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### The Trials of Lillian Burke

In recent years, oral history has been celebrated by its practitioners for its humanizing potential, and its ability to democratize history by bringing the narratives of people and communities typically absent in the archives into conversation with that of the political and intellectual elites who generally write history.

—*Erin Jessee*, *The Limits of Oral History: Ethics and Methodology* (2011: 287)

C'est peut-être vrai que la mémoire est une faculté qui oublie.

—*Alexandre J. Boudreau*, *À l'assaut des défis* (1994: 28)

Mary Lillian Burke (1880-1952) was the American artist, artisan, occupational therapist and entrepreneur who, with the support and encouragement of Marian Fairchild (1880-1962), Alexander Graham Bell's youngest daughter, created the Chéticamp hooked rug cottage industry in the 1930s. From 1927 to 1940, Lillian Burke designed and marketed Chéticamp hooked rugs in New York City where she worked in collaboration with leading decorators, architects and interior designers.<sup>1</sup> She occupied a studio in Manhattan and travelled annually from New York to Cape Breton, spending the summer months as a guest of the Grosvenor-Fairchilds at Beinn Bhreagh, the Bell estate in Baddeck. When Canada entered the war in September 1939, the 59-year-old Burke gradually abandoned rug designing, most likely because of the severe wartime restrictions on the hessian cloth (burlap) used in hooked rug manufacture (Fairchild 1952: 6; Yust 1947: 793). Shortly thereafter, Lillian Burke began full-time work as an occupational therapist at the New York Psychiatric Institute at Columbia University, where she served until her final illness in November 1951 (New York State

Psychiatric Institute 1952: 29). Lillian Burke died in Leesburg, Virginia, April 13, 1952.

A gifted and energetic woman, Lillian Burke was a pioneer reconstruction aide in American military hospitals in France and Germany shortly after the First World War. Ten years later she succeeded in breathing new life into Mabel Hubbard Bell's beloved Cape Breton Home Industries (CBHI) during the bleakest years of the Great Depression. Her hard work and devotion gave hope and pride to an impoverished rural community. Testimonials of the benefits the people of Chéticamp derived from Lillian Burke's industry are not rare, and today she occupies a place of honour in the *Trois Pignons* hooked rug museum on Cape Breton Island. In the words of one of her former workers, Mme Willie Deveau,

We can thank Miss Burke. We were lucky that she started [marketing Chéticamp hooked rugs]. They were earning a little money. What could they do? They were fishing. Cod was a dollar a hundred pounds. And the tea was a dollar and a quarter. Imagine: a hundred pounds of fish for a pound of tea. (Deveau 1978: 45)

And yet, for all her good work and dedication, Burke's reputation has been tarnished recently—especially among revisionist academics—by the imputation that she exploited a vulnerable workforce for her own financial gain.<sup>2</sup> This latter-day image of Lillian Burke can be traced to the 1985 book, *L'Histoire des tapis "hookés" de Chéticamp*, published by Fr. Anselme Chiasson and Annie-Rose Deveau.

Chiasson and Deveau sketch a portrait of the woman they refer to as "Miss Burke" as generous, kind and hard-working, and many of the comments in the book are fond personal recollections (Chiasson and Deveau 1985: 57-63).

Nonetheless, the authors present two less-than-flattering stories, which have become lightning rods to Burke's detractors. The first is the claim that Lillian Burke made enormous profits designing and marketing Chéticamp hooked rugs while paying her workers a pittance. The second is that in 1937 Lillian Burke allegedly filed a civil case against two individuals who interfered in her hooked rug business by encouraging her workers to petition for higher wages (82). An examination of the evidence behind both of these allegations is the object of this short essay.

The case of Burke's alleged profits is surprisingly clear cut. Chiasson and Deveau cite a single example as proof that Burke exploited her workers. According to Chéticamp legend, in the summer of 1930, Burke sold a bespoke carpet measuring 10ft x 14ft to the American industrialist Henry Ford for \$4000, while the woman who executed the design was paid a mere \$114 or \$1.00 per square foot. Burke, so the story goes, pocketed the rest (77). Academic historians have been quick to cite this as a crushing indictment of Burke's greed. The historian Ian McKay has written:

Jim Lotz, a historian of Nova Scotia handicrafts, rather romantically depicts Lillian Burke as a joyful woman "who sowed lupin seeds along the side of the road as she travelled from Baddeck to Chéticamp." Burke has a great deal to be joyful about in the deal she had struck with the simple folk in Chéticamp. The workers took most of the risks and worked for a pittance; Burke took virtually no risks and sold the carpets at enormous profits. (McKay 1994: 205)

