevent further deterioration.

We do not know the date of its construction or of its transformation into servants' quarters. Saddle-hooks, quantities of hay and a stable type door in the frame behind the plaster suggest barn storage use. The 1874 map shows a detached building at the rear. At some time it became two small rooms with a toilet between them, and also the tradesman's entrance. Phyllis Johnson remembers the cook and parlour maid had the two rooms while the chauffeur lived in the room at the rear of the garage when she lived here in the thirties.

We suspect that it was abandoned as living space at the outbreak of war since the disconnected heating pipes were stuffed with old newspapers of 1939 .

By 1997 with no heating and foundations that were simply tree trunks with the bark still on them, the structure was pulling away from the house . Mark Kieffer was hired to help us restore it as sensitively as possible, which started by making the house level and putting in new foundations ; he salvaged or reproduced moldings, details and missing floorboards. Ron Holloway made a complete set of French doors for the new access to the patio . The interior was inspired by a similar American colonial home, the green colour is reproduction of the original that we found when we started restoration. The space (25 x 11) is now the summer garden room and the winter home theatre.

There are over 30 window-shutters on the house . They mostly needed attention and needed re-hanging. Stripping the paint, repairing and repainting on all of them was two year project. We found that over the last 150 years they had been painted mushroom, sky blue, bottle green and black, but interestingly none of these appear on Cobourg's official heritage colour charts. We used a dark blue that was already used on the front, back and garage doors and on the garage wainscoting. In order to authentically re-hang the shutters we became a major customer of Legacy Building Supplies for Victorian shutter hinges, which are a masterpiece of intricate and functional design.

Opening and closing the six sets of French windows became a major chore as most of the catches were broken and difficult to align at both the floor and ceiling. We found that the solution was to use a trip to France as an opportunity to buy a large quantity of genuine French "ancienne" style door hardware which was relatively inexpensive and works beautifully. The French are also very strong in shutter hooks and we brought back a large quantity of these to hold open the upper storm windows in the summer months to improve the ventilation of the house. Hinging open the upper storm windows was invented by the Victorians but it is impossible to locate original pairs of opening hinges, so we had to substitute more modern ones.



Front Door

The Garden

The earliest picture we have of the garden is 1930s where we can see a little foundation planting near the veranda. In those days, the lot had not been divided and a winding stone path came across the lawn from close to King Street. By the 1960s things were looking overgrown, then a raised bed appears around the veranda, a stone patio in the SE angle and a great number of yew trees around the foundation walls.

In redeveloping the garden the objective was to keep a flavour of the regency formality at the front achieved by taming the yews by topiary and introducing some wrought iron work but to develop a less formal style elsewhere. We also have created a vegetable garden.

Preparing for this talk has provided us a wonderful and challenging opportunity to research and document our home and the reasons why we love it. We hope that you too have found its reflections of Cobourg's history to be of interest.

February 2008

Sisters in Two Worlds

Susanna Moodie and Catharine Parr Traill

By Hugh Brewster

*At the February 26, 2008 meeting of the Cobourg Historical Association, Professor Michael Peterman, the author of **Sisters in Two Worlds: A Visual Biography of Susanna Moodie and Catharine Parr Traill**, and, the editor and compiler of this highly illustrated volume, presented an engaging slide talk telling the story of these two pioneering sisters and writers. In place of a transcript of their talk, we are pleased to be able to reprint a chapter from **Sisters in Two Worlds** which describes Susanna and Catharine arriving in Cobourg in 1832 and their early experiences on the Upper Canadian frontier.*

Catharine and Susanna Strickland were the two youngest daughters of a genteel Suffolk family of six girls and two boys. After their father's death in 1818, the family found itself in straitened financial circumstances. The two boys departed for the colonies, with Sam Strickland, the second-youngest son, finding work in Upper Canada in 1825. Five of the six Strickland sisters turned to writing and editing as a way of earning income. In 1830, Susanna Strickland met John Moodie, a former army officer from the Orkneys, and married him the following year. With limited financial resources, the Moodies decided to start a new life in Canada. Through John Moodie, Susanna's sister Catharine met Thomas Traill, a fellow officer of John's and also an Orkneyman, in the spring of 1832. Within a few months they were married and had decided to join the Moodies in seeking a new life in the new world.

OUR FIRST SETTLEMENT

(Chapter Five from "Sisters in Two Worlds" by Michael Peterman, with an introduction by Charlotte Gray, published Fall 2007 by Doubleday Canada.)

The Moodies and the Traills arrived in Cobourg, Upper Canada, within two weeks of each other in the late summer of 1832. For Catharine, the trip to Cobourg—which at that time was nearly as important a stopping-off point for emigrants as was the town of York (which became Toronto in 1834)—was a difficult one for her in her still-weakened state from her bout of cholera in Montreal, but she gamely carried on. What she was able to observe from the stagecoach and from the boat deck left her more impressed by the progress of civilization in Lower Canada than in the upper province. The “rocky and picturesque aspect” of the Thousand Islands impressed her; but she regretted that their ship passed the town of Kingston, which she called “the key to the lakes,” in darkness.

For the Traills, Cobourg was but a brief overnight stop. Peterborough and Lakefield lay to the north and the couple were bent upon getting there as soon as they could make travel arrangements. They were eager to meet with Sam Strickland, whom Catharine had not seen in seven years, and to begin the process of getting settled on their land grant before the arrival of winter. Despite the uncomfortable trip from Montreal, Catharine's health had improved considerably and there was little now to hold them back. They heard warnings from experienced settlers that they would face only problems and disappointments ahead, but Catharine, as was her nature, opted to look on the bright side.

She was impressed as she surveyed the “neatly built and flourishing village [of Cobourg], which had many good stores, mills, a banking-house, printing-office, and a newspaper that was published once a week.” The Cobourg *Star* under the editorship of R.D. Chatterton, an English-born

journalist, was at that time the only paper published in Upper Canada between York and Kingston. Its Anglo-conservative outlook appealed to Catharine as did the pleasing look of “a very pretty church.”¹

Just as noteworthy to Catharine was evidence in the village of “a select society,” for she reported to her mother that “many families of respectability ha[d] fixed their residences in or near the town.” Catharine was always cheered by indications of an established English social presence. That she was now the wife of a British officer had become her most important calling card and how she would choose to identify herself in *The Backwoods of Canada*, the book she would begin to write two years later.

The Moodies arrived in Cobourg late in the evening of September 9th. Susanna felt much relieved to be there for they had been dodging the “phantom” of the cholera all the way from Montreal and she had experienced a number of violations of her much-valued privacy. Like Catharine, she had experienced moments of curt and ungracious service in her travels westward but, unlike her sister, she took delight in later transforming certain encounters into comic vignettes using her ear for vernacular voices and her eye for telling physical appearances.

