

October 6, 2020

## **Halifax Military Heritage Preservation Society Statement Regarding Task Force on Commemoration of Edward Cornwallis and Recognition and Commemoration of Indigenous History**

After years of sometime fractious 'conversations' regarding the founder of Halifax the recommendations of the Task Force on Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History should not have come as a surprise to Nova Scotians when Halifax Regional Municipality Council approved the 73-page report July 21.

While the recommendations relating to recognition of Indigenous history in HRM include a number of worthy undertakings, the Halifax Military Heritage Preservation Society (HMHPS) questions the rationale and methodology of the review process and in particular the recommendations regarding Cornwallis who served as Governor of Nova Scotia 1749-1752.

The fate of the eight-foot bronze statue of Cornwallis and the renaming of a park and street bearing his name was pre-ordained when Council, in collaboration with the Assembly of Nova Scotia Mi'kmaw Chiefs and Indigenous activists, initiated the review process in 2017 and approved the 10 Indigenous and non-Indigenous members to come up with recommendations.

Led by Mayor Mike Savage and anchored by Council's December 2015 motion of unconditional support for and a commitment to "learning from the lessons" of the Truth and Reconciliation Commission report and recommendations, Council approved the terms of reference for the special advisory committee (SAC) in October 2018. In short order the five Indigenous and five non-Indigenous members voted to 'reconstitute' into an arms-length task force. This ensured the 'expectations' of the Mi'kmaw Chiefs and supportive Council members to banish Cornwallis from the public domain would come to fruition.

A commitment to banishment was unequivocally reflected in the task force's number one recommendation: *"That the statue of Edward Cornwallis not be returned, under any circumstances, to a position of public commemoration."* The absolute and uncompromising wording/tone of the recommendation left no doubt that an objective and unbiased assessment of Cornwallis was never in the cards.

In advance of the October municipal elections, the HMHPS draws residents attention to the modus operandi of the task force including its relying on 'selective' historical background and 'sanctifying' of 'current values' to justify permanently removing Cornwallis from public commemoration, while offering a number of **reality checks**.

### **Process**

The process had a number of twists and turns from April 2017 onward when Councillor Shawn Cleary moved for a staff report on terms of reference and composition of an expert panel to advise Council on recognition of Cornwallis and Indigenous history in HRM. In July, with reports of Mi'kmaw activists and supporters planning to forcibly remove the Cornwallis statue, Mayor Savage participated in the 'black draping' of the statue in Cornwallis Park. In October Council approved HRM Administrative Order 2017-

012 GOV establishing the SAC, to which members, in the words of Mayor Savage, would bring an “open mind to their deliberations.”

Shortly thereafter a stand-off occurred with the Assembly of Mi'kmaw Chiefs involving one of their nominees for the SAC. On January 9, 2018 Mayor Savage, Deputy Mayor Wayne Mason and several municipal staff members travelled to Millbrook First Nation, Colchester County to consult with the Chiefs. On January 26 the Chiefs issued a statement withdrawing from the SAC process and “called on HRM to remove the statue of Edward Cornwallis immediately.” On January 30, presumably based on “concern for public safety around the statue” and “reputational risk,” Council voted 12-4 to remove the statue immediately without input from the SAC that had been established to advise Council on the issue. The statue was removed the following day to a public works depot for indefinite storage.

Six months later, in July, and after reaching ‘consensus’ with the Mi'kmaw Chiefs, the names of the 10 members of the SAC were announced. They included both Indigenous and non-Indigenous members who had previously publicly denigrated Cornwallis and stated the statue should be removed from Cornwallis Park and the park and street bearing his name be renamed. **Reality check:** Given earlier comments it's questionable that all SAC members brought an ‘open mind’ to deliberations.