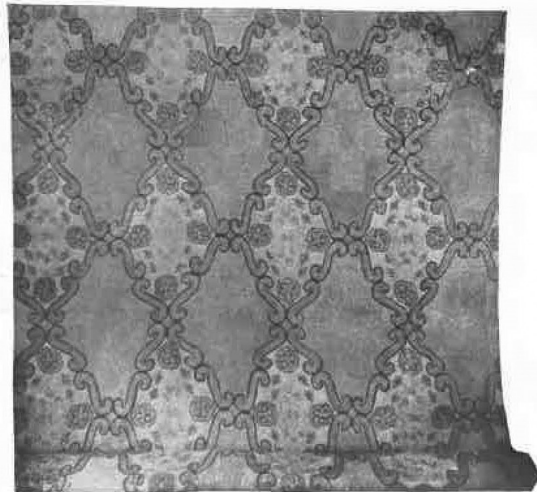
There is, however, one problem: Henry Ford's putative Chéticamp purchase cannot be substantiated. The archives of Henry Ford's personal collections of Americana—including many thousands of hooked rugs—make no mention of a Chéticamp carpet (personal communication with Benson Ford Research Center Library and Archives, March 27, 2012). Consider also that there is more than one version of the famous \$4000 Nova Scotia hooked rug. According to the writer Gordon Green, the rug in question was hooked at LaHave, not Chéticamp (Green 1967: 53).

Finally, before focusing on Burke's profits, we might also consider the price of hooked rugs

in the late 1920s and 1930s. An extremely rare priced catalogue from the 1928 New York auction of Mrs. Edward O. Schernikow's collection of antique American and Nova Scotian hooked rugs does not quote a single price anywhere close to \$4000 (Fig. 1). A case in point: an antique hooked rug 15.5 ft x 9.5 ft (147.25 square feet) sold in New York, a year before the stock market crash of September 1929, for a conceivable \$525 (Schernikow 1928: 42).

As for the allegation that Burke paid her workers a pittance, let us recall that at the height of the Depression, an unskilled labourer in Nova Scotia might earn as little as \$0.50 for a 12-hour day (Craig 2009: 299). Burke's rug hookers were

**Fig. 1**  
Rare "priced" catalogue from the sale of Mrs. Edward O. Schernikow's collection of Hooked rugs etc. (Anderson Galleries, 20 and 21 November 1928.)



[NUMBER 270]

270 **FLORAL HOOKED RUG**

Large diamond-shaped panels outlined in dull rose, and filled with flowers in shades of rose with green leaves, appear on light mulberry-colored wool background.

Size, 15 feet 7 inches x 9 feet 6 inches

[SEE ILLUSTRATION]

271 **FLORAL HOOKED RUG**

Enormous ivory basket holding a few crimson flowers. Faded leaves and leaf-scrolls against dark gray ground. All wool.

Size, 6 feet 4 inches x 2 feet 1 inch

272 **FLORAL HOOKED RUG**

Clusters of huge flowers in shaded rose and ivory tones against mottled fawn ground, the brown edge marbled in gray-blue. All wool, sheared. Size, 6 feet x 2 feet 11 inches

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paid by the square foot (\$0.75, \$0.85 or \$1.00 depending on the intricacy of the work). By all accounts, the women were more than willing to take the work on.

In her 1995 book, *Brotherhood Economics*, Rusty Neal writes that Lillian Burke's account books were "donated by her estate to the Baddeck Public Library" (Neal 1995: 123). There is, however, one problem. The Baddeck Library has no record of any legacy from Burke. The whereabouts of CBHI's account books for the years 1927-1940 is unknown. We do, however, possess one document that specifically records Burke's income. The 1940 U.S. federal census puts the rug designer's revenue for 1938 at \$1400. The rent for her apartment at 319 50th Street East was \$75 a month or at \$950 *per annum* (National Archives 2013).

The perception that Burke was making enormous profits set the stage for a corollary incident also presented as fact by Deveau and Chiasson. Under the chapter heading of "*La fameuse crise de 1936-37*," the authors write that in late winter 1937 Burke was presented with a petition by some of her workers demanding \$1.00 per square foot for their hooked rugs (Chiasson and Deveau 1985: 80-83). Faced with demands for higher wages, Burke's initial response was to hold the line at \$0.85. The women reputedly sent a telegram to New York declaring their intention to cease working on the orders Burke had consigned to them. When Burke learned that the local agricultural representative, Alexandre J. Boudreau (b. 1910), had been meeting the workers and encouraging their demands, she travelled from New York to Chéticamp to confront the situation. Chiasson and Deveau write that Burke pleaded with Boudreau not to sabotage the business she had created. The authors also record that Boudreau argued that the workers deserved more money. At this moment Burke is said to have laid charges against both Alexandre J. Boudreau and Mme Charlie (Marie à Lubin) Aucoin. Deveau and Chiasson do not state the charges in question. What they do write is that the plaintiff argued before the court that the rugs she designed were "her own property" (81). Chiasson and Deveau lend believability to their account by claiming that the case was heard by the magistrate Lazare Boudreau (no relation), and that the one of the defendants, Alexandre