Storms and night travel prevented Susanna from seeing both the Thousand Islands and Kingston as their steamship, the *William IV*, passed along the north shore of Lake Ontario. For most of their night on the lake they were kept awake by “the uproarious conduct of a wild Irish emigrant,” who, deep in drink, sang loudly and harangued other passengers about Irish politics outside their cabin door. It was a tired group of travellers that arrived at Cobourg the next night only to learn that, because there were so many emigrants present in town, there were no available rooms anywhere. While John was desperately canvassing for accommodation, Susanna recognized a familiar face among the clientele of Oren Strong’s Hotel. Tom Wales, a young man from Southwold who had attended William Cattermole’s lecture on the allures of Canada with John, and immigrated to Douro Township in May, generously offered his own bed to Susanna and daughter, Katie, for the night.

Tom (who would become Tom Wilson in *Roughing It in the Bush*) was consumed with disgust for “this confounded country.” His tale was a litany of negatives—cheating land dealers, mosquitoes and black flies, awful food, illnesses like the ague from which he was currently shaking and suffering, lack of privacy, mud holes and corduroy roads, and deadly isolation. Wales claimed that his only Canadian friend was the bedraggled bear now tethered outside the hotel. He had returned to Cobourg to book a ship home to Suffolk before the winter set in. Good riddance to Canada was his manic song.

“Good heavens,” said Susanna, “let us never go to the woods!” Her trepidations echoed John’s current thinking. If they could afford to buy a cleared or partially cleared property close to Lake Ontario, he thought they would be far better off than if they tried to start a farm from scratch on wild land. From his South African experience, John knew what it took to develop a farm in a new and unfamiliar place. They would be better off closer to amenities and to the kind of like-minded, genteel families with whom they could comfortably socialize. Confirmed in this plan, John spent many days investigating possible farms with a prosperous settler he had met and a “land-jobber” named Charles Clark (the C__ of *Roughing It in the Bush*) who ran a general store in Cobourg. Though John had 300 pounds to work with, he found most available properties in the area beyond his means. But he knew that he was pressed for time with autumn about to begin. A shrewd operator, Clark gauged his client well. He saw in Moodie a likely prospect to buy a good farm in a difficult and unattractive situation, one currently dominated by a nest of Yankee farmers and squatters whom he deemed uncouth and unruly. Clark’s plan was to force them out of the area and he sensed that he could appeal to John Moodie to be part of the vanguard for this “clean-up” campaign.

The farm that Moodie purchased was located in Hamilton Township, on Gage’s Creek some eight miles from Cobourg and four miles from Port Hope. Its owner was Joe Harris, the Old Joe H__

of *Roughing It in the Bush*, the son of a “late Loyalist” family who had moved north in the 1790s. Harris had fallen deeply in debt to Charles Clark and was willing to sell his land but only under certain favourable terms. His primary condition was that he not be required to leave the farmhouse until the winter snow fell. His wife was pregnant and could not be moved until the ground was frozen and thereby suited for travel. Naively, Moodie accepted the deal. Although they now owned a cleared 200-acre farm of gently rolling hills that they called Melsetter after John’s birthplace, they were forced to set up camp on a nearby property in a dilapidated cabin. Susanna was shocked when she saw the “miserable hut...not a house, but a cattle-shed, or pig-sty” in which they would have to live. Cobourg, which she had found thin in terms of culture and society, must have seemed a paradise when compared to Gage’s Creek. Susanna did her best to make the space livable for John, herself and baby Katie, the disgruntled Hannah, and Tom Wales, who agreed to stay with them while he waited for a ship departing for England.

The “pig-sty” came courtesy of Charles Clark’s arrangements but he was soon negotiating to sell the property on which it stood to another immigrant. Within a month, the Moodies were forced to decamp. Clark’s hasty solution was to negotiate a deal with Joe Harris’s mother who, while at odds with her son and his wife, was living in a small cabin across the glen from the main farmhouse. The Moodies had to pay her to leave this cabin on their own property and then set up house again in restricted quarters. (At least by this time, Tom Wales had left for England.) During the entire winter, Harris refused to leave the farmhouse, exercising a sort of “what-can-you-do-to-me” attitude that left the Moodies frustrated but uncertain where to turn.

For all their careful budgeting and planning, John and Susanna, (who was pregnant with their second child,) had to endure the “iron winter of 1833” in close and cramped quarters, a few hundred yards from the much larger home they owned. Joe Harris finally left for Gore’s Landing on May 31, 1833. His parting shot was to leave a live skunk in a cupboard in the house.

For a year and a half the Moodies attempted to farm Melsetter in Hamilton Township and slowly they made progress. both in the quality of their living quarters and the operation of the farm. It was their hope that, with appropriate paid help, they might develop a life appropriate to their middle-class status, thereby having more leisure time to devote to their writing, social connections, and business investments.⁴ As soon as they could manage, Susanna and John tried to place poetry and sketches with various Canadian and American newspapers and magazines. Both had works printed in the Cobourg *Star*, the New York *Albion*, and some fledgling magazines in York in 1833. But Cobourg itself seemed hostile to literary endeavour. “We were reckoned no addition to the society,” she reported, as “authors and literary people [were] held in supreme detestation.” Susanna likely exaggerated the scorn she felt in being seen as a potential Mrs. Trollope, the visiting Englishwoman who had skewered Americans with her pen. She “tried to avoid all literary subjects” and to “conceal [her] bluestockings beneath the long conventional robes of the tamest commonplace.” Proudly she noted that “she could both make a shirt, and attend to the domestic arrangement of my family” as well as any of her female critics.

But with the farm now in their hands and the prospect of better neighbours being realized, they struck another bargain that resulted in a different set of problems. That spring, they entered into an agreement to work the land “on shares” with an English couple in the vicinity (named the O__’s by Susanna) who had presented themselves as experienced and willing partners. The Moodies hired them to undertake the lion’s share of the work while they provided the seeds and equipment. That the agreement did not work out as they had hoped is an understatement that Susanna only partially disguises in her memoir.

In *Roughing It in the Bush*, mention of the O__'s might pass relatively unnoticed by the casual reader. Nor do historical documents reveal their actual identity as they were not landowners in Hamilton Township at this time. Rather, they were clever opportunists who approached the Moodies at a susceptible moment — as they were preparing to move into their farmhouse and Susanna was enduring the final trimester of her pregnancy. The O__'s were, after all, English, and they were relatively presentable and experienced in farm work.

If one reads between the lines of Susanna's descriptions, it is clear that the O__'s quickly made life miserable for the Moodies in numerous ways. In their farming and the harvesting of produce, they cheated their partners at every turn. Socially, Mrs. O__ presumed to a social status she did not merit and gossiped freely about Susanna and her family. Thus, and perhaps surprisingly to readers of Susanna's book, it was the insufferable O__'s, and not the "damn Yankees" like Joe Harris, who finally drove the Moodies to sell their farm and head north to Douro. They felt trapped and hemmed in by an arrangement that disadvantaged and embarrassed them and compromised their much-valued privacy at every turn.

