

The legitimacy (or lack thereof) of maintaining personal information collected for a particular purpose is also the subject of a paper given by the Australian Statistician, who provides a historical survey of the anti-census campaigns in Australia, the Netherlands, the United Kingdom and Germany that led to the determination of official statisticians to respect privacy principles in relation to access to census data. Since 1971, the practice of destroying individual census forms has been reaffirmed by successive Australian governments on the grounds that "the purpose of the census is to gather statistical information and the legal obligation on people to answer census questions is accompanied by strict measures to ensure the confidentiality of the information provided." The Government has determined that the retention of information on identified persons or households for research purposes is inconsistent with that purpose and with that guarantee of confidentiality. Not surprisingly, although that determination is a just one given the societal values it takes into account, it has met with strong criticism from the research community and the Australian Archives. Perhaps in response to this criticism, the legislation requires that the decision to destroy the census forms be reviewed with each new census.

Access versus Privacy suffers from the usual weaknesses associated with published proceedings. The quality of the papers varies considerably; some of the contributors are guilty of making personal and occasionally self-serving observations and unsubstantiated speculations about the wishes and interests of the donors and subjects of information. Because the seminar on which the proceedings are based was directed at an audience of archivists and records managers with a more or less shared set of references, the contributors make frequent reference to events and acronyms without explaining their significance or meaning. The contributors also assume that the reader possesses a firm grasp of the Australian legislation in the areas of freedom of information and privacy. The relationship between and among the various pieces of legislation is, in consequence, occasionally confusing.

The proceedings nevertheless present a judicious balance of the relevant issues associated with the administration of access to personal information, issues that transcend national borders and that are clearly relevant to North American archivists. And while the contributors do not always offer definitive answers, they certainly ask the right questions.

Heather MacNeil

National Archives of Canada/
Vancouver Pilot Project

The Grey Fox: The True Story of Bill Miner — Last of the Old-Time Bandits. MARK DUGAN and JOHN BOESSENECKER. Norman: University of Oklahoma Press, 1992. xxiv, 260 p. ISBN 0-8061-2435-0 \$24.95.

This is the first full-length biography of Bill Miner, one of the most notorious bandits of the United States and Canada's first and best-known train robber. The title, *The Grey Fox*, is taken from the widely acclaimed film about Miner which won seven Genie awards in 1983. This book traces Miner's criminal career chronologically. Miner's life of crime commenced in 1865 in California when, at the age of eighteen, he robbed his employer of \$300. It came to an end with his death in a Georgia prison in 1913. During the course

of his life, he committed stagecoach or train robberies in at least five American states and held up two trains in British Columbia.

Miner's story begins in 1860 when, after his father's death, the Miner family moved from Michigan to the town of Yankee Jims, California. Miner, then ten, grew up in the rough and tumble life around the gold-mining camps. Gradually, he developed a strong resentment for authority. Once he started on the road to crime he never turned back. According to Dugan and Boessenecker, the authors, Miner was motivated by both greed and a sense of adventure. Miner himself rationalized robbing railway and express companies on the grounds that corporations robbed the people.

According to legend, Miner was the first to use the term "hands up." He went from robbing individuals and stealing horses to rifling stagecoaches and trains. Often his strategy was to hide out with an accomplice or two in a sparsely settled area and overtake a stagecoach driver by surprise. When robbing trains, Miner and his gang usually boarded a train at an isolated spot and had the express and baggage cars uncoupled and moved down the track. They used dynamite to blow the door of the express car open and proceeded to rob the safe. Although Miner was quick to disappear from the scene of the crime, he was often caught. As a result, he spent more than half his life in prison.

Miner was a charmer possessed with an ability to influence others. As Dugan and Boessenecker point out, Miner "tended to choose partners who were weak and gullible men or inexperienced youths whom he could easily influence and control." Also, Miner was reported to be a good talker and, according to the authors, he "could spin a tale so convincing that to this day many are accepted as fact." Given his strong personality and reputation as a bandit, Miner attracted the attention of both the press and the public. Near the end of his life, he had become somewhat of a legend. On being returned to Milledgeville Prison Farm in Georgia in 1912, for example, he was cheered by a large crowd who offered him money and cigars.

While Miner's public image was larger than life, he was by no means a model prisoner. During his long imprisonment in San Quentin, California, where he spent some thirty-three years, he attempted to escape three times; he beat up another prisoner; and he led a revolt over the poor quality of prison food. Reform seemed beyond the reach of Miner's keepers. Even the strict discipline and stark life in prison did little to deter him from further criminal activity. No sooner was he out of San Quentin when back he came again and again. He spent from 1866 to 1871 there for robbing a ranch hand of \$80; from 1871 to 1880 for robbing a stagecoach; and from 1881 to 1901 for yet another stagecoach robbery. By the time he was released in 1901, the stagecoach era had all but disappeared. Not one to let obstacles stand in his way, Miner took to robbing trains and for that served even more time in prison.

Dugan and Boessenecker also contend that Miner was the only known homosexual outlaw in the American "Wild West." In his younger days, "Miner, who had a slender, girlish figure, no doubt was a target for sex-starved older and stronger convicts." Later, they claim, he lured young men into crime and preyed on them sexually. Whatever Miner's sexual preference, the only evidence of Miner's homosexuality surfaced in 1903 when the Pinkerton Detective Agency stated that Miner "is said to be a sodomist and may have a boy with him."

Miner carried out his last train robbery in Georgia in 1911. He was then sixty-four years old. He was convicted and sentenced to twenty years in Milledgeville Prison Farm from which he escaped twice. Recaptured in 1912, he contracted gastritis from swallowing swamp water while at large. He died in custody in September 1913, "wearing ankle chains because he refused to give his word not to escape." It was an ironic ending to Miner's troubled life.