J. Boudreau, secured the services of Inverness lawyer and, later, Chief Justice of Nova Scotia, Alexander H. MacKinnon. Finally, Chiasson and Deveau write that the case was dismissed. They do not say why it was dismissed, but presumably Justice Boudreau believed there were insufficient legal grounds to proceed against the defendants:

Mlle Burke ... intenta un procès à M. Boudreau et à Mme Charlie Aucoin devant la cour du magistrat Lazare Boudreau réclamant que les tapis de Chéticamp étaient le produit de son travail artistique et devenaient sa propriété. M. Alexandre Boudreau retint les services de l'avocat Alex H. MacKinnon d'Inverness qui n'eut aucune difficulté à débouter la demanderesse. (Chiasson and Deveau 1985: 81)

(Miss Burke ... laid charges against M. Boudreau and Mme Charlie (à Lubin) Aucoin, alleging that the Chéticamp rugs [in question] were the product of her own artistic work, and therefore her own property. The case was heard by Justice Lazare Boudreau. M. Alexandre Boudreau retained the services of Inverness lawyer Alex H. MacKinnon who had little difficulty having the case thrown out.)<sup>3</sup>

The story of *Burke v. Boudreau* has damaged Burke's reputation and, on that count alone, it is worthy of reconsideration in the light of public documents. A number of academic writers repeat the story of Burke's predatory lawsuit, without taking the trouble to verify if it actually took place (Neal 1995: 118; MacDonald 2001: 65). The historian Ian McKay writes that in 1937 "Burke took the agitators to court on the grounds that the Chéticamp carpets were now her artistic property, and that consequently the co-operators had been guilty of a kind of aesthetic misappropriation" (McKay 1994: 205). Handicraft historian Sandra Flood goes even further and states that Burke actually lost the case:

Knowledge of Burke's profits combined with the growing influence of the Antigonish Movement ... in 1936-37 caused a majority of makers to demand higher pay from Burke. Burke refused and took legal action contending that the rugs made in Chéticamp were the result of her artistic work and consequently her property. She lost. (2001: 107)

Before examining evidence that the lawsuit took place, let us recall that Alexandre J. Boudreau was a native of Chéticamp and a well-known figure there. It was presumably Boudreau himself who supplied Chiasson and Deveau with key details

of the alleged case, including the name of his defence lawyer.

Boudreau's fixation with Lillian Burke can be evidenced by his own account of his run-in with her, published in his 1994 memoirs, *À l'assaut des défis*. Those memoirs tell the story of the role Boudreau played promoting the Antigonish Movement in Chéticamp in the 1930s and later among the fishing communities of the Gaspé Peninsula. Then, in the 1950s, Boudreau worked in support of striking miners at Sudbury (Boudreau 1994: 61). Provincial agricultural representative for Inverness County in the 1930s (Fig. 2), Boudreau directed dozens of study groups, and helped found both the local credit union (1935) as well as the local co-operative store (1936) (Boudreau 1982). He was also a fervent Acadian nationalist, and, in the social and economic context of the 1930s, it is easy to see how rumours of Burke's hooked rug profits would have angered him. Chiasson and Deveau write that Boudreau was unable to remain "indifferent" to the plight of the hooked rug workers, and that he soon organized them into a "bargaining unit" (Chiasson and Deveau 1985: 81). One of Lillian Burke's former employees, Mme Willie Deveau, mentioned above, recalled in 1978 the crucial role played in the winter of 1936-1937 by the 27-year-old Alexandre J. Boudreau. Mme Deveau says nothing about discussion groups, bargaining units, or a petition for higher wages. What she does say is that Alexandre J. Boudreau urged the women to sever ties with Burke and to establish a hooked rug co-operative in order to keep profits at home:

But, you know, the rugs [*sic*] weren't paid very much. It was 95¢ a foot or a dollar a foot or even 75¢ a foot. The ones with no flowers were 75¢. And then you had to give ten per cent to the lady who was collecting them. It wasn't very much for the hooker. So, there was a Mr Boudreau here, he was an agricultural representative and he encouraged all of us to go by ourselves. (Deveau 1978: 46)

One can imagine how Burke felt about Boudreau's activities. Besides which, we must remember that "Miss Burke" was a reliable employer who had many friends and allies in the village (Cox 1938: 68). Before the end of summer 1937, the rug hookers had split into two factions. Feelings in both camps ran high and, in the end, Chiasson

and Deveau write that Lillian Burke was forced to increase her wages.