Later in 2018 when Council approved an equal partnership with the Assembly of Mi'kmaw Chiefs (including 50-50 shared budget) the SAC moved to ‘reconstitute’ its governance structure to an independent task force with the “...ability to set its own processes and procedures...for fulfilling its mandate.” Except for the first publicized but brief public meeting of the renamed task force in January 2019 the other meetings of the group were not open to the public. Six public engagement sessions were held in June and October 2019 in Halifax, Dartmouth and Millbrook First Nation resulting in 45 speakers at the first four sessions (in June), 52 signed in for the two facilitated group discussions (October) and 76 written submissions from 55 contributors. The task force report states, “the majority of contributors at the public engagement sessions opposed restoration of the statue at Cornwallis Park or at any other position of public commemoration...” and supported renaming of Cornwallis Park and Cornwallis Street. **Reality check:** Did the task force’s public engagement process actively promote/encourage wide-ranging input? With fewer than 200 presenters/contributors does this number reflect the overall view of the 400,000 residents of HRM particularly given that recent public opinion polls favor maintaining the Cornwallis name on civic assets?

### Historical Background

In reviewing the task force report several themes emerge in the historical background provided and other sections as task force members build their case against public commemoration of Edward Cornwallis, including describing his career as “...shot through with violence” against non-English peoples, including the Mi'kmaq and Highland Scots, while insisting he did not follow the Crown’s instructions to the letter with regard to maintaining a strict friendship with Indigenous communities, implying he was a rogue governor during his time in Nova Scotia. **Reality check:** A copy of *His Majesty’s Commission to His Excellency Governor Cornwallis*, dated 6 May 1749, outlines requirements (instructions) for establishing, administering and defending the new settlement at Chebucto and entrusts the governor with a range of military and civilian governance powers. However, the instructions do not spell out any specific requirements for dealing with Indigenous communities.

With regard to an objective and evidence-based assessment of Cornwallis’s actions as governor, including issuing a bounty proclamation on Mi'kmaw warriors in 1749, primary sources (documents) dealing with events of the time are critical. These sources include treaties of the 1725/26-1761 period,

Cornwallis's reports to superiors in London (including the Board of Trade), correspondence from British officials to Cornwallis and military accounts of what was happening in the province prior to, during and following his tenure as governor. There is little to indicate the Task Force engaged in a rigorous study of records in the interests of integrity and balance. Rather it refers to and selectively quotes from several of the primary sources including the following:

- 📖 **Board's 'Disapproval:** Quoting from correspondence of the *Board of Trade to Cornwallis* of 16 October 1749 (in response to the report of *Governor Cornwallis to Lords of Trade* of 11 September 1749) the task force highlights the Board of Trade's 'disapproval' of any effort at "totally extirpating" the *Mi'kmaq* from the peninsula," implying that Cornwallis was not following the Crown's instructions. Cornwallis's reference to 'rooting out' (extirpating) the *Mi'kmaq* from the peninsula was contained in his 11 September report to the Board, which would have been made after he had received reports of Indigenous raids at Canso on 19 August that included the taking of 20 prisoners (who were later released) and at Chignecto on 8 September which resulted in the killing of three English traders, followed on 30 September by the killing of four woodcutters (two of whom were decapitated, another scalped) and the taking of a fifth as prisoner at Dartmouth. **Reality check:** For a fuller understanding of the Board's comments it is necessary to review all of the 16 October correspondence particularly the paragraph referring to 'extirpating them' to put the Board's position in clearer context. This includes the remark, "The measures you have put in place to secure the settlement (Halifax) from the Indians, and your caution to our people not to be aggressors are much to be commended." Cornwallis as a military commander was defending the town site and the settlers.
- 📖 **Clear & Unambiguous Action?** The task force states "the 1749 scalp and prisoner proclamation is a clear and unambiguous action by Cornwallis...it put a price on the heads of *Mi'kmaw* people wherever ranger forces could reach them," including targeting "old Indians women and Children." **Reality check:** Presumably this statement refers to a plan authored by Cornwallis in late 1749 to recruit (in Boston area) and send a militia force to Chignecto in January 1750 to secure the border area. A copy of his instructions to Capt Silvanus Cobb reads, in part: "When you arrive at Chicnecto which is the design of your voyage you will try to surprise any Indians men women or children that may be there and secure them on board your vessel," that is take them prisoner (taking of prisoners was a practice of both Indigenous and non-indigenous forces of the time). But it was a non-event as Cornwallis cancelled the operation. No force was sent, nor any women and children taken prisoner. His approach was "to harass and hunt the *Mi'kmaq*... until they had either to abandon the peninsula or come in under any (treaty) terms we please."
- 📖 **Bounties:** The task force acknowledges "the use of scalp bounties was not new in 1749..." in other words they didn't arrive with Cornwallis. Bounty proclamations were introduced in New England in mid-late 17<sup>th</sup> century during Indigenous-settler hostilities. But even before European contact, North American natives, including the *Mi'kmaq*, practised scalping (or decapitation) as a traditional trophy or memento of valor in combat; Europeans helped commercialize the practice. During settler-Indigenous conflicts in New England and Nova Scotia in the 1740s, for example, the Massachusetts colony offered different levels of bounty payments for men, women and children (higher for males). On 1/2 October 1749, following the killing of four woodcutters in Dartmouth and "in keeping with the custom of America," Cornwallis issued *A Proclamation* that offered a bounty on the taking (prisoner) or killing of a *Mi'kmaq*. How one interprets the wording of the proclamation is at the centre of the Cornwallis controversy and hinges on the pronoun 'his,' as "...such savage taken or his