When looking at Miner's criminal exploits in British Columbia, as detailed in this work, it appears that the author's account is flawed. While the circumstances connected with Miner's escape remain suspect, there are serious problems with this version of events.

An example of this confusion is found in reference to the amount of the bonds and securities stolen in the Mission Junction train robbery of 1904. The authors contend that Miner and his accomplices took \$7,000 cash, an estimated \$50,000 in United States bonds and approximately \$250,000 (£50,000) in Australian securities from a CPR express car. Moreover, Dugan and Boessenecker claim that Miner got away from the British Columbia Penitentiary in 1907 to the United States through an arrangement with the CPR and the Office of Inspector of Penitentiaries in return for these stolen bonds and securities.

But five years later on 18 May 1909, the contents of a debate in the House of Commons on Miner's escape suggests that the Canadian Pacific had no motive in making a deal for Miner's release from the B.C. Penitentiary. This conclusion is based on a letter from the President of the CPR, T.G. Shaughnessy, which the Minister of Justice, A.B. Aylesworth, read in Parliament on that date. Shaughnessy enclosed communications received from officials of the railway immediately after the 1904 robbery, which confirmed that "the total loss to the express company in the case of the Mission Junction hold up was \$7,000 mostly in gold dust." Furthermore, the Hon. Mr. Aylesworth told the House that advertisements put out by the Pinkerton Detective Agency gave no hint that "this vast amount of money, this \$250,000 worth of Australian bonds," was stolen.

The authors place a lot of emphasis on a meeting at the B.C. Penitentiary on 17 February 1907, when they say a CPR detective, R.E. Bullock, "verbally offered Miner a pardon for the return of the stolen bonds and securities." According to Dugan and Boessenecker, the offer to the prisoner, Miner, is corroborated by Bullick (a name they misspell in the text). Why then did Bullick deny it in a letter to the Vancouver *Daily Province* of 18 February 1909? The authors do not deal with this important point satisfactorily.

In the House of Commons on 18 May 1909, the Hon. Mr. Aylesworth stated that, based on the evidence presented in a report by G.W. Dawson of the Office of Inspector of Penitentiaries, any reference to Bullick's involvement came from the testimony of George McKenzie, a shoe-making instructor at the B.C. Penitentiary. According to McKenzie, Miner said Bullick was associated with the following scheme: "He [Bullick] had been empowered by the Canadian Pacific Railway to say that the company had the promise that Miner would be pardoned if he would surrender to the company certain Australian bonds valued at £50,000 sterling." Oddly the fact remains that the only mention about the existence of the stolen bonds and securities in Dawson's investigation is when McKenzie told Dawson what Miner had said. Mr. Aylesworth, therefore, concluded: "There was never any effort on the part of the CPR to recover such bonds, simply because that company knew from the beginning that ... they were the fabrication of someone interested in Miner, if not of Miner himself."

While the authors say that they “have taken great pains to ensure the accuracy of the book,” it is obvious that more research is needed into Miner’s escape from the B.C. Penitentiary. As for Miner’s crimes committed in the United States, without exhaustive research it is difficult to determine how accurately they are covered by Dugan and Boesenecker.

In handling Miner’s escape from the B.C. Penitentiary, the authors relied extensively on newspaper accounts of parliamentary debates rather than on *Hansard*. In particular, they fail to mention the crucial debate of 18 May 1909 when the Minister of Justice discussed Dawson’s report on Miner’s escape in detail. This oversight seems rather peculiar because the endnotes and bibliography indicate that the work is generally well researched. It is based on prison records, court documents, correspondence, as well as books, articles, newspapers and some interviews.

The layout of *The Grey Fox* is well done. The book contains a generous array of carefully selected photographs and illustrations of Miner and the institutions in which he was held. A comprehensive index is included, along with maps tracing Miner’s movements through various American states and in British Columbia.

Overall, *The Grey Fox* is a comprehensive portrayal of a bad man of the American “Wild West” who is remembered in the United States and Canada for his many daring exploits. It also covers conditions in various prisons which to Miner were a second home. In Miner, the authors had to deal with an incorrigible liar who liked to tell tall tales and make misleading statements about himself. They probably had a hard time separating fact from fiction. In spite of the difficulties in finding accurate accounts, they have succeeded, for the most part, in writing an interesting and reliable biography.

James M. Whalen
National Archives of Canada

The Capital Years: Niagara-on-the-Lake, 1792-1796. RICHARD MERRITT, NANCY BUTLER, and MICHAEL POWER, eds. Toronto and Oxford: The Niagara Historical Society, Dundurn Press, 1991. 256 p. ISBN 1-55002-149-4 \$19.95.

On 10 December 1990, Rosario Marchese, then the new Ontario Minister of Culture and Communications, delivered a speech to his staff. He spoke of the provincial anniversaries which his Liberal predecessors had dubbed as Ontario’s “Heritage Years.” He noted:

I would like to work with you to mark [the] heritage years with a series of special events, programmes, projects, and productions proposed to us, and produced by various communities that will bring out the richness and complexities of our own legacies....

One of the anniversaries to be marked was the bicentennial of the first sitting of the provincial legislature in 1792. *The Capital Years* was written in honour of that occasion, and deals with the period in which Neward (present-day Niagara-on-the-Lake) functioned as the first capital of the new province of Upper Canada. While the Government of Ontario failed miserably to highlight this and other anniversaries, the Niagara Historical Society has succeeded admirably in marking their celebration with this effort.