In a 1981 interview published in *Cape Breton's Magazine*, the 71-year-old Alexandre J. Boudreau hints at the bitterness his involvement in the case had engendered in the once quiet hamlet of Chéticamp. Note how he refers specifically to his aunts, and not to his uncles:

In Cheticamp, I got in wrong with a lot of people. I got mad very easily, and people got mad at me very easily. (You were [weighed] 145 pounds....) And 25-years-old. Brought up poor, and resenting it. This was my neighbourhood—not only that, most of them were my relatives—my aunts and my cousins. Every second family in Cheticamp is related to me. (Boudreau 1982: 14)

It was perhaps no coincidence that the year following "*la grande crise*," the agricultural representative left Cape Breton to take up a new posting in the Gaspé.

As previously mentioned, Boudreau's version of his battle with Burke was recorded in his 1994 memoirs. Boudreau recalls the evening classes and the round-table discussions about the rug-hookers' wages. In wording oddly similar to Anselme Chiasson's, he writes without irony that he could not remain "*indifférent à cette situation*" (Boudreau 1994: 29). He also remembers Burke storming into his office, and he even recalls his flippant response to her anger: "An industry that pays such ludicrous wages does not deserve to survive" (Boudreau 1994: 29).<sup>4</sup> Boudreau put that wage at \$0.25 per square foot, but on that point he was certainly mistaken—recall that Chiasson and Deveau state that Lillian Burke paid her workers \$0.85 per square foot (Chiasson and Deveau 1985).

Boudreau's memory also seems to have failed him when he recalled Burke's alleged legal action. Unlike Chiasson and Deveau, he does not name supposed co-defendant, Marie Aucoin; he also neglects to name both his lawyer and the magistrate who heard the case. Nor does he identify the charges. What Boudreau does write is that Burke initiated proceedings against him and that he was consequently obliged to retain the services of a lawyer "who had little difficulty having the charges thrown out" (*qui n'eut aucune difficulté à faire rejeter sa plainte*). Boudreau leaves us to conclude that the case was never pursued

to judgement, but, strictly speaking, he does not say so in so many words.

Au printemps 1937, elle [Burke] arriva un beau jour à mon bureau et m'accusa formellement d'avoir détruit une industrie qui était sa propriété. Je lui répondis simplement qu'à mon avis, une industrie qui payait des prix aussi ridicules que les siens ne méritait pas de vivre. Deux jours plus tard, elle m'intenta un procès. Je dus retenir les services d'un avocat, qui neut aucune difficulté à faire rejeter sa plainte. (Boudreau 1994: 29)

(In the spring of 1937 she [Burke] arrived one fine day in my office and accused me formally of having destroyed an industry that was her personal property. I answered simply that in

my humble opinion an industry that paid the ludicrous wages she did hardly deserved to survive. Two days later, she laid formal charges. I had to retain the services of a lawyer who had no difficulty having the charges thrown out.)

The circumspection evident in these lines is uncharacteristic of everything we know about Alexandre J. Boudreau. His son, the Moncton lawyer, Pierre A. Boudreau, is more forthright. More than seventy-five years after the fact, Pierre A. Boudreau maintains that Burke charged Alexandre J. Boudreau with "defamation of character as well as intentional and unjust interference in a private business relationship," or tortious interference. He added that "not only did she lose her case; she was ordered to pay costs to [his] father, the defendant" (personal communication, November 15, 2011).

Unlike his father's recollections, the details Pierre A. Boudreau supplies can be scrutinized in light of public records. The charge of "defamation of character" as well as that of "interference in a private business relationship" would have to be heard in the Supreme Court of Nova Scotia. A record of the trial, had it been pursued to judgement, would have been published in the *Maritime Provinces Reports: Cases Decided in the Supreme Courts of New Brunswick, Nova Scotia and Prince Edward Island*. In investigating Pierre A. Boudreau's claims, we come up against some significant road blocks. The *Maritime Provinces Reports* for 1930-1944 do not mention parties named by Chiasson and Deveau. Our first conclusion must be that *Burke v. Boudreau* was never tried in the Supreme Court of Nova Scotia, and that the assertions that Burke "lost the case" and had "to pay the defendant's costs" are not true.

We must now ask what material evidence might remain of a 1937 trial in the event that charges were dismissed. The answer is that any legal action initiated in the province of Nova Scotia at that time would have been registered in a court file naming the plaintiff, the defendant(s), the nature of the charges, the parties involved (legal counsel) and potential witnesses. In 1937 that file would have been prepared by a clerk in advance of court proceedings in the newly constructed Inverness County Court House. Since the old Court House in Port Hood burned down in 1935, all records prior to 1935 were destroyed. But what of the court records from 1936-1937?