*scalp...if killed.*” The task force is adamant the bounty applied to all Mi'kmaq regardless of age and gender and that the pronoun ‘his’ is “*non-gender specific going back to the middle ages.*” **Reality check:** Given the social and legal conventions of the 18<sup>th</sup> century and the use of ‘he’ and ‘his’ in the wording of military, government and other documents, including reference to His Majesty, ‘his’ would not have been considered a ‘gender neutral’ term; ‘his’ indicated the male gender. Also, given the strict financial scrutiny Cornwallis was under regarding rising settlement costs it’s unlikely he would have authorized equal payment for non-combatants, i.e. women and children. Regarding such practices, a 19<sup>th</sup> century account by Silas Rand, linguist and missionary who recorded examples of Mi'kmaw oral culture included their claim to have “...destroyed more than they lost” in their wars with the English.

📖 **Treaties:** The Peace and Friendship Treaties of the 18<sup>th</sup> century, including the 1725/26, 1749, 1752 and 1760-61 treaties, ultimately resulted in the Mi'kmaq and the British coming to terms and agreeing to pursue peaceful coexistence. But the interpretation or the re-interpretation of the treaties and related documents by different parties with regard to Indigenous ‘treaty rights’ have taken on a dominant national profile in recent years. The task force, for example, contends that “...1726 treaty (is) riddled with ambiguities...even in written texts, the treaties contain no land surrender.” In this regard and as part of its educational mandate, the HMHPS has produced a general interest *Treaties Scope document* covering 400 years of Nova Scotia history involving the role of treaties in Indigenous-settler relations.

📖 **“Declaration de guerre:”** Regarding the new settlement at Chebucto/Halifax, the task force points out “a Mi'kmaw letter to Edward Cornwallis from Port Toulouse...in September (1749) promised armed resistance if the British persisted, although also offering a meeting to attempt a resolution.... The meeting never took place....” Did Cornwallis ignore a chance to reach a peaceful solution with the Mi'kmaq? **Reality Check:** Abbé Pierre Maillard, missionary to the Mi'kmaq composed two letters sent from Port Toulouse and the interpretation of the intent of the letters (translated from Mi'kmaq to French to English) is a matter of debate. The first letter, dated 23 September, concluded, “...I am going to see you, soon I will see you, and hope that what I hear will to some degree lighten my heart...,” which the British would have perceived as a threat to their security and sovereignty given the earlier Mi'kmaw raids. The second letter, dated 8 October, *Declaration de guerre des Micmacs aux Anglais* s'ils refusent d'abandonne Kchibouktouksent, was sent to Maillard's superior at the Foreign Missions in Paris (following the Dartmouth raid 30 September) and includes additional words and different terminology including reference to attempting a resolution. There's no record Cornwallis received the 8 October letter.

With regard to **history and commemoration**, the task force is crystal clear that they are two separate processes, insisting that “we...do not regard the issue of how if at all Cornwallis should be publicly commemorated as entirely or even primarily a historical question.” The National Historic Sites and Monument Board of Canada plaque on the Cornwallis statue (before it was removed) identified the British officer as the founder of Halifax, and the federal government in 1974 designated Cornwallis “person of national historical significance.” The task force downplays these factors in undermining Cornwallis's historic role in establishing Halifax and laying the foundation for the province we know today since “*commemoration is all about the values of today*” and further notes, “*Because community values evolve over time, there are occasions when older forms of commemoration no longer fit the ethical standards of today.*” **Reality check:** The task force's unwavering position that today's standards and values predominate reflects the questionable current view that we are wiser and better than our

forebears. As British author Douglas Murray (*The Madness of Crowds: Gender, Race and Identity*) comments, “...the modern presumption that we can stand in perfect judgment over history is both malevolent and unfair... (we) cannot view history as a mere playground for our moral judgment... (we need) to recognize people in the past acted on the information they had at the time, as much as we do today.”