John Moodie was not a passive observer of the situation his family faced at Melsetter. He remained open-minded about other opportunities and twice made the long journey to Douro to visit Sam Strickland. While there, he weighed the merits of buying some adjacent land and moving north. Sam had already obtained some sixty-six acres for John in north Douro, along with other wild lands in Verulam and Fenelon Townships, making up the 200 acres to which John was entitled as a retired British officer. He had before him there not only the stirring example of Sam's success since 1831 (he had cleared and planted twenty-five acres of land) but also Thomas Traill's rapid progress in clearing some of his land for planting. To have congenial family members as neighbours offered a welcome change given what the Moodies were experiencing in Hamilton Township.

John talked enthusiastically with Sam about the idea of a development scheme to sell backwoods lands to prospective emigrants in Britain, among them some of John's Orkney friends and relatives. Sam's previous connection with the Canada Company and his decade of experience in Upper Canada would be their foundation. Towards the end of 1833 John made two purchases that brought his total Douro holdings to 360 acres. His property fronted on the east shore of Lake Katchewanook, about a mile north of the Traills' property and two miles north of Sam's homestead. The small village of Herriott's Falls (now Lakefield) was three miles to the south, adjacent to the point where Lake Katchewanook narrowed and rushed over a fifteen-foot waterfall into the swirling waters of the Otonabee River. Fresh signs of progress were evident. A bridge spanned the fast-flowing river, connecting Douro and Smith Townships, and a small mill had been opened, thanks to the efforts of a young Scotsman named James Herriott whose name briefly attached itself to the small community.

With his new prospects John Moodie was in a buoyant mood and 1834 began as a very promising year. Maintaining his faith in the advice of Charles Clark, he decided to jump at what was called a sure-fire investment. It was a steamship named the *Cobourg*, which would soon ply the busy waters of Lake Ontario. To invest in the scheme, however, he needed instant equity and decided to sell his half-pay military pension for 25 shares (at \$25 each) in the steamboat. According to Clark, it was only a matter of time before the steamer would be paying attractive dividends to its backers. But even as he entered into this investment, his attention was focused on the backwoods. That autumn he arranged for a spacious loghouse to be constructed on his Douro property. Back in Hamilton Township he put Melsetter up for sale and booked a livery firm to move his family north in February 1834, once the roads were frozen and passable.

In contrast to the Moodies, Catharine and Thomas Traill had had a much easier time settling in. After leaving Cobourg they had travelled from Cobourg by stagecoach to Rice Lake, passing over the

Rice Lake Plains that, Catharine was fascinated to learn, had been a traditional hunting ground of the Chippewa Indians. From a lakeside tavern on the south shore, they boarded a rather primitive steamer, the *Pem-o-dash*, or “Fire-ship,” as the Natives called the first commercial boat to ply Rice Lake. It took them across the lake and up the Otonabee River to a point marked by impassable rapids, just below Peterborough.

After a long and wet walk around what is now called Little Lake (an offshoot of the Otonabee River in Peterborough), they found accommodations at MacFarlane’s Hotel. From there, they were able to contact Sam who paddled a canoe ten miles down the Otonabee rapids to welcome them. Besides Sam, they had introductions to two Peterborough-area families, the Ephraim Sanfords and the Thomas A. Stewarts, and both families did much to help them during their early months there.

For about a week the Traills stayed with the Sanfords (he was a local merchant and the postmaster). They then proceeded north to Sam’s log house, which he had named Reydon Cottage after his Suffolk birthplace. Here they looked over their land on the lake and Sam helped Thomas to examine land adjacent to his military grant and to make arrangements to build a house on a favourable site on his property. That home, however, would not be completed for several months because of delays in arranging for building supplies and finding skilled workmen. In the meantime the Traills moved around among family and friends, settling in happily for several weeks in late September at Auburn, the large home of Thomas and Frances Stewart on the east bank of the Otonabee River about two miles north of Peterborough. An Anglo-Irish family with eight children, the Stewarts were neighbours and business partners of Robert Reid, having emigrated to Upper Canada with the Reids in the winter of 1822-23.

During their stay, Frances Stewart became both a mentor to and a close friend of Catharine. Frances and Catharine shared literary and botanical interests as well as English social assumptions and a strong religious faith.⁶ Frances, who had struggled with her own uncertainties as a settler, had much to teach her younger friend about how to live and make do uncomplainingly in an environment where goods were in short supply and social contacts were limited. She knew that patience, perseverance and fortitude were much-needed qualities in a pioneering woman, especially one who had been “delicately nurtured.”

Catharine proved an apt and eager pupil, always willing to help with the domestic duties and to gather practical information of various kinds. Through Frances, she “learned more practical lessons for my guidance in the new life of a settler’s wife in the backwoods than any book could have given me, had any book been written on the subject.” Catharine’s cheerfulness and her reverent attention to Frances helped her, in turn, become a mentor to several of Frances’s daughters, especially the delicate 13-year-old Ellen, who was inclined to melancholy and fits of rebellion.

The Traills moved to Sam’s homestead in late November to oversee completion of their house. Thanks to Frances, it was a well-prepared Catharine Traill who took over her own home on December 8, 1832 after what she described as “many untoward and unavoidable delays.” With Thomas she named their first Canadian home Lake Cottage, for it was built with a view of Lake Katchewanook and of Sam’s property to the south. It is likely that Catharine returned to stay with the Stewarts during the latter stages of her first pregnancy and the birth of James George, in June 1833. Auburn provided a comfortable refuge and was closer to Peterborough and the medical attentions of Dr. John Hutchison..⁷

On January 7, 1834 Catharine wrote to James and Emma Bird in Suffolk, in part to assure them that their son James, who had come over with the Moodies, was thriving as a worker on Sam’s farm. She also proudly described the comforts and amenities of their new bush home: there was “a nice parlour with a glass door opening towards the Lake” and a Franklin stove to provide heat for the Canadian winter; a bedroom, pantry and kitchen also on the main floor; a cellar below; and “an upper

floor which can be divided into three bedrooms.” They had plaited Indian rugs, “a handsome sofa” that doubled as a bed, green cambric blinds on the windows, lightened by white muslin draperies, painted chairs, a bookcase, and some large prints and maps.

Thirteen months later the Moodies would move north from Hamilton Township to take up their land grant to the north of the Trails. Only a mile-long walk through the woods above the lakeshore now separated the sisters. When Susanna arrived she found an experienced and happy Catharine, proud of her new home, prouder still of her eight-month-old son—its “greatest ornament”, and well served by her capable nurse and helper, an older Irish woman named Isabella Gordon.