**Fig. 2**  
Chéticamp exchange number 13. In 1935, the 25-year-old Alexandre Boudreau was one of only a handful of private citizens with a telephone phone in Chéticamp.

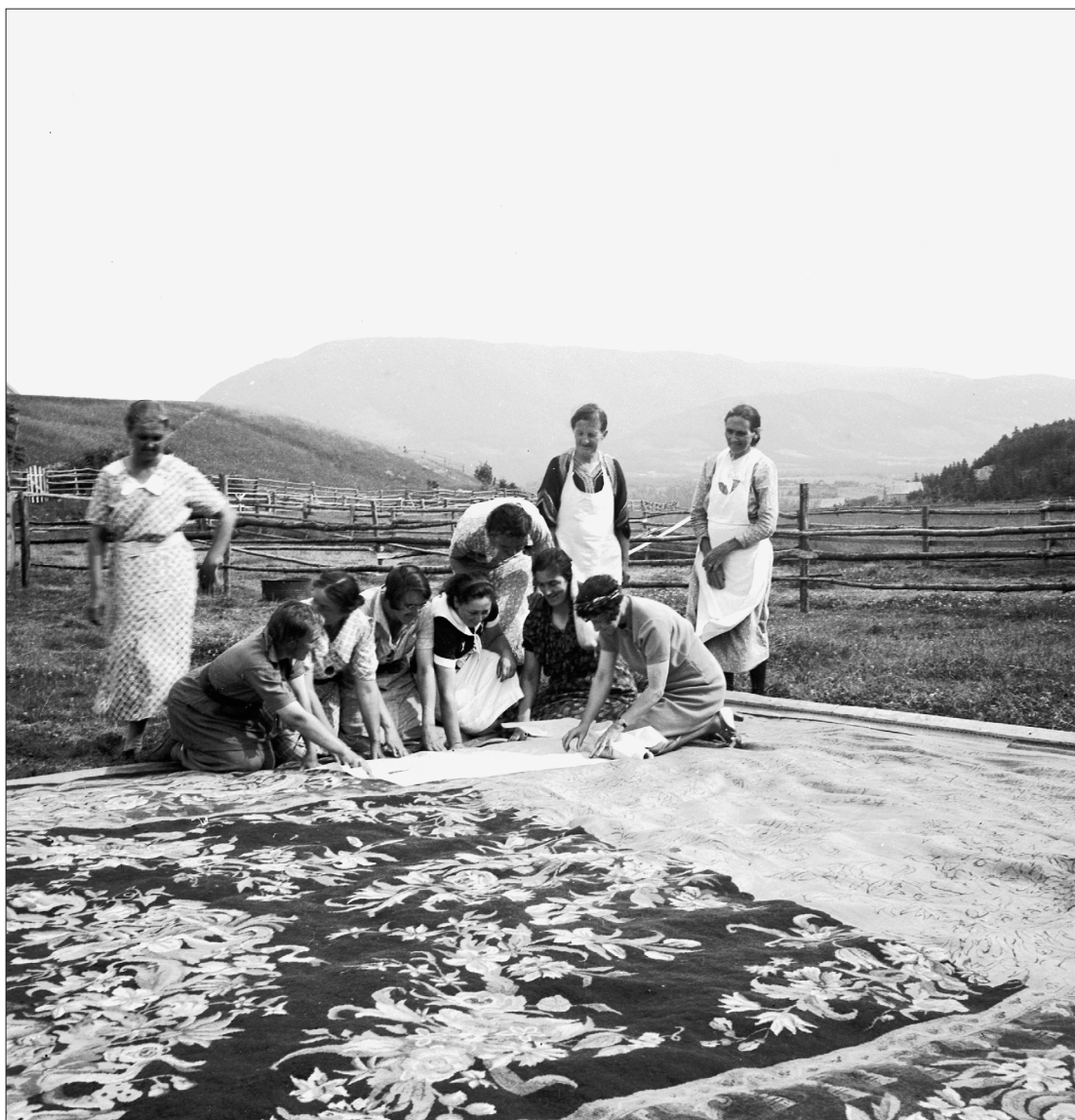
CHÉTICAMP		38	r following name designates residence
McAulay John A r Boston Rd.....	1-23	Aucoin Harry E r Chéticamp.....	22-4
McAulay Wm r Catalone.....	1-21	Aucoin John E Petit Etang.....	25-11
McCuish D J r Albert Bridge.....	22-122	Aucoin John J r Chéticamp.....	22-31
McCuish John r Albert Bridge.....	22-4	Aucoin M M Acadian Inn Chéticamp.....	2
McDonald Allan Joseph r Brickyard.....	1-1	Aucoin Moses S Tel & Post Off Chéticamp	10-1
McDonald Hector r Barren Rd.....	1-11	Aucoin Thomas S Cape Rouge.....	25-113
McDonald J Craig r Mira Gut.....	1-5	Aucoin's Service Station Grand Etang.....	22-13
McDonald Neil W r Round Island.....	20-22	Aucoin Willie C Hotel Chéticamp.....	20
McDonald Roderick r Catalone Lake.....	1-13	Banks Ltd General Store Pleasant Bay.....	25-4
McInnis Gordon r Mira Gut.....	20-131	Boudreau Alex John Agric Rep Chéticamp	13
McIntyre John A r McVicars Hill.....	1-41	Bourgeois Anthony r Cape Rouge.....	25-311
McKeagan John r Horns Rd.....	22-111	Cameron Patrick r Pleasant Bay.....	25-25
McKeagan Neil r Horns Rd.....	22-21	Chéticamp Convent Chéticamp.....	19
McKeigan Ronald r Catalone Gut.....	2-11	Chiasson Joseph Store Little River.....	25-41
McKenzie Duncan A r Broughton.....	20-9	Chiasson Joseph T Imperial Oil Agt Chéticamp	9
McKenzie Duncan C r Mira Gut.....	20-10	Chiasson Peter Gen Store Grand Etang.....	22-23
McKenzie Duncan E r Mira Gut.....	20-14	Chiasson J B J r St Joseph du Moine.....	22-3
McKenzie H r Mira Rd.....	20-42	Cormier John E Hotel Chéticamp.....	21
McKenzie Malcolm r Mira Gut.....	20-111	Cormier Simon P r Grand Etang.....	22-2
McKenzie M S Store Mira Gut.....	20-3	DeCoste J A Rev Glebe House Friars Hd.....	22-32
McLean J N r Louisburg Rd.....	1-14	Dept of Lands & Forest Tower	
McLean Rod C r Catalone Gut.....	1-13	C LeForte Ranger Plateau	22-11
McLean Rod E r Louisburg Rd.....	1-22	Deveaux Paul W General Store Chéticamp.....	10-3