### Principles, Recommendations and Rationale

The task force posed six questions “in moving towards principled recommendations on the future of the Edward Cornwallis statue...,” including, “Are there any prevailing patterns of opinion, arising from public engagement with the task force and written submissions that can and should influence recommendations regarding the statue?” “Are there compelling broader reasons, especially in the context of HRC’s 2015 Statement of Reconciliation to reconsider the commemoration of Cornwallis?” and “...does continuing public commemoration of Cornwallis fit with prevailing values in 2020?” The wording and thrust of the questions are calculated to lead to only one conclusion: Remove the statue. And the rationale, in part: “Indeed, the idea that Mi’kmaw or other Indigenous people...would be confronted with a statue of a person who put a price on Mi’kmaw heads...is simply wrong and unconscionable. Common decency forbids it.” **Reality check:** The 2016 Yale University report “Committee to establish Principles of Renaming” (also known as the Witt report) is recognized for its “vigour, logic and approach” including consideration for diversity, balance, current values and the importance of the past. It offers a more nuanced approach to the renaming/removing issue that is acceptable to “all sides.”

### Concluding Points:

- Members of HRM Council should be aware the task force report does not reflect the necessary “vigour, logic and approach” to clearly demonstrate a more balanced and impartial approach to the commemoration of historical figures like Edward Cornwallis and recognition of Halifax’s early settlement. Residents expect more.
- The task force missed an opportunity to provide an important public service and offer recommendations on how HRM’s non-indigenous residents (representing 95 per cent of the population) should acknowledge and commemorate the 1749 arrival of Cornwallis and 2,500 settlers to establish Chebucto/K’jipuktuk/Halifax, as well as the contributions of French, Acadian and other cultures of the time.
- Portraying Cornwallis as prone to violence towards non-English people, implying ‘genocidal’ propensities on his part, the task force downplays the following
  - Cornwallis established Halifax, defended the settlers he brought with him and those who followed and ensured the settlement survived during a turbulent period to develop in time into an internationally recognized port and city.
  - He followed the instructions of his superiors in the development and defence of Halifax and the Nova Scotia mainland (ceded by the French to the British via Treaty of Utrecht in 1713) against a hostile French-Indigenous alliance.
  - In spite of the contempt expressed concerning the 1749 bounty proclamation (it had little effect since Indigenous raids/scalping continued in the province until 1759), documents show that Cornwallis did attempt to pursue peace with the Mi’kmaq and other Indigenous groups from the time of his arrival (renewing the 1726 treaty in August 1749) until he resigned in 1752. In 1751 he rescinded the 1749 bounty and initiated peace overtures with the Mi’kmaq. This led a year later with his successor Peregrine Hopson signing the 1752 peace and friendship treaty with Chief Jean Baptiste Cope. With regard to the “scalping of women and children” during his time as governor there are few if any verifiable documents to support the ‘genocidal claim,’ i.e. a centralized

and directed plan to eradicate the Mi'kmaq. One account of “two Indian girls and an Indian lad killed” resulted in Cornwallis placing a bounty on the killers.

- The Cornwallis statue—with appropriate narrative—located in a secure public venue in the historic area of the city, e.g. Province House, or Royal Artillery Park represents a popular learning opportunity for residents and visitors.
  
- HRM residents and all Nova Scotians are supportive of advancing reconciliation with Indigenous people in a collaborative manner based on a suitably nuanced appreciation of historical context. The Truth and Reconciliation report (2015) and related social justice reports are important documents to guide us on “our shared journey.” But we need to proceed carefully so we do not end up prioritizing empathy (emotional appeals) over facts without due regard for recognized historical records.

**We recommend that after the October municipal elections that the new HRM Council take a ‘refreshed look’ at the task force report before implementing any of its recommendations.**

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