These were generally very good times in the bush, especially for Catharine. And overall, the future looked promising. Immigration continued unabated despite the threat of cholera, and property values looked solid. A government survey of the upper reaches of the Otonabee River, the area’s lifeline and transportation route, suggested that there would soon be improvements to the waterway. Catharine was delighted by their new log house in the bush and enraptured by her young son, and Thomas Traill was still optimistic about their future, even if he continued to keep his own counsel about his debts and long-term financial worries. By means of paid Irish loggers called “shanty-men” and a logging bee, he had managed to clear and fence about twenty-five acres by November 1833 and had produced a crop of oats, corn, pumpkins, potatoes and turnips in his first year. In addition, a legacy of 700 pounds that Catharine, like her sisters, received from an uncle in England, allowed Thomas to buy additional acreage adjacent to his property and pay off a part of his nagging debts.

Things would perhaps never be better for the Trails than they were during those early years. The small social world of Peterborough—“a very genteel society, chiefly composed of officers and their families, besides the professional men and storekeepers”—and of fledgling Herriott’s Falls (Lakefield) had welcomed them and, for Catharine at least, the experience had measured up to many of her expectations. When Susanna arrived with her family by sled in February 1834, she found herself buoyed by Catharine’s good will and affection. She and John would enjoy their own “halcyon days” in Douro that spring and summer, little aware of the tests and disappointments that lay ahead.

March 2008

Members' Night

Irish Memories

The meeting was a Members' Night, with a particular emphasis on all things Irish. Anyone who had Irish in their lineage, was asked to share any interesting stories with members. However, Irish or not, any Irish stories were welcomed.

John Jolie spoke about the Irish areas of Cobourg - Cork Town and Kerry Town; *Jim Sandham* discussed his grandmother's Irish background; *Granville Nickerson* talked about his Irish experience; Irish guest *George Brown* spoke a bit about coming to Canada but showed some lovely brass pieces which were typically Irish; *Libby Seekings* spoke about her first adult trip from England to Ireland with a girl friend; and *David Gregory* told us about his and Ruth's Irish experience on their honeymoon.



Judith Goulin was the emcee for the evening debunking Irish/North American stereotypes between each part of the programme. St. Patrick [aka *Ron Oberholtzer*] in beard, gown/surplice and mitre, made a cameo appearance at the end of the evening.

April 2008

The Origin of Common Law
And how it is connected to familiar events in history

By Murray Dillon

Most of you have noticed that lawyers going into court wear funny costumes. Those costumes represent the garb of medieval priests and nine hundred years of tradition. In the middle ages lawyers were priests. They were educated by the church and spoke Latin fluently because that was the language used in the ecclesiastical courts. During assize time they could take their church robes and their church Latin across the street to the common law courts and practice their trade for money. There was no re-training needed because the common law courts were established on the familiar pattern of the ecclesiastical courts.

This coincidence did not come about by chance. The common law courts were the idea of Henry I who had been educated as a priest. As the fourth son of William the Conqueror there was no real expectation that he would ever reign and the next best job was in the church. But Henry insisted on controlling his own career path. By that time only two brothers stood between him and the crown. Brother Robert was away on the first crusade. If Brother William Rufus, then king of England, could be persuaded to have a fatal hunting accident, Henry would have himself crowned before Robert could get home to stop him.

With this in mind Henry put his church education to secular uses by reading his father's Domesday Book. Remember the Domesday Book? It was the first Royal Commission report in English history. There is nothing sinister about the title. Doom in this context means taxation or assessment. That was the reason King William wanted it, but William died before it was put together. Henry was the only member of his family who ever read it.

The Domesday Book listed all the assets in the kingdom: every horse, pig and chicken. More importantly for Henry, it showed how much the landed aristocracy were earning in fines, fees and bribes for settling disputes between their tenants in the feudal courts. Henry wanted to get more of that revenue than he could get by just taxing it. He made a bid for all of it by starting his own courts.

Henry's courts looked a lot like the ecclesiastical courts because that was what Henry was familiar with. He appointed circuit judges to travel from town to town to hear cases instead of having a local judge waste time sitting around waiting for cases to come to them. Other rulers that we think of as law givers, like Hammurabi, Moses, Justinian and Napoleon, started with a code of laws that they imposed on their subjects. Henry did not pass laws or give directions on how the cases were to be decided as was done in jurisdictions that followed written law codes. The judges just made the fairest decision they could in the circumstances. Legal theorist would equate this to natural law, at least in the early stages.

As time went on instead of reasoning out each case they would look at precedents set in their own cases and those of their colleagues and make the same decision again. They soon had precedents for most situations from which they could write a complete legal system that did not rely on statutes or decrees from any governing body. This unwritten law came to be called the common law and it makes the law of England unique.

Henry's new law courts made the king a lot of money at the expense of the feudal and ecclesiastical courts, but he owned the entire country and everything on it. The barons and the church had no power to stop him. But Henry was the last king of England who could wield absolute power. 400 years later when Charles I tried to restore the divine right of kings it cost him his head.

Henry died and for 20 years anarchy reigned while his daughter, Matilda, and her cousin Stephen fought over the crown. The church and the barons took advantage of the opportunity to exercise some of the royal powers. Then Henry's grandson, Henry II, became king and tried to get them back.

The barons wanted to be the sole dispensers of justice, other than in church matters, as they had been before Henry I had started to interfere. The church made it quite clear that the priests were God's representatives and it was a matter of principle that they would never be subjected to judgement by anyone other than the ecclesiastical courts.

Henry II set out his plan to reclaim the courts in the Constitutions of Clarendon. The king agreed that he would not create any new writs that would enlarge the jurisdiction of his courts at the expense of the barons. The church got exactly what it asked for, even though Henry knew that was not what it wanted. He would make no further attempts to try to prosecute priests for crimes they were alleged to commit. If anyone claimed benefit of clergy he would be sent to the ecclesiastical court for trial. When he was found guilty he was to be sent back to the common law court for sentencing. That would not amount to judging him, but would be just a matter of ensuring that his punishment was consistent with that of all other offenders.

The sneaky part of this plan was that the king's court would impose and collect the fines. If the Pope didn't accept the proposal it would mean that the money was more important than the principle. It was obvious that negotiations would continue about the money.

Henry's best money man was his capable and loyal chancellor, Thomas Becket. There was a vacancy in the office of Archbishop of Canterbury and Henry contrived to have Becket fill the vacancy to give him an ally on the church's negotiating team. That is usually a winning strategy, but not this time!

Becket's motives are not entirely clear. He resigned his office as chancellor and became a more fanatical proponent of the rights of the church than the Pope. I don't think they had political cartoonists in those days but if they did I can imagine Becket pictured in full rant about his sacred duty to ensure that God's representatives on earth are not subjected to judgment of a godless court the way Christ was. The punch line would be the Pope's tugging at his sleeve and saying "I think they have conceded that. Can't we just talk about the money?"