McLellan D J r Albert Bridge.....	22-5	Deveaux Thomas S r St Joseph du Moine	22-111
McLellan John J r Albert Bridge.....	22-12	Dom Fisheries Ltd Grand Etang.....	22-21
McQueen John J r Round Island.....	20-23	Doucet Vincent P r Grand Etang.....	22-5
McVicar John J r McVicars Hill.....	1-31	Fraser Laurence r Red River.....	25-32
Martell Y S Store Mira Gut.....	20-13	Hinkley Kiah r Red River.....	25-23
Martell Y S r Mira Gut.....	20-13B	Hinkley Miles r Red River.....	25-22
Mason C W r Brickyard.....	1-12	LeBlanc Leo J Dr r Chéticamp.....	7-2
Miller John r Black Brook.....	22-11	LeBlanc P Rev r Chéticamp.....	3
Mira Station Mira Gut.....	20-7	LeBlanc Placide E r Cape Rouge.....	25-12
Morrison William r Black Brook.....	22-1	LeBrun George r Little River.....	25-1
Nicholl Joseph M r Mira Gut.....	20-15	LeFort Henry P r Point Cross.....	22-14
Phillips Flora L Mrs r Mira Gut.....	20-2	LeFort M C r Plateau.....	22-12
Phillips J J r Mira Gut.....	20-4	Lelievre Philip M r Chéticamp.....	22-15
Phillips Joseph L r Mira Gut.....	20-24	McFarland W r Chéticamp.....	6-2
Spain Walter r Mira Ferry.....	22-32	McIntosh Alex G r Pleasant Bay.....	25-15
Spencer Asaph W r Mira Gut.....	20-31	McIntosh A H r Pleasant Bay.....	25-4
Spencer Charles C r Mira Gut.....	20-33	McIntosh George S r Pleasant Bay.....	25-111
Spencer Fred E r Mira Gut.....	20-41	McIntosh J R r Pleasant Bay.....	25-24
Spencer W L r Mira Gut.....	20-6	McLean A A r Pleasant Bay.....	25-33
		McLean Chas A r Red River.....	25-35
		McLean Duncan r Pleasant Bay.....	25-31
		Mombourquette Wm r Pleasant Bay.....	25-13
		Moore Angus r Red River.....	25-121
		Moore Dan W r Pleasant Bay.....	25-21
		Moore Eddie J r Pleasant Bay.....	25-211
		Moore Edward A r Red River.....	25-34
		Moore Herbert r Pleasant Bay.....	25-42
		Moore Lewis r Pleasant Bay.....	25-3
		Nova Scotia Liquor Commission	
		Store No 28.....	14
		M P Aucoin Mgr	
		Ocean Spray Hotel Leo Boudreau Chéticamp	18
		Our Lady of Annunciation Convent Chéticamp	8
		Poirier W G J Dr Chéticamp.....	19-2
		Porrier Joseph Cape Rouge.....	25-44
		Roach John W r Chéticamp.....	20