Becket had become an embarrassment to both sides. It was a stroke of luck for the church that Henry lost his temper first. Some of Henry's followers thought that one of his angry outbursts was an order to murder Becket, so they did.

Henry gave up. Becket was fast tracked for sainthood and Henry made peace by crawling to Becket's tomb to ask forgiveness. He submitted to being flogged and promised to lead a new Crusade, a promise he didn't live to fulfill. It was more than a hundred years later before any king of England again challenged the jurisdiction of the ecclesiastical courts. By that time sympathy was with the Crown and Edward I was able to pass a statute restricting jurisdiction of the ecclesiastical courts to church matters.

When Henry II died his son, Richard the Lion Heart, became king. In spite of his reputation as a chivalrous crusader he was probably the worst king England ever had. Recently there have even been doubts about his reputation as a crusader.

During Richard's 10-year reign he spent less than a year in England. His barons got used to running the country without interference from a king and undid much of the progress Henry II had won for his courts. When Richard's brother, John, became king he was faced with the problem of putting everything back together again.

John was not a nice person, but he was a good administrator. He set out to take back all the rights that had been assumed by the church and the barons during Richard's rule. This time the barons and the church were ready for him.

John had problems with the church from the beginning of his reign. He backed his own appointee to fill the vacant office of Archbishop of Canterbury but the Pope rejected him and appointed an Englishman, Stephen Langton. That worked out to John's advantage when he was facing an angry mob of his barons at Runnymede.

The barons showed up with their demands written out and Langton was to add the church's demands to the list. For four days they argued, with Langton acting as mediator, toning down the violence in the language used on both sides. When the anger subsided there wasn't much left to argue about. They wrote it all out again in narrative form and they all signed it. The only concession the church asked for was that the king wouldn't try to interfere in appointments of church officials. Langton thought that should go in as a reminder to John that he is better off not interfering in church business.

It was after the signing that the problems began. John had already made peace with the Pope for his past sins on the best terms he could get under the circumstances. His fight with the Pope had been long and bitter and to make peace John had to sign over the entire country to be administered as a Papal State. John would retain his title as king but would in fact only be a caretaker for the Pope. He had no jurisdiction to sign away any of his sovereign rights as he had just done in the Magna Carta. The Pope annulled the charter and John took what was left of his army and rampaged around the country taking vengeance on those who had confronted him. The barons called in the French army to help them overthrow the king and it looked as if the Dauphin would become the new King of England.

John did the only thing he could do to prevent the country from falling into French hands again. He died. The barons could see that they would have more control over John's nine-year-old son than they would have over the headstrong French Dauphin. They crowned John's son as Henry III, had him sign a new charter and set up a council of their own to rule during the king's minority.

Magna Carta was not the first charter of its type. As early as Anglo Saxon times King's occasionally signed charters to confirm their rights and duties. King Henry I who invented the common law signed one. John's charter was not the last one either. Henry III signed three of them. Edward I signed the one that is usually regarded as the most significant in establishing an enlarged council that included commoners along with the lords and eventually developed in the two chambered Parliament. In comparison, John's charter was somewhat backward looking in that it attempted to restore privileges that the barons had enjoyed during the reigns of the most incompetent rulers since the Norman Conquest..

But John's charter had something the others' didn't: high drama. The symbolism of the king being confronted by his subjects and agreeing to their demands has promoted it to the status of the most important constitutional document in English history. In constitutional matters it is usually the perception rather than the reality that counts.

Magna Carta was the last serious attempt to restrict growth of the common law courts. The barons had a guarantee that no new writs would be authorized without their consent, which meant that only actions similar to the ones already authorized could be started. It worked like this: you would go to the sheriff to buy your writ and tell him the circumstances and he would tell you if a writ for that type of action was authorized. If it wasn't, you would have to take your case to the feudal court or forget about it.

But there was another possibility if you had a sneaky lawyer: the legal fiction. Suppose you left your farm in the hands of a trustee while you went off on a crusade. Then suppose that when you came back the trustee refused to give it back to you. If you went to the sheriff he would tell you that he could give you a writ if you were thrown off your land but not if the trustee took it over lawfully, as in your case. Your sneaky lawyer would tell you to sue a co-operative friend, alleging that he threw you off your land. You don't worry that it is a total lie because by the time it gets to court no-one will be paying any attention to that.

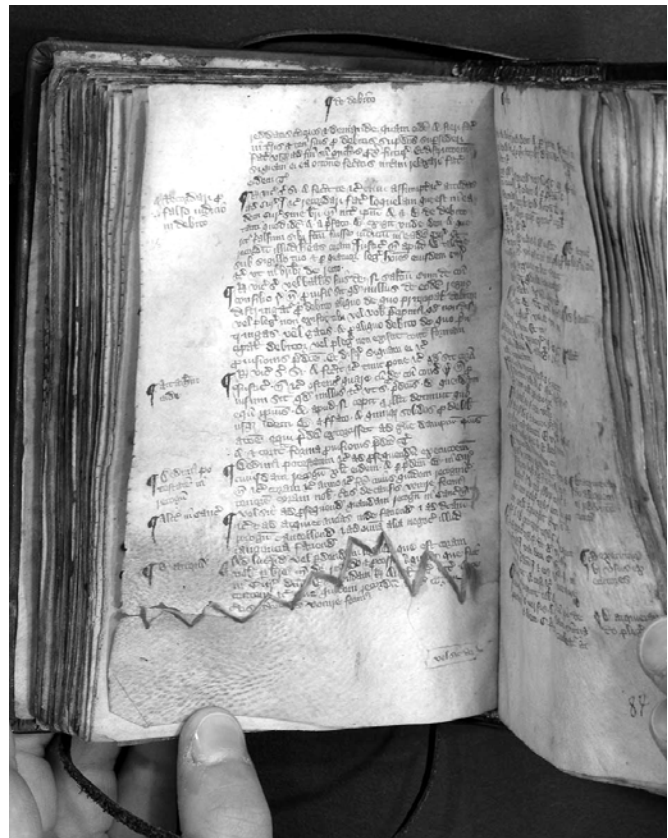
Your friend will file a defence denying that he threw you off your land because the land is owned by the larcenous trustee. The court will be forced to decide who owns the land, which is all you wanted them to do in the first place.

Legal fictions were a feature of the common law until the forms of action were abolished in 1875 making them unnecessary. They were familiar to a lawyer named William S. Gilbert and they inspired some of the convolutions in the plots for his Gilbert and Sullivan comic operas.

The common law courts began to dominate the legal system. The other judicial tribunals were absorbed by it or fell into disuse. The Pie Powder courts were the courts of the merchant class who had unique needs. They did their business at fairs held in the market towns. When the fair closed they marched together to the next town that was holding a fair. The common law courts were not useful to them because they didn't want to hang around waiting for their case to be heard so they formed their own court and took it with them. Since the court was always travelling it arrived with dusty feet. The merchant class spoke French so they called it "pied poudre". When the languages merged it was corrupted to Pie Powder.