**Chéticamp Exchange**

Hours of Service  
Week Days, 7 a. m. - 9 p. m.  
Sundays & Holidays, 9-10 a. m., 1.30-3 p. m.  
M. S. AUCOIN, Chéticamp          Agent  
PUBLIC PAY STATION AT---Telephone Office

**SUBSCRIBERS**  
Atlantic Gypsum Products Co Chéticamp...6-1  
Atlantic Gypsum Prod Co Crusher  
  Belle Marche 5-2  
Atlantic Gypsum Prod Co Mine Belle Marche 5-11  
AuCoin C W General Store Chéticamp.....4-1  
AuCoin D J General Store Chéticamp.....11

**Fig. 3**  
*Lillian Burke kneeling in profile instructing her workers, Belle-Marche, Cape Breton, July 1937. (David Fairchild, archives of the Fairchild Botanical Gardens, Coral Gables, FL.)*



Sadly and inexplicably, there are no court records extant for Inverness County before 1950. The Inverness County Court House was relocated to Port Hawkesbury in the 1970s. Today, the Port Hood Court records, incomplete as they are, are housed at the Port Hawkesbury Justice Centre. These documents tell us nothing about *Burke v. Boudreau*.

Still, since Burke's business was headquartered in Baddeck, it is possible that the case was filed in another county. Here too we draw a complete blank. The 1935-1940 court files for Cape Breton, Victoria, Richmond, Antigonish and Halifax counties reveal no trace of *Burke v. Boudreau*. The same, incidentally, is true of the contemporary press. The *Victoria-Inverness*

*Bulletin* for 1937-1938 says nothing about any legal proceedings initiated by Lillian Burke.

The role played by defence lawyer Alex H. MacKinnon offers an important clue about the nature of the alleged case. MacKinnon's presence at the actual trial (recorded by Chiasson and Deveau) rules out the possibility that Burke's lawsuit was heard in a lower division court. MacKinnon, we know, did practise law in Inverness in 1936, and it is not out of the question that Alexandre J. Boudreau retained his services at that date. Alex H. MacKinnon later became a member of the Legislative Assembly, a Minister of the Crown, a Supreme Court judge and Chief Justice of Nova Scotia. His papers are consigned to the Public Archives in Halifax and

the Beaton Institute at Cape Breton University. Not surprisingly, the papers preserved offer no insight into MacKinnon's private legal practice in the 1930s.

There is one further detail we must consider. Chiasson and Deveau name the magistrate Lazare Boudreau as the presiding judge who dismissed the case. But Lazare Boudreau's name is nowhere to be found on the list of Nova Scotia Supreme Court Justices, or for that matter the list of Provincial Court judges. Nor is his name included among the judges of the county court for District 6 or any other district (Haliburton 2004). What then are we to make of *Burke v. Boudreau*?

It seems clear that in 1937, after ten years designing and promoting Chéticamp hooked rugs, Burke faced significant labour unrest. This situation must have been upsetting to her, especially as it came about by surprise and as a result of several interrelated factors, some beyond her control. The prevalent view that Lillian Burke was making large profits naturally encouraged her workers' demands for higher wages. The Antigonish Movement promoted co-operatives, microfinance and rural community development. Alexandre J. Boudreau showed the women of Chéticamp the opportunity of breaking free of Burke's control by establishing their own hooked rug co-operative.<sup>5</sup> This suggestion must have alarmed Burke, who had established the rug-hooking business in the first place. Under the circumstances, it is entirely feasible that she threatened legal action against Alexandre J. Boudreau and perhaps other individuals. How far proceedings went is difficult to tell. Until such time as the Inverness County court records reappear, we must admit, with appropriate reservations, the possibility that Burke's case against Alexandre J. Boudreau was initiated, and that the case perhaps proceeded to court where, as has been claimed, charges were dismissed.

At the same time, we might also consider that *Burke v. Boudreau* was no more than a threat made in anger and never actually carried out. It is indeed odd that no material evidence related to the case has ever been produced. No correspondence, no court file, no press reports. Evidence may one day be discovered, but with questions unanswered, including the crucial identity of the presiding judge, the historian's inclination to skepticism is justified.

Finally, there is another point worth considering. How would a trial involving Cape Breton Home Industries have been viewed from the vantage point of Beinn Bhreagh? It is hard to credit that the patrician Grosvenor-Fairchilds would have encouraged Burke to pursue legal action against a well-respected local hero over a \$0.15 pay rise.

Anselme Chiasson was a priest, an ethnographer and local historian of great learning. By relying on Alexandre J. Boudreau's account of his dealings with Burke without supporting evidence, Chiasson lent authority to one side of a dispute in which it is easy to see that Boudreau did not play a disinterested role. Lillian Burke died in 1952, and, by the time *L'Histoire des tapis hookés de Chéticamp* was written, there was no one to tell her side of the story.

With the passing of years, "*la fameuse crise*" of 1937, like the "Henry Ford" hooked rug, became a Chéticamp myth, and, undoubtedly, a familiar and oft-repeated part of Alexandre J. Boudreau's personal history. That history is nicely summarized in Fr. Anselme Chiasson's preface to Boudreau's memoirs. His was "a life," we read, "devoted to defending ... the weak and the exploited, were they fishermen, rug-hookers or miners" (Boudreau 1994: 9). This last sentence implies that Lillian Burke's rug-hookers were exploited in the same way that fishermen and miners were. But can one really link the three? Is Lillian Burke to be compared to 1930s robber barons? I would suggest that to utter "Cape Breton Home Industries" and the "International Nickel Company" in the same breath is grossly unfair.

Burke founded a commercially viable cottage industry with no capital investment other than her own artistic talent. According to Corolyn Cox, Burke claimed that her incentive in designing Chéticamp hooked rugs was always "the development of the people themselves, the men and women whose fingers can interpret the beauty that is hidden in their souls" (1938: 64). Burke's artistic vocation can be traced to her training as a grade-school art teacher in Washington, DC. In the years following the First World War, like other single women recruited by the U.S. Surgeon General's Office, Lillian Burke taught handicrafts to rehabilitate mutilated and emotionally damaged servicemen.

It was pioneering work little recognized at the time for its transformative value. Then for more than ten years, and in the face of considerable odds, Burke poured all her energy into making CBHI an artistic and commercial success; in the process, she gave much needed employment to the women and men of Chéticamp. It was a Depression-era godsend: “hooked rug returns [being] the only actual cash [they saw] the year round” (Cox 1938: 68).<sup>6</sup>

And yet notwithstanding these remarkable achievements, latter-day historians have characterized Lillian Burke as a mean-spirited carpetbagger. No one who actually knew her, including the descendants of Alexander Graham Bell, subscribes to that view. It beggars belief that an artisan whose concern it was to help rural women by giving them paid employment has been posthumously tried and found blameworthy. And yet such, we must observe, is the debasing power of gossip when dressed up as fact.

## Notes

The author wishes to acknowledge the research assistance of Mr. John MacLeod, Public Archives of Nova Scotia; Prof. Philip Girard, Schulich School of Law, Dalhousie University; Dr. Laurie Stanley Blackwell, St. Francis Xavier University; M. Pierre A. Boudreau, Moncton, NB; and Mr. P. M. Urbach.

1. Thedlow Inc. and Brown McMillen. See Langille (forthcoming).
2. The following version of the story of the Chéticamp hooked rug has found its way onto the internet via the University of Waterloo: “Similar exploitation characterized other cottage industries in Chéticamp. According to Laurette Douveaux [Deveau], manager of the Chéticamp Conseil Coopératif, hooked rugs (one of the community’s claims to fame) became an export commodity around the turn of the last century, when, again, “discovered” by an American entrepreneur. Lillian Burke, socialite friend of the Alexander Graham Bell family (who summered in Baddeck, some fifty kilometers to the south). Burke happened upon the rugs which were then purely utilitarian—used to wipe feet on—during an excursion around the island. Burke took several with her, turned a profit selling them in the US, and returned for more shortly thereafter. Douveaux explains that Burke sold the rugs to high society buyers (such as the

Governor of North Carolina, who had one hanging in his mansion), but paid a mere pittance to the artisans. According to Douveaux, the local women, upon finding an advertisement in a mail-order catalog and discovering their rugs’ retail value, became incensed and from then on were in business for themselves” (Gruters 2008: 16).

3. The original French is ambiguous. The phrase “*débouter la demanderesse*” means to force the plaintiff to agree to a non-suit. All translations mine.
4. “*Je lui répondis simplement qu’à mon avis, une industrie qui payait des prix aussi ridicules que les siens ne méritait pas de vivre*” (Boudreau 1994: 29).
5. The Chéticamp Coopérative Artisanale was only established in 1963, more than ten years after Lillian Burke’s death.
6. See also Chéticamp’s Rug Hooking (2013): “Then, in 1929, a world-wide event took place that gave a huge boost to rug hooking. The Great Depression happened. This caused business to slow down and wages and prices to fall. There was no work. Families grabbed rug hooking as the only way to make some money. The industry brought thousands of dollars into the community each year during the 10 years of the Depression.”

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