Pie Powder courts developed features associated with the merchant class, like the negotiability of financial documents. That involved a concept that could not have been developed by following precedent. It had to be fully thought out before it was useful. Once the concept existed it could be recognized by the common law as a custom of the trade and is now part of our governing law long after Pie Powder courts ceased to exist.

The Court of Star Chamber was not a court of law but a political court. It did not have to follow the common law and its decisions were not recognized as precedents. It consisted of the King's Council or one or more judges appointed to hold the hearing. Hearings were usually held in the royal



palace at Westminster in a room decorated by stars, but it could be held any place designated by the king. During the Reformation when the crown alternated between Catholics and Protestants the court became notorious for injustice and religious persecution. It became even more notorious under Charles I when a third sect, the Puritans, became politically active and took control of Parliament. Parliament forced Charles to abolish the Court of Star Chamber, but in effect that eliminated only the name. The King still had power to summon his court and hold a trial. Parliament inherited that power when Charles was forced to abdicate and Parliament continued its notoriety. In its first criminal trial as successor to the Court of Star Chamber, Parliament sentenced Charles to death for high treason, which implies that he was plotting against himself.

The Court of Chancery also was not a court of law. It was a court of equity. It existed because the common law became so rigid that it could not always grant justice. Decisions had to follow precedent and once the court made a mistake it had to keep on making the same mistake forever. Where that caused an injustice the only remedy was to appeal to the king and hope he will have time to listen. The king began to refer all such appeals to the chancellor who would set up appointments to hear them. When appeals became numerous he set up a Court of Chancery and appointed judges to hear them.

Even with the failure of the common law staring them in the face Chancery adopted the same fatal rules. The cumbersome rules and frequent adjournments to try to discover whether the parties were following the rules frequently ended up with a situation like the fictional case of *Jarndyce v. Jarndyce* in the Dickens novel *Bleak House* where the case comes to an end only when the money runs out.

The king had a solution available from the beginning. Statutes can amend the common law when it starts to go wrong, but statutes were used sparingly because the king didn't want to appear to be meddling in the justice administered by the courts. Parliament has now taken over the functions of the king and it has a multitude of members all seeking the glory they think attaches to sponsorship of legislation. Our lives are being micro-managed by statutes that most of us have never heard of. There is not much difference now between codified law and law based on individual statutes. The common law is still there but it shows up only in ever diminishing cracks between the statutes.

The Criminal Code of Canada has already abolished all remnants of the common law of crime. The civil common law will suffer the same fate as soon as statutes become so numerous that there are no more gaps between them.

May 27, 2008

Spring Bus Trip with John Jolie By Marian Boys

A cool morning and the promise of a full day had all 44 passengers on the bus by 9:00 a.m. and already taking in some unusual historical facts about old Cobourg. As we drove through the town John Jolie pointed out the old Northern Railway tracks, Victoria College, a cemetery off Division Street below 401 where one of Cobourg's richest benefactors is buried, and many other points of interest.

We wound our way up Division St. N. and along Danforth Road – one of Ontario's oldest roads. Built 200 years ago, it extended from Toronto to Kingston, placed well back from the lake in order to be safe from the Americans should they decide to invade our country.



On the way to Baltimore, a log cabin caught our eye. It was built by Major Burwash, the only white Canadian to live amongst the natives in the early 19th century, and a very significant person in the development and history of the area. (He is also famous for walking across Baffin Island!). In Baltimore, on Burwash Road, lies a delightful 1899 Church and a cemetery where many historic tombstones still stand, including those of Major Burwash and his family. [Photo at left] The Ball family, of Ball's Mill are buried here along with other famous people of the area. There is also a Jacob's Ladder, of many steps, that connects to Highway 45. No one volunteered to try it.

On to Harwood, noting the old Cobourg-Peterborough Railway route – the one that went across Rice Lake but wouldn't stay up.

On the way around Rice Lake and towards Peterborough we found the eskers – those long, low lying mounds that once were river beds. When the glaciers melted, sand and gravel along with other materials were carried and deposited in this area. Drumlins are plentiful – also the result of glaciers. These formations are shorter and higher than eskers and contain rocks and debris that had been pushed in front of the ice.

At Keene, we diverted towards Serpent Mound Provincial Park to take a bird's eye view of the Delta. This is an area of 3 square kilometres where the river ends at Rice Lake. We did not stop at the Park, leaving that for another time.

Our next stop was the Peterborough Centennial Museum. This small museum is a "must see" for anyone at all interested in the history of this area. The history of the aboriginal was well documented, including the treatment by the Canadian government after the war of 1812. The excellent displays also showed the settlement of the Irish, the first steam locomotive, the Strickland family, and many more displays and artifacts.



Our last stop was at the Warsaw Caves. The surrounding area contains Alvar flats – areas of very thin soil, if any, on limestone base. Some vegetation does exist, however, and some scrub trees have been documented as surviving for 100 years. The Caves are on a spillway, a river basin, and much of the limestone shows the effects of weather

and water action. As we fought the man-eating mosquitoes for use of the trail, we walked on limestone rocks over gurgling water, viewed the perfect round potholes eroded by swirling water, explored the area around the caves but didn't venture in – these caves are for the very young and adventurous – and vowed to return some day. [Photo at left].



On the way home, we drove through Lakefield founded by Sam Strickland, the brother of Susanna Moodie and Catherine Parr Traill. These families had homesteads near the town, and the Traill home is nearby. Unfortunately we had run out of time and couldn't stop to explore. We did drive by one of Kivas Tully's creations – St. John's Christchurch, which opened on Christmas Day, 1854.

Heading back to Cobourg we had time to reflect on the depth and variety of information provided by our host, John Jolie, through his commentary, maps – recent and historic – and his extensive knowledge of this area's history, geography and geology that he shared with us.

Thank you John. It was a most enjoyable trip.

For more detailed information and explanations on the above history, geography, and locales, please read the report written by John Jolie in the Historical Review 19, 2001 – 2002, on page 20. The paper is titled: **"Geography and History of the Cobourg, Hamilton township and Peterborough Areas"**.

Available in the Cobourg Archives, and the Local History Room in Cobourg Public Library.

Historical Snippets

By John Jolie

Editor, *Historically Speaking*

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September 2007

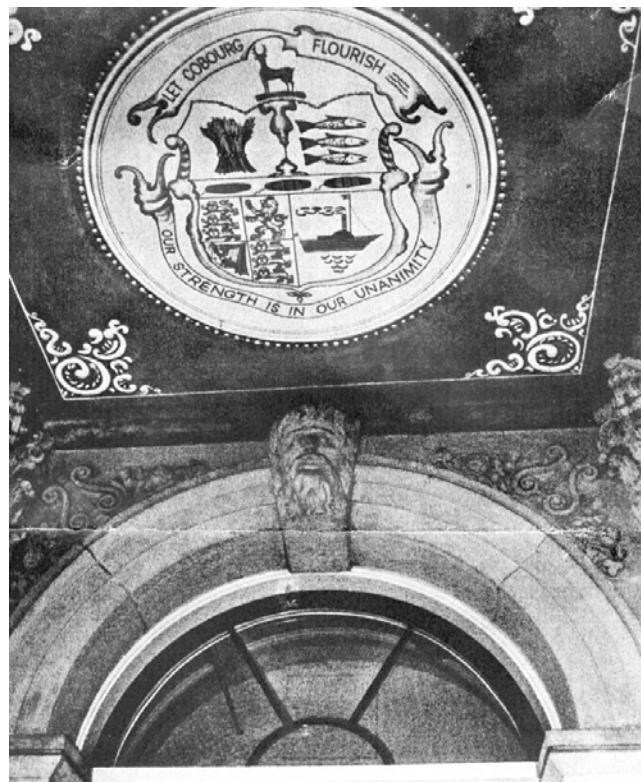
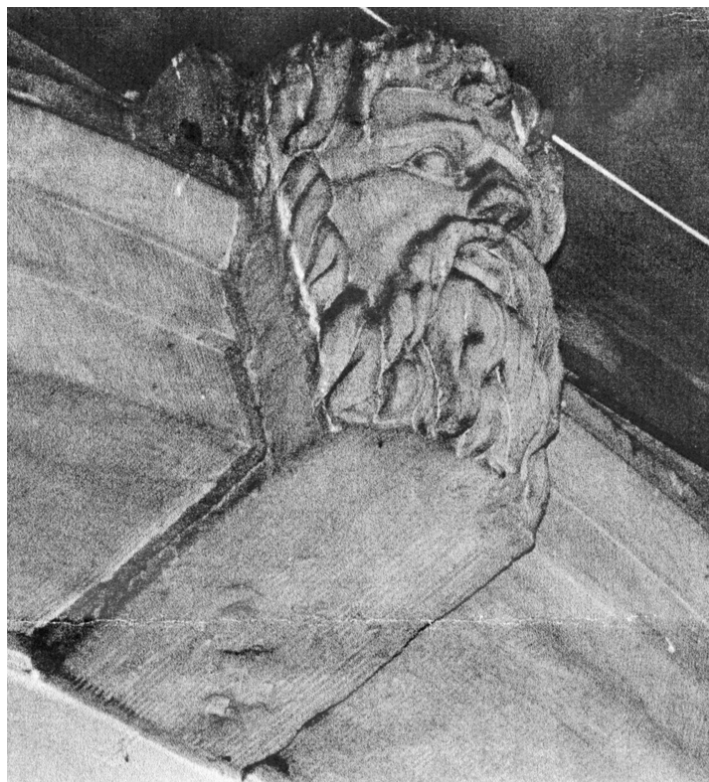
Who Is that Bearded Man Looking Down On Us?

A sculpted head hangs above the doorway in Victoria Hall. It has been gazing over people who venture inside the 'Grand Old Lady of King Street' for a century and a half.

Who does that sandstone head represent? That bearded head was chiseled in a lot across from Victoria Hall, as were the stone carvings of Scottish thistle, Irish lyre and English rose that adorn the building. A close examination of the wall shows the strata of rock, the lines of ancient sand deposits that settled on the sea bed that covered Ohio several hundred million years ago. (Our area was also in that sea)

Immediately above the carved stone head is the old Cobourg coat of arms. A steamship is on the emblem. We built a few such boats and the lake was an important transportation link for Cobourg. Three fish illustrate the importance of fishing. Of course, farming sustained us. British symbols of lions, the Scottish lyre are found on the walls.

Now, if you want a definitive answer about the identity of that head over the door, you should stop reading this, now. I don't know! However, I can summarize what others have thought over the years. Cobourg Star writer, Kevin Stevenson wrote about the trial of Dr. King in a few articles in June of



1978. Stevenson talked to descendants of Dr. King and they firmly believed that the head was the face of their 'black sheep' ancestor. The doctor was hung on June 9th, 1859 and Victoria Hall opened on September 7th, 1860. The entrance was possibly among the last of the details to be completed on the outside. The time lines do not rule out Dr. King as the figure above the door.

Edwin Guillet, the prolific writer of local history, wrote an article in the 1940's that the head probably represented Neptune, the god of the sea. Neptune was a commonly carved figure.

There were no photographs taken of Dr. King, so we cannot compare them. A sketch of Dr. King in Guillet's book (Cobourg 1798-1948) does suggest a vague similarity. The sculptor never recorded who he was portraying in his stone.

So, whose face is on the building? Maybe you can make up a good story and incorporate it into the ghost walk tours.

October 2007

Paul Kane

In the Art Gallery of Northumberland in Victoria Hall, there is a side room dedicated to Paul Kane. Kane's paintings fetch prices that only a few Canadian artists could ever command.

This artist was born in 1810 in County Cork. His parents sailed to Canada with their children in 1819. They settled in Toronto. Kane worked with a furniture maker called W. Conger. He moved to Cobourg in 1834 to work with another furniture maker, F.S. Clench. While here, Paul Kane painted scenes on Clench furniture and also did some portraits of local people. Two pictures attributed to Kane hang in our archives. Kane rarely made a point of signing his work, so there is always some question about who painted the early work. Any Clench furniture with Kane's artwork on it is highly treasured. Paul Kane later married Harriet, the daughter of his employer Clench and they had several children.

He stayed in Cobourg for a few years.

Then, for the next five years, Kane traveled across Eastern North America, doing portrait paintings of individuals in places such as Detroit, St. Louis, Mobile and New Orleans. Having made some money, Kane went off to England to study art. There, he met American artist George Caitlin, an artist of great renown who specialized in documenting the fast disappearing North American native scene. Kane was encouraged by Caitlin to record the native way of life before it, too, disappeared.

So, Kane set off on a long journey at a time when trains did not cross the continent. He made use of connections with the Hudson Bay Company. He painted many scenes of native encampments, scenery and individuals, even if they were staged. His 700 field sketches and 100 oil paintings are invaluable documents of our history. His painting of an erupting Mt. St. Helens is the only image of the much earlier eruption. That occurred on March 30, 1847.

While Paul Kane lived in Cobourg, he lived in the Clench house on King West, where Jim's Pizza is, today. There is no historic sign that connects him to the building.

November 2007

Mackenzie Hall

I attended a function at Windsor's Mackenzie Hall in September. That building is an impressive restoration of the District Court House and Gaol in Sandwich. Sandwich was one of the four 'Border Cities' that were merged into the City of Windsor when the depression bankrupted those cities (Sandwich, Ford City, Windsor and Walkerville). The amalgamation was in 1935.

Surprisingly, Windsor itself is the oldest European settlement in the province, going back to 1751. Settlers had 'spilled' across the river from Cadillac's 1701 fort settlement at Detroit. If one takes a flight over Windsor, one can still discern the 'long lot' pattern of settlement of the French seigniorial system.

Mackenzie Hall is an architectural jewel, sitting among several other heritage structures in old Sandwich. The building was named after its builder, Alexander Mackenzie, a stonemason from Sarnia. He was a dour, industrious, honest man. This gem of a building was named for him many years later.



Now, Alexander Mackenzie also did a fair amount of stone work in eastern Ontario. According to a century old book written by Chief Justice Riddell, Mackenzie was the stone mason who had a part in erecting the Anglican theological school at the south-east corner of Queen and Green, here in Cobourg.

Mackenzie also became Canada's second prime minister!

The Anglican school in Cobourg did not last long. It was planned to be a counter weight to the Methodist Victoria College. One function that Victoria College had was to

train Methodist ministers. They spread out across the country and even to China.

The building at Queen and Green has been heavily altered. It became a private home. Then, the school board used it for east end students and it became known as 'Corktown School'. Later, it reverted to once again to become a private residence when the large public school was built on George Street.

So, in a somewhat convoluted manner, we can connect a home in Cobourg to a prime minister, the old city of Sandwich, Corktown school and an attempt by the Church of England to battle the Methodist influence of Victoria College! If only the walls could talk!



February 2008

Elijah Buck (or Eliud) was among the earliest of the European settlers to come to our town. Some books suggest that he was the first settler. Once, Buck put up a sign promoting our settlement as 'Buckville'. The few other settlers disagreed and tore down his attempt at self promotion. Over the years, we toyed with other names, such as Hamilton and Port Hamilton. The city of Coburg, in what was to become Germany, had some royal relatives connected to the British throne. Victoria had family there, and so did her husband, Albert. That is where our present name comes from. Our lack of spellers or an atlas allowed us to add an extra 'o' to our name, and no one complained! In Northern Australia, there is another 'Cobourg' - another place that did poorly in spelling bees.

Idell Rogers, a local historian who wrote for the Cobourg World, wrote that Buck built the first wagon in town, back in 1808. Before Buck's wagon appeared, heavy objects were hauled by a chain and pulled by oxen. Two streets north of King Street West is Buck Street. Of course, we also have a Victoria, as well as an Albert Street.

March 2008

1830 Water Colour Sketch of Cobourg

Colonel James Pattison traveled through Eastern Ontario in 1829-30 and made quick sketches of some of the settlements he traveled through.

This black and white copy of Pattison's water colour, now in the Public Archives in Ottawa, seems to be the oldest surviving image that exists of Cobourg.

Pattison stood at the corner of King and Division, looking east. From that perspective, he made this sketch. He scribbled at the bottom of the picture that this was 'Coburgh'.

The Church of England, not today's building, but the original St. Peters, stands in the centre of the picture.

To the left is Oren Strong's Steamboat Hotel. (There were a few Strong's and another Steamboat over the years.) Strong's Steamboat was renamed the Albion in 1837. The hotel was a two storey building that stood among the other businesses along the street.

Following the history of our hotels is confusing. Hotels changed names, the owner changed locations. Sometimes the owners brought the old hotel name with them.

In this 1830 Pattison sketch, the Carpenter's Hotel is on the right side of the picture. It is the higher building, said to be the best of the three hotels in the village.

The building in the right corner may have been a livery stable or a blacksmith shop. That site is Liquidation World, today. The elegant old post office, designed by Kivas Tully, was built on that spot and stood there until the 1960's. However, that old post office was decades away when this sketch was made, almost 180 years ago.



April 2008

Lois Bertram sent this following poem. It was written by Stanley Howell, her great, great grandfather. A century and a half ago, the colleges of the province were affiliated with various churches. The Methodist Church had Cobourg's Victoria College. It must be stated that this Cobourg school was the most liberal and tolerant of any Ontario college.

A student did not have to belong to a Methodist Church. They even admitted women! Perhaps this liberal attitude it had to do with the fact that the many churches had merged into the United (Methodist) Church. They were in the habit of compromising!

This poem was written to lament the move of Victoria to Toronto. Victoria College, then University, became part of the University of Toronto. The history of Ontario's colleges would make a great topic for one of our monthly meetings. Lois, thank you for forwarding this poem.

THE SENTINEL-STAR CARRIER BOY'S ADDRESS - 1889

Written by S. Stanley Howell, Cobourg

Eighty-eight has passed away, and Eighty-nine is ushered in;
 Now, to forming resolution for the future we begin;
 But have very poor encouragement to shun the path of sin,
 When the Church divides on College Federation.

When the merchant gave his thousand, and the "widow gave her mite,"
 When the servant with his wades helped to buy the College site,
 And erect the spacious building, we were ceded then the right
 To reject forever, College Federation.

After all the funds collected, from the wealthy and the poor,
 All that Scholarship, Endowment Plan, and Promise could secure-
 We shall have the Institution here, as long as tides endure,
 And defeat the plot of College Federation.

Our Fathers built the College from the Contribution Sum,
 And their lullaby for ages was the Seminary Hum;
 It is ours! We will keep it! and what else may ever come,
 We will not submit to College Federation.

There is comfort in religion, we Believe them when they tell;
 We believe that Love and Union in the Sanctuary dwell;
 We believe that Christian Fellowship could insurrection quell,
 But is powerless in College Federation.

Deprive us of the Harbor, of the Railway, of the Quays,
Of the Car Works, and the Factory, - the Scott Act, if you please –
We were not so badly crippled, every citizen agrees,
As we're sure to be by College Federation.

When we view the situation, every heart is so depressed,
That we pray for transportation to the Haven of the Blest,
Where there s Heavenly Vacation, where the Student is at rest,
And no Graduate in College Federation.

May God forgive conceivers of this Federation move,
We regret to see is straining many ties of Christian Love;
Let us hope they'll see their error in reflection from Above,
And abandon Sinful College Federation.

If departed old promoters of Victoria College scheme,
Could peruse the letters written by our highest in esteem;
They would shout from Heaven's portals to the Chancellor Supreme,
God forbid their Wicked College Federation.

Here, in justice to the living! There, in honor to the dead!
And by all the law on Equity that judges ever read
By the solemn vows of Methodists, and prayers in public said,
There is Broken Faith in College Federation.

As Toronto Dives of Wretchedness in Cobourg never reigned,
Our College Students' Morals, uncorrupted have remained;
When so much is to be lost by it, and nothing to be gained,
Is there any sense in College Federation?

With the leverage of money, to defraud us they are bent;
To procure Eight Hundred Thousand is Our enemy's intent;
Should they raise it to a Million, let us double every cent,
To save Old Vic from College Federation.